

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



**VOLUME IV**  
**FIRST EXTRAORDINARY SESSION, 2016**  
**SECOND EXTRAORDINARY SESSION, 2016**

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

\*\*\*\*\*

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



**CLERK'S OFFICE LEGISLATIVE GROUP**

Bo Hoover  
Assistant Clerk/Parliamentarian

Robert Altmann                      Lynn Lewis  
Anne Landgrebe                      Lori Skull

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THURSDAY, JUNE 2, 2016

**THIRTEENTH DAY**

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

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, June 1, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Fast, Summers, Overington, Folk, Shott, McCuskey, Ireland, Kessinger, Sobonya, Deem and Foster:**

**H. B. 118** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §64-3-1a, relating to authorizing the Department of Environmental Protection, Air Quality to promulgate a legislative rule relating to standards of performance for new stationary sources”.

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (H.B. 118) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 691**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Gearheart, Hanshaw, Sponaugle, Trecost and Zatezalo.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 692**), and there were – yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Gearheart, Hanshaw, Sponaugle, Trecost and Zatezalo.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 118) passed.

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

On this question, the yeas and nays were taken (**Roll No. 693**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Gearheart, Hanshaw, Sponaugle, Trecost and Zatezalo.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 118) takes effect from its passage.



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

### **Bills Introduced**

A bill was introduced, pursuant to House Rule 92, and referred as follows:

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**  
**[By Request of the Executive]:**

**H. B. 119** – “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2016, organization 0402 by supplementing and amending the appropriations for the fiscal year ending June 30, 2016”; to the Committee on Finance.

### **House Calendar**

#### **Second Reading**

**Com. Sub. for H. B. 117**, Relating generally to the promulgation of administrative rules by the Department of Environmental Protection; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 694**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Gearheart, Hanshaw, Sponaugle, Trecost and Zatezalo.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 695**), and there were – yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Gearheart, Hanshaw, Sponaugle, Trecost and Zatezalo.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 117) passed.

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

On this question, the yeas and nays were taken (**Roll No. 696**), and there were—yeas 95, nays none, absent and not voting 5, with the nays and absent and not voting being as follows:

Absent and Not Voting: Gearheart, Hanshaw, Sponaugle, Trecost and Zatezalo.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 117) takes effect from its passage.

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

At 11:39 a.m., on motion of Delegate Cowles, the House of Delegates recessed until 4:00 p.m.

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for H. B. 101**, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

The following Senate amendments were reported by the Clerk:

On page one, following the title, by striking out the remainder of the bill and inserting in lieu thereof the following:

#### TITLE I — GENERAL PROVISIONS.

**Section 1. General policy.** — The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2017.

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

“Governor” shall mean the Governor of the State of West Virginia.

“Code” shall mean the Code of West Virginia, one thousand nine hundred thirty-one, as amended.

“Spending unit” shall mean the department, bureau, division, office, board, commission, agency or institution to which an appropriation is made.

The “fiscal year 2017” shall mean the period from July 1, 2016, through June 30, 2017.

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

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

“From collections” shall mean that part of the total appropriation which must be collected by the spending unit to be available for

expenditure. If the authorized amount of collections is not collected, the total appropriation for the spending unit shall be reduced automatically by the amount of the deficiency in the collections. If the amount collected exceeds the amount designated “from collections,” the excess shall be set aside in a special surplus fund and may be expended for the purpose of the spending unit as provided by Article 2, Chapter 11B of the Code.

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

“Personal services” shall mean salaries, wages and other compensation paid to full-time, part-time and temporary employees of the spending unit but shall not include fees or contractual payments paid to consultants or to independent contractors engaged by the spending unit. “Personal services” shall include “annual increment” for “eligible employees” and shall be disbursed only in accordance with Article 5, Chapter 5 of the Code.

Unless otherwise specified, appropriations for “personal services” shall include salaries of heads of spending units.

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

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

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

Should the appropriation for “BRIM Premium” be insufficient to cover such cost, the remainder of such costs shall be paid by each spending unit from its “unclassified” appropriation, its “current expenses” appropriation or any other appropriate appropriation to the Board of Risk and Insurance Management. Each spending unit is hereby authorized and required to make such payments. If there is no appropriation for “BRIM Premium” such costs shall be paid by each spending unit from its “current expenses” appropriation, “unclassified” appropriation or other appropriate appropriation.

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

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

“Equipment” shall mean equipment items which have an appreciable and calculable period of usefulness in excess of one year.

“Repairs and alterations” shall mean routine maintenance and repairs to structures and minor improvements to property which do not increase the capital assets.

“Buildings” shall include new construction and major alteration of existing structures and the improvement of lands and shall include shelter, support, storage, protection or the improvement of a natural condition.

“Lands” shall mean the purchase of real property or interest in real property.

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

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

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided*, That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however*, That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a “personal services and employee benefits” appropriation unless the source funds are also wholly from a “personal services and employee benefits” line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall

have the authority to transfer funds appropriated to “personal services and employee benefits,” “current expenses,” “repairs and alterations,” “equipment,” “other assets,” “land,” and “buildings” to other appropriations within the same account and no funds from other appropriations shall be transferred to the “personal services and employee benefits” or the “unclassified” appropriation: *And provided further*, That no authority exists hereunder to transfer funds into appropriations to which no funds are legislatively appropriated: *And provided further*, That if the Legislature by subsequent enactment consolidates agencies, boards or functions, the secretary or other appropriate agency head may transfer the funds formerly appropriated to such agency, board or function in order to implement such consolidation. No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure account or any other account or fund specifically exempted by the Legislature from transfer, except that the use of the appropriations from the State Road Fund for the office of the Secretary of the Department of Transportation is not a use other than the purpose for which such funds were dedicated and is permitted.

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

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

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

## TITLE II — APPROPRIATIONS.

## ORDER OF SECTIONS

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



**Section 1. Appropriations from general revenue.** — From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2017.

### LEGISLATIVE

#### *1 - Senate*

Fund 0165 FY 2017 Org 2100

	<b>Appro- piation</b>	<b>General Revenue Fund</b>
1 Compensation of Members (R). . . . . 00300	\$	0
2 Compensation and Per Diem of		
3     Officers and Employees (R). . . . . 00500		0
4 Employee Benefits (R).. . . . . 01000		0
5 Current Expenses and		
6     Contingent Fund (R). . . . . 02100		100
7 Repairs and Alterations (R).. . . . . 06400		100
8 Unclassified. . . . . 09900		780,218
9 Computer Supplies (R). . . . . 10100		100
10 Computer Systems (R).. . . . . 10200		100
11 Printing Blue Book (R). . . . . 10300		100
12 Expenses of Members (R). . . . . 39900		100
13 BRIM Premium (R).. . . . . 91300		<u>0</u>
14     Total.. . . . .	\$	780,818

15     The appropriations for the Senate for the fiscal year 2016 are  
 16 to remain in full force and effect and are hereby reappropriated  
 17 to June 30, 2017, with the exception of fund 0165, fiscal year  
 18 2016, appropriation 39900 (\$238,088), and fund 0165, fiscal  
 19 year 2012, appropriation 00500 (\$2,000,000) which shall expire  
 20 on June 30, 2016. Any balances so reappropriated may be  
 21 transferred and credited to the fiscal year 2016 accounts.

22       Upon the written request of the Clerk of the Senate, the  
23 Auditor shall transfer amounts between items of the total  
24 appropriation in order to protect or increase the efficiency of the  
25 service.

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

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

52       For duties imposed by law and by the Senate, the Clerk of  
53 the Senate shall be paid a monthly salary as provided by the  
54 Senate resolution, unless increased between sessions under the

55 authority of the President, payable out of the appropriation for  
56 Compensation and Per Diem of Officers and Employees or  
57 Current Expenses and Contingent Fund of the Senate.

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

63 Included in the above appropriation for Senate (fund 0165,  
64 appropriation 09900), an amount not less than \$5,000 is to be  
65 used for the West Virginia Academy of Family Physicians - Doc  
66 of the Day Program.

*2 - House of Delegates*

Fund 0170 FY 2017 Org 2200

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

9 The appropriations for the House of Delegates for the fiscal  
10 year 2016 are to remain in full force and effect and are hereby  
11 reappropriated to June 30, 2017, with the exception of fund  
12 0170, fiscal year 2016, appropriation 00300 (\$175,000), fund  
13 0170, fiscal year 2016, appropriation 00500 (\$71,161), and fund  
14 0170, fiscal year 2016, appropriation 39900 (\$110,000) which  
15 shall expire on June 30, 2016. Any balances so reappropriated  
16 may be transferred and credited to the fiscal year 2016 accounts.

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

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

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

44       For duties imposed by law and by the House of Delegates,  
45 including salary allowed by law as keeper of the rolls, the Clerk  
46 of the House of Delegates shall be paid a monthly salary as  
47 provided in the House resolution, unless increased between  
48 sessions under the authority of the Speaker, with the approval of  
49 the House committee on rules, and payable out of the

50 appropriation for Compensation and Per Diem of Officers and  
51 Employees or Current Expenses and Contingent Fund of the  
52 House of Delegates.

53 Included in the above appropriation for House of Delegates  
54 (fund 0170, appropriation 02100), an amount not less than  
55 \$5,000 is to be used for the West Virginia Academy of Family  
56 Physicians - Doc of the Day Program.

*3 - Joint Expenses*

(WV Code Chapter 4)

Fund 0175 FY 2017 Org 2300

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

10 The appropriations for the Joint Expenses for the fiscal year  
11 2016 are to remain in full force and effect and are hereby  
12 reappropriated to June 30, 2017, with the exception of fund  
13 0175, fiscal year 2016, appropriation 10400 (\$343,818) and fund  
14 0175, fiscal year 2009, appropriation 64200 (\$9,000,000) which  
15 shall expire on June 30, 2016. Any balances reappropriated may  
16 be transferred and credited to the fiscal year 2016 accounts.

17 Upon the written request of the Clerk of the Senate, with the  
18 approval of the President of the Senate, and the Clerk of the  
19 House of Delegates, with the approval of the Speaker of the  
20 House of Delegates, and a copy to the Legislative Auditor, the

21 Auditor shall transfer amounts between items of the total  
22 appropriation in order to protect or increase the efficiency of the  
23 service.

**JUDICIAL**

*4 - Supreme Court –  
General Judicial*

Fund 0180 FY 2017 Org 2400

1	Personal Services and		
2	Employee Benefits (R). . . . .	00100	\$ 101,924,358
3	Children’s Protection Act (R). . . . .	09000	2,900,000
4	Current Expenses (R).. . . . .	13000	32,498,862
5	Repairs and Alterations (R).. . . . .	06400	736,450
6	Equipment (R). . . . .	07000	1,800,000
7	Judges’ Retirement System (R).. . . . .	11000	900,000
8	Buildings (R). . . . .	25800	100,000
9	Other Assets (R).. . . . .	69000	500,000
10	BRIM Premium (R).. . . . .	91300	<u>400,000</u>
11	Total.. . . . .		\$ 141,759,670

12 The appropriations to the Supreme Court of Appeals for the  
13 fiscal years 2015 and 2016 are to remain in full force and effect  
14 and are hereby reappropriated to June 30, 2017. Any balances so  
15 reappropriated may be transferred and credited to the fiscal year  
16 2016 accounts.

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

22 The appropriation for the Judges’ Retirement System (fund  
23 0180, appropriation 11000) is to be transferred to the

24 Consolidated Public Retirement Board, in accordance with the  
25 law relating thereto, upon requisition of the Administrative  
26 Director of the Supreme Court of Appeals.

**EXECUTIVE**

*5 - Governor's Office*

(WV Code Chapter 5)

Fund 0101 FY 2017 Org 0100

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 0
3	Current Expenses (R).. . . . .	13000	0
4	Repairs and Alterations. . . . .	06400	0
5	Unclassified. . . . .	09900	3,973,304
6	National Governors Association. .	123000	
7	Herbert Henderson Office of		
8	Minority Affairs. . . . .	13400	153,591
9	Southern Governors' Association. .	31400	0
10	BRIM Premium. . . . .	91300	0
11	Total.. . . . .		\$ 4,126,895

12 Any unexpended balances remaining in the appropriations  
13 for Unclassified (fund 0101, appropriation 09900), Current  
14 Expenses (fund 0101, appropriation 13000), and JOBS Fund  
15 (fund 0101, appropriation 66500) at the close of the fiscal year  
16 2016 are hereby reappropriated for expenditure during the fiscal  
17 year 2017, with the exception of fund 0101, fiscal year 2016,  
18 appropriation 13000 (\$115,266) which shall expire on June 30,  
19 2016.

20 Included in the above appropriation to Unclassified (fund  
21 0101, appropriation 09900), is \$150,000 for the Salary of the  
22 Governor.

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

*6 - Governor's Office –  
 Custodial Fund*

(WV Code Chapter 5)

Fund 0102 FY 2017 Org 0100

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$          0
3	Unclassified. . . . .	09900	561,422
4	Current Expenses (R).. . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Total.. . . . .		<u>\$      561,422</u>

7 Any unexpended balance remaining in the appropriation for  
 8 Current Expenses (fund 0102, appropriation 13000) at the close  
 9 of the fiscal year 2016 is hereby reappropriated for expenditure  
 10 during the fiscal year 2017.

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

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

(WV Code Chapter 5)

Fund 0105 FY 2017 Org 0100

1 Any unexpended balances remaining in the appropriations  
 2 for Business and Economic Development Stimulus – Surplus  
 3 (fund 0105, appropriation 08400), Civil Contingent Fund – Total



4 (fund 0105, appropriation 11400), 2012 Natural Disasters –  
 5 Surplus (fund 0105, appropriation 13500), Civil Contingent  
 6 Fund – Total – Surplus (fund 0105, appropriation 23800), Civil  
 7 Contingent Fund – Surplus (fund 0105, appropriation 26300),  
 8 Business and Economic Development Stimulus (fund 0105,  
 9 appropriation 58600), Civil Contingent Fund (fund 0105,  
 10 appropriation 61400), and Natural Disasters – Surplus (fund  
 11 0105, appropriation 76400) at the close of the fiscal year 2016  
 12 are hereby reappropriated for expenditure during the fiscal year  
 13 2017 with the exception of Civil Contingent Fund—Total (fund  
 14 0105, fiscal year 2008, appropriation 11400) \$2,000,000 which  
 15 shall expire on June 30, 2016.

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

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

*8 - Auditor’s Office –  
 General Administration*

(WV Code Chapter 12)

Fund 0116 FY 2017 Org 1200

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	2,759,892
4	Current Expenses (R). . . . .	130000	
5	Volunteer Fire Department		
6	Workers’ Compensation		
7	Subsidy. . . . .	83200	2,000,000
8	BRIM Premium. . . . .	91300	0
9	Total. . . . .		\$ 4,759,892

10 Any unexpended balance remaining in the appropriation for  
 11 Current Expenses (fund 0116, appropriation 13000) at the close  
 12 of the fiscal year 2016 is hereby reappropriated for expenditure  
 13 during the fiscal year 2017.

14 Included in the above appropriation to Unclassified (fund  
 15 0116, appropriation 09900), is \$95,000 for the Salary of the  
 16 Auditor. The above appropriation to Volunteer Fire Department  
 17 Workers' Compensation Subsidy, appropriation 83200, is to be  
 18 expended by the State Auditor for the purpose of administering  
 19 a Volunteer Fire Department Workers' Compensation Subsidy  
 20 Program in the same manner as the Volunteer Fire Department  
 21 Workers' Compensation Subsidy Program was administered by  
 22 the State Auditor prior to July 1, 2016, as prescribed in West  
 23 Virginia Code § 12-4-14a.

*9 - Treasurer's Office*

(WV Code Chapter 12)

Fund 0126 FY 2017 Org 1300

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$          0
3	Unclassified. . . . .	09900	3,110,346
4	Current Expenses (R).. . . . .	13000	0
5	Abandoned Property Program. . . . .	11800	0
6	Other Assets. . . . .	69000	0
7	BRIM Premium. . . . .	91300	0
8	Total. . . . .		\$  3,110,346

9 Any unexpended balances remaining in the appropriations  
 10 for Current Expenses (fund 0126, appropriation 13000) and  
 11 Tuition Trust Fund (fund 0126, appropriation 69200) at the close  
 12 of the fiscal year 2016 are hereby reappropriated for expenditure  
 13 during the fiscal year 2017, with the exception of fund 0126,  
 14 fiscal year 2016, appropriation 13000 (\$11,476) and fund 0126,

15 fiscal year 2016, appropriation 69200 (\$73,207) which shall  
 16 expire on June 30, 2016.

17 Included in the above appropriation to Unclassified (fund  
 18 0126, appropriation 09900), is \$95,000 for the Salary of the  
 19 Treasurer.

*10 - Department of Agriculture*

(WV Code Chapter 19)

Fund 0131 FY 2017 Org 1400

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 5,249,045
3	Animal Identification		
4	Program. . . . .	03900	124,636
5	State Farm Museum. . . . .	05500	89,550
6	Current Expenses (R). . . . .	13000	154,498
7	Repairs and Alterations. . . . .	06400	8,133
8	Gypsy Moth Program (R). . . . .	11900	942,939
9	Huntington Farmers Market. . . . .	12800	37,900
10	Black Fly Control. . . . .	13700	460,031
11	Donated Foods Program. . . . .	36300	45,000
12	Predator Control (R). . . . .	47000	180,000
13	Logan Farmers Market. . . . .	50100	42,119
14	Bee Research. . . . .	69100	67,237
15	Charleston Farmers Market. . . . .	74600	72,887
16	Microbiology Program (R). . . . .	78500	99,443
17	Moorefield Agriculture		
18	Center (R). . . . .	78600	930,931
19	Chesapeake Bay Watershed. . . . .	83000	104,796
20	Livestock Care Standards		
21	Board. . . . .	84300	9,000
22	BRIM Premium. . . . .	91300	120,202
23	Threat Preparedness. . . . .	94200	70,943
24	WV Food Banks. . . . .	96900	126,000

25	State FFA-FHA Camp and	
26	Conference Center.....	675,000
27	Senior's Farmers' Market Nutrition	
28	Coupon Program..... 97000	<u>55,923</u>
29	Total.....	\$ 9,666,213

30 Any unexpended balances remaining in the appropriations  
 31 for Unclassified – Surplus (fund 0131, appropriation 09700),  
 32 Gypsy Moth Program (fund 0131, appropriation 11900), Current  
 33 Expenses (fund 0131, appropriation 13000), Predator Control  
 34 (fund 0131, appropriation 47000), Capital Outlay, Repairs and  
 35 Equipment – Surplus (fund 0131, appropriation 67700), Capital  
 36 Outlay and Maintenance (fund 0131, appropriation 75500),  
 37 Microbiology Program (fund 0131, appropriation 78500),  
 38 Moorefield Agriculture Center (fund 0131, appropriation 78600),  
 39 and Agricultural Disaster and Mitigation Needs – Surplus (fund  
 40 0131, appropriation 85000) at the close of the fiscal year 2016  
 41 are hereby reappropriated for expenditure during the fiscal year  
 42 2017, with the exception of fund 0131, fiscal year 2016,  
 43 appropriation 11900 (\$101,180), fund 0131, fiscal year 2016,  
 44 appropriation 13000 (\$93,162), fund 0131, fiscal year 2016,  
 45 appropriation 78500 (\$4,604), and fund 0131, fiscal year 2016,  
 46 appropriation 78600 (\$43,099) which shall expire on June 30,  
 47 2016.

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

51 The above appropriation for Predator Control (fund 0131,  
 52 appropriation 47000) is to be made available to the United States  
 53 Department of Agriculture, Wildlife Services to administer the  
 54 Predator Control Program.

55 A portion of the Current Expenses appropriation may be  
 56 transferred to a special revenue fund for the purpose of matching  
 57 federal funds for marketing and development activities.

58 From the above appropriation for WV Food Banks (fund  
 59 0131, appropriation 96900), \$20,000 is for House of Hope and  
 60 the remainder of the appropriation shall be allocated to the  
 61 Huntington Food Bank and the Mountaineer Food Bank in  
 62 Braxton County.

*11 - West Virginia Conservation Agency*

(WV Code Chapter 19)

Fund 0132 FY 2017 Org 1400

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 0
3	Unclassified (R). . . . .	09900	1,150,441
4	Current Expenses (R). . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Soil Conservation Projects (R). . .	12000	6,724,280
7	BRIM Premium. . . . .	91300	<u>0</u>
8	Total. . . . .		\$ 7,874,721

9 Any unexpended balances remaining in the appropriations  
 10 for Unclassified (fund 0132, appropriation 09900), Soil  
 11 Conservation Projects (fund 0132, appropriation 12000), and  
 12 Current Expenses (fund 0132, appropriation 13000) at the close  
 13 of the fiscal year 2016 are hereby reappropriated for expenditure  
 14 during the fiscal year 2017, with the exception of fund 0132,  
 15 fiscal year 2016, appropriation 12000 (\$313,452) which shall  
 16 expire on June 30, 2016.

*12 - Department of Agriculture –  
 Meat Inspection Fund*

(WV Code Chapter 19)

Fund 0135 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0

3	Unclassified. . . . .	09900		713,238
4	Current Expenses. . . . .	13000		<u>0</u>
5	Total. . . . .		\$	713,238

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

*13 - Department of Agriculture –  
Agricultural Awards Fund*

(WV Code Chapter 19)

Fund 0136 FY 2017 Org 1400

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

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

(WV Code Chapter 8A)

Fund 0607 FY 2017 Org 1400

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	0
3	Unclassified. . . . .	09900		<u>96,532</u>
4	Total. . . . .		\$	96,532

*15 - Attorney General*

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

Fund 0150 FY 2017 Org 1500

1	Personal Services and Employee		
2	Benefits (R).....	00100	\$ 0
3	Unclassified (R).....	09900	4,478,728
4	Current Expenses (R).....	13000	0
5	Repairs and Alterations.....	06400	0
6	Equipment.....	07000	0
7	Criminal Convictions and		
8	Habeas Corpus Appeals (R) . . .	26000	0
9	Better Government Bureau. . . . .	74000	0
10	BRIM Premium.....	91300	0
11	Total.....		\$ 4,478,728

12 Any unexpended balances remaining in the above  
13 appropriations for Personal Services and Employee Benefits  
14 (fund 0150, appropriation 00100), Unclassified (fund 0150,  
15 appropriation 09900), Current Expenses (fund 0150,  
16 appropriation 13000), Criminal Convictions and Habeas Corpus  
17 Appeals (fund 0150, appropriation 26000), and Agency Client  
18 Revolving Liquidity Pool (fund 0150, appropriation 36200) at  
19 the close of the fiscal year 2016 are hereby reappropriated for  
20 expenditure during the fiscal year 2017, with the exception of  
21 fund 0150, fiscal year 2016, appropriation 00100 (\$206,569)  
22 which shall expire on June 30, 2016.

23 Included in the above appropriation to Unclassified (fund  
24 0150, appropriation 09900), is \$95,000 for the Salary of the  
25 Attorney General.

26 When legal counsel or secretarial help is appointed by the  
27 Attorney General for any state spending unit, this account shall  
28 be reimbursed from such spending units specifically  
29 appropriated account or from accounts appropriated by general  
30 language contained within this bill: *Provided*, That the spending  
31 unit shall reimburse at a rate and upon terms agreed to by the  
32 state spending unit and the Attorney General: *Provided*,  
33 *however*, That if the spending unit and the Attorney General are

34 unable to agree on the amount and terms of the reimbursement,  
 35 the spending unit and the Attorney General shall submit their  
 36 proposed reimbursement rates and terms to the Governor for  
 37 final determination.

*16 - Secretary of State*

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2017 Org 1600

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$          0
3	Unclassified (R). . . . .	09900	973,189
4	Current Expenses (R). . . . .	13000	0
5	BRIM Premium. . . . .	91300	<u>0</u>
6	Total. . . . .		\$      973,189

7 Any unexpended balances remaining in the appropriations  
 8 for Unclassified (fund 0155, appropriation 09900), Current  
 9 Expenses (fund 0155, appropriation 13000), and Technology  
 10 Improvements – Surplus (fund 0155, appropriation 72500) at the  
 11 close of the fiscal year 2016 are hereby reappropriated for  
 12 expenditure during the fiscal year 2017, with the exception of  
 13 fund 0155, fiscal year 2016, appropriation 13000 (\$45,439)  
 14 which shall expire on June 30, 2016.

15 Included in the above appropriation to Unclassified (fund  
 16 0155, appropriation 09900), is \$95,000 for the Salary of the  
 17 Secretary of State.

*17 - State Election Commission*

(WV Code Chapter 3)

Fund 0160 FY 2017 Org 1601

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$          0



3	Unclassified. . . . .	09900		7,508
4	Current Expenses. . . . .	13000		<u>0</u>
5	Total. . . . .		\$	7,508

**DEPARTMENT OF ADMINISTRATION**

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

(WV Code Chapter 5F)

Fund 0186 FY 2017 Org 0201

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	0
3	Unclassified. . . . .	09900		691,139
4	Current Expenses. . . . .	13000		0
5	Repairs and Alterations. . . . .	06400		0
6	Equipment. . . . .	07000		0
7	Financial Advisor (R). . . . .	30400		98,535
8	Lease Rental Payments. . . . .	51600		15,000,000
9	Design-Build Board. . . . .	54000		0
10	Other Assets. . . . .	69000		0
11	BRIM Premium. . . . .	91300		<u>0</u>
12	Total. . . . .		\$	15,789,674

13 Any unexpended balance remaining in the appropriation for  
 14 Financial Advisor (fund 0186, appropriation 30400) at the close  
 15 of the fiscal year 2016 is hereby reappropriated for expenditure  
 16 during the fiscal year 2017, with the exception of fund 0186,  
 17 fiscal year 2016, appropriation 30400 (\$10,000) which shall  
 18 expire on June 30, 2016.

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

*19 - Consolidated Public Retirement Board*

(WV Code Chapter 5)

Fund 0195 FY 2017 Org 0205

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

*20 - Division of Finance*

(WV Code Chapter 5A)

Fund 0203 FY 2017 Org 0209

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	183,722
4	Current Expenses. . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Equipment. . . . .	07000	0
7	GAAP Project (R). . . . .	12500	581,201
8	Other Assets. . . . .	69000	0
9	BRIM Premium. . . . .	91300	0
10	Total. . . . .		\$ 764,923

11 Any unexpended balance remaining in the appropriation for  
 12 GAAP Project (fund 0203, appropriation 12500) at the close of  
 13 the fiscal year 2016 is hereby reappropriated for expenditure  
 14 during the fiscal year 2017.

*21 - Division of General Services*

(WV Code Chapter 5A)

Fund 0230 FY 2017 Org 0211

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Current Expenses. . . . .	13000	0
4	Repairs and Alterations. . . . .	06400	0
5	Equipment. . . . .	07000	0
6	Unclassified. . . . .	09900	3,529,087
7	Fire Service Fee. . . . .	12600	0
8	Buildings (R). . . . .	25800	0
9	Preservation and Maintenance of		
10	Statues and Monuments		
11	on Capitol Grounds. . . . .	37100	66,640
12	Capital Outlay, Repairs and		
13	Equipment (R). . . . .	58900	3,040,473
14	Other Assets. . . . .	69000	0
15	Land (R). . . . .	73000	0
16	BRIM Premium. . . . .	91300	0
17	Total. . . . .		\$ 6,636,200

18 Any unexpended balances remaining in the above  
19 appropriations for Buildings (fund 0230, appropriation 25800),  
20 Capital Outlay, Repairs and Equipment (fund 0230,  
21 appropriation 58900), Capital Outlay, Repairs and Equipment –  
22 Surplus (fund 0230, appropriation 67700), and Land (fund 0230,  
23 appropriation 73000) at the close of the fiscal year 2016 are  
24 hereby reappropriated for expenditure during the fiscal year  
25 2017, with the exception of fund 0230, fiscal year 2016,  
26 appropriation 58900 (\$552,068) which shall expire on June 30,  
27 2016.

28 From the above appropriation for Preservation and  
29 Maintenance of Statues and Monuments on Capitol Grounds

30 (fund 0230, appropriation 37100), the Division shall consult the  
 31 Division of Culture and History and Capitol Building  
 32 Commission in all aspects of planning, assessment, maintenance  
 33 and restoration.

34 The above appropriation for Capital Outlay, Repairs and  
 35 Equipment (fund 0230, appropriation 58900) shall be expended  
 36 for capital improvements, maintenance, repairs and equipment  
 37 for state-owned buildings.

*22 - Division of Purchasing*

(WV Code Chapter 5A)

Fund 0210 FY 2017 Org 0213

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	1,020,159
4	Current Expenses. . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Equipment. . . . .	07000	0
7	Other Assets. . . . .	69000	0
8	BRIM Premium. . . . .	91300	0
9	Total. . . . .		\$ 1,020,159

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

*23 - Travel Management*

(WV Code Chapter 5A)

Fund 0615 FY 2017 Org 0215

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 0



*26 - Ethics Commission*

(WV Code Chapter 6B)

Fund 0223 FY 2017 Org 0220

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	691,813
4	Current Expenses. . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Other Assets. . . . .	69000	0
7	BRIM Premium. . . . .	91300	0
8	Total. . . . .		\$ 691,813

*27 - Public Defender Services*

(WV Code Chapter 29)

Fund 0226 FY 2017 Org 0221

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified . . . . .	09900	1,699,063
4	Current Expenses. . . . .	13000	0
5	Public Defender Corporations. . . . .	35200	19,199,374
6	Appointed Counsel Fees (R). . . . .	78800	10,723,115
7	BRIM Premium. . . . .	91300	0
8	Total. . . . .		\$ 31,621,552

9 Any unexpended balance remaining in the above  
 10 appropriation for Appointed Counsel Fees (fund 0226,  
 11 appropriation 78800) at the close of the fiscal year 2016 is  
 12 hereby reappropriated for expenditure during the fiscal year  
 13 2017.

14 The director shall have the authority to transfer funds from  
 15 the appropriation to Public Defender Corporations (fund 0226,

16 appropriation 35200) to Appointed Counsel Fees (fund 0226,  
17 appropriation 78800).

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

(WV Code Chapter 5A)

Fund 0233 FY 2017 Org 0224

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

*29 - Public Employees Insurance Agency*

(WV Code Chapter 5)

Fund 0200 FY 2017 Org 0225

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

*30 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 0557 FY 2017 Org 0228

1	Forensic Medical Examinations (R).	68300	\$ 138,272
2	Federal Funds/Grant Match (R)...	74900	<u>99,016</u>
3	Total.....		\$ 237,288

4 Any unexpended balances remaining in the appropriations  
 5 for Forensic Medical Examinations (fund 0557, appropriation  
 6 68300) and Federal Funds/Grant Match (fund 0557,  
 7 appropriation 74900) at the close of the fiscal year 2016 are  
 8 hereby reappropriated for expenditure during the fiscal year  
 9 2017.

*31 - Real Estate Division*

(WV Code Chapter 5A)

Fund 0610 FY 2017 Org 0233

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$          0
3	Unclassified. . . . .	09900	829,094
4	Current Expenses. . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Equipment. . . . .	07000	0
7	BRIM Premium. . . . .	91300	<u>0</u>
8	Total. . . . .		\$      829,094

**DEPARTMENT OF COMMERCE**

*32 - Division of Forestry*

(WV Code Chapter 19)

Fund 0250 FY 2017 Org 0305

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$          0
3	Unclassified. . . . .	09900	2,507,738
4	Current Expenses. . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Equipment (R). . . . .	07000	0
7	BRIM Premium. . . . .	91300	<u>0</u>
8	Total. . . . .		\$      2,507,738



9 Any unexpended balance remaining in the appropriation for  
 10 Equipment (fund 0250, appropriation 07000) at the close of the  
 11 fiscal year 2016 is hereby reappropriated for expenditure during  
 12 the fiscal year 2017, with the exception of fund 0250, fiscal year  
 13 2016, appropriation 07000 (\$27,000) which shall expire on June  
 14 30, 2016.

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

*33 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 0253 FY 2017 Org 0306

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	2,833,849
4	Current Expenses. . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Mineral Mapping System (R). . . . .	20700	0
7	BRIM Premium. . . . .	91300	0
8	Total. . . . .		\$ 2,833,849

9 Any unexpended balance remaining in the appropriation for  
 10 Mineral Mapping System (fund 0253, appropriation 20700) at  
 11 the close of the fiscal year 2016 is hereby reappropriated for  
 12 expenditure during the fiscal year 2017, with the exception of  
 13 fund 0253, fiscal year 2016, appropriation 20700 (\$60,767)  
 14 which shall expire on June 30, 2016.

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

*34 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 0256 FY 2017 Org 0307

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	ARC-WV Home of Your Own		
4	Alliance. . . . .	04800	0
5	Unclassified. . . . .	09900	8,513,774
6	Current Expenses. . . . .	13000	0
7	Southern WV Career Center. . . . .	07100	0
8	National Youth Science		
9	Camp. . . . .	13200	241,570
10	Local Economic Development		
11	Partnerships (R). . . . .	13300	792,000
12	ARC Assessment. . . . .	13600	149,474
13	Mid-Atlantic Aerospace		
14	Complex. . . . .	23100	0
15	Guaranteed Work Force Grant (R). . . . .	24200	973,518
16	Robert C. Byrd Institute for		
17	Advanced/Flexible		
18	Manufacturing - Technology		
19	Outreach and Programs for		
20	Environmental and Advanced		
21	Technologies. . . . .	36700	0
22	Chemical Alliance Zone. . . . .	39000	0
23	WV High Tech Consortium. . . . .	39100	0
24	Regional Contracting Assistance		
25	Center. . . . .	41800	0
26	Highway Authorities. . . . .	43100	0
27	International Offices (R). . . . .	59300	0
28	WV Manufacturing Extension		
29	Partnership. . . . .	73100	0
30	Polymer Alliance. . . . .	75400	0

31	Regional Councils. . . . .	78400	0
32	Mainstreet Program. . . . .	79400	0
33	National Institute of Chemical		
34	Studies. . . . .	80500	0
35	I-79 Development Council. . . . .	82400	0
36	Mingo County Post Mine Land		
37	Use Projects. . . . .	84100	0
38	BRIM Premium. . . . .	91300	0
39	Hatfield McCoy Recreational		
40	Trail. . . . .	96000	198,415
41	Hardwood Alliance Zone. . . . .	99200	<u>0</u>
42	Total. . . . .		\$ 10,868,751

43 Any unexpended balances remaining in the appropriations  
44 for Unclassified – Surplus (fund 0256, appropriation 09700),  
45 Partnership Grants (fund 0256, appropriation 13100), Local  
46 Economic Development Partnerships (fund 0256, appropriation  
47 13300), Guaranteed Work Force Grant (fund 0256, appropriation  
48 24200), Industrial Park Assistance (fund 0256, appropriation  
49 48000), Small Business Development (fund 0256, appropriation  
50 70300), Local Economic Development Assistance (fund 0256,  
51 appropriation 81900), and 4-H Camp Improvements (fund 0256,  
52 appropriation 94100) at the close of the fiscal year 2016 are  
53 hereby reappropriated for expenditure during the fiscal year  
54 2017.

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

65 an economic development or redevelopment corporation or  
66 authority.

*35 - Division of Labor*

(WV Code Chapters 21 and 47)

Fund 0260 FY 2017 Org 0308

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	2,555,271
4	Current Expenses. . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Equipment. . . . .	07000	0
7	BRIM Premium. . . . .	91300	0
8	Total. . . . .		\$ 2,555,271

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

(WV Code Chapter 21)

Fund 0616 FY 2017 Org 0308

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Current Expenses. . . . .	13000	0
4	Repairs and Alterations. . . . .	06400	0
5	Equipment. . . . .	07000	0
6	Unclassified. . . . .	09900	153,694
7	BRIM Premium. . . . .	91300	0
8	Total. . . . .		\$ 153,694

*37 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 0265 FY 2017 Org 0310

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	18,855,743
4	Current Expenses. . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Equipment. . . . .	07000	0
7	Buildings (R). . . . .	25800	0
8	Litter Control Conservation		
9	Officers. . . . .	56400	0
10	Upper Mud River Flood Control. . .	65400	0
11	Other Assets. . . . .	69000	0
12	Land (R). . . . .	73000	0
13	Law Enforcement. . . . .	80600	0
14	BRIM Premium. . . . .	91300	0
15	Total. . . . .		\$ 18,855,743

16 Any unexpended balances remaining in the appropriations  
17 for Buildings (fund 0265, appropriation 25800), Land (fund  
18 0265, appropriation 73000), and State Park Improvements –  
19 Surplus (fund 0265, appropriation 76300) at the close of the  
20 fiscal year 2016 are hereby reappropriated for expenditure  
21 during the fiscal year 2017, with the exception of fund 0265,  
22 fiscal year 2016, appropriation 25800 (\$300) and fund 0265,  
23 fiscal year 2016, appropriation 73000 (\$300) which shall expire  
24 on June 30, 2016.

25 Any revenue derived from mineral extraction at any state  
26 park shall be deposited in a special revenue account of the  
27 Division of Natural Resources, first for bond debt payment  
28 purposes and with any remainder to be for park operation and  
29 improvement purposes.

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

(WV Code Chapter 22)

Fund 0277 FY 2017 Org 0314

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	12,179,084
4	Current Expenses. . . . .	13000	0
5	Coal Dust and Rock Dust		
6	Sampling. . . . .	27000	0
7	BRIM Premium. . . . .	91300	0
8	Total. . . . .		\$ 12,179,084

9 Included in the above appropriation for Unclassified (fund  
10 0277, appropriation 09900) is \$500,000 for the Southern West  
11 Virginia Community and Technical College Mine Rescue and  
12 Rapid Response Team.

*39 - Board of Coal Mine Health and Safety*

(WV Code Chapter 22)

Fund 0280 FY 2017 Org 0319

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	356,248
4	Current Expenses. . . . .	13000	0
5	Total. . . . .		\$ 356,248

*40 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 0572 FY 2017 Org 0323

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	61,133
4	Current Expenses. . . . .	13000	0
5	Total. . . . .		\$ 61,133

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

(WV Code Chapter 19)

Fund 0606 FY 2017 Org 0327

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$          0
3	Unclassified. . . . .	09900	372,402
4	Current Expenses. . . . .	13000	0
5	Total. . . . .		<u>          0</u>
			\$      372,402

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

Fund 0617 FY 2017 Org 0327

1	Office of Economic		
2	Opportunity. . . . .	03400	\$      96,354

*43 - Division of Energy*  
(WV Code Chapter 5H)

Fund 0612 FY 2017 Org 0328

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$          0
3	Unclassified. . . . .	09900	1,521,940
4	Current Expenses. . . . .	13000	0
5	BRIM Premium. . . . .	91300	0
6	Total. . . . .		<u>          0</u>
			\$      1,521,940

7 From the above appropriation for Unclassified (fund 0612,  
8 appropriation 09900) \$558,247 is for West Virginia University  
9 and \$558,247 is for Southern West Virginia Community and

10 Technical College for the Mine Training and Energy  
 11 Technologies Academy.

**DEPARTMENT OF EDUCATION**

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

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2017 Org 0402

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 321,931
3	Current Expenses. . . . .	13000	<u>2,118,490</u>
4	Total. . . . .		\$ 2,440,421

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

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 4,278,989
3	Technology System Specialist. . . . .	06200	2,000,000
4	Teachers' Retirement Savings		
5	Realized. . . . .	09500	37,656,000
6	Unclassified (R). . . . .	09900	300,000
7	Current Expenses (R). . . . .	13000	2,579,645
8	Equipment. . . . .	07000	5,000
9	Increased Enrollment. . . . .	14000	3,430,000
10	Safe Schools. . . . .	14300	4,980,178
11	Teacher Mentor (R). . . . .	15800	550,000
12	Buildings (R). . . . .	25800	1,000
13	Allowance for County		
14	Transfers. . . . .	26400	282,732



15	Technology Repair and		
16	Modernization. . . . .	29800	951,003
17	HVAC Technicians. . . . .	35500	495,507
18	Early Retirement Notification		
19	Incentive. . . . .	36600	300,000
20	MATH Program. . . . .	36800	336,532
21	Assessment Programs. . . . .	39600	1,339,588
22	21st Century Fellows. . . . .	50700	274,899
23	English as a Second		
24	Language. . . . .	52800	96,000
25	Teacher Reimbursement. . . . .	57300	297,188
26	Hospitality Training. . . . .	6000	0267,123
27	Hi-Y Youth in Government. . . . .	61600	100,000
28	High Acuity Special Needs (R). . . . .	63400	1,500,000
29	Foreign Student Education. . . . .	63600	89,347
30	Principals Mentorship. . . . .	64900	69,250
31	State Board of Education		
32	Administrative Costs. . . . .	68400	366,152
33	Other Assets. . . . .	69000	1,000
34	IT Academy (R). . . . .	72100	500,000
35	Land (R). . . . .	73000	1,000
36	Early Literacy Program. . . . .	75600	5,700,000
37	School Based Truancy		
38	Prevention (R). . . . .	78101	2,000,000
39	Innovation in Education. . . . .	78102	2,496,144
40	Elementary/Middle Alternative		
41	Schools. . . . .	83300	0
42	21st Century Learners (R). . . . .	88600	1,706,441
43	Technology Initiatives. . . . .	90100	0
44	BRIM Premium. . . . .	91300	295,036
45	High Acuity Health Care Needs		
46	Program. . . . .	92000	0
47	21st Century Assessment and		
48	Professional Development. . . . .	93100	2,999,007

49	21st Century Technology		
50	Infrastructure Network		
51	Tools and Support. . . . .	93300	7,636,586
52	Regional Education Service		
53	Agencies. . . . .	97200	3,543,120
54	Educational Program		
55	Allowance. . . . .	99600	<u>516,250</u>
56	Total. . . . .		\$ 89,940,717

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

59       Any unexpended balances remaining in the appropriations  
60 for Unclassified (fund 0313, appropriation 09900), Current  
61 Expenses (fund 0313, appropriation 13000), Teacher Mentor  
62 (fund 0313, appropriation 15800), National Teacher Certification  
63 (fund 0313, appropriation 16100), Buildings (fund 0313,  
64 appropriation 25800), High Acuity Special Needs (fund 0313,  
65 appropriation 63400), IT Academy (fund 0313, appropriation  
66 72100), Land (fund 0313, appropriation 73000), School Based  
67 Truancy Prevention (fund 0313, appropriation 78101), and 21st  
68 Century Learners (fund 0313, appropriation 88600) at the close  
69 of the fiscal year 2016 are hereby reappropriated for expenditure  
70 during the fiscal year 2017, with the exception of fund 0313,  
71 fiscal year 2016, appropriation 13000 (\$106,923), fund 0313,  
72 fiscal year 2016, appropriation 16100 (\$150,000), fund 0313,  
73 fiscal year 2016, appropriation 72100 (\$20,000), fund 0313,  
74 fiscal year 2016, appropriation 78101 (\$1,400,000), and fund  
75 0313, fiscal year 2016, appropriation 88600 (\$68,675) which  
76 shall expire on June 30, 2016.

77       The above appropriation for Technology System Specialists  
78 (fund 0313, appropriation 06200), shall first be used for the  
79 continuance of current pilot projects. The remaining balance, if  
80 any, may be used to expand the pilot project for additional  
81 counties.

82 The above appropriation for Teachers’ Retirement Savings  
 83 Realized (fund 0313, appropriation 09500) shall be transferred  
 84 to the Employee Pension and Health Care Benefit Fund (fund  
 85 2044).

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

92 From the above appropriation for Educational Program  
 93 Allowance (fund 0313, appropriation 99600), \$100,000 shall be  
 94 expended for Webster County Board of Education for Hacker  
 95 Valley; \$150,000 shall be for the Randolph County Board of  
 96 Education for Pickens School; \$100,000 shall be for the Preston  
 97 County Board of Education for the Aurora School; \$100,000  
 98 shall be for the Fayette County Board of Education for Meadow  
 99 Bridge; and \$66,250 is for Project Based Learning in STEM  
 100 fields.

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

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2017 Org 0402

1	Special Education – Counties. . . .	15900	\$	7,271,757
2	Special Education – Institutions. . .	16000		3,748,794
3	Education of Juveniles Held in			
4	Predispositional Juvenile			
5	Detention Centers. . . . .	30200		591,646
6	Education of Institutionalized			
7	Juveniles and Adults (R). . . . .	47200		<u>17,574,235</u>
8	Total. . . . .		\$	29,186,432

9 Any unexpended balance remaining in the appropriation for  
 10 Education of Institutionalized Juveniles and Adults (fund 0314,  
 11 appropriation 47200) at the close of the fiscal year 2016 is  
 12 hereby reappropriated for expenditure during the fiscal year  
 13 2017, with the exception of fund 0314, fiscal year 2016,  
 14 appropriation 47200 (\$173,354) which shall expire on June 30,  
 15 2016.

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

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

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2017 Org 0402

1	Other Current Expenses.....	02200	\$	152,089,960
2	Advanced Placement.....	05300		543,661
3	Professional Educators.....	15100		856,017,057
4	Service Personnel.....	15200		290,711,435
5	Fixed Charges.....	15300		102,033,345
6	Transportation.....	15400		74,729,928
7	Professional Student			
8	Support Services.....	65500		36,952,999
9	Improved Instructional			
10	Programs.....	15600		49,131,108
11	21st Century Strategic Technology			
12	Learning Growth.....	93600		20,756,981
13	Basic Foundation			
14	Allowances.....			1,582,966,474
15	Less Local Share.....			(467,039,269)
16	Adjustments.....			(2,527,044)
17	Total Basic State Aid.....			1,113,400,161

18	Public Employees'		
19	Insurance Matching.....	01200	241,429,043
20	Teachers' Retirement System. ....	01900	67,464,000
21	School Building Authority.....	45300	23,421,520
22	Retirement Systems –		
23	Unfunded Liability. ....	77500	<u>320,634,000</u>
24	Total.....		\$ 1,766,348,724

*48 - State Board of Education –  
Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2017 Org 0402

1	Personal Services and		
2	Employee Benefits. ....	00100	\$ 1,275,473
3	Unclassified.....	09900	268,800
4	Current Expenses.....	13000	882,131
5	Wood Products – Forestry		
6	Vocational Program.....	14600	67,417
7	Albert Yanni Vocational		
8	Program.....	14700	131,951
9	Vocational Aid.....	14800	22,215,162
10	Adult Basic Education.....	14900	4,523,322
11	Program Modernization.....	30500	884,313
12	High School Equivalency		
13	Diploma Testing (R).....	72600	778,815
14	FFA Grant Awards.....	83900	11,496
15	Pre-Engineering Academy		
16	Program.....	84000	<u>265,294</u>
17	Total.....		\$ 31,304,174

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

22 reappropriated for expenditure during the fiscal year 2017, with  
 23 the exception of fund 0390, fiscal year 2016, appropriation  
 24 72600 (\$240,037) which shall expire on June 30, 2016.

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

(WV Code Chapters 18 and 18A)

Fund 0573 FY 2017 Org 0402

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 848,582
3	Unclassified. . . . .	09900	7,000
4	Current Expenses. . . . .	13000	294,316
5	Repairs and Alterations. . . . .	06400	1,000
6	Equipment. . . . .	07000	1,000
7	Other Assets. . . . .	69000	<u>1,000</u>
8	Total. . . . .		\$ 1,152,898

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

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2017 Org 0403

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 11,606,686
3	Unclassified. . . . .	09900	107,329
4	Current Expenses. . . . .	13000	1,761,169
5	Repairs and Alterations. . . . .	06400	115,000
6	Equipment. . . . .	07000	35,000
7	Buildings (R). . . . .	25800	50,000
8	Capital Outlay and		
9	Maintenance (R). . . . .	75500	62,500
10	BRIM Premium. . . . .	91300	<u>102,750</u>
11	Total. . . . .		\$ 13,840,434

12 Any unexpended balances remaining in the appropriations  
 13 for Buildings (fund 0320, appropriation 25800) and Capital  
 14 Outlay and Maintenance (fund 0320, appropriation 75500) at the  
 15 close of the fiscal year 2016 are hereby reappropriated for  
 16 expenditure during the fiscal year 2017.

**DEPARTMENT OF EDUCATION AND THE ARTS**

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

(WV Code Chapter 5F)

Fund 0294 FY 2017 Org 0431

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 766,753
3	Unclassified. . . . .	09900	34,300
4	Current Expenses. . . . .	13000	27,262
5	Center for Professional		
6	Development (R). . . . .	11500	0
7	WV Early Childhood Planning		
8	Task Force . . . . .	14498	107,584
9	WV Humanities Council. . . . .	16800	250,000
10	Benedum Professional Development		
11	Collaborative (R). . . . .	42700	495,532
12	Governor's Honors		
13	Academy (R). . . . .	47800	977,760
14	Educational Enhancements. . . . .	69500	196,000
15	S.T.E.M. Education and Grant		
16	Program (R). . . . .	71900	490,286
17	Energy Express. . . . .	86100	382,935
18	BRIM Premium. . . . .	91300	4,509
19	Special Olympic Games. . . . .	96600	25,000
20	Total. . . . .		\$ 3,757,921

21 Any unexpended balances remaining in the appropriations  
 22 for Center for Professional Development (fund 0294,

23 appropriation 11500), Benedum Professional Development  
 24 Collaborative (fund 0294, appropriation 42700), Governor's  
 25 Honors Academy (fund 0294, appropriation 47800), and  
 26 S.T.E.M. Education and Grant Program (fund 0294,  
 27 appropriation 71900) at the close of the fiscal year 2016 are  
 28 hereby reappropriated for expenditure during the fiscal year  
 29 2017, with the exception of fund 0294, fiscal year 2016,  
 30 appropriation 11500 (\$92,000) and fund 0294, fiscal year 2016,  
 31 appropriation 42700 (\$300,250) which shall expire on June 30,  
 32 2016.

33 From the above appropriation for Educational Enhancements  
 34 (fund 0294, appropriation 69500), \$73,500 shall be used for the  
 35 Clay Center and \$122,500 for Reconnecting McDowell – Save  
 36 the Children.

*52 - Division of Culture and History*

(WV Code Chapter 29)

Fund 0293 FY 2017 Org 0432

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Current Expenses. . . . .	13000	0
4	Repairs and Alterations. . . . .	06400	0
5	Equipment. . . . .	07000	0
6	Unclassified. . . . .	09900	2,848,384
7	Buildings (R). . . . .	25800	0
8	Other Assets. . . . .	69000	0
9	Land (R). . . . .	73000	0
10	Culture and History Programming..	73200	0
11	Capital Outlay and Maintenance (R)	75500	0
12	Historical Highway Marker		
13	Program. . . . .	84400	0
14	BRIM Premium. . . . .	91300	0
15	Total. . . . .		\$ 2,848,384



16 Any unexpended balances remaining in the appropriations  
 17 for Unclassified (fund 0293, appropriation 09900), Buildings  
 18 (fund 0293, appropriation 25800), Capital Outlay, Repairs and  
 19 Equipment (fund 0293, appropriation 58900), Capital  
 20 Improvements – Surplus (fund 0293, appropriation 66100),  
 21 Capital Outlay, Repairs and Equipment – Surplus (fund 0293,  
 22 appropriation 67700), Land (fund 0293, appropriation 73000),  
 23 and Capital Outlay and Maintenance (fund 0293, appropriation  
 24 75500) at the close of the fiscal year 2016 are hereby  
 25 reappropriated for expenditure during the fiscal year 2017.

26 The Unclassified appropriation includes funding for the arts  
 27 funds, department programming funds, grants, fairs and festivals  
 28 and Camp Washington Carver and shall be expended only upon  
 29 authorization of the Division of Culture and History and in  
 30 accordance with the provisions of Chapter 5A, Article 3, and  
 31 Chapter 12 of the Code.

*53 - Library Commission*

(WV Code Chapter 10)

Fund 0296 FY 2017 Org 0433

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Current Expenses. . . . .	13000	0
4	Repairs and Alterations. . . . .	06400	0
5	Unclassified. . . . .	09900	1,639,828
6	Services to Blind & Handicapped. .	18100	0
7	BRIM Premium. . . . .	91300	<u>0</u>
8	Total. . . . .		\$ 1,639,828

*54 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 0300 FY 2017 Org 0439

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	4,353,677
4	Current Expenses. . . . .	13000	0
5	Mountain Stage. . . . .	24900	294,000
6	Capital Outlay and Maintenance (R)	75500	0
7	BRIM Premium. . . . .	91300	0
8	Total. . . . .		\$ 4,647,677

9 Any unexpended balance remaining in the appropriation for  
10 Capital Outlay and Maintenance (fund 0300, appropriation  
11 75500) at the close of the fiscal year 2016 is hereby  
12 reappropriated for expenditure during the fiscal year 2017, with  
13 the exception of fund 0300, fiscal year 2016, appropriation  
14 75500 (\$40,000) which shall expire on June 30, 2016.

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

(WV Code Chapter 18)

Fund 0310 FY 2017 Org 0932

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Independent Living Services. . . . .	00900	0
4	Unclassified. . . . .	09900	12,172,885
5	Current Expenses. . . . .	13000	0
6	Workshop Development . . . . .	16300	2,073,826
7	Supported Employment		
8	Extended Services. . . . .	20600	0
9	Ron Yost Personal Assistance		
10	Fund. . . . .	40700	0
11	Employment Attendant Care		
12	Program . . . . .	59800	0
13	BRIM Premium. . . . .	91300	0
14	Total. . . . .		\$ 14,246,711

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*56 - Environmental Quality Board*

(WV Code Chapter 20)

Fund 0270 FY 2017 Org 0311

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Current Expenses. . . . .	13000	0
4	Repairs and Alterations. . . . .	06400	0
5	Equipment. . . . .	07000	0
6	Unclassified. . . . .	09900	103,182
7	Other Assets. . . . .	69000	0
8	BRIM Premium. . . . .	91300	<u>0</u>
9	Total. . . . .		\$ 103,182

*57 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 0273 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Water Resources Protection and		
4	Management. . . . .	06800	568,491
5	Current Expenses. . . . .	13000	0

6	Repairs and Alterations. . . . .	06400	0
7	Equipment. . . . .	07000	0
8	Unclassified. . . . .	09900	4,230,220
9	Dam Safety. . . . .	60700	208,085
10	West Virginia Stream		
11	Partners Program. . . . .	63700	75,848
12	Meth Lab Cleanup. . . . .	65600	201,560
13	Other Assets. . . . .	69000	0
14	WV Contributions to River		
15	Commissions. . . . .	77600	145,515
16	Office of Water Resources		
17	Non-Enforcement Activity. . . . .	85500	<u>908,412</u>
18	Total. . . . .		\$ 6,338,131

19       A portion of the appropriations for Unclassified (fund 0273,  
20 appropriation 09900) and Dam Safety (fund 0273, appropriation  
21 60700) may be transferred to the special revenue fund Dam  
22 Safety Rehabilitation Revolving Fund (fund 3025) for the state  
23 deficient dams rehabilitation assistance program.

*58 - Air Quality Board*

(WV Code Chapter 16)

Fund 0550 FY 2017 Org 0325

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Current Expenses. . . . .	13000	0
4	Repairs and Alterations. . . . .	06400	0
5	Equipment. . . . .	07000	0
6	Unclassified. . . . .	09900	76,611
7	Other Assets. . . . .	69000	0
8	BRIM Premium. . . . .	91300	<u>0</u>
9	Total. . . . .		\$ 76,611

**DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES**

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

(WV Code Chapter 5F)

Fund 0400 FY 2017 Org 0501

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 376,440
3	Unclassified. . . . .	09900	8,063
4	Current Expenses. . . . .	13000	48,784
5	Women’s Commission (R). . . . .	19100	156,408
6	Commission for the Deaf and		
7	Hard of Hearing. . . . .	70400	<u>216,635</u>
8	Total. . . . .		\$ 806,330

9       Any unexpended balance remaining in the appropriation for  
10 the Women’s Commission (fund 0400, appropriation 19100) at  
11 the close of the fiscal year 2016 is hereby reappropriated for  
12 expenditure during the fiscal year 2017.

*60 - Division of Health –  
Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2017 Org 0506

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 12,142,743
3	Chief Medical Examiner. . . . .	04500	5,485,477
4	Unclassified. . . . .	09900	691,862
5	Current Expenses. . . . .	13000	4,640,355
6	State Aid for Local and Basic		
7	Public Health Services. . . . .	18400	12,649,545

8	Safe Drinking Water		
9	Program (R).....	18700	2,172,181
10	Women, Infants and Children. ....	21000	38,621
11	Early Intervention. ....	22300	6,044,884
12	Cancer Registry. ....	22500	197,207
13	CARDIAC Project.....	37500	427,500
14	State EMS Technical		
15	Assistance. ....	37900	1,353,656
16	Statewide EMS Program		
17	Support (R). ....	38300	957,473
18	Black Lung Clinics .....	46700	170,885
19	Center for End of Life. ....	54500	420,198
20	Pediatric Dental Services.....	55000	51,888
21	Vaccine for Children .....	55100	334,076
22	Tuberculosis Control .....	55300	366,879
23	Maternal and Child Health		
24	Clinics, Clinicians		
25	Medical Contracts and		
26	Fees (R).....	57500	6,280,223
27	Epidemiology Support.....	62600	1,503,498
28	Primary Care Support. ....	62800	4,670,953
29	Sexual Assault Intervention and		
30	Prevention. ....	72300	125,000
31	Health Right Free Clinics. ....	72700	2,750,000
32	Capital Outlay and		
33	Maintenance (R). ....	75500	100,000
34	Healthy Lifestyles. ....	77800	147,034
35	Maternal Mortality Review.....	83400	46,973
36	Osteoporosis and Arthritis		
37	Prevention. ....	84900	158,530
38	Diabetes Education and		
39	Prevention. ....	87300	97,125
40	Tobacco Education		
41	Program (R).....	90600	3,037,643
42	BRIM Premium. ....	91300	211,214

43	State Trauma and Emergency		
44	Care System.....	91800	<u>1,993,374</u>
45	Total.....		\$ 69,266,997

46 Any unexpended balances remaining in the appropriations  
 47 for Safe Drinking Water Program (fund 0407, appropriation  
 48 18700), Statewide EMS Program Support (fund 0407,  
 49 appropriation 38300), Maternal and Child Health Clinics,  
 50 Clinicians and Medical Contracts and Fees (fund 0407,  
 51 appropriation 57500), Capital Outlay and Maintenance (fund  
 52 0407, appropriation 75500), Emergency Response Entities –  
 53 Special Projects (fund 0407, appropriation 82200), and Tobacco  
 54 Education Program (fund 0407, appropriation 90600) at the close  
 55 of the fiscal year 2016 are hereby reappropriated for expenditure  
 56 during the fiscal year 2017.

57 From the above appropriation for Current Expenses (fund  
 58 0407, appropriation 13000), an amount not less than \$100,000 is  
 59 for the West Virginia Cancer Coalition; \$50,000 shall be  
 60 expended for the West Virginia Aids Coalition; \$100,000 is for  
 61 Adolescent Immunization Education; \$73,065 is for informal  
 62 dispute resolution relating to nursing home administrative  
 63 appeals; and \$50,000 is for Hospital Hospitality House of  
 64 Huntington.

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

*61 - Consolidated Medical Services Fund*

(WV Code Chapter 16)

Fund 0525 FY 2017 Org 0506

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 1,567,519
3	Current Expenses. . . . .	13000	12,463
4	Behavioral Health Program (R)....	21900	64,723,691
5	Family Support Act. . . . .	22100	251,226
6	Institutional Facilities		
7	Operations (R).....	33500	105,711,029
8	Substance Abuse Continuum of		
9	Care (R).....	35400	5,000,000
10	Capital Outlay and Maintenance (R)	75500	950,000
11	Renaissance Program.....	80400	165,996
12	BRIM Premium. . . . .	91300	<u>1,088,070</u>
13	Total.....		\$ 179,469,994

14 Any unexpended balances remaining in the appropriations  
15 for Behavioral Health Program (fund 0525, appropriation  
16 21900), Institutional Facilities Operations (fund 0525,  
17 appropriation 33500), Substance Abuse Continuum of Care  
18 (fund 0525, appropriation 35400), Capital Outlay (fund 0525,  
19 appropriation 51100), Behavioral Health Program – Surplus  
20 (fund 0525, appropriation 63100), Institutional Facilities  
21 Operations – Surplus (fund 0525, appropriation 63200),  
22 Substance Abuse Continuum of Care – Surplus (fund 0525,  
23 appropriation 72200), and Capital Outlay and Maintenance (fund  
24 0525, appropriation 75500) at the close of the fiscal year 2016  
25 are hereby reappropriated for expenditure during the fiscal year  
26 2017, with the exception of fund 0525, fiscal year 2016,  
27 appropriation 21900 (\$20,000,000) and fund 0525, fiscal year  
28 2016, appropriation 33500 (\$20,000,000) which shall expire on  
29 June 30, 2016.

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

33 From the above appropriation for Institutional Facilities  
34 Operations (fund 0525, appropriation 33500), together with



35 available funds from the Division of Health – Hospital Services  
 36 Revenue Account (fund 5156, appropriation 33500), on July 1,  
 37 2016, the sum of \$160,000 shall be transferred to the Department  
 38 of Agriculture – Land Division – Farm Operating Fund (1412)  
 39 as advance payment for the purchase of food products; actual  
 40 payments for such purchases shall not be required until such  
 41 credits have been completely expended.

42 The above appropriation for Institutional Facilities  
 43 Operations (fund 0525, appropriation 33500) contains prior year  
 44 salary increases due to the Hartley court order in the amount of  
 45 \$2,202,013 for William R. Sharpe Jr. Hospital, and \$2,067,984  
 46 for Mildred Mitchel-Bateman Hospital.

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

51 Additional funds have been appropriated in fund 5156, fiscal  
 52 year 2017, organization 0506, for the operation of the  
 53 institutional facilities. The secretary of the Department of Health  
 54 and Human Resources is authorized to utilize up to ten percent  
 55 of the funds from the Institutional Facilities Operations  
 56 appropriation to facilitate cost effective and cost saving services  
 57 at the community level.

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

(WV Code Chapter 16)

Fund 0561 FY 2017 Org 0506

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

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

*63 - Human Rights Commission*

(WV Code Chapter 5)

Fund 0416 FY 2017 Org 0510

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 914,175
3	Unclassified. . . . .	09900	4,024
4	Current Expenses. . . . .	13000	191,766
5	BRIM Premium. . . . .	91300	<u>9,311</u>
6	Total. . . . .		\$ 1,119,276

*64 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2017 Org 0511

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 43,255,270
3	Unclassified. . . . .	09900	5,688,944
4	Current Expenses. . . . .	13000	11,298,895
5	Child Care Development. . . . .	14400	11,228,136
6	Medical Services Contracts and		
7	Office of Managed Care. . . . .	18300	1,835,469
8	Medical Services. . . . .	18900	304,232,148
9	Social Services. . . . .	19500	142,485,812
10	Family Preservation Program. . . . .	19600	1,565,000
11	Family Resource Networks. . . . .	27400	1,762,464

12	Domestic Violence Legal		
13	Services Fund. . . . .	38400	400,000
14	James “Tiger” Morton Catastrophic		
15	Illness Fund. . . . .	45500	101,682
16	I/DD Waiver. . . . .	46600	88,753,483
17	Child Protective Services Case		
18	Workers . . . . .	468002	2,581,819
19	OSCAR and RAPIDS . . . . .	51500	6,413,863
20	Title XIX Waiver for		
21	Seniors. . . . .	53300	13,593,620
22	WV Teaching Hospitals Tertiary/ 23 Safety Net. . . . .	54700	6,356,000
24	Child Welfare System . . . . .	60300	1,259,065
25	In-Home Family Education. . . . .	68800	1,000,000
26	WV Works Separate State		
27	Program. . . . .	69800	3,250,000
28	Child Support Enforcement. . . . .	70500	6,297,412
29	Medicaid Auditing. . . . .	70600	607,142
30	Temporary Assistance for		
31	Needy Families/ 32 Maintenance of Effort. . . . .	70700	22,969,096
33	Child Care - Maintenance of		
34	Effort Match. . . . .	70800	5,693,743
35	Child and Family Services. . . . .	73600	2,850,000
36	Grants for Licensed Domestic		
37	Violence Programs and 38 Statewide Prevention. . . . .	75000	2,500,000
39	Capital Outlay and		
40	Maintenance (R). . . . .	75500	11,875
41	Community Based Services and		
42	Pilot Programs for Youth. . . . .	75900	1,000,000
43	Medical Services		
44	Administrative Costs. . . . .	78900	35,630,109
45	Traumatic Brain Injury		
46	Waiver. . . . .	83500	800,000

47	Indigent Burials (R).....	85100	2,050,000
48	BRIM Premium. ....	91300	834,187
49	Rural Hospitals Under 150 Beds. . .	94000	2,596,000
50	Children’s Trust Fund –		
51	Transfer . . . . .	95100	<u>220,000</u>
52	Total.. . . . .		\$ 751,121,234

53 Any unexpended balances remaining in the appropriations  
54 for Capital Outlay and Maintenance (fund 0403, appropriation  
55 75500) and Indigent Burials (fund 0403, appropriation 85100) at  
56 the close of the fiscal year 2016 are hereby reappropriated for  
57 expenditure during the fiscal year 2017.

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

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

69 Included in the above appropriation for Social Services (fund  
70 0403, appropriation 19500) is funding for continuing education  
71 requirements relating to the practice of social work.

72 The above appropriation for Domestic Violence Legal  
73 Services Fund (fund 0403, appropriation 38400) shall be  
74 transferred to the Domestic Violence Legal Services Fund (fund  
75 5455).

76 The above appropriation for James “Tiger” Morton  
77 Catastrophic Illness Fund (fund 0403, appropriation 45500) shall

78 be transferred to the James “Tiger” Morton Catastrophic Illness  
79 Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the  
80 Code.

81 The above appropriation for WV Works Separate State  
82 Program (fund 0403, appropriation 69800), shall be transferred  
83 to the WV Works Separate State College Program Fund (fund  
84 5467), and the WV Works Separate State Two-Parent Program  
85 Fund (fund 5468) as determined by the secretary of the  
86 Department of Health and Human Resources.

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

92 From the above appropriation for the Grants for Licensed  
93 Domestic Violence Programs and Statewide Prevention (fund  
94 0403, appropriation 75000), 50% of the total shall be divided  
95 equally and distributed among the fourteen (14) licensed  
96 programs and the West Virginia Coalition Against Domestic  
97 Violence (WVCADV). The balance remaining in the  
98 appropriation for Grants for Licensed Domestic Violence  
99 Programs and Statewide Prevention (fund 0403, appropriation  
100 75000), shall be distributed according to the formula established  
101 by the Family Protection Services Board.

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

**DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY**

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

## (WV Code Chapter 5F)

Fund 0430 FY 2017 Org 0601

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified (R). . . . .	09900	1,375,919
4	Current Expenses. . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Equipment. . . . .	07000	0
7	Fusion Center (R). . . . .	46900	526,912
8	Other Assets. . . . .	69000	0
9	Directed Transfer. . . . .	70000	31,360
10	BRIM Premium. . . . .	91300	0
11	WV Fire and EMS Survivor		
12	Benefit (R). . . . .	93900	250,000
13	Homeland State Security		
14	Administrative Agency (R). . . .	95300	0
15	Total. . . . .		\$ 2,184,191

16 Any unexpended balances remaining in the appropriations  
17 for Unclassified (fund 0430, appropriation 09900), Fusion  
18 Center (fund 0430, appropriation 46900), Substance Abuse  
19 Program – Surplus (fund 0430, appropriation 69600), Justice  
20 Reinvestment Training – Surplus (fund 0430, appropriation  
21 69900), WV Fire and EMS Survivor Benefit (fund 0430,  
22 appropriation 93900), and Homeland State Security  
23 Administrative Agency (fund 0430, appropriation 95300) at the  
24 close of the fiscal year 2016 are hereby reappropriated for  
25 expenditure during the fiscal year 2017, with the exception of  
26 fund 0430, fiscal year 2016, appropriation 46900 (\$7,122), fund  
27 0430, fiscal year 2016, appropriation 93900 (\$200,000), and  
28 fund 0430, fiscal year 2016, appropriation 95300 (\$7,123) which  
29 shall expire on June 30, 2016.

30 The above appropriation for Directed Transfer (fund 0430,  
31 appropriation 70000) shall be transferred to the

32 Law-Enforcement, Safety and Emergency Worker Funeral  
33 Expense Payment Fund (fund 6003).

*66 - Adjutant General –  
State Militia*

(WV Code Chapter 15)

Fund 0433 FY 2017 Org 0603

1	Unclassified (R).....	09900	\$	14,122,225
2	College Education Fund.....	23200		0
3	Mountaineer Challenge Academy..	70900		0
4	Armory Board Transfer.....	70015		0
5	Military Authority.....	74800		<u>0</u>
6	Total.....		\$	14,122,225

7 Any unexpended balance remaining in the appropriation for  
8 Unclassified (fund 0433, appropriation 09900) at the close of the  
9 fiscal year 2016 is hereby reappropriated for expenditure during  
10 the fiscal year 2017, with the exception of fund 0433, fiscal year  
11 2016, appropriation 09900 (\$599,750) which shall expire on  
12 June 30, 2016.

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

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

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

*67 - Adjutant General –  
Military Fund*

(WV Code Chapter 15)

Fund 0605 FY 2017 Org 0603

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	0
3	Unclassified. . . . . 09900		160,995
4	Current Expenses. . . . . 13000		0
5	Total. . . . .	\$	160,995

*68 - West Virginia Parole Board*

(WV Code Chapter 62)

Fund 0440 FY 2017 Org 0605

1	Personal Services and Employee		
2	Benefits. . . . . 00100		\$0
3	Unclassified. . . . . 09900		1,182,595
4	Current Expenses. . . . . 13000		0
5	Salaries of Members of West Virginia		
6	Parole Board. . . . . 22700		0
7	BRIM Premium. . . . . 91300		0
8	Total. . . . .	\$	1,182,595

9       The above appropriation for Unclassified (fund 0440,  
10 appropriation 09900) includes salaries for members of the West  
11 Virginia Parole Board and includes funding for salary, annual  
12 increment (as provided for in W.Va. Code §5-5-1), and related  
13 employee benefits of board members.

*69 - Division of Homeland Security and  
Emergency Management*

(WV Code Chapter 15)



Fund 0443 FY 2017 Org 0606

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	696,539
4	Current Expenses. . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Radiological Emergency		
7	Preparedness. . . . .	55400	17,103
8	Federal Funds/Grant		
9	Match (R). . . . .	74900	664,247
10	Mine and Industrial Accident Rapid		
11	Response Call Center. . . . .	78100	452,945
12	Early Warning Flood		
13	System (R). . . . .	87700	469,426
14	BRIM Premium. . . . .	91300	0
15	WVU Charleston Poison		
16	Control Hotline. . . . .	94400	<u>712,943</u>
17	Total. . . . .		\$ 3,013,203

18 Any unexpended balances remaining in the appropriations  
 19 for Federal Funds/Grant Match (fund 0443, appropriation  
 20 74900), Early Warning Flood System (fund 0443, appropriation  
 21 87700), and Disaster Mitigation (fund 0443, appropriation  
 22 95200) at the close of the fiscal year 2016 are hereby  
 23 reappropriated for expenditure during the fiscal year 2017, with  
 24 the exception of fund 0443, fiscal year 2016, appropriation  
 25 87700 (\$36,879) which shall expire on June 30, 2016.

*70 - Division of Corrections –  
 Central Office*

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

Fund 0446 FY 2017 Org 0608

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0

3	Unclassified. . . . .	09900	600,455
4	Current Expenses. . . . .	13000	<u>0</u>
5	Total. . . . .		\$ 600,455

*71 - Division of Corrections –  
Correctional Units*

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

Fund 0450 FY 2017 Org 0608

1	Employee Benefits. . . . .	01000	\$ 1,258,136
2	Children’s Protection Act (R). . . . .	09000	938,437
3	Unclassified (R) . . . . .	09900	1,623,738
4	Current Expenses (R). . . . .	13000	23,132,313
5	Facilities Planning and		
6	Administration (R). . . . .	38600	1,166,627
7	Charleston Correctional		
8	Center. . . . .	45600	3,126,532
9	Beckley Correctional		
10	Center. . . . .	49000	1,815,364
11	Huntington Work Release Center. . . . .	49500	1,070,058
12	Anthony Correctional Center . . . . .	50400	5,040,533
13	Huttonsville Correctional		
14	Center . . . . .	51400	20,998,029
15	Northern Correctional		
16	Center . . . . .	53400	6,938,571
17	Inmate Medical Expenses (R). . . . .	53500	21,226,064
18	Pruntytown Correctional Center . . . . .	54300	7,060,326
19	Corrections Academy. . . . .	56900	1,441,819
20	Information Technology		
21	Services. . . . .	59901	3,341,064
22	Martinsburg Correctional		
23	Center. . . . .	66300	3,538,534
24	Parole Services. . . . .	68600	5,131,198
25	Special Services . . . . .	68700	6,122,439

26	Investigative Services. . . . .	71600	3,151,604
27	Capital Outlay and		
28	Maintenance (R). . . . .	75500	2,000,000
29	Salem Correctional Center. . . . .	77400	9,943,952
30	McDowell County		
31	Correctional Center. . . . .	79000	1,949,983
32	Stevens Correctional Center . . . . .	79100	6,474,500
33	Parkersburg Correctional		
34	Center. . . . .	82800	2,442,670
35	St. Mary's Correctional		
36	Center . . . . .	88100	12,636,324
37	Denmar Correctional		
38	Center. . . . .	88200	4,414,286
39	Ohio County Correctional		
40	Center. . . . .	88300	1,738,335
41	Mt. Olive Correctional		
42	Complex. . . . .	88800	19,684,203
43	Lakin Correctional Center. . . . .	89600	8,911,795
44	BRIM Premium. . . . .	91300	<u>829,190</u>
45	Total. . . . .		\$ 189,146,624

46 Any unexpended balances remaining in the appropriations  
47 for Children's Protection Act (fund 0450, appropriation 09000),  
48 Unclassified – Surplus (fund 0450, appropriation 09700),  
49 Current Expenses (fund 0450, appropriation 13000), Facilities  
50 Planning and Administration (fund 0450, appropriation 38600),  
51 Inmate Medical Expenses (fund 0450, appropriation 53500),  
52 Capital Improvements – Surplus (fund 0450, appropriation  
53 66100), Capital Outlay, Repairs and Equipment – Surplus (fund  
54 0450, appropriation 67700), Capital Outlay and Maintenance  
55 (fund 0450, appropriation 75500), Security System  
56 Improvements – Surplus (fund 0450, appropriation 75501), and  
57 Operating Expenses – Surplus (fund 0450, appropriation 77900)  
58 at the close of the fiscal year 2016 are hereby reappropriated for  
59 expenditure during the fiscal year 2017, with the exception of

60 fund 0450, fiscal year 2016, appropriation 13000 (\$8,500,000)  
61 which shall expire on June 30, 2016.

62 The commissioner of corrections shall have the authority to  
63 transfer between appropriations to the individual correctional  
64 units above and may transfer funds from the individual  
65 correctional units to Current Expenses (fund 0450, appropriation  
66 13000) or Inmate Medical Expenses (fund 0450, appropriation  
67 53500).

68 From the above appropriation to Unclassified (fund 0450,  
69 appropriation 09900), on July 1, 2016, the sum of \$300,000 shall  
70 be transferred to the Department of Agriculture – Land Division  
71 – Farm Operating Fund (1412) as advance payment for the  
72 purchase of food products; actual payments for such purchases  
73 shall not be required until such credits have been completely  
74 expended.

75 From the above appropriation to Current Expenses (fund  
76 0450, appropriation 13000) payment shall be made to house  
77 Division of Corrections inmates in federal, county, and/or  
78 regional jails.

79 Any realized savings from the Energy Savings Contract for  
80 Mt. Olive Correctional Complex, Huttonsville Correction  
81 Center, Pruntytown Correctional Center, or Denmark Correctional  
82 Center may be transferred from the listed individual correctional  
83 units to Facilities Planning and Administration (fund 0450,  
84 appropriation 38600).

*72 - West Virginia State Police*

(WV Code Chapter 15)

Fund 0453 FY 2017 Org 0612

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 57,760,209

2016]

HOUSE OF DELEGATES

4119

3	Children's Protection Act. . . . .	09000	954,509
4	Current Expenses. . . . .	13000	10,358,032
5	Repairs and Alterations. . . . .	06400	450,523
6	Barracks Lease Payments. . . . .	55600	246,478
7	Communications and Other		
8	Equipment (R). . . . .	55800	70,968
9	Trooper Retirement Fund. . . . .	60500	4,035,203
10	Handgun Administration		
11	Expense. . . . .	74700	82,692
12	Capital Outlay and		
13	Maintenance (R). . . . .	75500	250,000
14	Retirement Systems –		
15	Unfunded Liability. . . . .	77500	16,875,000
16	Automated Fingerprint Identification		
17	System. . . . .	89800	725,771
18	BRIM Premium. . . . .	91300	<u>4,946,608</u>
19	Total. . . . .		\$ 96,755,993

20 Any unexpended balances remaining in the appropriations  
21 for Communications and Other Equipment (fund 0453,  
22 appropriation 55800), and Capital Outlay and Maintenance (fund  
23 0453, appropriation 75500) at the close of the fiscal year 2016  
24 are hereby reappropriated for expenditure during the fiscal year  
25 2017, with the exception of fund 0453, fiscal year 2016,  
26 appropriation 55800 (\$1,162,002) which shall expire on June 30,  
27 2016.

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

*73 - Fire Commission*

(WV Code Chapter 29)

Fund 0436 FY 2017 Org 0619

1	Current Expenses.....	13000	\$	65,328
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*74 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 0546 FY 2017 Org 0620

1	Personal Services and Employee			
2	Benefits.....	00100	\$	0
3	Current Expenses.....	13000		0
4	Repairs and Alterations.....	06400		0
5	Unclassified.....	09900		657,193
6	Child Advocacy			
7	Centers (R).....	45800		1,702,108
8	Community Corrections (R).....	56100		7,137,238
9	Statistical Analysis Program.....	59700		45,790
10	Sexual Assault Forensic Examination			
11	Commission.....	71400		75,170
12	Qualitative Analysis and Training for			
13	Youth Services (R).....	76200		355,247
14	Law Enforcement Professional			
15	Standards.....	83800		152,355
16	BRIM Premium.....	91300		0
17	Total.....		\$	10,125,101

18 Any unexpended balances remaining in the appropriations  
 19 for Child Advocacy Centers (fund 0546, appropriation 45800),  
 20 Community Corrections (fund 0546, appropriation 56100), and  
 21 Qualitative Analysis and Training for Youth Services (fund  
 22 0546, appropriation 76200) at the close of the fiscal year 2016  
 23 are hereby reappropriated for expenditure during the fiscal year  
 24 2017, with the exception of fund 0546, fiscal year 2016,  
 25 appropriation 45800 (\$72,000), fund 0546, fiscal year 2016,  
 26 appropriation 56100 (\$178,000), and fund 0546, fiscal year

27 2016, appropriation 76200 (\$200,000) which shall expire on  
28 June 30, 2016.

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

*75 - Division of Juvenile Services*

(WV Code Chapter 49)

Fund 0570 FY 2017 Org 0621

1	Statewide Reporting		
2	Centers.....	26200	\$ 6,183,502
3	Robert L. Shell Juvenile		
4	Center. ....	26700	1,930,411
5	Resident Medical Expenses.....	53501	4,302,740
6	Central Office .....	70100	2,278,071
7	Capital Outlay and		
8	Maintenance (R). ....	75500	245,000
9	Gene Spadaro Juvenile		
10	Center .....	79300	2,098,458
11	BRIM Premium. ....	91300	96,187
12	Kenneth Honey Rubenstein		
13	Juvenile Center (R) .....	98000	4,852,994
14	Vicki Douglas Juvenile		
15	Center. ....	98100	1,844,994
16	Northern Regional Juvenile		
17	Center. ....	98200	2,818,776
18	Lorrie Yeager Jr. Juvenile		
19	Center. ....	98300	1,883,569
20	Sam Perdue Juvenile Center .....	98400	1,975,607
21	Tiger Morton Center .....	98500	2,085,142
22	Donald R. Kuhn Juvenile		
23	Center .....	98600	4,003,185

24	J.M. "Chick" Buckbee Juvenile		
25	Center . . . . .	98700	<u>1,989,595</u>
26	Total.. . . . .		\$ 38,588,231

27 Any unexpended balances remaining in the appropriations  
 28 for Capital Outlay and Maintenance (fund 0570, appropriation  
 29 75500) and Kenneth Honey Rubenstein Juvenile Center (fund  
 30 0570, appropriation 98000) at the close of the fiscal year 2016  
 31 are hereby reappropriated for expenditure during the fiscal year  
 32 2017.

33 From the above appropriations, on July 1, 2016, the sum of  
 34 \$50,000 shall be transferred to the Department of Agriculture –  
 35 Land Division – Farm Operating Fund (1412) as advance  
 36 payment for the purchase of food products; actual payments for  
 37 such purchases shall not be required until such credits have been  
 38 completely expended.

39 The director of Juvenile Services shall have the authority to  
 40 transfer between appropriations to the individual juvenile centers  
 41 above and may transfer funds from the individual juvenile  
 42 centers to Resident Medical Expenses (fund 0570, appropriation  
 43 53501).

*76 - Division of Protective Services*

(WV Code Chapter 5F)

Fund 0585 FY 2017 Org 0622

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 2,678,975
3	Unclassified (R).. . . . .	09900	21,991
4	Current Expenses.. . . . .	13000	139,232
5	Repairs and Alterations. . . . .	06400	8,500
6	Equipment (R).. . . . .	07000	64,171
7	BRIM Premium. . . . .	91300	<u>9,969</u>
8	Total.. . . . .		\$ 2,922,838



9 Any unexpended balances remaining in the appropriations  
 10 for Equipment (fund 0585, appropriation 07000), and  
 11 Unclassified (fund 0585, appropriation 09900) at the close of the  
 12 fiscal year 2016 are hereby reappropriated for expenditure  
 13 during the fiscal year 2017.

**DEPARTMENT OF REVENUE**

*77 - Office of the Secretary*

(WV Code Chapter 11)

Fund 0465 FY 2017 Org 0701

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	599,127
4	Current Expenses. . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Equipment. . . . .	07000	0
7	Revenue Shortfall Reserve Fund –		
8	Transfer. . . . .	59000	0
9	Other Assets. . . . .	69000	0
10	Total. . . . .		\$ 599,127

11 Any unexpended balance remaining in the appropriation for  
 12 Unclassified – Total (fund 0465, appropriation 09600) at the  
 13 close of the fiscal year 2016 is hereby reappropriated for  
 14 expenditure during the fiscal year 2017.

*78 - Tax Division*

(WV Code Chapter 11)

Fund 0470 FY 2017 Org 0702

1	Personal Services and Employee		
2	Benefits (R). . . . .	00100	\$ 0

3	Unclassified (R).....	09900	22,011,139
4	Current Expenses (R).....	13000	0
5	Repairs and Alterations.....	06400	0
6	Equipment.....	07000	0
7	Tax Technology Upgrade.....	09400	0
8	Multi State Tax Commission.....	65300	0
9	Other Assets.....	69000	0
10	BRIM Premium.....	91300	0
11	Total.....		\$ 22,011,139

12 Any unexpended balances remaining in the appropriations  
 13 for Personal Services and Employee Benefits (fund 0470,  
 14 appropriation 00100), Unclassified (fund 0470, appropriation  
 15 09900), Current Expenses (fund 0470, appropriation 13000), and  
 16 GIS Development Project (fund 0470, appropriation 56200) at  
 17 the close of the fiscal year 2016 are hereby reappropriated for  
 18 expenditure during the fiscal year 2017, with the exception of  
 19 fund 0470, fiscal year 2016, appropriation 00100 (\$400,000) and  
 20 fund 0470, fiscal year 2016, appropriation 13000 (\$535,745)  
 21 which shall expire on June 30, 2016.

*79 - State Budget Office*

(WV Code Chapter 11B)

Fund 0595 FY 2017 Org 0703

1	Personal Services and Employee		
2	Benefits.....	00100	\$ 0
3	Unclassified (R).....	09900	648,519
4	Current Expenses.....	13000	0
5	BRIM Premium.....	91300	0
6	Total.....		\$ 648,519

7 Any unexpended balance remaining in the appropriation for  
 8 Unclassified (fund 0595, appropriation 09900) at the close of the  
 9 fiscal year 2016 is hereby reappropriated for expenditure during  
 10 the fiscal year 2017.

*80 - West Virginia Office of Tax Appeals*

(WV Code Chapter 11)

Fund 0593 FY 2017 Org 0709

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Current Expenses (R).....	13000	0
4	Unclassified. . . . .	09900	528,522
5	BRIM Premium. . . . .	91300	0
6	Total.....		\$ 528,522
7	Any unexpended balance remaining in the appropriation for		
8	Current Expenses (fund 0593, appropriation 13000) at the close		
9	of the fiscal year 2016 is hereby reappropriated for expenditure		
10	during the fiscal year 2017.		

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

(WV Code Chapter 29)

Fund 0523 FY 2017 Org 0933

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	36,811
4	Current Expenses. . . . .	13000	<u>0</u>
5	Total.....		\$ 36,811

**DEPARTMENT OF TRANSPORTATION**

1 The following four General Revenue appropriations to the  
2 Department of Transportation shall be jointly administered by  
3 the Secretary of Transportation to consolidate staff functions and  
4 improve efficiencies. It is envisioned that these four discrete  
5 accounts may be further consolidated into a single account in the  
6 FY 2018 budget.

*82 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2017 Org 0804

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	2,113,694
4	Current Expenses. . . . .	13000	0
5	Other Assets (R).. . . . .	69000	0
6	BRIM Premium. . . . .	91300	<u>0</u>
7	Total.. . . . .		\$ 2,113,694

8 Any unexpended balances remaining in the appropriations  
9 for Unclassified (fund 0506, appropriation 09900) and Other  
10 Assets (fund 0506, appropriation 69000) at the close of the fiscal  
11 year 2016 are hereby reappropriated for expenditure during the  
12 fiscal year 2017, with the exception of fund 0506, fiscal year  
13 2016, appropriation 69000 (\$25,000) which shall expire on June  
14 30, 2016.

*83 - Division of Public Transit*

(WV Code Chapter 17)

Fund 0510 FY 2017 Org 0805

1	Equipment (R). . . . .	07000	\$ 0
2	Unclassified. . . . .	09900	2,300,618
3	Current Expenses (R).. . . . .	13000	0
4	Buildings (R). . . . .	25800	0
5	Other Assets (R).. . . . .	69000	<u>0</u>
6	Total.. . . . .		\$ 2,300,618

7 Any unexpended balances remaining in the appropriations  
8 for Equipment (fund 0510, appropriation 07000), Current  
9 Expenses (fund 0510, appropriation 13000), Buildings (fund

10 0510, appropriation 25800) and Other Assets (fund 0510,  
 11 appropriation 69000) at the close of the fiscal year 2016 are  
 12 hereby reappropriated for expenditure during the fiscal year  
 13 2017, with the exception of fund 0510, fiscal year 2016,  
 14 appropriation 07000 (\$58,429), fund 0510, fiscal year 2016,  
 15 appropriation 25800 (\$20,281), and fund 0510, fiscal year 2016,  
 16 appropriation 69000 (\$50,000) which shall expire on June 30,  
 17 2016.

*84 - Public Port Authority*

(WV Code Chapter 17)

Fund 0581 FY 2017 Org 0806

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Current Expenses. . . . .	13000	0
4	Repairs and Alterations. . . . .	06400	0
5	BRIM Premium. . . . .	91300	<u>0</u>
6	Total. . . . .		\$ 0

*85 - Aeronautics Commission*

(WV Code Chapter 29)

Fund 0582 FY 2017 Org 0807

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 0
3	Unclassified. . . . .	09900	932,028
4	Current Expenses (R). . . . .	13000	0
5	Repairs and Alterations. . . . .	06400	0
6	Civil Air Patrol. . . . .	23400	151,994
7	BRIM Premium. . . . .	91300	<u>0</u>
8	Total. . . . .		\$ 1,084,022

9 Any unexpended balance remaining in the appropriations for  
 10 Unclassified (fund 0582, appropriation 09900) and Current

11 Expenses (fund 0582, appropriation 13000) at the close of the  
 12 fiscal year 2016 are hereby reappropriated for expenditure  
 13 during the fiscal year 2017, with the exception of fund 0582,  
 14 fiscal year 2016, appropriation 13000 (\$73,169) which shall  
 15 expire on June 30, 2016.

16 From the above appropriation for Unclassified (fund 0582,  
 17 appropriation 09900), the sum of \$120,000 shall be distributed  
 18 equally to each of the twelve local Civil Air Patrol Squadrons.

### DEPARTMENT OF VETERANS' ASSISTANCE

#### *86 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 0456 FY 2017 Org 0613

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,784,222
3	Unclassified. . . . .	09900	19,600
4	Current Expenses. . . . .	13000	317,115
5	Repairs and Alterations. . . . .	06400	4,900
6	Veterans' Field Offices. . . . .	22800	243,378
7	Veterans' Nursing Home (R). . . . .	28600	5,465,706
8	Veterans' Toll Free Assistance		
9	Line. . . . .	32800	1,975
10	Veterans' Reeducation		
11	Assistance (R). . . . .	32900	28,912
12	Veterans' Grant Program (R). . . . .	34200	98,000
13	Veterans' Grave Markers. . . . .	47300	10,049
14	Veterans' Transportation. . . . .	48500	612,500
15	Veterans Outreach Programs. . . . .	61700	157,528
16	Memorial Day Patriotic Exercise. . . . .	69700	19,600
17	Veterans Cemetery. . . . .	80800	369,986
18	BRIM Premium. . . . .	91300	<u>23,860</u>
19	Total. . . . .		\$ 9,157,331

20 Any unexpended balances remaining in the appropriations  
 21 for Veterans’ Nursing Home (fund 0456, appropriation 28600),  
 22 Veterans’ Reeducation Assistance (fund 0456, appropriation  
 23 32900), Veterans’ Grant Program (fund 0456, appropriation  
 24 34200), Veterans’ Bonus – Surplus (fund 0456, appropriation  
 25 34400), Veterans’ Bonus (fund 0456, appropriation 48300), and  
 26 Educational Opportunities for Children of Deceased Veterans  
 27 (fund 0456, appropriation 85400) at the close of the fiscal year  
 28 2016 are hereby reappropriated for expenditure during the fiscal  
 29 year 2017, with the exception of fund 0456, fiscal year 2016,  
 30 appropriation 28600 (\$342,977) which shall expire on June 30,  
 31 2016.

*87 - Department of Veterans’ Assistance –  
 Veterans’ Home*

(WV Code Chapter 9A)

Fund 0460 FY 2017 Org 0618

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$           0
3	Unclassified. . . . .	09900	1,146,799
4	Current Expenses. . . . .	13000	<u>          0</u>
5	Total. . . . .		\$   1,146,799

**BUREAU OF SENIOR SERVICES**

*88 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 0420 FY 2017 Org 0508

1	Transfer to Division of Human		
2	Services for Health Care		
3	and Title XIX Waiver for		
4	Senior Citizens. . . . .	53900	\$   14,113,504

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

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

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

*89 - West Virginia Council for  
Community and Technical College Education –  
Control Account*

(WV Code Chapter 18B)

Fund 0596 FY 2017 Org 0420

1	West Virginia Council for		
2	Community and Technical		
3	Education (R). . . . .	39200	\$ 756,232
4	Transit Training Partnership. . . . .	78300	40,217
5	Community College Workforce		
6	Development (R). . . . .	87800	806,048
7	College Transition Program. . . . .	88700	292,718
8	West Virginia Advance Workforce		
9	Development (R). . . . .	89300	3,269,964
10	Technical Program		
11	Development (R). . . . .	89400	<u>1,895,214</u>
12	Total. . . . .		\$ 7,060,393

13       Any unexpended balances remaining in the appropriations  
14 for West Virginia Council for Community and Technical  
15 Education (fund 0596, appropriation 39200), Capital  
16 Improvements – Surplus (fund 0596, appropriation 66100),



17 Community College Workforce Development (fund 0596,  
 18 appropriation 87800), West Virginia Advance Workforce  
 19 Development (fund 0596, appropriation 89300), and Technical  
 20 Program Development (fund 0596, appropriation 89400) at the  
 21 close of the fiscal year 2016 are hereby reappropriated for  
 22 expenditure during the fiscal year 2017, with the exception of  
 23 fund 0596, fiscal year 2016, appropriation 39200 (\$10,030), fund  
 24 0596, fiscal year 2016, appropriation 89300 (\$164,577), and  
 25 fund 0596, fiscal year 2016, appropriation 89400 (\$89,384)  
 26 which shall expire on June 30, 2016.

27 From the above appropriation for the Community College  
 28 Workforce Development (fund 0596, appropriation 87800),  
 29 \$200,000 shall be expended on the Mine Training Program in  
 30 Southern West Virginia.

31 Included in the above appropriation for West Virginia  
 32 Advance Workforce Development (fund 0596, appropriation  
 33 89300) is \$200,000 to be used exclusively for advanced  
 34 manufacturing and energy industry specific training programs.

*90 - Mountwest Community and Technical College*

(WV Code Chapter 18B)

Fund 0599 FY 2017 Org 0444

1	Mountwest Community and Technical		
2	College.....	48700	\$ 5,569,533

*91 - New River Community and Technical College*

(WV Code Chapter 18B)

Fund 0600 FY 2017 Org 0445

1	New River Community and Technical		
2	College.....	35800	\$ 5,499,133

*92 - Pierpont Community and Technical College*

(WV Code Chapter 18B)

Fund 0597 FY 2017 Org 0446

1	Pierpont Community and Technical		
2	College.....	93000	\$ 7,323,810

*93 - Blue Ridge Community and Technical College*

(WV Code Chapter 18B)

Fund 0601 FY 2017 Org 0447

1	Blue Ridge Community and Technical		
2	College.....	88500	\$ 4,480,111

*94 - West Virginia University at Parkersburg*

(WV Code Chapter 18B)

Fund 0351 FY 2017 Org 0464

1	West Virginia University –		
2	Parkersburg.....	47100	\$ 9,521,771

*95 - Southern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0380 FY 2017 Org 0487

1	Southern West Virginia Community and		
2	Technical College.....	44600	\$ 7,991,778

*96 - West Virginia Northern Community and Technical College*

(WV Code Chapter 18B)

Fund 0383 FY 2017 Org 0489

1	West Virginia Northern Community and		
2	Technical College. . . . .	44700	\$ 6,898,459

*97 - Eastern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0587 FY 2017 Org 0492

1	Eastern West Virginia Community and		
2	Technical College. . . . .	41200	\$ 1,834,647

*98 - BridgeValley Community and Technical College*

(WV Code Chapter 18B)

Fund 0618 FY 2017 Org 0493

1	BridgeValley Community and		
2	Technical College. . . . .	71700	\$ 7,500,925

**HIGHER EDUCATION POLICY COMMISSION**

*99 - Higher Education Policy Commission –  
Administration –  
Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2017 Org 0441

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 2,438,271
3	Current Expenses. . . . .	13000	165,893
4	Higher Education Grant		
5	Program. . . . .	16400	39,019,864

6	Tuition Contract Program (R). . . . .	16500	1,249,555
7	Underwood-Smith Scholarship		
8	Program-Student Awards. . . . .	16700	328,349
9	Facilities Planning and		
10	Administration (R). . . . .	38600	1,821,849
11	PROMISE Scholarship –		
12	Transfer. . . . .	80000	18,500,000
13	HEAPS Grant Program (R). . . . .	86700	5,007,764
14	BRIM Premium. . . . .	91300	<u>15,708</u>
15	Total. . . . .		\$ 68,547,253

16 Any unexpended balances remaining in the appropriations  
 17 for Unclassified – Surplus (fund 0589, appropriation 09700),  
 18 Tuition Contract Program (fund 0589, appropriation 16500),  
 19 Facilities Planning and Administration (fund 0589, appropriation  
 20 38600), Capital Improvements – Surplus (fund 0589,  
 21 appropriation 66100), Capital Outlay and Maintenance (fund  
 22 0589, appropriation 75500), and HEAPS Grant Program (fund  
 23 0589, appropriation 86700) at the close of the fiscal year 2016  
 24 are hereby reappropriated for expenditure during the fiscal year  
 25 2017, with the exception of fund 0589, fiscal year 2016,  
 26 appropriation 38600 (\$75,910) which shall expire on June 30,  
 27 2016.

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

32 The above appropriation for Higher Education Grant  
 33 Program (fund 0589, appropriation 16400) shall be transferred  
 34 to the Higher Education Grant Fund (fund 4933, org 0441)  
 35 established by W.Va. Code §18C-5-3.

36 The above appropriation for Underwood-Smith Scholarship  
 37 Program-Student Awards (fund 0589, appropriation 16700) shall

38 be transferred to the Underwood-Smith Teacher Scholarship and  
 39 Loan Assistance Fund (fund 4922, org 0441) established by  
 40 W.Va. Code §18C-4-1.

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

*100 - Higher Education Policy Commission –  
 Administration –  
 West Virginia Network for Educational Telecomputing  
 (WVNET)*

(WV Code Chapter 18B)

Fund 0551 FY 2017 Org 0495

1	WVNET.....	16900	\$	1,654,572
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*101 - West Virginia University –  
 School of Medicine  
 Medical School Fund*

(WV Code Chapter 18B)

Fund 0343 FY 2017 Org 0463

1	WVU School of Health Science –			
2	Eastern Division. ....	05600	\$	2,248,472
3	WVU – School of Health			
4	Sciences.....	17400		15,515,841
5	WVU – School of Health Sciences –			
6	Charleston Division.....	17500		2,312,518
7	Rural Health Outreach			
8	Programs (R).....	37700		170,125
9	West Virginia University School of			
10	Medicine BRIM Subsidy.....	46000		<u>1,161,281</u>
11	Total.....		\$	21,408,237

12 Any unexpended balance remaining in the appropriations for  
 13 Rural Health Outreach Programs (fund 0343, appropriation  
 14 37700), and Educational Enhancements – Surplus (fund 0343,  
 15 appropriation 92700) at the close of the fiscal year 2016 are  
 16 hereby reappropriated for expenditure during the fiscal year  
 17 2017, with the exception of fund 0343, fiscal year 2016,  
 18 appropriation 37700 (\$7,029) which shall expire on June 30,  
 19 2016.

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

24 The above appropriation for West Virginia University  
 25 School of Medicine BRIM Subsidy (fund 0343, appropriation  
 26 46000) shall be paid to the Board of Risk and Insurance  
 27 Management as a general revenue subsidy against the “Total  
 28 Premium Billed” to the institution as part of the full cost of their  
 29 malpractice insurance coverage.

*102 - West Virginia University –  
 General Administrative Fund*

(WV Code Chapter 18B)

Fund 0344 FY 2017 Org 0463

1	West Virginia University.....	45900	\$	97,819,653
2	Jackson’s Mill (R).....	46100		239,505
3	West Virginia University Institute for			
4	Technology.....	47900		7,987,811
5	State Priorities – Brownfield Professional			
6	Development (R).....	53100		337,503
7	West Virginia University –			
8	Potomac State.....	99400		<u>3,921,488</u>
9	Total.....		\$	110,305,960

10 Any unexpended balances remaining in the appropriations  
 11 for Jackson’s Mill (fund 0344, appropriation 46100), and State  
 12 Priorities – Brownfield Professional Development (fund 0344,  
 13 appropriation 53100) at the close of the fiscal year 2016 are  
 14 hereby reappropriated for expenditure during the fiscal year  
 15 2017, with the exception of fund 0344, fiscal year 2016,  
 16 appropriation 46100 (\$9,902) and fund 0344, fiscal year 2016,  
 17 appropriation 53100 (\$13,931) which shall expire on June 30,  
 18 2016.

*103 - Marshall University –  
 School of Medicine*

(WV Code Chapter 18B)

Fund 0347 FY 2017 Org 0471

1	Marshall Medical School.....	17300	\$	12,179,256
2	Rural Health Outreach			
3	Programs (R).....	37700		167,616
4	Forensic Lab. ....	37701		241,438
5	Center for Rural Health.....	37702		160,166
6	Marshall University Medical School			
7	BRIM Subsidy.....	44900		<u>842,290</u>
8	Total.....		\$	13,590,766

9 Any unexpended balance remaining in the appropriation for  
 10 Rural Health Outreach Program (fund 0347, appropriation  
 11 37700) at the close of the fiscal year 2016 is hereby  
 12 reappropriated for expenditure during the fiscal year 2017, with  
 13 the exception of fund 0347, fiscal year 2016, appropriation  
 14 37700 (\$6,984) which shall expire on June 30, 2016.

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

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

*104 - Marshall University –  
 General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2017 Org 0471

1	Marshall University.....	44800	\$	45,926,078
2	Luke Lee Listening Language and			
3	Learning Lab.....	44801		102,076
4	Vista E-Learning (R).....	51900		249,089
5	State Priorities – Brownfield Professional			
6	Development (R).....	53100		334,364
7	Marshall University Graduate College			
8	Writing Project (R).....	80700		20,737
9	WV Autism Training Center (R)...	93200		<u>1,795,300</u>
10	Total.....		\$	48,427,644

11 Any unexpended balances remaining in the appropriations  
 12 for Vista E-Learning (fund 0348, appropriation 51900), State  
 13 Priorities – Brownfield Professional Development (fund 0348,  
 14 appropriation 53100), Marshall University Graduate College  
 15 Writing Project (fund 0348, appropriation 80700), and WV  
 16 Autism Training Center (fund 0348, appropriation 93200) at the  
 17 close of fiscal year 2016 are hereby reappropriated for  
 18 expenditure during the fiscal year 2017, with the exception of  
 19 fund 0348, fiscal year 2016, appropriation 51900 (\$10,368), fund  
 20 0348, fiscal year 2016, appropriation 53100 (\$13,931), fund  
 21 0348, fiscal year 2016, appropriation 80700 (\$864), and fund  
 22 0348, fiscal year 2016, appropriation 93200 (\$73,873) which  
 23 shall expire on June 30, 2016.



*105 - West Virginia School of Osteopathic Medicine*

(WV Code Chapter 18B)

Fund 0336 FY 2017 Org 0476

1	West Virginia School of Osteopathic		
2	Medicine. . . . .	17200	\$ 6,798,239
3	Rural Health Outreach		
4	Programs (R). . . . .	37700	168,354
5	West Virginia School of		
6	Osteopathic Medicine		
7	BRIM Subsidy. . . . .	40300	144,721
8	Rural Health Initiative –		
9	Medical Schools Support. . . . .	58100	<u>404,968</u>
10	Total. . . . .		\$ <u>7,516,282</u>

11 Any unexpended balance remaining in the appropriation for  
 12 Rural Health Outreach Programs (fund 0336, appropriation  
 13 37700) at the close of fiscal year 2016 is hereby reappropriated  
 14 for expenditure during the fiscal year 2017, with the exception  
 15 of fund 0336, fiscal year 2016, appropriation 37700 (\$7,015)  
 16 which shall expire on June 30, 2016.

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

21 The above appropriation for West Virginia School of  
 22 Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation  
 23 40300) shall be paid to the Board of Risk and Insurance  
 24 Management as a general revenue subsidy against the “Total  
 25 Premium Billed” to the institution as part of the full cost of their  
 26 malpractice insurance coverage.

*106 - Bluefield State College*

(WV Code Chapter 18B)

Fund 0354 FY 2017 Org 0482

1 Bluefield State College. . . . . 40800 \$ 5,636,862

*107 - Concord University*

(WV Code Chapter 18B)

Fund 0357 FY 2017 Org 0483

1 Concord University. . . . . 41000 \$ 8,674,596

*108 - Fairmont State University*

(WV Code Chapter 18B)

Fund 0360 FY 2017 Org 0484

1 Fairmont State University. . . . . 41400 \$ 15,277,769

*109 - Glenville State College*

(WV Code Chapter 18B)

Fund 0363 FY 2017 Org 0485

1 Glenville State College. . . . . 42800 \$ 5,891,397

*110 - Shepherd University*

(WV Code Chapter 18B)

Fund 0366 FY 2017 Org 0486

1 Shepherd University. . . . . 43200 \$ 9,551,994

*111 - West Liberty University*

(WV Code Chapter 18B)

Fund 0370 FY 2017 Org 0488

1 West Liberty University. . . . . 43900 \$ 7,956,371

*112 - West Virginia State University*

(WV Code Chapter 18B)

Fund 0373 FY 2017 Org 0490

1 West Virginia State University. . . 44100 \$ 10,003,071

2 West Virginia State University

3 Land Grant Match. . . . . 95600 1,584,947

4 Total. . . . . \$ 11,588,018

5 Total TITLE II, Section 1 —

6 General Revenue

7 (Including claims against

8 the state). . . . . \$4,088,919,000

1 **Sec. 2. Appropriations from state road fund.** — From the  
2 state road fund there are hereby appropriated conditionally upon  
3 the fulfillment of the provisions set forth in Article 2, Chapter  
4 11B of the Code the following amounts, as itemized, for  
5 expenditure during the fiscal year 2017.

**DEPARTMENT OF TRANSPORTATION**

*113 - Division of Motor Vehicles*

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

Fund 9007 FY 2017 Org 0802

	<b>Appro- priation</b>	<b>State Road Fund</b>
1 Personal Services and Employee		
2 Benefits. . . . . 00100	\$	23,278,949

3	Current Expenses.....	13000	16,191,004
4	Repairs and Alterations.....	06400	144,000
5	Equipment.....	07000	1,080,000
6	Buildings.....	25800	10,000
7	Other Assets.....	69000	2,600,000
8	BRIM Premium.....	91300	<u>74,776</u>
9	Total.....		\$ 43,378,729

*114 - Division of Highways*

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2017 Org 0803

1	Debt Service.....	04000	\$ 24,000,000
2	Maintenance.....	23700	369,354,000
3	Maintenance, Contract Paving and		
4	Secondary Road Maintenance.....	27200	54,000,000
5	Bridge Repair and Replacement. . .	27300	15,000,000
6	Inventory Revolving.....	27500	4,000,000
7	Equipment Revolving.....	27600	15,000,000
8	General Operations.....	27700	55,995,000
9	Interstate Construction.....	27800	100,000,000
10	Other Federal Aid Programs.....	27900	432,000,000
11	Appalachian Programs.....	28000	120,000,000
12	Nonfederal Aid Construction.....	28100	15,000,000
13	Highway Litter Control.....	28200	1,727,000
14	Courtesy Patrol.....	28201	<u>3,000,000</u>
15	Total.....		\$ 1,209,076,000

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

18 The commissioner of highways shall have the authority to  
19 operate revolving funds within the state road fund for the  
20 operation and purchase of various types of equipment used  
21 directly and indirectly in the construction and maintenance of

22 roads and for the purchase of inventories and materials and  
23 supplies.

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

29 It is the intent of the Legislature to capture and match all  
30 federal funds available for expenditure on the Appalachian  
31 highway system at the earliest possible time. Therefore, should  
32 amounts in excess of those appropriated be required for the  
33 purposes of Appalachian programs, funds in excess of the  
34 amount appropriated may be made available upon  
35 recommendation of the commissioner and approval of the  
36 Governor. Further, for the purpose of Appalachian programs,  
37 funds appropriated by appropriation may be transferred to other  
38 appropriations upon recommendation of the commissioner and  
39 approval of the Governor.

*115 - Office of Administrative Hearings*

(WV Code Chapter 17C)

Fund 9027 FY 2017 Org 0808

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,585,201
3	Current Expenses. . . . .	13000	338,278
4	Repairs and Alterations. . . . .	06400	3,000
5	Equipment. . . . .	07000	15,500
6	BRIM Premium. . . . .	91300	<u>10,000</u>
7	Total. . . . .		\$ 1,951,979
8	Total TITLE II, Section 2 —		
9	State Road Fund		
10	(Including claims against the state).. .		<u>\$1,255,390,193</u>

1       **Sec. 3. Appropriations from other funds.** — From the  
 2 funds designated there are hereby appropriated conditionally  
 3 upon the fulfillment of the provisions set forth in Article 2,  
 4 Chapter 11B of the Code the following amounts, as itemized, for  
 5 expenditure during the fiscal year 2017.

**LEGISLATIVE**

*116 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 1731 FY 2017 Org 2300

	<b>Appro- piation</b>		<b>Other Funds</b>
1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	498,020
3	Current Expenses. . . . . 13000		133,903
4	Repairs and Alterations. . . . . 06400		1,000
5	Economic Loss Claim Payment		
6	Fund. . . . . 33400		3,460,125
7	Other Assets. . . . . 69000		<u>3,700</u>
8	Total. . . . .	\$	4,096,748

**JUDICIAL**

*117 - Supreme Court –  
 Family Court Fund*

(WV Code Chapter 51)

Fund 1763 FY 2017 Org 2400

1	Current Expenses. . . . . 13000	\$	1,600,000
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**EXECUTIVE**

*118 - Governor’s Office –  
 Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2017 Org 0100

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

*119 - Auditor's Office –  
Land Operating Fund*

(WV Code Chapters 11A, 12 and 36)

Fund 1206 FY 2017 Org 1200

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 749,297
3	Unclassified. . . . .	09900	15,139
4	Current Expenses. . . . .	13000	715,291
5	Repairs and Alterations. . . . .	06400	2,600
6	Equipment. . . . .	07000	426,741
7	Cost of Delinquent Land Sales. . . . .	76800	1,341,168
8	Directed Transfer. . . . .	70000	<u>350,000</u>
9	Total. . . . .		\$ 3,600,236

10       The above appropriation for Directed Transfer (fund 1206,  
11       appropriation 70000) shall be transferred to the Department of  
12       Health and Human Resources, Division of Human Services –  
13       Medical Services Trust Fund (fund 5185).

14       There is hereby appropriated from this fund, in addition to  
15       the above appropriations if needed, the necessary amount for the  
16       expenditure of funds other than personal services and employee  
17       benefits to enable the division to pay the direct expenses relating

18 to land sales as provided in Chapter 11A of the West Virginia  
19 Code.

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

*120 - Auditor's Office –  
Local Government Purchasing Card Expenditure Fund*

(WV Code Chapter 6)

Fund 1224 FY 2017 Org 1200

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 588,283
3	Current Expenses. . . . .	13000	282,030
4	Repairs and Alterations. . . . .	06400	6,000
5	Equipment. . . . .	07000	10,805
6	Other Assets. . . . .	69000	50,000
7	Directed Transfer. . . . .	70000	400,000
8	Statutory Revenue Distribution. . . . .	74100	<u>1,500,000</u>
9	Total. . . . .		\$ 2,837,118

10 The above appropriation for Directed Transfer (fund 1224,  
11 appropriation 70000) shall be transferred to the Department of  
12 Health and Human Resources, Division of Human Services –  
13 Medical Services Trust Fund (fund 5185).

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

*121 - Auditor's Office –  
Securities Regulation Fund*



(WV Code Chapter 32)

Fund 1225 FY 2017 Org 1200

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 1,882,510
3	Unclassified. . . . .	09900	31,866
4	Current Expenses. . . . .	13000	1,463,830
5	Repairs and Alterations. . . . .	06400	12,400
6	Equipment. . . . .	07000	94,700
7	Other Assets. . . . .	69000	773,326
8	Directed Transfer. . . . .	70000	<u>750,000</u>
9	Total. . . . .		\$ 5,008,632

10       The above appropriation for Directed Transfer (fund 1225,  
 11 appropriation 70000) shall be transferred to the Department of  
 12 Health and Human Resources, Division of Human Services –  
 13 Medical Services Trust Fund (fund 5185).

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

(WV Code Chapter 12)

Fund 1233 FY 2017 Org 1200

1	Current Expenses. . . . .	13000	\$ 160,000
2	Other Assets. . . . .	69000	<u>100,000</u>
3	Total. . . . .		\$ 260,000

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

*123 - Auditor's Office –  
 Purchasing Card Administration Fund*

(WV Code Chapter 12)

Fund 1234 FY 2017 Org 1200

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,667,397
3	Current Expenses. . . . .	13000	2,303,622
4	Repairs and Alterations. . . . .	06400	5,500
5	Equipment. . . . .	07000	650,000
6	Other Assets. . . . .	69000	308,886
7	Statutory Revenue Distribution. . . . .	74100	<u>4,000,000</u>
8	Total. . . . .		\$ 9,935,405

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

*124 - Auditor's Office –  
Chief Inspector's Fund*

(WV Code Chapter 6)

Fund 1235 FY 2017 Org 1200

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

*125 - Auditor's Office –  
Volunteer Fire Department Workers'  
Compensation Premium Subsidy Fund*

(WV Code Chapters 12 and 33)

Fund 1239 FY 2017 Org 1200

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

*126 - Treasurer's Office –  
College Prepaid Tuition and Savings Program  
Administrative Account*

(WV Code Chapter 18)

Fund 1301 FY 2017 Org 1300

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

*127 - Treasurer's Office –  
Technology Support and Acquisition Fund*

(WV Code Chapter 12)

Fund 1329 FY 2017 Org 1300

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 185,000
3	Unclassified. . . . .	09900	4,700
4	Current Expenses. . . . .	13000	236,949
5	Other Assets. . . . .	69000	<u>50,000</u>
6	Total. . . . .		\$ 476,649

*128 - Department of Agriculture –  
Agriculture Fees Fund*

(WV Code Chapter 19)

Fund 1401 FY 2017 Org 1400

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 2,244,245
3	Unclassified. . . . .	09900	37,425
4	Current Expenses. . . . .	13000	1,356,184
5	Repairs and Alterations. . . . .	06400	58,500
6	Equipment. . . . .	07000	36,209
7	Other Assets. . . . .	69000	10,000
8	Directed Transfer. . . . .	70000	<u>1,000,000</u>
9	Total. . . . .		\$ 4,742,563

10       The above appropriation for Directed Transfer (fund 1401,  
 11 appropriation 70000) shall be transferred to the Department of  
 12 Health and Human Resources, Division of Human Services –  
 13 Medical Services Trust Fund (fund 5185)

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

(WV Code Chapter 19)

Fund 1408 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 73,807
3	Unclassified. . . . .	09900	10,476
4	Current Expenses. . . . .	13000	963,404
5	Directed Transfer. . . . .	70000	500,000
6	Total. . . . .		\$ 1,547,687

7       The above appropriation for Directed Transfer (fund 1408,  
 8 appropriation 70000) shall be transferred to the Department of  
 9 Health and Human Resources, Division of Human Services –  
 10 Medical Services Trust Fund (fund 5185).

*130 - Department of Agriculture –  
 General John McCausland Memorial Farm Fund*

(WV Code Chapter 19)

Fund 1409 FY 2017 Org 1400

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

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

*131 - Department of Agriculture –  
Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 309,248
3	Unclassified. . . . .	09900	15,173
4	Current Expenses. . . . .	13000	1,167,464
5	Repairs and Alterations. . . . .	06400	238,722
6	Equipment. . . . .	07000	249,393
7	Other Assets. . . . .	69000	<u>20,000</u>
8	Total. . . . .		\$ 2,000,000

*132 - Department of Agriculture –  
Donated Food Fund*

(WV Code Chapter 19)

Fund 1446 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 958,864
3	Unclassified. . . . .	09900	45,807
4	Current Expenses. . . . .	13000	3,410,542
5	Repairs and Alterations. . . . .	06400	128,500
6	Equipment. . . . .	07000	10,000
7	Other Assets. . . . .	69000	27,000
8	Directed Transfer. . . . .	70000	<u>500,000</u>
9	Total. . . . .		\$ 5,080,713

10 The above appropriation for Directed Transfer (fund 1446,  
 11 appropriation 70000) shall be transferred to the Department of  
 12 Health and Human Resources, Division of Human Services –  
 13 Medical Services Trust Fund (fund 5185).

*133 - Department of Agriculture –  
 Integrated Predation Management Fund*

(WV Code Chapter 7)

Fund 1465 FY 2017 Org 1400

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

(WV Code Chapter 19)

Fund 1481 FY 2017 Org 1400

1	Current Expenses. . . . .	13000	\$ 100
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*135 - Department of Agriculture –  
 Veterans and Warriors to Agriculture Fund*

(WV Code Chapter 19)

Fund 1483 FY 2017 Org 1400

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

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	1,169,194
3	Unclassified. . . . . 09900		17,000
4	Current Expenses. . . . . 13000		707,223
5	Repairs and Alterations. . . . . 06400		57,500
6	Equipment. . . . . 07000		1,000
7	Buildings. . . . . 25800		1,000
8	Other Assets. . . . . 69000		10,000
9	Land. . . . . 73000		1,000
10	Total. . . . .	\$	1,963,917

*137 - Attorney General –  
Antitrust Enforcement Fund*

(WV Code Chapter 47)

Fund 1507 FY 2017 Org 1500

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

*138 - Attorney General –  
Preneed Burial Contract Regulation Fund*

(WV Code Chapter 47)

Fund 1513 FY 2017 Org 1500

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

*139 - Attorney General –  
Preneed Funeral Guarantee Fund*

(WV Code Chapter 47)

Fund 1514 FY 2017 Org 1500

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

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2017 Org 1600

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 791,051
3	Unclassified. . . . .	09900	4,524
4	Current Expenses. . . . .	13000	<u>8,036</u>
5	Total. . . . .		\$ 803,611

*141 - Secretary of State –  
General Administrative Fees Account*

(WV Code Chapters 3, 5 and 59)

Fund 1617 FY 2017 Org 1600

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,769,898
3	Unclassified. . . . .	09900	25,529



4	Current Expenses.....	13000		796,716
5	Technology Improvements. ....	59900		<u>750,000</u>
6	Total.....		\$	4,342,143

**DEPARTMENT OF ADMINISTRATION**

*142 - Department of Administration –  
Office of the Secretary –  
Tobacco Settlement Fund*

(WV Code Chapter 4)

Fund 2041 FY 2017 Org 0201

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

*143- Department of Administration –  
Office of the Secretary –  
Employee Pension and Health Care Benefit Fund*

(WV Code Chapter 18)

Fund 2044 FY 2017 Org 0201

1	Current Expenses.....	13000	\$	37,656,000
2	The above appropriation for Current Expenses (fund 2044,			
3	appropriation 13000) shall be transferred to the Consolidated			
4	Public Retirement Board – West Virginia Teachers’ Retirement			
5	System Employers Accumulation Fund (fund 2601).			

*144 - Division of Information Services and Communications*

(WV Code Chapter 5A)

Fund 2220 FY 2017 Org 0210

1	Personal Services and Employee			
2	Benefits.....	00100	\$	23,378,322
3	Unclassified.....	09900		382,354

4	Current Expenses. . . . .	13000		11,378,766
5	Repairs and Alterations. . . . .	06400		1,000
6	Equipment. . . . .	07000		2,050,000
7	Other Assets. . . . .	69000		<u>1,045,000</u>
8	Total. . . . .		\$	38,235,442

9 The total amount of these appropriations shall be paid from  
 10 a special revenue fund out of collections made by the division of  
 11 information services and communications as provided by law.

12 Each spending unit operating from the general revenue fund,  
 13 from special revenue funds or receiving reimbursement for  
 14 postage from the federal government shall be charged monthly  
 15 for all postage meter service and shall reimburse the revolving  
 16 fund monthly for all such amounts.

*145 - Division of Purchasing –  
 Vendor Fee Fund*

(WV Code Chapter 5A)

Fund 2263 FY 2017 Org 0213

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

*146 - Division of Purchasing –  
 Purchasing Improvement Fund*

(WV Code Chapter 5A)

Fund 2264 FY 2017 Org 0213

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 540,889
3	Unclassified. . . . .	09900	5,562
4	Current Expenses. . . . .	13000	393,066
5	Repairs and Alterations. . . . .	06400	500,500
6	Equipment. . . . .	07000	500
7	Other Assets. . . . .	69000	500,500
8	Directed Transfer. . . . .	70000	500,000
9	BRIM Premium. . . . .	91300	850
10	Total. . . . .		\$ 2,441,867

11 The above appropriation for Directed Transfer (fund 2264,  
 12 appropriation 70000) shall be transferred to the Department of  
 13 Health and Human Resources, Division of Human Services –  
 14 Medical Services Trust Fund (fund 5185).

*147 - Travel Management –  
 Fleet Management Office Fund*

(WV Code Chapter 5A)

Fund 2301 FY 2017 Org 0215

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

*148 - Travel Management –  
 Aviation Fund*

(WV Code Chapter 5A)

Fund 2302 FY 2017 Org 0215

1	Unclassified. . . . .	09900	\$	1,000
2	Current Expenses. . . . .	13000		149,700
3	Repairs and Alterations. . . . .	06400		400,237
4	Equipment. . . . .	07000		1,000
5	Buildings. . . . .	25800		100
6	Other Assets. . . . .	69000		100
7	Land. . . . .	73000		100
8	Total. . . . .		\$	<u>552,237</u>

*149 - Division of Personnel*

(WV Code Chapter 29)

Fund 2440 FY 2017 Org 0222

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	3,942,590
3	Unclassified. . . . .	09900		51,418
4	Current Expenses. . . . .	13000		1,062,813
5	Repairs and Alterations. . . . .	06400		5,000
6	Equipment. . . . .	07000		20,000
7	Other Assets. . . . .	69000		60,000
8	Directed Transfer. . . . .	70000		<u>500,000</u>
9	Total. . . . .		\$	<u>5,641,821</u>

10 The above appropriation for Directed Transfer (fund 2440,  
 11 appropriation 70000) shall be transferred to the Department of  
 12 Health and Human Resources, Division of Human Services –  
 13 Medical Services Trust Fund (fund 5185).

14 The total amount of these appropriations shall be paid from  
 15 a special revenue fund out of fees collected by the division of  
 16 personnel.

*150 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 2521 FY 2017 Org 0228

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

*151 - Office of Technology –  
Chief Technology Officer Administration Fund*

(WV Code Chapter 5A)

Fund 2531 FY 2017 Org 0231

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

9 From the above fund, the provisions of W.Va. Code  
 10 §11B-2-18 shall not operate to permit expenditures in excess of  
 11 the funds authorized for expenditure herein.

**DEPARTMENT OF COMMERCE**

*152 - Division of Forestry*

(WV Code Chapter 19)

Fund 3081 FY 2017 Org 0305

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,464,328
3	Current Expenses. . . . .	13000	282,202
4	Repairs and Alterations. . . . .	06400	<u>53,000</u>
5	Total. . . . .		\$ 1,799,530

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

(WV Code Chapter 19)

Fund 3082 FY 2017 Org 0305

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

*154 - Division of Forestry –  
Severance Tax Operations*

(WV Code Chapter 11)

Fund 3084 FY 2017 Org 0305

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

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

(WV Code Chapter 29)

Fund 3100 FY 2017 Org 0306

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 37,966
3	Unclassified. . . . .	09900	2,182
4	Current Expenses. . . . .	13000	141,631
5	Repairs and Alterations. . . . .	06400	6,500
6	Equipment. . . . .	07000	20,000
7	Other Assets. . . . .	69000	<u>10,000</u>
8	Total. . . . .		\$ 218,279

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

*156 - West Virginia Development Office –  
Department of Commerce –  
Marketing and Communications Operating Fund*

(WV Code Chapter 5B)

Fund 3002 FY 2017 Org 0307

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

*157 - Division of Labor –  
Contractor Licensing Board Fund*

(WV Code Chapter 21)

Fund 3187 FY 2017 Org 0308

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,519,374
3	Unclassified. . . . .	09900	21,589

4	Current Expenses.....	13000		597,995
5	Repairs and Alterations.....	06400		15,000
6	Buildings.....	25800		5,000
7	Directed Transfer.....	70000		1,200,000
8	Total.....		\$	3,358,958

9 The above appropriation for Directed Transfer (fund 3187,  
 10 appropriation 70000) shall be transferred to the Department of  
 11 Health and Human Resources, Division of Human Services –  
 12 Medical Services Trust Fund (fund 5185).

*158 - Division of Labor –  
 Elevator Safety Fund*

(WV Code Chapter 21)

Fund 3188 FY 2017 Org 0308

1	Personal Services and Employee			
2	Benefits.....	00100	\$	176,772
3	Unclassified.....	09900		2,261
4	Current Expenses.....	13000		44,112
5	Repairs and Alterations.....	06400		2,000
6	Buildings.....	25800		<u>1,000</u>
7	Total.....		\$	226,145

*159 - Division of Labor –  
 Crane Operator Certification Fund*

(WV Code Chapter 21)

Fund 3191 FY 2017 Org 0308

1	Personal Services and Employee			
2	Benefits.....	00100	\$	84,380
3	Unclassified.....	09900		1,380
4	Current Expenses.....	13000		49,765
5	Repairs and Alterations.....	06400		1,500



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6	Buildings. ....	25800		<u>1,000</u>
7	Total.. ....		\$	138,025

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

(WV Code Chapter 21)

Fund 3192 FY 2017 Org 0308

1	Personal Services and Employee			
2	Benefits. ....	00100	\$	79,316
3	Unclassified. ....	09900		1,281
4	Current Expenses. ....	13000		44,520
5	Repairs and Alterations. ....	06400		2,000
6	Buildings. ....	25800		<u>1,000</u>
7	Total.. ....		\$	128,117

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

(WV Code Chapter 21)

Fund 3195 FY 2017 Org 0308

1	Personal Services and Employee			
2	Benefits. ....	00100	\$	133,768
3	Unclassified. ....	09900		1,847
4	Current Expenses. ....	13000		43,700
5	Repairs and Alterations. ....	06400		1,000
6	Buildings. ....	25800		1,000
7	BRIM Premium. ....	91300		<u>3,404</u>
8	Total.. ....		\$	184,719

*162 - Division of Labor –  
Weights and Measures Fund*

(WV Code Chapter 47)

Fund 3196 FY 2017 Org 0308

1	Current Expenses.....	13000	\$	48,000
2	Repairs and Alterations.....	06400		81,000
3	Equipment.....	07000		<u>76,000</u>
4	Total.....		\$	205,000

*163 - Division of Natural Resources –  
License Fund – Wildlife Resources*

(WV Code Chapter 20)

Fund 3200 FY 2017 Org 0310

1	Wildlife Resources.....	02300	\$	5,551,895
2	Administration.....	15500		1,387,974
3	Capital Improvements and Land			
4	Purchase (R).....	24800		1,387,973
5	Law Enforcement.....	80600		<u>5,551,895</u>
6	Total.....		\$	13,879,737

7 The total amount of these appropriations shall be paid from  
8 a special revenue fund out of fees collected by the division of  
9 natural resources.

10 Any unexpended balance remaining in the appropriation for  
11 Capital Improvements and Land Purchase (fund 3200,  
12 appropriation 24800) at the close of the fiscal year 2016 is  
13 hereby reappropriated for expenditure during the fiscal year  
14 2017.

*164 - Division of Natural Resources –  
Natural Resources Game Fish and Aquatic Life Fund*

(WV Code Chapter 22)

Fund 3202 FY 2017 Org 0310

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

(WV Code Chapter 20)

Fund 3203 FY 2017 Org 0310

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

*166 - Division of Natural Resources –  
Planning and Development Division*

(WV Code Chapter 20)

Fund 3205 FY 2017 Org 0310

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 189,520
3	Current Expenses. . . . .	13000	157,864
4	Repairs and Alterations. . . . .	06400	15,016
5	Equipment. . . . .	07000	8,300
6	Buildings. . . . .	25800	8,300
7	Other Assets. . . . .	69000	1,000,000
8	Directed Transfer. . . . .	70000	1,500,000
9	Land. . . . .	73000	<u>31,700</u>
10	Total. . . . .		\$ 2,910,700

11       The above appropriation for Directed Transfer (fund 3205,  
12 appropriation 70000) shall be transferred to the Department of  
13 Health and Human Resources, Division of Human Services –  
14 Medical Services Trust Fund (fund 5185).

*167 - Division of Natural Resources –  
Whitewater Study and Improvement Fund*

(WV Code Chapter 20)

Fund 3253 FY 2017 Org 0310

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

*168 - Division of Natural Resources –  
Whitewater Advertising and Promotion Fund*

(WV Code Chapter 20)

Fund 3256 FY 2017 Org 0310

1	Unclassified. . . . . 09900		200
2	Current Expenses. . . . . 13000		<u>19,800</u>
3	Total. . . . .	\$	20,000

*169 - Division of Miners' Health, Safety and Training –  
Special Health, Safety and Training Fund*

(WV Code Chapter 22A)

Fund 3355 FY 2017 Org 0314

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	471,606
3	WV Mining Extension Service. . . 02600		150,000
4	Unclassified. . . . . 09900		40,985
5	Current Expenses. . . . . 13000		1,954,557
6	Buildings. . . . . 25800		481,358

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7	Directed Transfer.....	70000		2,000,000
8	Land.....	73000		<u>1,000,000</u>
9	Total.....		\$	6,098,506

10 The above appropriation for Directed Transfer (fund 3355,  
 11 appropriation 70000) shall be transferred to the Department of  
 12 Health and Human Resources, Division of Human Services –  
 13 Medical Services Trust Fund (fund 5185).

*170 - Department of Commerce –  
 Office of the Secretary –  
 Broadband Enhancement Fund*

Fund 3013 FY 2017 Org 0327

1	Current Expenses.....	13000	\$	1,887,000
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*171 - Division of Energy –  
 Energy Assistance*

(WV Code Chapter 5B)

Fund 3010 FY 2017 Org 0328

1	Energy Assistance – Total.....	64700	\$	62,000
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*172 - Division of Energy –  
 Office of Coal Field Community Development*

(WV Code Chapter 5B)

Fund 3011 FY 2017 Org 0328

1	Personal Services and Employee			
2	Benefits.....	00100	\$	430,724
3	Unclassified.....	09900		8,300
4	Current Expenses.....	13000		394,191
5	Repairs and Alterations.....	06400		1,000
6	Equipment.....	07000		<u>4,000</u>
7	Total.....		\$	838,215

**DEPARTMENT OF EDUCATION**

*173 - State Board of Education –  
Strategic Staff Development*

(WV Code Chapter 18)

Fund 3937 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 134,000
3	Unclassified. . . . .	09900	1,000
4	Current Expenses. . . . .	13000	<u>265,000</u>
5	Total. . . . .		\$ 400,000

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

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2017 Org 0402

1	SBA Construction Grants. . . . .	24000	\$ 27,217,000
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*175 - School Building Authority*

(WV Code Chapter 18)

Fund 3959 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,087,932
3	Current Expenses. . . . .	13000	249,750
4	Repairs and Alterations. . . . .	06400	7,500
5	Equipment. . . . .	07000	<u>26,000</u>
6	Total. . . . .		\$ 1,371,182

7     The above appropriations are for the administrative expenses  
8     of the school building authority and shall be paid from the

9 interest earnings on debt service reserve accounts maintained on  
10 behalf of said authority.

**DEPARTMENT OF EDUCATION AND THE ARTS**

*176 - Office of the Secretary –  
Lottery Education Fund Interest Earnings –  
Control Account*

(WV Code Chapter 29)

Fund 3508 FY 2017 Org 0431

1 Any unexpended balance remaining in the appropriation for  
2 Educational Enhancements (fund 3508, appropriation 69500) at  
3 the close of the fiscal year 2016 is hereby reappropriated for  
4 expenditure during the fiscal year 2017.

*177 - Division of Culture and History –  
Public Records and Preservation Revenue Account*

(WV Code Chapter 5A)

Fund 3542 FY 2017 Org 0432

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 211,418
3	Current Expenses. . . . .	13000	862,241
4	Equipment. . . . .	07000	75,000
5	Buildings. . . . .	25800	1,000
6	Other Assets. . . . .	69000	52,328
7	Land. . . . .	73000	<u>1,000</u>
8	Total. . . . .		\$ 1,202,987

*178 - State Board of Rehabilitation –  
Division of Rehabilitation Services –  
West Virginia Rehabilitation Center Special Account*

(WV Code Chapter 18)

Fund 8664 FY 2017 Org 0932

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION***179 - Solid Waste Management Board*

(WV Code Chapter 22C)

Fund 3288 FY 2017 Org 0312

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 802,209
3	Current Expenses. . . . .	13000	2,061,057
4	Repairs and Alterations. . . . .	06400	1,000
5	Equipment. . . . .	07000	5,000
6	Other Assets. . . . .	69000	4,403
7	Directed Transfer. . . . .	70000	<u>1,000,000</u>
8	Total. . . . .		\$ 3,873,669

9       The above appropriation for Directed Transfer (fund 3288,  
10 appropriation 70000) shall be transferred to the Department of  
11 Health and Human Resources, Division of Human Services –  
12 Medical Services Trust Fund (fund 5185).

*180 - Division of Environmental Protection –  
Hazardous Waste Management Fund*

(WV Code Chapter 22)



Fund 3023 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 692,784
3	Current Expenses. . . . .	13000	195,569
4	Repairs and Alterations. . . . .	06400	500
5	Equipment. . . . .	07000	1,505
6	Unclassified. . . . .	09900	3,072
7	Other Assets. . . . .	69000	<u>2,000</u>
8	Total. . . . .		\$ 895,430

*181 - Division of Environmental Protection –  
Air Pollution Education and Environment Fund*

(WV Code Chapter 22)

Fund 3024 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 935,324
3	Current Expenses. . . . .	13000	1,238,610
4	Repairs and Alterations. . . . .	06400	13,000
5	Equipment. . . . .	07000	53,105
6	Unclassified. . . . .	09900	2,900
7	Other Assets. . . . .	69000	20,000
8	Directed Transfer. . . . .	70000	<u>1,000,000</u>
9	Total. . . . .		\$ 3,262,939

10       The above appropriation for Directed Transfer (fund 3024,  
11 appropriation 70000) shall be transferred to the Department of  
12 Health and Human Resources, Division of Human Services –  
13 Medical Services Trust Fund (fund 5185).

*182 - Division of Environmental Protection –  
Special Reclamation Fund*

(WV Code Chapter 22)

Fund 3321 FY 2017 Org 0313

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

*183 - Division of Environmental Protection –  
Oil and Gas Reclamation Fund*

(WV Code Chapter 22)

Fund 3322 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 15,314
3	Current Expenses. . . . .	13000	356,094
4	Total. . . . .		\$ 371,408

*184 - Division of Environmental Protection –  
Oil and Gas Operating Permit and Processing Fund*

(WV Code Chapter 22)

Fund 3323 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 3,264,961
3	Current Expenses. . . . .	13000	1,313,961
4	Repairs and Alterations. . . . .	06400	20,600
5	Equipment. . . . .	07000	8,000
6	Unclassified. . . . .	09900	44,700
7	Other Assets. . . . .	69000	15,000
8	Directed Transfer. . . . .	70000	<u>2,000,000</u>
9	Total. . . . .		\$ 6,667,222

10 The above appropriation for Directed Transfer (fund 3323,  
 11 appropriation 70000) shall be transferred to the Department of  
 12 Health and Human Resources, Division of Human Services –  
 13 Medical Services Trust Fund (fund 5185).

*185 - Division of Environmental Protection –  
 Mining and Reclamation Operations Fund*

(WV Code Chapter 22)

Fund 3324 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 4,635,449
3	Current Expenses. . . . .	13000	2,406,092
4	Repairs and Alterations. . . . .	06400	60,260
5	Equipment. . . . .	07000	85,134
6	Unclassified. . . . .	09900	920
7	Other Assets. . . . .	69000	<u>57,500</u>
8	Total. . . . .		\$ 7,245,355

*186 - Division of Environmental Protection –  
 Underground Storage Tank  
 Administrative Fund*

(WV Code Chapter 22)

Fund 3325 FY 2017 Org 0313

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

*187 - Division of Environmental Protection –  
Hazardous Waste Emergency Response Fund*

(WV Code Chapter 22)

Fund 3331 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 643,319
3	Current Expenses. . . . .	13000	422,386
4	Repairs and Alterations. . . . .	06400	7,014
5	Equipment. . . . .	07000	9,000
6	Unclassified. . . . .	09900	10,616
7	Other Assets. . . . .	69000	<u>11,700</u>
8	Total. . . . .		\$ 1,104,035

*188 - Division of Environmental Protection –  
Solid Waste Reclamation and  
Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 793,967
3	Current Expenses. . . . .	13000	3,605,237
4	Repairs and Alterations. . . . .	06400	25,000
5	Equipment. . . . .	07000	31,500
6	Unclassified. . . . .	09900	22,900
7	Other Assets. . . . .	69000	<u>1,000</u>
8	Total. . . . .		\$ 4,479,604

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

(WV Code Chapter 22)

Fund 3333 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 3,041,424
3	Current Expenses. . . . .	13000	1,020,229
4	Repairs and Alterations. . . . .	06400	30,930
5	Equipment. . . . .	07000	23,356
6	Unclassified. . . . .	09900	37,145
7	Other Assets. . . . .	69000	25,554
8	Directed Transfer. . . . .	70000	<u>3,000,000</u>
9	Total. . . . .		\$ 7,178,638

10       The above appropriation for Directed Transfer (fund 3333,  
11 appropriation 70000) shall be transferred to the Department of  
12 Health and Human Resources, Division of Human Services –  
13 Medical Services Trust Fund (fund 5185).

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

(WV Code Chapter 22)

Fund 3336 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 5,667,421
3	Current Expenses. . . . .	13000	1,518,704
4	Repairs and Alterations. . . . .	06400	84,045
5	Equipment. . . . .	07000	115,356
6	Unclassified. . . . .	09900	5,580
7	Other Assets. . . . .	69000	52,951
8	Directed Transfer. . . . .	70000	<u>1,000,000</u>
9	Total. . . . .		\$ 8,444,057

10       The above appropriation for Directed Transfer (fund 3336,  
11 appropriation 70000) shall be transferred to the Department of

- 12 Health and Human Resources, Division of Human Services –
- 13 Medical Services Trust Fund (fund 5185).

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

(WV Code Chapter 22)

Fund 3340 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 296,164
3	Current Expenses. . . . .	13000	216,288
4	Repairs and Alterations. . . . .	06400	1,000
5	Equipment. . . . .	07000	6,500
6	Unclassified. . . . .	09900	400
7	Other Assets. . . . .	69000	<u>4,000</u>
8	Total. . . . .		\$ 524,352

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

(WV Code Chapter 22)

Fund 3349 FY 2017 Org 0313

1	Current Expenses. . . . .	13000	\$ 10,298,205
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*193 - Division of Environmental Protection –  
Litter Control Fund*

(WV Code Chapter 22)

Fund 3486 FY 2017 Org 0313

1	Current Expenses. . . . .	13000	\$ 60,000
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*194 - Division of Environmental Protection –  
Recycling Assistance Fund*

(WV Code Chapter 22)

Fund 3487 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	646,395
3	Current Expenses. . . . . 13000		2,735,112
4	Repairs and Alterations. . . . . 06400		800
5	Equipment. . . . . 07000		500
6	Unclassified. . . . . 09900		400
7	Other Assets. . . . . 69000		2,500
8	Total. . . . .	\$	3,385,707

*195 - Division of Environmental Protection –  
Mountaintop Removal Fund*

(WV Code Chapter 22)

Fund 3490 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	1,228,345
3	Current Expenses. . . . . 13000		638,729
4	Repairs and Alterations. . . . . 06400		30,112
5	Equipment. . . . . 07000		23,725
6	Unclassified. . . . . 09900		1,180
7	Other Assets. . . . . 69000		15,500
8	Total. . . . .	\$	1,937,591

*196 - Oil and Gas Conservation Commission –  
Special Oil and Gas Conservation Fund*

(WV Code Chapter 22C)

Fund 3371 FY 2017 Org 0315

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

**DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES**

*197 - Division of Health –  
The Vital Statistics Account*

(WV Code Chapter 16)

Fund 5144 FY 2017 Org 0506

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 876,771
3	Unclassified. . . . .	09900	15,500
4	Current Expenses. . . . .	13000	<u>1,257,788</u>
5	Total. . . . .		\$ 2,150,059

*198 - Division of Health –  
Hospital Services Revenue Account*

*Special Fund*

*Capital Improvement, Renovation and Operations*

(WV Code Chapter 16)

Fund 5156 FY 2017 Org 0506

1	Institutional Facilities Operations. . . . .	33500	\$ 56,708,911
2	Medical Services Trust Fund –		
3	Transfer. . . . .	51200	<u>27,800,000</u>
4	Total. . . . .		\$ 84,508,911



5       The total amount of these appropriations shall be paid from  
 6 the hospital services revenue account special fund created by  
 7 W.Va. Code §16-1-13, and shall be used for operating expenses  
 8 and for improvements in connection with existing facilities.

9       Additional funds have been appropriated in fund 0525, fiscal  
 10 year 2017, organization 0506, for the operation of the  
 11 institutional facilities. The secretary of the Department of Health  
 12 and Human Resources is authorized to utilize up to ten percent  
 13 of the funds from the appropriation for Institutional Facilities  
 14 Operations to facilitate cost effective and cost saving services at  
 15 the community level.

16       Necessary funds from the above appropriation may be used  
 17 for medical facilities operations, either in connection with this  
 18 fund or in connection with the appropriation designated  
 19 Institutional Facilities Operations in the consolidated medical  
 20 service fund (fund 0525, organization 0506).

21       From the above appropriation to Institutional Facilities  
 22 Operations, together with available funds from the Consolidated  
 23 Medical Services Fund (fund 0525, appropriation 33500) on July  
 24 1, 2016, the sum of \$160,000 shall be transferred to the  
 25 Department of Agriculture – Land Division – Farm Operating  
 26 Fund (1412) as advance payment for the purchase of food  
 27 products; actual payments for such purchases shall not be  
 28 required until such credits have been completely expended.

*199 - Division of Health –  
 Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2017 Org 0506

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 912,657

3	Unclassified. . . . .	09900		18,114
4	Current Expenses. . . . .	13000		<u>880,716</u>
5	Total. . . . .		\$	1,811,487

*200 - Division of Health –  
The Health Facility Licensing Account*

(WV Code Chapter 16)

Fund 5172 FY 2017 Org 0506

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

*201 - Division of Health –  
Hepatitis B Vaccine*

(WV Code Chapter 16)

Fund 5183 FY 2017 Org 0506

1	Current Expenses. . . . .	13000	\$	13,800
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*202 - Division of Health –  
Lead Abatement Account*

(WV Code Chapter 16)

Fund 5204 FY 2017 Org 0506

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

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

(WV Code Chapter 16)

Fund 5214 FY 2017 Org 0506

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	707,545
3	Unclassified. . . . . 09900		223,999
4	Current Expenses. . . . . 13000		<u>24,668,438</u>
5	Total. . . . .	\$	25,599,982

*204 - Division of Health –  
Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2017 Org 0506

1	Current Expenses. . . . . 13000	\$	7,579
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*205 - West Virginia Health Care Authority –  
Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2017 Org 0507

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	3,033,821
3	Hospital Assistance. . . . . 02500		600,000
4	Unclassified. . . . . 09900		67,000
5	Current Expenses. . . . . 13000		2,837,945
6	Repairs and Alterations. . . . . 06400		25,000
7	Equipment. . . . . 07000		50,000
8	Buildings. . . . . 25800		25,000
9	Other Assets. . . . . 69000		<u>100,000</u>
10	Total. . . . .	\$	6,738,766

11 The above appropriation is to be expended in accordance  
 12 with and pursuant to the provisions of W.Va. Code §16-29B and  
 13 from the special revolving fund designated health care cost  
 14 review fund.

15 The Health Care Authority is authorized to transfer up to  
 16 \$1,500,000 from fund 5375 to the West Virginia Health  
 17 Information Network Account (fund 5380) as authorized per  
 18 W.Va. Code §16-29G-4.

*206 - West Virginia Health Care Authority –  
 West Virginia Health Information Network Account*

(WV Code Chapter 16)

Fund 5380 FY 2017 Org 0507

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 729,000
3	Unclassified. . . . .	09900	20,000
4	Current Expenses. . . . .	13000	1,251,000
5	Technology Infrastructure		
6	Network. . . . .	35100	<u>3,500,000</u>
7	Total. . . . .		\$ 5,500,000

*207 - Division of Human Services –  
 Health Care Provider Tax –  
 Medicaid State Share Fund*

(WV Code Chapter 11)

Fund 5090 FY 2017 Org 0511

1	Medical Services. . . . .	18900	\$ 198,381,008
2	Medical Services Administrative		
3	Costs. . . . .	78900	<u>418,992</u>
4	Total. . . . .		\$ 198,800,000

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

*208 - Division of Human Services –  
 Child Support Enforcement Fund*

(WV Code Chapter 48A)

Fund 5094 FY 2017 Org 0511

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

6 Any unexpended balances remaining in the appropriations  
 7 for Unclassified (fund 5094, appropriation 09900) and Current  
 8 Expenses (fund 5094, appropriation 13000) at the close of the  
 9 fiscal year 2016 are hereby reappropriated for expenditure  
 10 during the fiscal year 2017.

*209 - Division of Human Services –  
 Medical Services Trust Fund*

(WV Code Chapter 9)

Fund 5185 FY 2017 Org 0511

1	Medical Services. . . . .	18900	\$ 297,991,121
2	Medical Services Administrative		
3	Costs. . . . .	78900	<u>548,723</u>
4	Total. . . . .		\$ 98,539,844

5       The above appropriation to Medical Services shall be used  
6 to provide state match of Medicaid expenditures as defined and  
7 authorized in subsection (c) of W.Va. Code §9-4A-2a.  
8 Expenditures from the fund are limited to the following:  
9 payment of backlogged billings, funding for services to future  
10 federally mandated population groups and payment of the  
11 required state match for Medicaid disproportionate share  
12 payments. The remainder of all moneys deposited in the fund  
13 shall be transferred to the Division of Human Services accounts.

*210 - Division of Human Services –  
James “Tiger” Morton Catastrophic Illness Fund*

(WV Code Chapter 16)

Fund 5454 FY 2017 Org 0511

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$       89,392
3	Unclassified. . . . .	09900	16,031
4	Current Expenses. . . . .	13000	1,497,688
5	Directed Transfer. . . . .	70000	<u>700,000</u>
6	Total. . . . .		\$    2,303,111

7       The above appropriation for Directed Transfer (fund 5454,  
8 appropriation 70000) shall be transferred to the Department of  
9 Health and Human Resources, Division of Human Services –  
10 Medical Services Trust Fund (fund 5185).

*211 - Division of Human Services –  
Domestic Violence Legal Services Fund*

(WV Code Chapter 48)

Fund 5455 FY 2017 Org 0511

1	Current Expenses. . . . .	13000	\$    1,077,982
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*212 - Division of Human Services –  
West Virginia Works Separate State College Program Fund*

(WV Code Chapter 9)

Fund 5467 FY 2017 Org 0511

1 Current Expenses..... 13000 \$ 1,065,000

*213 - Division of Human Services –  
West Virginia Works Separate State Two-Parent Program  
Fund*

(WV Code Chapter 9)

Fund 5468 FY 2017 Org 0511

1 Current Expenses..... 13000 \$ 3,250,000

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

(WV Code Chapter 9)

Fund 5490 FY 2017 Org 0511

1	Personal Services and Employee		
2	Benefits..... 00100	\$	10,000
3	Current Expenses..... 13000		<u>25,000</u>
4	Total.....	\$	35,000

**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY**

*215 - 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 2017 Org 0601

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

*216 - State Armory Board –  
General Armory Fund*

(WV Code Chapter 15)

Fund 6057 FY 2017 Org 0603

1	Personal Services and Employee		
2	Benefits..... 00100	\$	1,643,528
3	Current Expenses..... 13000		750,000
4	Repairs and Alterations..... 06400		485,652
5	Equipment..... 07000		300,000
6	Buildings..... 25800		770,820
7	Land..... 73000		<u>50,000</u>
8	Total.....	\$	4,000,000

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

*217 - Division of Homeland Security and  
Emergency Management –  
West Virginia Interoperable Radio Project*

(WV Code Chapter 24)

Fund 6295 FY 2017 Org 0606

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



2 Any unexpended balance remaining in the appropriation for  
 3 Unclassified – Total (fund 6295, appropriation 09600) at the  
 4 close of fiscal year 2016 is hereby reappropriated for expenditure  
 5 during the fiscal year 2017.

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

(WV Code Chapter 62)

Fund 6362 FY 2017 Org 0608

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,013,793
3	Unclassified. . . . .	09900	9,804
4	Current Expenses. . . . .	13000	758,480
5	Equipment. . . . .	07000	30,000
6	Other Assets. . . . .	69000	40,129
7	Directed Transfer. . . . .	70000	<u>500,000</u>
8	Total. . . . .		\$ 2,352,206

9 The above appropriation for Directed Transfer (fund 6362,  
 10 appropriation 70000) shall be transferred to the Department of  
 11 Health and Human Resources, Division of Human Services –  
 12 Medical Services Trust Fund (fund 5185).

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

(WV Code Chapter 17C)

Fund 6501 FY 2017 Org 0612

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,786,923
3	Current Expenses. . . . .	13000	488,211
4	Repairs and Alterations. . . . .	06400	204,500
5	Equipment. . . . .	07000	4,770,751

6	Buildings. ....	25800		534,000
7	Other Assets.....	69000		5,000
8	BRIM Premium. ....	91300		<u>302,432</u>
9	Total.....		\$	8,091,817

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

*220 - West Virginia State Police –  
 Drunk Driving Prevention Fund*

(WV Code Chapter 15)

Fund 6513 FY 2017 Org 0612

1	Current Expenses.....	13000	\$	1,327,000
2	Equipment. ....	07000		3,491,895
3	BRIM Premium. ....	91300		<u>154,452</u>
4	Total.....		\$	4,973,347

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

*221 - West Virginia State Police –  
 Surplus Real Property Proceeds Fund*

(WV Code Chapter 15)

Fund 6516 FY 2017 Org 0612

1	Buildings. ....	25800	\$	443,980
2	Land.....	73000		1,000
3	BRIM Premium. ....	91300		<u>77,222</u>
4	Total.....		\$	522,202

*222 - West Virginia State Police –  
Surplus Transfer Account*

(WV Code Chapter 15)

Fund 6519 FY 2017 Org 0612

1	Current Expenses.....	13000	\$	114,063
2	Repairs and Alterations.....	06400		10,000
3	Equipment.....	07000		157,002
4	Buildings.....	25800		40,000
5	Other Assets.....	69000		45,000
6	Total.....		\$	366,065

*223 - West Virginia State Police –  
Central Abuse Registry Fund*

(WV Code Chapter 15)

Fund 6527 FY 2017 Org 0612

1	Personal Services and Employee			
2	Benefits.....	00100	\$	236,881
3	Current Expenses.....	13000		51,443
4	Repairs and Alterations.....	06400		500
5	Equipment.....	07000		200,500
6	Other Assets.....	69000		500
7	BRIM Premium.....	91300		18,524
8	Total.....		\$	508,348

*224 - West Virginia State Police –  
Bail Bond Enforcer Account*

(WV Code Chapter 15)

Fund 6532 FY 2017 Org 0612

1	Current Expenses.....	13000	\$	8,300
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*225 - West Virginia State Police –  
State Police Academy Post Exchange*

(WV Code Chapter 15)

Fund 6544 FY 2017 Org 0612

1	Current Expenses.....	13000	\$	160,000
2	Repairs and Alterations.....	06400		40,000
3	Total.....		\$	200,000

*226 - Regional Jail and Correctional Facility Authority*

(WV Code Chapter 31)

Fund 6675 FY 2017 Org 0615

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

*227 - Fire Commission –  
Fire Marshal Fees*

(WV Code Chapter 29)

Fund 6152 FY 2017 Org 0619

1	Personal Services and Employee			
2	Benefits.....	00100	\$	2,848,036
3	Unclassified.....	09900		3,800
4	Current Expenses.....	13000		1,249,550
5	Repairs and Alterations.....	06400		58,500

6	Equipment. . . . .	07000		35,800
7	Other Assets. . . . .	69000		12,000
8	Directed Transfer. . . . .	70000		500,000
9	BRIM Premium. . . . .	91300		<u>50,000</u>
10	Total. . . . .		\$	4,757,686

11 The above appropriation for Directed Transfer (fund 6152,  
 12 appropriation 70000) shall be transferred to the Department of  
 13 Health and Human Resources, Division of Human Services –  
 14 Medical Services Trust Fund (fund 5185).

*228 - Division of Justice and Community Services –  
 WV Community Corrections Fund*

(WV Code Chapter 62)

Fund 6386 FY 2017 Org 0620

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

*229 - Division of Justice and Community Services –  
 Court Security Fund*

(WV Code Chapter 51)

Fund 6804 FY 2017 Org 0620

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

**DEPARTMENT OF REVENUE**

230 - Division of Financial Institutions

(WV Code Chapter 31A)

Fund 3041 FY 2017 Org 0303

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,421,059
3	Unclassified. . . . .	09900	32,290
4	Current Expenses. . . . .	13000	729,227
5	Repairs and Alterations. . . . .	06400	500
6	Equipment. . . . .	07000	16,000
7	Other Assets. . . . .	69000	<u>30,000</u>
8	Total. . . . .		\$ 3,229,076

231 Office of the Secretary –  
Revenue Shortfall Reserve Fund

(WV Code Chapter 11B)

Fund 7005 FY 2017 Org 0701

1	Medical Services Trust Fund –		
2	Transfer. . . . .	51200	\$ 190,928,914

3       The above appropriation for Medical Services Trust Fund –  
4   Transfer (appropriation 51200) shall be transferred to the  
5   Medical Services Trust Fund (fund 5185).

232 - Office of the Secretary –  
State Debt Reduction Fund

(WV Code Chapter 29)

Fund 7007 FY 2017 Org 0701

1	Directed Transfer. . . . .	70000	20,000,000
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2       The above appropriation for Directed Transfer shall be  
3   transferred to the Consolidated Public Retirement Board – West

- 4 Virginia Public Employees Retirement System Employers
- 5 Accumulation Fund (fund 2510).

*233 - Tax Division –  
Cemetery Company Account*

(WV Code Chapter 35)

Fund 7071 FY 2017 Org 0702

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	23,459
3	Current Expenses. . . . . 13000		7,717
4	Total. . . . .	\$	31,176

*234 - Tax Division –  
Special Audit and Investigative Unit*

(WV Code Chapter 11)

Fund 7073 FY 2017 Org 0702

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

*235 - Tax Division –  
Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2017 Org 0702

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

*236 - Tax Division –  
Reduced Cigarette Ignition Propensity  
Standard and Fire Prevention Act Fund*

(WV Code Chapter 47)

Fund 7092 FY 2017 Org 0702

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

*237 - Tax Division –  
Local Sales Tax and Excise Tax  
Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2017 Org 0702

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

*238 - State Budget Office –  
Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2017 Org 0703

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

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



*239 - Insurance Commissioner –  
Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2017 Org 0704

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	721,117
3	Current Expenses. . . . . 13000		1,357,201
4	Repairs and Alterations. . . . . 06400		3,000
5	Equipment. . . . . 07000		81,374
6	Buildings. . . . . 25800		8,289
7	Other Assets. . . . . 69000		11,426
8	Total. . . . .	\$	2,182,407

*240 - Insurance Commissioner –  
Consumer Advocate*

(WV Code Chapter 33)

Fund 7151 FY 2017 Org 0704

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

*241 - Insurance Commissioner –  
Insurance Commission Fund*

(WV Code Chapter 33)

Fund 7152 FY 2017 Org 0704

1	Personal Services and Employee		
2	Benefits..... 00100	\$	25,039,727
3	Current Expenses..... 13000		8,797,758
4	Repairs and Alterations..... 06400		68,614
5	Equipment..... 07000		1,728,240
6	Buildings..... 25800		25,000
7	Other Assets..... 69000		<u>340,661</u>
8	Total.....	\$	36,000,000

*242 - Insurance Commissioner –  
Workers' Compensation Old Fund*

(WV Code Chapter 23)

Fund 7162 FY 2017 Org 0704

1	Employee Benefits..... 01000	\$	125,000
2	Current Expenses..... 13000		<u>549,875,000</u>
3	Total.....	\$	550,000,000

*243- Insurance Commissioner –  
Workers' Compensation Uninsured Employers' Fund*

(WV Code Chapter 23)

Fund 7163 FY 2017 Org 0704

1	Current Expenses..... 13000	\$	27,000,000
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*244 - Insurance Commissioner –  
Self-Insured Employer Guaranty Risk Pool*

(WV Code Chapter 23)

Fund 7164 FY 2017 Org 0704

1	Current Expenses..... 13000	\$	5,000,000
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*245 - Insurance Commissioner –  
Self-Insured Employer Security Risk Pool*

(WV Code Chapter 23)

Fund 7165 FY 2017 Org 0704

1	Current Expenses. . . . .	13000	\$	10,000,000
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*246 - Lottery Commission –  
Revenue Center Construction Fund*

(WV Code Chapter 29)

Fund 7209 FY 2017 Org 0705

1	Buildings. . . . .	25800	\$	500,000
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*247 - Municipal Bond Commission*

(WV Code Chapter 13)

Fund 7253 FY 2017 Org 0706

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

*248 - Racing Commission –  
Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2017 Org 0707

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

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

*249 - Racing Commission –  
 Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2017 Org 0707

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

*250 - Racing Commission –  
 General Administration*

(WV Code Chapter 19)

Fund 7305 FY 2017 Org 0707

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

*251 - Racing Commission –  
 Administration, Promotion, Education, Capital Improvement  
 and Greyhound Adoption Programs  
 to include Spaying and Neutering Account*

(WV Code Chapter 19)

Fund 7307 FY 2017 Org 0707

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

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

(WV Code Chapter 60)

Fund 7351 FY 2017 Org 0708

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

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

*253 - Alcohol Beverage Control Administration*

(WV Code Chapter 60)

Fund 7352 FY 2017 Org 0708

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 5,413,237
3	Current Expenses. . . . .	13000	2,897,577
4	Repairs and Alterations. . . . .	06400	84,000

5	Equipment. . . . .	07000	108,000
6	Buildings. . . . .	25800	100
7	Purchase of Supplies for Resale. . .	41900	72,500,000
8	Transfer Liquor Profits and Taxes..	42500	16,000,000
9	Other Assets.....	69000	100
10	Land. . . . .	73000	<u>100</u>
11	Total.....		\$ 97,003,114

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

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

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

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

*254 - State Athletic Commission Fund*

(WV Code Chapter 29)

Fund 7009 FY 2017 Org 0933

1	Current Expenses.....	13000	\$	20,000
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**DEPARTMENT OF TRANSPORTATION**

*255 - Division of Motor Vehicles –  
 Dealer Recovery Fund*

(WV Code Chapter 17)

Fund 8220 FY 2017 Org 0802

1 Current Expenses..... 13000 \$ 189,000

*256 - Division of Motor Vehicles –  
Motor Vehicle Fees Fund*

(WV Code Chapter 17B)

Fund 8223 FY 2017 Org 0802

1	Personal Services and Employee		
2	Benefits..... 00100	\$	2,852,799
3	Current Expenses..... 13000		4,882,937
4	Repairs and Alterations..... 06400		16,000
5	Equipment..... 07000		75,000
6	Other Assets..... 69000		10,000
7	BRIM Premium..... 91300		<u>74,775</u>
8	Total.....	\$	<u>7,911,511</u>

*257 - Division of Highways –  
A. James Manchin Fund*

(WV Code Chapter 22)

Fund 8319 FY 2017 Org 0803

1 Current Expenses..... 13000 \$ 1,650,000

*258 - Public Port Authority –  
Special Railroad and Intermodal Enhancement Fund*

(WV Code Chapter 17)

Fund 8254 FY 2017 Org 0806

1	Current Expenses..... 13000	\$	510,000
2	Other Assets..... 69000		<u>3,490,000</u>
3	Total.....	\$	<u>4,000,000</u>

**DEPARTMENT OF VETERANS' ASSISTANCE***259 - Veterans' Facilities Support Fund*

(WV Code Chapter 9A)

Fund 6703 FY 2017 Org 0613

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

*260 - Department of Veterans' Assistance –  
WV Veterans' Home –  
Special Revenue Operating Fund*

(WV Code Chapter 9A)

Fund 6754 FY 2017 Org 0618

1	Current Expenses. . . . .	13000	\$ 700,000
2	Repairs and Alterations. . . . .	06400	50,000
3	Total. . . . .		\$ 750,000

**BUREAU OF SENIOR SERVICES**

*261 - Bureau of Senior Services –  
Community Based Service Fund*

(WV Code Chapter 22)

Fund 5409 FY 2017 Org 0508

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 151,290



3	Current Expenses.....	13000		<u>10,348,710</u>
4	Total.....		\$	10,500,000

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

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

*262 - West Virginia University at Parkersburg –  
Land Sale Account*

(WV Code Chapter 18B)

Fund 4322 FY 2017 Org 0464

1	Capital Outlay, Repairs and			
2	Equipment.....	58900	\$	532,000

3       The total amount of this appropriation shall be used for the  
4 purchase of additional real property or technology, or for capital  
5 improvements at the institution.

**HIGHER EDUCATION POLICY COMMISSION**

*263 - 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 2017 Org 0442

1	Debt Service.....	04000	\$	27,720,321
2	General Capital Expenditures. ....	30600		5,000,000

3	Facilities Planning and		
4	Administration.....	38600	<u>421,082</u>
5	Total.....		\$ 33,141,403

6 The total amount of these appropriations shall be paid from  
 7 the special capital improvement fund created in W.Va. Code  
 8 §18B-10-8. Projects are to be paid on a cash basis and made  
 9 available on July 1.

10 The above appropriations, except for debt service, may be  
 11 transferred to special revenue funds for capital improvement  
 12 projects at the institutions.

*264 - Tuition Fee Revenue Bond Construction Fund*

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2017 Org 0442

1 Any unexpended balance remaining in the appropriation for  
 2 Capital Outlay (fund 4906, appropriation 51100) at the close of  
 3 the fiscal year 2016 is hereby reappropriated for expenditure  
 4 during the fiscal year 2017.

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

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

*265 - Community and Technical College –  
 Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2017 Org 0442

1 Any unexpended balance remaining in the appropriation for  
2 Capital Improvements – Total (fund 4908, appropriation 95800)  
3 at the close of fiscal year 2016 is hereby reappropriated for  
4 expenditure during the fiscal year 2017.

5 The total amount of this appropriation shall be paid from the  
6 sale of the 2009 Series A Community and Technical College  
7 Capital Improvement Revenue Bonds and anticipated interest  
8 earnings.

*266 - West Virginia University –  
West Virginia University Health Sciences Center*

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2017 Org 0463

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 10,274,340
3	Current Expenses. . . . .	13000	4,524,300
4	Repairs and Alterations. . . . .	06400	425,000
5	Equipment. . . . .	07000	512,000
6	Buildings. . . . .	25800	150,000
7	Other Assets. . . . .	69000	<u>50,000</u>
8	Total. . . . .		\$ 15,935,640

**MISCELLANEOUS BOARDS AND COMMISSIONS**

*267- Board of Barbers and Cosmetologists –  
Barbers and Beauticians Special Fund*

(WV Code Chapters 16 and 30)

Fund 5425 FY 2017 Org 0505

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

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

*268- Hospital Finance Authority –  
Hospital Finance Authority Fund*

(WV Code Chapter 16)

Fund 5475 FY 2017 Org 0509

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 85,981
3	Unclassified. . . . .	09900	1,450
4	Current Expenses. . . . .	13000	<u>57,740</u>
5	Total. . . . .		\$ 145,171

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

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

(WV Code Chapter 30)

Fund 8517 FY 2017 Org 0906

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 430,324
3	Current Expenses. . . . .	13000	<u>53,133</u>
4	Total. . . . .		\$ 483,457

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

*Registered Professional Nurses*

(WV Code Chapter 30)

Fund 8520 FY 2017 Org 0907

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,081,694
3	Current Expenses. . . . .	13000	295,339
4	Repairs and Alterations. . . . .	06400	3,000
5	Equipment. . . . .	07000	19,500
6	Other Assets. . . . .	69000	4,500
7	Directed Transfer. . . . .	70000	<u>500,000</u>
8	Total. . . . .		\$ 1,904,033

9       The above appropriation for Directed Transfer (fund 8520,  
10 appropriation 70000) shall be transferred to the Department of  
11 Health and Human Resources, Division of Human Services –  
12 Medical Services Trust Fund (fund 5185).

*271 - Public Service Commission*

(WV Code Chapter 24)

Fund 8623 FY 2017 Org 0926

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 11,807,314
3	Unclassified. . . . .	09900	147,643
4	Current Expenses. . . . .	13000	2,594,398
5	Repairs and Alterations. . . . .	06400	55,000
6	Equipment. . . . .	07000	160,000
7	Buildings. . . . .	25800	4,500,000
8	PSC Weight Enforcement. . . . .	34500	4,405,884
9	Debt Payment/Capital Outlay. . . . .	52000	350,000
10	BRIM Premium. . . . .	91300	<u>114,609</u>
11	Total. . . . .		\$ 24,134,848

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

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

*272 - Public Service Commission –  
 Gas Pipeline Division –  
 Public Service Commission Pipeline Safety Fund*

(WV Code Chapter 24B)

Fund 8624 FY 2017 Org 0926

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 284,198
3	Unclassified. . . . .	09900	3,851
4	Current Expenses. . . . .	13000	93,115
5	Repairs and Alterations. . . . .	06400	<u>4,000</u>
6	Total. . . . .		\$ 385,164

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

*273 - Public Service Commission –  
 Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8625 FY 2017 Org 0926

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,243,526

2016]

HOUSE OF DELEGATES

4209

3	Unclassified. . . . .	09900		29,233
4	Current Expenses. . . . .	13000		577,557
5	Repairs and Alterations. . . . .	06400		23,000
6	Equipment. . . . .	07000		50,000
7	Total. . . . .		\$	2,923,316

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

*274 - Public Service Commission –  
 Consumer Advocate Fund*

(WV Code Chapter 24)

Fund 8627 FY 2017 Org 0926

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	743,372
3	Current Expenses. . . . .	13000		276,472
4	Equipment. . . . .	07000		10,000
5	BRIM Premium. . . . .	91300		4,532
6	Total. . . . .		\$	1,034,376

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

*275 - Real Estate Commission –  
 Real Estate License Fund*

(WV Code Chapter 30)

Fund 8635 FY 2017 Org 0927

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	582,413

3	Current Expenses. . . . .	13000		285,622
4	Repairs and Alterations. . . . .	06400		5,000
5	Equipment. . . . .	07000		10,000
6	Total. . . . .		\$	883,035

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

*276 - WV Board of Examiners for Speech-Language  
Pathology and Audiology –  
Speech-Language Pathology and Audiology Operating Fund*

(WV Code Chapter 30)

Fund 8646 FY 2017 Org 0930

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

*277 - WV Board of Respiratory Care –  
Board of Respiratory Care Fund*

(WV Code Chapter 30)

Fund 8676 FY 2017 Org 0935

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	79,583
3	Current Expenses. . . . .	13000		51,047
4	Repairs and Alterations. . . . .	06400		400
5	Total. . . . .		\$	131,030

*278 - WV Board of Licensed Dietitians –  
Dietitians Licensure Board Fund*

(WV Code Chapter 30)

Fund 8680 FY 2017 Org 0936



1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 8,648
3	Current Expenses. . . . .	13000	<u>14,352</u>
4	Total. . . . .		\$ 23,000

*279 - Massage Therapy Licensure Board –  
Massage Therapist Board Fund*

(WV Code Chapter 30)

Fund 8671 FY 2017 Org 0938

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 104,358
3	Current Expenses. . . . .	13000	<u>22,708</u>
4	Total. . . . .		\$ 127,066

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

(WV Code Chapter 30)

Fund 9070 FY 2017 Org 0945

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,047,752
3	Current Expenses. . . . .	13000	988,789
4	Repairs and Alterations. . . . .	06400	<u>20,000</u>
5	Total. . . . .		\$ 2,056,541

*281 - West Virginia Enterprise Resource Planning Board –  
Enterprise Resource Planning System Fund*

(WV Code Chapter 12)

Fund 9080 FY 2017 Org 0947

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 6,713,066

3	Unclassified. . . . .	09900		430,000
4	Current Expenses. . . . .	13000		42,306,934
5	Repairs and Alterations. . . . .	06400		100,000
6	Equipment. . . . .	07000		250,000
7	Buildings. . . . .	25800		100,000
8	Other Assets. . . . .	69000		<u>100,000</u>
9	Total. . . . .		\$	50,000,000

*282 - Board of Treasury Investments –  
Board of Treasury Investments Fee Fund*

(WV Code Chapter 12)

Fund 9152 FY 2017 Org 0950

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	715,279
3	Unclassified. . . . .	09900		12,667
4	Current Expenses. . . . .	13000		488,074
5	BRIM Premium. . . . .	91300		50,687
6	Fees of Custodians, Fund Advisors and			
7	Fund Managers. . . . .	93800		<u>3,500,000</u>
8	Total. . . . .		\$	4,766,707

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

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

18 Total TITLE II, Section 3 — Other Funds

19       (Including claims against the state).. . \$2,223,536,739

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

7       After first satisfying the requirements for Fund 2252, Fund  
 8 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the  
 9 director of the lottery shall make available from the remaining  
 10 net profits of the lottery any amounts needed to pay debt service  
 11 for which an appropriation is made for Fund 9065, Fund 4297,  
 12 Fund 3390, and Fund 3514 and is authorized to transfer any such  
 13 amounts to Fund 9065, Fund 4297, Fund 3390, and Fund 3514  
 14 for that purpose. Upon receipt of reimbursement of amounts so  
 15 transferred, the director of the lottery shall deposit the  
 16 reimbursement amounts to the following accounts as required by  
 17 this section.

*283 - Education, Arts, Sciences and Tourism –  
 Debt Service Fund*

(WV Code Chapter 5)

Fund 2252 FY 2017 Org 0211

		<b>Appro- p-riation</b>		<b>Lottery Funds</b>
1	Debt Service – Total. . . . .	31000	\$	10,000,000

*284 - West Virginia Development Office –  
 Division of Tourism*

(WV Code Chapter 5B)

Fund 3067 FY 2017 Org 0304

1	Tourism – Telemarketing		
2	Center. . . . .	46300	\$ 82,080
3	WV Film Office. . . . .	49800	341,153
4	Tourism – Advertising (R). . . . .	61800	1,822,407
5	Tourism – Operations (R). . . . .	66200	<u>3,970,510</u>
6	Total. . . . .		\$ 6,216,150

7 Any unexpended balances remaining in the appropriations  
8 for Tourism – Advertising (fund 3067, appropriation 61800), and  
9 Tourism – Operations (fund 3067, appropriation 66200) at the  
10 close of the fiscal year 2016 are hereby reappropriated for  
11 expenditure during the fiscal year 2017.

*285 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 3267 FY 2017 Org 0310

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,104,327
3	Current Expenses. . . . .	13000	23,000
4	Pricketts Fort State Park. . . . .	32400	106,560
5	Non-Game Wildlife (R). . . . .	52700	367,248
6	State Parks and Recreation		
7	Advertising (R). . . . .	61900	<u>494,578</u>
8	Total. . . . .		\$ 3,095,713

9 Any unexpended balances remaining in the appropriations  
10 for Unclassified (fund 3267, appropriation 09900), Capital  
11 Outlay – Parks (fund 3267, appropriation 28800), Non-Game  
12 Wildlife (fund 3267, appropriation 52700), and State Parks and  
13 Recreation Advertising (fund 3267, appropriation 61900) at the  
14 close of the fiscal year 2016 are hereby reappropriated for  
15 expenditure during the fiscal year 2017.

*286 - State Board of Education*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2017 Org 0402

1	FBI Checks.. . . . .	37200	\$	108,860
2	Vocational Education Equipment			
3	Replacement. . . . .	39300		800,000
4	Assessment Program (R).. . . . .	39600		2,946,059
5	21st Century Technology Infrastructure			
6	Network Tools and Support (R).. . .	93300		<u>14,151,287</u>
7	Total.. . . . .		\$	18,006,206

8 Any unexpended balances remaining in the appropriations  
9 for Unclassified (fund 3951, appropriation 09900), Current  
10 Expenses (fund 3951, appropriation 13000), Assessment  
11 Program (fund 3951, appropriation 39600), and 21st Century  
12 Technology Infrastructure Network Tools and Support (fund  
13 3951, appropriation 93300) at the close of the fiscal year 2016  
14 are hereby reappropriated for expenditure during the fiscal year  
15 2017.

*287 - State Department of Education –  
School Building Authority –  
Debt Service Fund*

(WV Code Chapter 18)

Fund 3963 FY 2017 Org 0402

1	Debt Service – Total. . . . .	31000	\$	7,507,700
2	Directed Transfer.. . . . .	70000		<u>10,492,300</u>
3	Total.. . . . .		\$	18,000,000

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

*288 - Department of Education and the Arts –  
Office of the Secretary –  
Control Account –  
Lottery Education Fund*

(WV Code Chapter 5F)

Fund 3508 FY 2017 Org 0431

1	Unclassified (R).....	09900	\$	11,864
2	Current Expenses.....	13000		108,136
3	Commission for National and			
4	Community Service.....	19300		350,228
5	Arts Programs (R).....	50000		81,510
6	College Readiness.....	57900		154,906
7	Statewide STEM 21st Century			
8	Academy.....	89700		130,000
9	Literacy Project (R).....	89900		350,000
10	Total.....		\$	1,186,644

11 Any unexpended balances remaining in the appropriations  
12 for Unclassified (fund 3508, appropriation 09900), Governor's  
13 Honors Academy (fund 3508, appropriation 47800), Arts  
14 Programs (fund 3508, appropriation 50000), and Literacy Project  
15 (fund 3508, appropriation 89900) at the close of fiscal year 2016  
16 are hereby reappropriated for expenditure during the fiscal year  
17 2017.

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

(WV Code Chapter 29)

Fund 3534 FY 2017 Org 0432

1	Huntington Symphony.....	02700	\$	73,823
2	Preservation West Virginia (R)...	09200		587,519
3	Unclassified.....	09900		1,966,320

4	Fairs and Festivals (R).....	12200	1,668,297
5	Archeological Curation/Capital		
6	Improvements (R).....	24600	37,593
7	Historic Preservation Grants (R)...	31100	368,428
8	West Virginia Public Theater. ....	31200	150,024
9	George Tyler Moore Center for the		
10	Study of the Civil War. ....	39700	0
11	Greenbrier Valley Theater.....	42300	124,429
12	Theater Arts of West Virginia. ....	46400	112,500
13	Marshall Artists Series.....	51800	45,007
14	Grants for Competitive Arts		
15	Program (R).....	62400	726,000
16	West Virginia State Fair. ....	65700	39,052
17	Save the Music.....	68000	35,000
18	Contemporary American		
19	Theater Festival.....	81100	71,602
20	Independence Hall.....	81200	34,097
21	Mountain State Forest Festival. ....	86400	47,734
22	WV Symphony.....	90700	73,823
23	Wheeling Symphony.....	90800	73,823
24	Appalachian Children's Chorus... ..	91600	68,193
25	Total.....		\$ 6,303,264

26 From the above appropriation for Preservation West Virginia  
27 (fund 3534, appropriation 09200) funding shall be provided to  
28 the African-American Heritage Family Tree Museum (Fayette)  
29 \$3,342, Aracoma Story (Logan) \$37,129, Arts Monongahela  
30 (Monongalia) \$14,852, Barbour County Arts and Humanities  
31 Council \$1,114, Beckley Main Street (Raleigh) \$3,713, Buffalo  
32 Creek Memorial (Logan) \$3,713, Carnegie Hall (Greenbrier)  
33 \$58,624, Ceredo Historical Society (Wayne) \$1,485, Ceredo  
34 Kenova Railroad Museum (Wayne) \$1,485, Ceredo Museum  
35 (Wayne) \$900, Children's Theatre of Charleston (Kanawha)  
36 \$3,909, Chuck Mathena Center (Mercer) \$78,165, Collis P.  
37 Huntington Railroad Historical Society (Cabell) \$7,426, Country

38 Music Hall of Fame and Museum (Marion) \$5,198, First Stage  
39 Children's Theater Company \$1,485, Flannigan Murrell House  
40 (Summers) \$4,726, Fort Ashby Fort (Mineral) \$1,114, Fort New  
41 Salem (Harrison) \$2,748, Fort Randolph (Mason) \$3,713,  
42 General Adam Stephen Memorial Foundation (Berkeley)  
43 \$13,757, Grafton Mother's Day Shrine Committee (Taylor)  
44 \$6,312, Hardy County Tour and Crafts Association \$14,852,  
45 Heartwood in the Hills (Calhoun) \$6,300, Heritage Farm  
46 Museum & Village (Cabell) \$37,129, Historic Fayette Theater  
47 (Fayette) \$4,084, Historic Middleway Conservancy (Jefferson)  
48 \$743, Jefferson County Black History Preservation Society  
49 \$3,713, Jefferson County Historical Landmark Commission  
50 \$5,941, Maddie Carroll House (Cabell) \$5,569, Marshall County  
51 Historical Society \$6,312, McCoy Theater (Hardy) \$14,852,  
52 Morgantown Theater Company (Monongalia) \$14,852,  
53 Mountaineer Boys' State (Lewis) \$7,426, Nicholas Old Main  
54 Foundation (Nicholas) \$1,485, Norman Dillon Farm Museum  
55 (Berkeley) \$7,426, Old Opera House Theater Company  
56 (Jefferson) \$11,138, Parkersburg Arts Center (Wood) \$14,852,  
57 Pocahontas Historic Opera House \$4,455, Raleigh County All  
58 Wars Museum \$7,426, Rhododendron Girl's State (Ohio)  
59 \$7,426, Roane County 4-H and FFA Youth Livestock Program  
60 \$3,713, Scottish Heritage Society/N. Central WV (Harrison)  
61 \$3,713, Society for the Preservation of McGrew House (Preston)  
62 \$2,599, Southern West Virginia Veterans' Museum \$4,242,  
63 Summers County Historic Landmark Commission \$3,713, Those  
64 Who Served War Museum (Mercer) \$2,970, Three Rivers Avian  
65 Center (Summers) \$6,638, Tug Valley Arts Council (Mingo)  
66 \$3,713, Tug Valley Chamber of Commerce Coal House (Mingo)  
67 \$1,485, Tunnelton Historical Society (Preston) \$1,485, Veterans  
68 Committee for Civic Improvement of Huntington (Wayne)  
69 \$3,713, West Virginia Museum of Glass (Lewis) \$3,713, West  
70 Virginia Music Hall of Fame (Kanawha) \$25,990, YMCA Camp  
71 Horseshoe (Tucker) \$74,257, Youth Museum of Southern West  
72 Virginia (Raleigh) \$8,911, Z.D. Ramsdell House (Wayne) \$900.



73 From the above appropriation for Fairs and Festivals (fund  
74 3534, appropriation 12200) funding shall be provided to A  
75 Princeton 4th (Mercer) \$2,250, African-American Cultural  
76 Heritage Festival (Jefferson) \$3,713, Alderson 4th of July  
77 Celebration (Greenbrier) \$3,713, Allegheny Echo (Pocahontas)  
78 \$5,570, Alpine Festival/Leaf Peepers Festival (Tucker) \$8,354,  
79 American Civil War (Grant) \$3,909, American Legion Post 8  
80 Veterans Day Parade (McDowell) \$1,563, Angus Beef and  
81 Cattle Show (Lewis) \$1,114, Annual Birch River Days  
82 (Nicholas) \$1,620, Annual Don Redman Heritage Concert &  
83 Awards (Jefferson) \$1,173, Annual Ruddle Park Jamboree  
84 (Pendleton) \$5,863, Antique Market Fair (Lewis) \$1,485, Apollo  
85 Theater-Summer Program (Berkeley) \$1,485, Apple Butter  
86 Festival (Morgan) \$4,455, Arkansas Homemaker's Heritage  
87 Weekend (Hardy) \$2,599, Armed Forces Day-South Charleston  
88 (Kanawha) \$2,228, Arthurdale Heritage New Deal Festival  
89 (Preston) \$3,713, Athens Town Fair (Mercer) \$1,485, Augusta  
90 Fair (Randolph) \$3,713, Autumn Harvest Fest (Monroe) \$3,060,  
91 Barbour County Fair \$18,564, Barboursville Octoberfest  
92 (Cabell) \$3,713, Bass Festival (Pleasants) \$1,374, Battelle  
93 District Fair (Monongalia) \$3,713, Battle of Dry Creek  
94 (Greenbrier) \$1,114, Battle of Point Pleasant Memorial  
95 Committee (Mason) \$3,713, Belle Town Fair (Kanawha) \$3,342,  
96 Belleville Homecoming (Wood) \$14,852, Bergoo Down Home  
97 Days (Webster) \$1,857, Berkeley County Youth Fair \$13,738,  
98 Black Bear 4K Mountain Bike Race (Kanawha) \$855, Black  
99 Heritage Festival (Harrison) \$4,455, Black Walnut Festival  
100 (Roane) \$7,426, Blast from the Past (Upshur) \$1,800, Blue-Gray  
101 Reunion (Barbour) \$2,599, Boone County Fair \$7,426, Boone  
102 County Labor Day Celebration \$2,970, Bradshaw Fall Festival  
103 (McDowell) \$1,485, Brandonville Heritage Day (Preston)  
104 \$1,310, Braxton County Fair \$8,540, Braxton County Monster  
105 Fest / West Virginia Autumn Festival \$1,857, Brooke County  
106 Fair \$2,599, Bruceton Mills Good Neighbor Days (Preston)  
107 \$1,485, Buckwheat Festival (Preston) \$6,313, Buffalo 4th of July

108 Celebration (Putnam) \$500, Buffalo October Fest (Putnam)  
109 \$4,050, Burlington Apple Harvest Festival (Mineral) \$22,277,  
110 Burlington Pumpkin Harvest Festival (Raleigh) \$3,713,  
111 Burnsville Harvest Festival (Braxton) \$1,759, Cabell County  
112 Fair \$7,426, Calhoun County Wood Festival \$1,485, Campbell's  
113 Creek Community Fair (Kanawha) \$1,857, Cape Coalwood  
114 Festival Association (McDowell) \$1,857, Capon Bridge  
115 Founders Day Festival (Hampshire) \$1,485, Capon Springs  
116 Ruritan 4th of July (Hampshire) \$855, Cass Homecoming  
117 (Pocahontas) \$1,485, Cedarville Town Festival (Gilmer) \$855,  
118 Celebration in the Park (Wood) \$2,970, Celebration of America  
119 (Monongalia) \$4,455, Ceredo Freedom Festival (Wayne) \$876,  
120 Chapmanville Apple Butter Festival (Logan) \$855,  
121 Chapmanville Fire Department 4th of July (Logan) \$2,228,  
122 Charles Town Christmas Festival (Jefferson) \$3,713, Charles  
123 Town Heritage Festival (Jefferson) \$3,713, Cherry River  
124 Festival (Nicholas) \$4,827, Chester Fireworks (Hancock)  
125 \$1,114, Chester 4th of July Festivities (Hancock) \$3,713, Chief  
126 Logan State Park-Civil War Celebration (Logan) \$5,941,  
127 Chilifest West Virginia State Chili Championship (Cabell)  
128 \$1,954, Christmas In Our Town (Marion) \$3,909, Christmas in  
129 Shepherdstown (Jefferson) \$2,970, Christmas in the Park  
130 (Brooke) \$3,713, Christmas in the Park (Logan) \$18,564, City of  
131 Dunbar Critter Dinner (Kanawha) \$7,426, City of Logan Polar  
132 Express (Logan) \$5,570, City of New Martinsville Festival of  
133 Memories (Wetzel) \$8,168, Clay County Golden Delicious  
134 Apple Festival \$5,198, Clay District Fair (Monongalia) \$1,350,  
135 Coal Field Jamboree (Logan) \$25,990, Coalton Days Fair  
136 (Randolph) \$5,198, Country Roads Festival (Fayette) \$1,485,  
137 Cowen Railroad Festival (Webster) \$2,599, Craigsville Fall  
138 Festival (Nicholas) \$2,599, Cruise into Princeton (Mercer)  
139 \$2,700, Culturefest World Music & Arts Festival (Mercer)  
140 \$5,863, Delbarton Homecoming (Mingo) \$2,599, Doddridge  
141 County Fair \$5,198, Dorcas Ice Cream Social (Grant) \$4,455,  
142 Durbin Days (Pocahontas) \$3,713, Elbert/Filbert Reunion

143 Festival (McDowell) \$1,114, Elkins Randolph County 4th of  
144 July Car Show (Randolph) \$1,485, Fairview 4th of July  
145 Celebration (Marion) \$855, Farm Safety Day (Preston) \$1,485,  
146 Farmer's Day Festival (Monroe) \$2,913, Farmers' Day Parade  
147 (Wyoming) \$900, Fenwick Mountain Old Time Community  
148 Festival (Nicholas) \$3,600, FestivALL Charleston (Kanawha)  
149 \$14,852, Flatwoods Days (Braxton) \$876, Flemington Day Fair  
150 and Festival (Taylor) \$2,599, Follansbee Community Days  
151 (Brooke) \$6,126, Fort Gay Mountain Heritage Days (Wayne)  
152 \$3,713, Fort Henry Days (Ohio) \$3,936, Fort Henry Living  
153 History (Ohio) \$1,954, Fort New Salem Spirit of Christmas  
154 Festival (Harrison) \$3,040, Frankford Autumnfest (Greenbrier)  
155 \$3,713, Franklin Fishing Derby (Pendleton) \$5,570, Freshwater  
156 Folk Festival (Greenbrier) \$3,713, Friends Auxiliary of W.R.  
157 Sharpe Hospital (Lewis) \$3,713, Frontier Days (Harrison)  
158 \$2,228, Frontier Fest/Canaan Valley (Taylor) \$3,713, Fund for  
159 the Arts-Wine & All that Jazz Festival (Kanawha) \$1,857,  
160 Gassaway Days Celebration (Braxton) \$3,713, Gilbert  
161 Elementary Fall Blast (Mingo) \$2,735, Gilbert Kiwanis Harvest  
162 Festival (Mingo) \$2,970, Gilbert Spring Fling (Mingo) \$4,494,  
163 Gilmer County Farm Show \$2,970, Grant County Arts Council  
164 \$1,485, Grape Stomping Wine Festival (Nicholas) \$1,485, Great  
165 Greenbrier River Race (Pocahontas) \$7,426, Greater Quinwood  
166 Days (Greenbrier) \$977, Guyandotte Civil War Days (Cabell)  
167 \$7,426, Hamlin 4th of July Celebration (Lincoln) \$3,713,  
168 Hampshire Civil War Celebration Days (Hampshire) \$855,  
169 Hampshire County 4th of July Celebration \$14,852, Hampshire  
170 County Fair \$6,253, Hampshire Heritage Days (Hampshire)  
171 \$2,970, Hancock County Oldtime Fair \$3,713, Hardy County  
172 Commission - 4th of July \$7,426, Hatfield McCoy Matewan  
173 Reunion Festival (Mingo) \$15,413, Hatfield McCoy Trail  
174 National ATV and Dirt Bike Weekend (Wyoming) \$3,713,  
175 Heat'n the Hills Chilifest (Lincoln) \$3,127, Heritage Craft  
176 Festival (Monroe) \$1,305, Heritage Days Festival (Roane)  
177 \$1,114, Hilltop Festival (Cabell) \$855, Hilltop Festival of Lights

178 (McDowell) \$1,485, Hinton Railroad Days (Summers) \$5,434,  
179 Holly River Festival (Webster) \$1,114, Hometown Mountain  
180 Heritage Festival (Fayette) \$3,040, Hundred 4th of July (Wetzel)  
181 \$5,384, Hundred American Legion Earl Kiger Post Bluegrass  
182 Festival (Wetzel) \$1,485, Hurricane 4th of July Celebration  
183 (Putnam) \$3,713, Iaegeer Town Fair (McDowell) \$1,114, Irish  
184 Heritage Festival of West Virginia (Raleigh) \$3,713, Irish Spring  
185 Festival (Lewis) \$855, Italian Heritage Festival-Clarksburg  
186 (Harrison) \$22,277, Jackson County Fair \$3,713, Jamboree  
187 (Pocahontas) \$3,713, Jane Lew Arts and Crafts Fair (Lewis)  
188 \$855, Jefferson County Fair Association \$18,564, Jersey  
189 Mountain Ruritan Pioneer Days (Hampshire) \$855, John Henry  
190 Days Festival (Monroe) \$5,873, Johnnie Johnson Blues and Jazz  
191 Festival (Marion) \$3,713, Johnstown Community Fair (Harrison)  
192 \$1,857, Junior Heifer Preview Show (Lewis) \$1,485, Kanawha  
193 Coal Riverfest-St. Albans 4th of July Festival (Kanawha)  
194 \$3,713, Keeper of the Mountains-Kayford (Kanawha) \$1,857,  
195 Kenova Autumn Festival (Wayne) \$5,472, Kermit Fall Festival  
196 (Mingo) \$2,228, Keystone Reunion Gala (McDowell) \$1,954,  
197 King Coal Festival (Mingo) \$3,713, Kingwood Downtown Street  
198 Fair and Heritage Days (Preston) \$1,485, L.Z. Rainelle West  
199 Virginia Veterans Reunion (Greenbrier) \$3,713, Lady of  
200 Agriculture (Preston) \$855, Larry Joe Harless Center Octoberfest  
201 Hatfield McCoy Trail (Mingo) \$7,426, Larry Joe Harless  
202 Community Center Spring Middle School Event (Mingo)  
203 \$3,713, Last Blast of Summer (McDowell) \$3,713, Lewis  
204 County Fair Association \$2,599, Lewisburg Shanghai  
205 (Greenbrier) \$1,485, Lincoln County Fall Festival \$5,941,  
206 Lincoln County Winterfest \$3,713, Lindsie Veterans' Day  
207 Parade \$900, Little Levels Heritage Festival (Pocahontas)  
208 \$1,485, Lost Creek Community Festival (Harrison) \$5,198, Main  
209 Street Arts Festival (Upshur) \$3,909, Main Street Martinsburg  
210 Chocolate Fest and Book Fair (Berkeley) \$3,517, Mannington  
211 District Fair (Marion) \$4,455, Maple Syrup Festival (Randolph)  
212 \$855, Marion County FFA Farm Fest \$1,857, Marmet Labor

213 Day Celebration (Kanawha) \$3,848, Marshall County Antique  
214 Power Show \$1,857, Marshall County Fair \$5,570, Mason  
215 County Fair \$3,713, Mason Dixon Festival (Monongalia) \$5,198,  
216 Matewan Massacre Reenactment (Mingo) \$6,255,  
217 Matewan-Magnolia Fair (Mingo) \$19,915, McARTS-McDowell  
218 County \$14,852, McDowell County Fair \$1,857, McGrew House  
219 History Day (Preston) \$1,485, McNeill's Rangers (Mineral)  
220 \$5,941, Meadow Bridge Hometown Festival (Fayette) \$929,  
221 Meadow River Days Festival (Greenbrier) \$2,228, Mercer  
222 Bluestone Valley Fair (Mercer) \$1,485, Mercer County Fair  
223 \$1,485, Mercer County Heritage Festival \$4,343, Mid Ohio  
224 Valley Antique Engine Festival (Wood) \$2,228, Milton  
225 Christmas in the Park (Cabell) \$1,857, Milton 4th of July  
226 Celebration (Cabell) \$1,857, Mineral County Fair \$1,300,  
227 Mineral County Veterans Day Parade \$1,114, Molasses Festival  
228 (Calhoun) \$1,485, Monongahfest (Marion) \$4,690, Moon Over  
229 Mountwood Fishing Festival (Wood) \$2,228, Morgan County  
230 Fair-History Wagon \$1,114, Moundsville Bass Festival  
231 (Marshall) \$2,970, Moundsville July 4th Celebration (Marshall)  
232 \$3,713, Mount Liberty Fall Festival (Barbour) \$1,857, Mountain  
233 Fest (Monongalia) \$14,852, Mountain Festival (Mercer) \$3,434,  
234 Mountain Heritage Arts and Crafts Festival (Jefferson) \$3,713,  
235 Mountain Music Festival (McDowell) \$1,857, Mountain State  
236 Apple Harvest Festival (Berkeley) \$5,570, Mountain State Arts  
237 & Crafts Fair Cedar Lakes (Jackson) \$33,415, Mountaineer Hot  
238 Air Balloon Festival (Monongalia) \$2,970, Mullens Dogwood  
239 Festival (Wyoming) \$5,198, Multi-Cultural Festival of West  
240 Virginia (Kanawha) \$14,852, Music and Barbecue - Banks  
241 District VFD (Upshur) \$1,598, New Cumberland Christmas  
242 Parade (Hancock) \$2,228, New Cumberland 4th of July  
243 (Hancock) \$3,713, New River Bridge Day Festival (Fayette)  
244 \$29,703, Newburg Volunteer Fireman's Field Day (Preston)  
245 \$855, Nicholas County Fair \$3,713, Nicholas County Potato  
246 Festival \$2,599, Oak Leaf Festival (Fayette) \$7,817, Oceana  
247 Heritage Festival (Wyoming) \$4,455, Oglebay City Park -

248 Festival of Lights (Ohio) \$59,405, Oglebay Festival (Ohio)  
249 \$7,426, Ohio County Country Fair \$6,683, Ohio River Fest  
250 (Jackson) \$5,400, Ohio Valley Beef Association (Wood) \$1,857,  
251 Ohio Valley Black Heritage Festival (Ohio) \$4,084, Old Central  
252 City Fair (Cabell) \$3,713, Old Century City Fair (Barbour)  
253 \$1,563, Old Tyme Christmas (Jefferson) \$1,782, Paden City  
254 Labor Day Festival (Wetzel) \$4,827, Parkersburg Homecoming  
255 (Wood) \$10,943, Patty Fest (Monongalia) \$1,485, Paw Paw  
256 District Fair (Marion) \$2,599, Pax Reunion Committee (Fayette)  
257 \$3,713, Pendleton County 4-H Weekend \$1,485, Pendleton  
258 County Committee for Arts \$11,138, Pendleton County Fair  
259 \$7,817, Pennsboro Country Road Festival (Ritchie) \$1,485,  
260 Petersburg 4th of July Celebration (Grant) \$14,852, Petersburg  
261 HS Celebration (Grant) \$7,426, Piedmont-Annual Back Street  
262 Festival (Mineral) \$2,970, Pinch Reunion (Kanawha) \$1,114,  
263 Pine Bluff Fall Festival (Harrison) \$2,970, Pine Grove 4th of  
264 July Festival (Wetzel) \$5,198, Pineville Festival (Wyoming)  
265 \$4,455, Pleasants County Agriculture Youth Fair \$3,713, Poca  
266 Heritage Days (Putnam) \$2,228, Pocahontas County Pioneer  
267 Days \$5,198, Point Pleasant Stern Wheel Regatta (Mason)  
268 \$3,713, Pratt Fall Festival (Kanawha) \$1,857, Princeton  
269 Autumnfest (Mercer) \$1,954, Princeton Street Fair (Mercer)  
270 \$3,713, Putnam County Fair \$3,713, Quartets on Parade (Hardy)  
271 \$2,970, Rainelle Fall Festival (Greenbrier) \$3,909, Rand  
272 Community Center Festival (Kanawha) \$1,857, Randolph  
273 County Community Arts Council \$2,228, Randolph County Fair  
274 \$5,198, Randolph County Ramp and Rails \$1,485, Ranson  
275 Christmas Festival (Jefferson) \$3,713, Ranson Festival  
276 (Jefferson) \$3,713, Renick Liberty Festival (Greenbrier) \$855,  
277 Ripley 4th of July (Jackson) \$11,138, Ritchie County Fair and  
278 Exposition \$3,713, Ritchie County Pioneer Days \$855, River  
279 City Festival (Preston) \$855, Roane County Agriculture Field  
280 Day \$2,228, Rock the Park (Kanawha) \$4,050, Rocket Boys  
281 Festival (Raleigh) \$2,138, Romney Heritage Days (Hampshire)  
282 \$2,345, Ronceverte River Festival (Greenbrier) \$3,713,

283 Rowlesburg Labor Day Festival (Preston) \$855, Rupert Country  
284 Fling (Greenbrier) \$2,228, Saint Spyridon Greek Festival  
285 (Harrison) \$1,857, Salem Apple Butter Festival (Harrison)  
286 \$2,970, Sistersville 4th of July (Tyler) \$4,084, Skirmish on the  
287 River (Mingo) \$1,563, Smoke on the Water (Wetzel) \$2,228,  
288 South Charleston Summerfest (Kanawha) \$7,426, Southern  
289 Wayne County Fall Festival \$855, Spirit of Grafton Celebration  
290 (Taylor) \$7,426, Springfield Peach Festival (Hampshire) \$923,  
291 St. Albans City of Lights - December (Kanawha) \$3,713,  
292 Sternwheel Festival (Wood) \$2,228, Stoco Reunion (Raleigh)  
293 \$1,857, Stonewall Jackson Heritage Arts & Crafts Jubilee  
294 (Lewis) \$8,168, Stonewall Jackson's Roundhouse Raid  
295 (Berkeley) \$9,000, Storytelling Festival (Lewis) \$500,  
296 Strawberry Festival (Upshur) \$22,277, Sylvester Big Coal River  
297 Festival \$2,430, Tacy Fair (Barbour) \$855, Taste of Parkersburg  
298 (Wood) \$3,713, Taylor County Fair \$4,084, Terra Alta VFD 4th  
299 of July Celebration (Preston) \$855, The Gathering at Sweet  
300 Creek (Wood) \$2,228, Three Rivers Coal Festival (Marion)  
301 \$5,755, Thunder on the Tygart - Mothers' Day Celebration  
302 (Taylor) \$11,138, Town of Delbarton 4th of July Celebration  
303 (Mingo) \$2,228, Town of Fayetteville Heritage Festival  
304 (Fayette) \$5,570, Town of Matoaka Hog Roast (Mercer) \$855,  
305 Town of Rivesville 4th of July Festival (Marion) \$3,909, Town  
306 of Winfield - Putnam County Homecoming \$4,050, St. Albans  
307 Train Fest (Kanawha) \$7,650, Treasure Mountain Festival  
308 (Pendleton) \$18,564, Tri-County Fair (Grant) \$28,186, Tucker  
309 County Arts Festival and Celebration \$13,366, Tucker County  
310 Fair \$3,527, Tucker County Health Fair \$1,485, Tunnelton  
311 Depot Days (Preston) \$855, Tunnelton Volunteer Fire  
312 Department Festival (Preston) \$855, Turkey Festival (Hardy)  
313 \$2,228, Tyler County Fair \$3,861, Tyler County 4th of July  
314 \$500, Tyler County OctoberFest \$900, Union Community Irish  
315 Festival (Barbour) \$810, Uniquely West Virginia Festival  
316 (Morgan) \$1,485, Upper Kanawha Valley Oktoberfest  
317 (Kanawha) \$1,857, Upper Ohio Valley Italian Festival (Ohio)

318 \$8,911, Upshur County Youth Livestock Show \$1,800, Valley  
319 District Fair (Preston) \$2,599, Veterans Welcome Home  
320 Celebration (Cabell) \$1,173, Vietnam Veterans of America #  
321 949 Christmas Party (Cabell) \$855, Volcano Days at  
322 Mountwood Park (Wood) \$3,713, War Homecoming Fall  
323 Festival (McDowell) \$1,114, Wardensville Fall Festival (Hardy)  
324 \$3,713, Wayne County Fair \$3,713, Wayne County Fall Festival  
325 \$3,713, Webster County Fair \$4,500, Webster County Wood  
326 Chopping Festival \$11,138, Webster Wild Water Weekend  
327 \$1,485, Weirton July 4th Celebration (Hancock) \$14,852,  
328 Welcome Home Family Day (Wayne) \$2,376, Wellsburg 4th of  
329 July Celebration (Brooke) \$5,570, Wellsburg Apple Festival of  
330 Brooke County \$3,713, West Virginia Blackberry Festival  
331 (Harrison) \$3,713, West Virginia Chestnut Festival (Preston)  
332 \$855, West Virginia Coal Festival (Boone) \$7,426, West  
333 Virginia Coal Show (Mercer) \$1,954, West Virginia Dairy Cattle  
334 Show (Lewis) \$7,426, West Virginia Dandelion Festival  
335 (Greenbrier) \$3,713, West Virginia Day at the Railroad Museum  
336 (Mercer) \$2,250, West Virginia Fair and Exposition (Wood)  
337 \$6,016, West Virginia Fireman's Rodeo (Fayette) \$1,857, West  
338 Virginia Oil and Gas Festival (Tyler) \$8,168, West Virginia  
339 Peach Festival (Hampshire) \$4,050, West Virginia Polled  
340 Hereford Association (Braxton) \$1,114, West Virginia Poultry  
341 Festival (Hardy) \$3,713, West Virginia Pumpkin Festival  
342 (Cabell) \$7,426, West Virginia State Folk Festival (Gilmer)  
343 \$3,713, West Virginia Water Festival - City of Hinton  
344 (Summers) \$11,431, Weston VFD 4th of July Firemen Festival  
345 (Lewis) \$1,485, Wetzel County Autumnfest \$4,084, Wetzel  
346 County Town and Country Days \$12,623, Wheeling Celtic  
347 Festival (Ohio) \$1,485, Wheeling City of Lights (Ohio) \$5,941,  
348 Wheeling Sternwheel Regatta (Ohio) \$7,426, Wheeling Vintage  
349 Raceboat Regatta (Ohio) \$14,852, Whipple Community Action  
350 (Fayette) \$1,857, Wileyville Homecoming (Wetzel) \$2,970,  
351 Wine Festival and Mountain Music Event (Harrison) \$3,713,  
352 Winter Festival of the Waters (Berkeley) \$3,713, Wirt County



353 Fair \$1,857, Wirt County Pioneer Days \$1,485, Wyoming  
 354 County Civil War Days \$1,620, Youth Stockman Beef Expo  
 355 (Lewis) \$1,485.

356 Any unexpended balances remaining in the appropriations  
 357 for Preservation West Virginia (fund 3534, appropriation  
 358 09200), Fairs and Festivals (fund 3534, appropriation 12200),  
 359 Archeological Curation/Capital Improvements (fund 3534,  
 360 appropriation 24600), Historic Preservation Grants (fund 3534,  
 361 appropriation 31100), Grants for Competitive Arts Program  
 362 (fund 3534, appropriation 62400), and Project ACCESS (fund  
 363 3534, appropriation 86500) at the close of the fiscal year 2016  
 364 are hereby reappropriated for expenditure during the fiscal year  
 365 2017.

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

*290 - Library Commission –  
 Lottery Education Fund*

(WV Code Chapter 10)

Fund 3559 FY 2017 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>858,315</u>
6	Total. . . . .		\$	11,428,662

7 Any unexpended balance remaining in the appropriation for  
 8 Libraries – Special Projects (fund 3559, appropriation 62500) at  
 9 the close of fiscal year 2016 is hereby reappropriated for  
 10 expenditure during the fiscal year 2017.

*291 - Bureau of Senior Services –  
Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2017 Org 0508

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 195,001
3	Current Expenses. . . . .	13000	332,095
4	Repairs and Alterations. . . . .	06400	1,000
5	Local Programs Service Delivery		
6	Costs. . . . .	20000	2,435,250
7	Silver Haired Legislature. . . . .	20200	18,500
8	Transfer to Division of Human		
9	Services for Health Care and		
10	Title XIX Waiver for		
11	Senior Citizens. . . . .	53900	20,452,954
12	Roger Tompkins Alzheimer's		
13	Respite Care. . . . .	64300	2,297,036
14	WV Alzheimer's Hotline. . . . .	72400	45,000
15	Regional Aged and Disabled		
16	Resource Center. . . . .	76700	425,000
17	Senior Services Medicaid		
18	Transfer. . . . .	87100	8,670,000
19	Legislative Initiatives for the		
20	Elderly. . . . .	90400	9,671,239
21	Long Term Care Ombudsman. . . . .	90500	297,226
22	BRIM Premium. . . . .	91300	6,500
23	In-Home Services and Nutrition for		
24	Senior Citizens. . . . .	91700	<u>4,320,941</u>
25	Total. . . . .		\$ 49,167,742

26 Any unexpended balance remaining in the appropriation for  
 27 Senior Citizen Centers and Programs (fund 5405, appropriation  
 28 46200) at the close of the fiscal year 2016 is hereby  
 29 reappropriated for expenditure during the fiscal year 2017.

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

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

*292 - Higher Education Policy Commission –  
 Lottery Education –  
 Higher Education Policy Commission –  
 Control Account*

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2017 Org 0441

1	RHI Program and Site		
2	Support (R). . . . .	03600	\$ 1,912,491
3	RHI Program and Site Support –		
4	RHEP Program Administration (R). 03700		146,653
5	RHI Program and Site Support –		
6	Grad Med Ed and		
7	Fiscal Oversight (R). . . . .	03800	87,110
8	Minority Doctoral Fellowship (R).. 16600		129,604
9	Health Sciences Scholarship (R). . . 17600		220,690
10	Vice Chancellor for Health Sciences –		
11	Rural Health Residency		
12	Program (R).....	60100	62,725
13	WV Engineering,		
14	Science, and		
15	Technology Scholarship		
16	Program.....	86800	<u>452,831</u>
17	Total.....		\$ 3,012,104

18 Any unexpended balances remaining in the appropriations  
 19 for RHI Program and Site Support (fund 4925, appropriation  
 20 03600), RHI Program and Site Support – RHEP Program  
 21 Administration (fund 4925, appropriation 03700), RHI Program  
 22 and Site Support – Grad Med Ed and Fiscal Oversight (fund  
 23 4925, appropriation 03800), Minority Doctoral Fellowship (fund  
 24 4925, appropriation 16600), Health Sciences Scholarship (fund  
 25 4925, appropriation 17600), and Vice Chancellor for Health  
 26 Sciences – Rural Health Residency Program (fund 4925,  
 27 appropriation 60100) at the close of fiscal year 2016 are hereby  
 28 reappropriated for expenditure during the fiscal year 2017.

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

*293 - Community and Technical College –  
 Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2017 Org 0442

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

2 Any unexpended balance remaining in the appropriation for  
 3 Capital Outlay and Improvements – Total (fund 4908,  
 4 appropriation 84700) at the close of fiscal year 2016 is hereby  
 5 reappropriated for expenditure during the fiscal year 2017.

*294 - Higher Education Policy Commission –  
 Lottery Education –  
 West Virginia University – School of Medicine*

(WV Code Chapter 18B)

Fund 4185 FY 2017 Org 0463

1	WVU Health Sciences –		
2	RHI Program and Site Support (R). 03500	\$	1,158,437
3	MA Public Health Program and		
4	Health Science Technology (R)... 62300		54,798
5	Health Sciences Career Opportunities		
6	Program (R)..... 86900		334,296
7	HSTA Program (R). .... 87000		1,705,198
8	Center for Excellence in		
9	Disabilities (R). .... 96700		<u>306,019</u>
10	Total.....	\$	<u>3,558,748</u>

11 Any unexpended balances remaining in the appropriations  
 12 for WVU Health Sciences – RHI Program and Site Support  
 13 (fund 4185, appropriation 03500), MA Public Health Program  
 14 and Health Science Technology (fund 4185, appropriation  
 15 62300), Health Sciences Career Opportunities Program (fund  
 16 4185, appropriation 86900), HSTA Program (fund 4185,  
 17 appropriation 87000), and Center for Excellence in Disabilities  
 18 (fund 4185, appropriation 96700) at the close of fiscal year 2016  
 19 are hereby reappropriated for expenditure during the fiscal year  
 20 2017.

*295 - Higher Education Policy Commission –  
 Lottery Education –  
 Marshall University – School of Medicine*

(WV Code Chapter 18B)

Fund 4896 FY 2017 Org 0471

1	Marshall Medical School –		
2	RHI Program and Site		
3	Support (R). .... 03300	\$	414,486
4	Vice Chancellor for		
5	Health Sciences –		
6	Rural Health Residency		
7	Program (R)..... 60100		<u>171,400</u>
8	Total.....	\$	<u>585,886</u>

9 Any unexpended balances remaining in the appropriations  
 10 for Marshall Medical School – RHI Program and Site Support  
 11 (fund 4896, appropriation 03300) and Vice Chancellor for  
 12 Health Sciences – Rural Health Residency Program (fund 4896,  
 13 appropriation 60100) at the close of fiscal year 2016 are hereby  
 14 reappropriated for expenditure during the fiscal year 2017.

15 Total TITLE II, Section 4 —

16 Lottery Revenue. . . . . \$ 135,561,119

1 **Sec. 5. Appropriations from state excess lottery revenue**  
 2 **fund.** — In accordance with W.Va. Code §29-22-18a,  
 3 §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the  
 4 following appropriations shall be deposited and disbursed by the  
 5 Director of the Lottery to the following accounts in this section  
 6 in the amounts indicated.

7 After first funding the appropriations required by W.Va.  
 8 Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and  
 9 §29-25-22b, the Director of the Lottery shall provide funding  
 10 from the State Excess Lottery Revenue Fund for the remaining  
 11 appropriations in this section to the extent that funds are  
 12 available. In the event that revenues to the State Excess Lottery  
 13 Revenue Fund are sufficient to meet all the appropriations  
 14 required made pursuant to this section, then the Director of the  
 15 Lottery shall then provide the funds available for fund 5365,  
 16 appropriation 18900.

*296 - Lottery Commission –  
 Refundable Credit*

Fund 7207 FY 2017 Org 0705

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

2       The above appropriation shall be transferred to the General  
 3 Revenue Fund to provide reimbursement for the refundable  
 4 credit allowable under W.Va. Code §11-21-21. The amount of  
 5 the required transfer shall be determined solely by the state tax  
 6 commissioner and shall be completed by the director of the  
 7 lottery upon the commissioner’s request.

*297 - Lottery Commission –  
 General Purpose Account*

Fund 7206 FY 2017 Org 0705

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

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

*298 - Higher Education Policy Commission –  
 Education Improvement Fund*

Fund 4295 FY 2017 Org 0441

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

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

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

*299 - Economic Development Authority –  
 Economic Development Project Fund*

Fund 9065 FY 2017 Org 0944

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

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

*300 - Department of Education –  
School Building Authority*

Fund 3514 FY 2017 Org 0402

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

*301 - West Virginia Infrastructure Council –  
West Virginia Infrastructure Transfer Fund*

Fund 3390 FY 2017 Org 0316

1 Directed Transfer. . . . . 70000 \$ 36,000,000

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

*302 - Higher Education Policy Commission –  
Higher Education Improvement Fund*

Fund 4297 FY 2017 Org 0441

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

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

*303 - Division of Natural Resources  
State Park Improvement Fund*

Fund 3277 FY 2017 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		<u>100,500</u>
6	Total.....		\$	5,000,000

7 Any unexpended balances remaining in the above  
8 appropriations for Repairs and Alterations (fund 3277,  
9 appropriation 06400), Equipment (fund 3277, appropriation  
10 07000), Unclassified – Total (fund 3277, appropriation 09600),  
11 Unclassified (fund 3277, appropriation 09900), Current  
12 Expenses (fund 3277, appropriation 13000), Buildings (fund  
13 3277, appropriation 25800), and Other Assets (fund 3277,  
14 appropriation 69000) at the close of the fiscal year 2016 are  
15 hereby reappropriated for expenditure during the fiscal year  
16 2017.

*304 - Racing Commission –*

Fund 7308 FY 2017 Org 0707

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

*305 - Lottery Commission –*

*Distributions to Statutory Funds and Purposes*

Fund 7213 FY 2017 Org 0705

1	Parking Garage Fund – Transfer. . .	70001	\$	500,000
2	2004 Capitol Complex Parking			
3	Garage Fund – Transfer. . . . .	70002		254,147
4	Capitol Dome and Improvements			
5	Fund – Transfer. . . . .	70003		2,155,201
6	Capitol Renovation and Improvement			
7	Fund – Transfer. . . . .	70004		2,795,627

8	Development Office Promotion		
9	Fund – Transfer. . . . .	70005	1,524,887
10	Research Challenge Fund –		
11	Transfer. . . . .	70006	2,033,184
12	Tourism Promotion Fund –		
13	Transfer. . . . .	70007	5,659,115
14	Cultural Facilities and Capitol		
15	Resources Matching		
16	Grant Program Fund –		
17	Transfer. . . . .	70008	1,433,371
18	Workers’ Compensation Debt		
19	Reduction Fund – Transfer. . . . .	70009	11,000,000
20	State Debt Reduction Fund –		
21	Transfer. . . . .	70010	20,000,000
22	General Revenue Fund – Transfer. . . . .	70011	1,513,472
23	West Virginia Racing Commission		
24	Racetrack Video Lottery		
25	Account. . . . .	70012	4,066,363
26	Historic Resort Hotel Fund. . . . .	70013	34,200
27	Licensed Racetrack Regular Purse		
28	Fund. . . . .	70014	0
29	Licensed Racetrack Thoroughbred		
30	Regular Purse Fund. . . . .		<u>10,111,678</u>
31	Total. . . . .		\$ 63,081,245

32 The above appropriation for Workers’ Compensation Debt  
33 Reduction Fund – Transfer (fund 7213, appropriation 70009)  
34 may be redirected by Executive Order to the General Revenue  
35 Fund in accordance with §29-22A-10d and §29-22A-10e.

*306 - Governor’s Office*

(WV Code Chapter 5)

Fund 1046 FY 2017 Org 0100

- 1 Any unexpended balance remaining in the appropriation for
- 2 Publication of Papers and Transition Expenses – Lottery Surplus

3 (fund 1046, appropriation 06600) at the close of the fiscal year  
4 2016 is hereby reappropriated for expenditure during the fiscal  
5 year 2017.

*307 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 3170 FY 2017 Org 0307

1 Any unexpended balances remaining in the appropriations  
2 for Unclassified – Total (fund 3170, appropriation 09600),  
3 Recreational Grants or Economic Development Loans (fund  
4 3170, appropriation 25300), and Connectivity Research and  
5 Development – Lottery Surplus (fund 3170, appropriation  
6 92300) at the close of the fiscal year 2016 are hereby  
7 reappropriated for expenditure during the fiscal year 2017.

*308 - Higher Education Policy Commission –  
Administration –  
Control Account*

(WV Code Chapter 18B)

Fund 4932 FY 2017 Org 0441

1 Any unexpended balance remaining in the appropriation for  
2 Advanced Technology Centers (fund 4932, appropriation 02800)  
3 at the close of the fiscal year 2016 is hereby reappropriated for  
4 expenditure during the fiscal year 2017.

*309 - Division of Health –  
Central Office*

(WV Code Chapter 16)

Fund 5219 FY 2017 Org 0506

1 Any unexpended balance remaining in the appropriation for  
2 Capital Outlay and Maintenance (fund 5219, appropriation

3 75500) at the close of the fiscal year 2016 is hereby  
4 reappropriated for expenditure during the fiscal year 2017.

*310 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2017 Org 0511

1 Medical Services. . . . . 18900 \$ 21,377,985

*311 - Division of Corrections –  
Correctional Units*

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

Fund 6283 FY 2017 Org 0608

1 Any unexpended balance remaining in the appropriation for  
2 Capital Outlay and Maintenance (fund 6283, appropriation  
3 75500) at the close of the fiscal year 2016 is hereby  
4 reappropriated for expenditure during the fiscal year 2017.

5 Total TITLE II, Section 5 —

6 Excess Lottery Funds. . . . . \$ 284,459,230

1 **Sec. 6. Appropriations of federal funds.** — In accordance  
2 with Article 11, Chapter 4 of the Code from federal funds there  
3 are hereby appropriated conditionally upon the fulfillment of the  
4 provisions set forth in Article 2, Chapter 11B of the Code the  
5 following amounts, as itemized, for expenditure during the fiscal  
6 year 2017.

**LEGISLATIVE**

*312 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 8738 FY 2017 Org 2300

	<b>Appropriation</b>		<b>Federal Funds</b>
1	Economic Loss Claim Payment		
2	Fund..... 33400	\$	3,000,000

**JUDICIAL**

*313 - Supreme Court*

Fund 8867 FY 2017 Org 2400

1	Personal Services and		
2	Employee Benefits. .... 00100	\$	2,008,000
3	Current Expenses..... 13000		<u>2,542,000</u>
4	Total.....	\$	4,550,000

**EXECUTIVE**

*314 - Governor's Office*

(WV Code Chapter 5)

Fund 8742 FY 2017 Org 0100

1	Personal Services and Employee		
2	Benefits. .... 00100	\$	86,677
3	Current Expenses..... 13000		138,323
4	Total.....	\$	225,000

*315 - Department of Agriculture*

(WV Code Chapter 19)

Fund 8736 FY 2017 Org 1400

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

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

*316 - Department of Agriculture –  
Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2017 Org 1400

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

*317 - Department of Agriculture –  
State Conservation Committee*

(WV Code Chapter 19)

Fund 8783 FY 2017 Org 1400

1	Personal Services and Employee			
2	Benefits.....	00100	\$	97,250
3	Current Expenses.....	13000		<u>14,099,974</u>
4	Total.....		\$	14,197,224

*318 - Department of Agriculture –  
Land Protection Authority*

Fund 8896 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 46,526
3	Unclassified. . . . .	09900	5,004
4	Current Expenses. . . . .	13000	<u>448,920</u>
5	Total. . . . .		\$ 500,450

*319 - Secretary of State –  
State Election Fund*

(WV Code Chapter 3)

Fund 8854 FY 2017 Org 1600

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 210,240
3	Unclassified. . . . .	09900	7,484
4	Current Expenses. . . . .	13000	415,727
5	Repairs and Alterations. . . . .	06400	15,000
6	Other Assets. . . . .	69000	<u>100,000</u>
7	Total. . . . .		\$ 748,451

**DEPARTMENT OF COMMERCE**

*320 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2017 Org 0305

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,578,347
3	Unclassified. . . . .	09900	51,050
4	Current Expenses. . . . .	13000	5,632,560
5	Repairs and Alterations. . . . .	06400	155,795
6	Equipment. . . . .	07000	100,000
7	Other Assets. . . . .	69000	<u>1,808,300</u>
8	Total. . . . .		\$ 9,326,052

*321 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 8704 FY 2017 Org 0306

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

*322 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 8705 FY 2017 Org 0307

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 745,981
3	Unclassified. . . . .	09900	50,000
4	Current Expenses. . . . .	13000	<u>4,504,019</u>
5	Total. . . . .		\$ 5,300,000

*323 - Division of Labor*

(WV Code Chapters 21 and 47)

Fund 8706 FY 2017 Org 0308

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



*324 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 8707 FY 2017 Org 0310

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 7,912,218
3	Unclassified. . . . .	09900	107,693
4	Current Expenses. . . . .	13000	5,556,594
5	Repairs and Alterations. . . . .	06400	289,400
6	Equipment. . . . .	07000	1,815,712
7	Buildings. . . . .	25800	951,000
8	Other Assets. . . . .	69000	1,951,000
9	Land. . . . .	73000	<u>1,000</u>
10	Total. . . . .		\$ 18,584,617

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

(WV Code Chapter 22)

Fund 8709 FY 2017 Org 0314

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

*326 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 8835 FY 2017 Org 0323

1	Unclassified. . . . .	09900	\$ 5,127
2	Current Expenses. . . . .	13000	507,530
3	Reed Act 2002 – Unemployment		
4	Compensation. . . . .	62200	2,850,000

5	Reed Act 2002 – Employment		
6	Services.....	63000	<u>1,650,000</u>
7	Total.....		\$ 5,012,657

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

*327 - Office of the Secretary –  
Office of Economic Opportunity*

(WV Code Chapter 5)

Fund 8780 FY 2017 Org 0327

1	Personal Services and Employee		
2	Benefits.....	00100	\$ 497,289
3	Unclassified.....	09900	106,795
4	Current Expenses.....	13000	10,068,916
5	Repairs and Alterations.....	06400	500
6	Equipment.....	07000	<u>6,000</u>
7	Total.....		\$ 10,679,500

*328 - Division of Energy*

(WV Code Chapter 5B)

Fund 8892 FY 2017 Org 0328

1	Personal Services and Employee		
2	Benefits.....	00100	\$ 411,574
3	Unclassified.....	09900	7,350

4	Current Expenses.....	13000		<u>2,816,076</u>
5	Total.....		\$	3,235,000

**DEPARTMENT OF EDUCATION**

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

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2017 Org 0402

1	Personal Services and Employee			
2	Benefits.....	00100	\$	7,078,855
3	Unclassified.....	09900		2,000,000
4	Current Expenses.....	13000		210,917,820
5	Repairs and Alterations.....	06400		10,000
6	Equipment.....	07000		10,000
7	Other Assets.....	69000		<u>10,000</u>
8	Total.....		\$	220,026,675

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

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2017 Org 0402

1	Personal Services and Employee			
2	Benefits.....	00100	\$	1,992,648
3	Unclassified.....	09900		1,150,500
4	Current Expenses.....	13000		128,101,265
5	Repairs and Alterations.....	06400		20,000
6	Equipment.....	07000		100,000
7	Other Assets.....	69000		<u>25,000</u>
8	Total.....		\$	131,389,413

*331 - State Board of Education –  
Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,519,972
3	Unclassified. . . . .	09900	155,000
4	Current Expenses. . . . .	13000	14,320,081
5	Repairs and Alterations. . . . .	06400	10,000
6	Equipment. . . . .	07000	10,000
7	Other Assets. . . . .	69000	<u>10,000</u>
8	Total. . . . .		\$ 16,025,053

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

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 4,044,940
3	Unclassified. . . . .	09900	1,000,000
4	Current Expenses. . . . .	13000	107,646,390
5	Repairs and Alterations. . . . .	06400	10,000
6	Equipment. . . . .	07000	10,000
7	Other Assets. . . . .	69000	<u>10,000</u>
8	Total. . . . .		\$ 112,721,330

**DEPARTMENT OF EDUCATION AND THE ARTS**

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

(WV Code Chapter 5F)

Fund 8841 FY 2017 Org 0431

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 414,424

2016] HOUSE OF DELEGATES 4247

3	Current Expenses.....	13000		5,589,576
4	Repairs and Alterations.....	06400		<u>1,000</u>
5	Total.....		\$	6,005,000

*334 - Division of Culture and History*

(WV Code Chapter 29)

Fund 8718 FY 2017 Org 0432

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

*335 - Library Commission*

(WV Code Chapter 10)

Fund 8720 FY 2017 Org 0433

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

*336 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 8721 FY 2017 Org 0439

1	Equipment.....	07000	\$	750,000
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*337 - State Board of Rehabilitation –  
Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 8734 FY 2017 Org 0932

1	Personal Services and Employee	
2	Benefits. . . . . 00100	\$ 11,248,930
3	Current Expenses. . . . . 13000	54,485,940
4	Repairs and Alterations. . . . . 06400	350,400
5	Equipment. . . . . 07000	<u>1,275,870</u>
6	Total. . . . .	\$ 67,361,140

*338 - State Board of Rehabilitation –  
Division of Rehabilitation Services –  
Disability Determination Services*

(WV Code Chapter 18)

Fund 8890 FY 2017 Org 0932

1	Personal Services and Employee	
2	Benefits. . . . . 00100	\$ 13,730,634
3	Current Expenses. . . . . 13000	11,383,206
4	Repairs and Alterations. . . . . 06400	1,100
5	Equipment. . . . . 07000	<u>83,350</u>
6	Total. . . . .	\$ 25,198,290

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*339 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 8708 FY 2017 Org 0313

1	Personal Services and Employee	
2	Benefits. . . . . 00100	\$ 28,402,177



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

(WV Code Chapter 16)

Fund 8824 FY 2017 Org 0506

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

*343 - West Virginia Health Care Authority*

(WV Code Chapter 16)

Fund 8851 FY 2017 Org 0507

1	Unclassified. . . . .	09900	\$ 9,966
2	Current Expenses. . . . .	13000	<u>986,649</u>
3	Total. . . . .		\$ 996,615

*344 - Human Rights Commission*

(WV Code Chapter 5)

Fund 8725 FY 2017 Org 0510

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

*345 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 8722 FY 2017 Org 0511

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 68,841,330



3	Unclassified. . . . .	09900	22,855,833
4	Current Expenses. . . . .	13000	72,056,205
5	Medical Services. . . . .	18900	2,884,265,405
6	Medical Services Administrative		
7	Costs. . . . .	78900	132,045,119
8	CHIP Administrative Costs. . . . .	85601	3,333,752
9	CHIP Services. . . . .	85602	47,422,974
10	Federal Economic Stimulus. . . . .	89100	<u>45,693,209</u>
11	Total. . . . .		\$3,276,513,827

**DEPARTMENT OF MILITARY AFFAIRS AND  
PUBLIC SAFETY**

*346 - Office of the Secretary*

(WV Code Chapter 5F)

Fund 8876 FY 2017 Org 0601

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 439,636
3	Unclassified. . . . .	09900	250,000
4	Current Expenses. . . . .	13000	24,307,690
5	Repairs and Alterations. . . . .	06400	3,000
6	Other Assets. . . . .	69000	<u>5,000</u>
7	Total. . . . .		\$ 25,005,326

*347 - Adjutant General –  
State Militia*

(WV Code Chapter 15)

Fund 8726 FY 2017 Org 0603

1	Unclassified. . . . .	09900	\$ 982,705
2	Mountaineer ChalleNGe		
3	Academy. . . . .	70900	3,375,000
4	Martinsburg Starbase. . . . .	74200	410,000

5	Charleston Starbase. . . . .	74300		400,000
6	Military Authority. . . . .	74800		<u>93,102,900</u>
7	Total. . . . .		\$	98,270,605

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

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

(WV Code Chapter 15)

Fund 8785 FY 2017 Org 0603

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

*349 - Division of Homeland Security and  
Emergency Management*

(WV Code Chapter 15)

Fund 8727 FY 2017 Org 0606

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	721,650
3	Current Expenses. . . . .	13000		20,429,281
4	Repairs and Alterations. . . . .	06400		5,000
5	Equipment. . . . .	07000		<u>100,000</u>
6	Total. . . . .		\$	21,255,931

*350 - Division of Corrections*

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

Fund 8836 FY 2017 Org 0608



**DEPARTMENT OF REVENUE***354 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2017 Org 0704

1	Current Expenses.....	13000	\$	3,000,000
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**DEPARTMENT OF TRANSPORTATION***355 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2017 Org 0802

1	Personal Services and Employee			
2	Benefits.....	00100	\$	501,394
3	Current Expenses.....	13000		15,671,640
4	Repairs and Alterations.....	06400		<u>500</u>
5	Total.....		\$	16,173,534

*356 - Division of Public Transit*

(WV Code Chapter 17)

Fund 8745 FY 2017 Org 0805

1	Personal Services and Employee			
2	Benefits.....	00100	\$	702,637
3	Current Expenses.....	13000		9,161,605
4	Repairs and Alterations.....	06400		2,500
5	Equipment.....	07000		5,486,432
6	Buildings.....	25800		205,526
7	Other Assets.....	69000		<u>35,000</u>
8	Total.....		\$	15,593,700

*357 - Public Port Authority*

(WV Code Chapter 17)

Fund 8830 FY 2017 Org 0806

1	Current Expenses.....	13000	\$	626,250
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**DEPARTMENT OF VETERANS' ASSISTANCE**

*358 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2017 Org 0613

1	Personal Services and Employee			
2	Benefits.....	00100	\$	2,751,100
3	Current Expenses.....	13000		3,925,900
4	Repairs and Alterations.....	06400		50,000
5	Equipment.....	07000		200,000
6	Buildings.....	25800		600,000
7	Other Assets.....	69000		100,000
8	Land.....	73000		<u>100,000</u>
9	Total.....		\$	7,727,000

*359 - Department of Veterans' Assistance –  
Veterans' Home*

(WV Code Chapter 9A)

Fund 8728 FY 2017 Org 0618

1	Personal Services and Employee			
2	Benefits.....	00100	\$	877,915
3	Current Expenses.....	13000		844,092
4	Repairs and Alterations.....	06400		220,000
5	Equipment.....	07000		198,000
6	Buildings.....	25800		296,000

7	Other Assets.....	69000		20,000
8	Land.....	73000		<u>10,000</u>
9	Total.....		\$	2,466,007

### **BUREAU OF SENIOR SERVICES**

#### *360 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 8724 FY 2017 Org 0508

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

### **MISCELLANEOUS BOARDS AND COMMISSIONS**

#### *361 - Public Service Commission – Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8743 FY 2017 Org 0926

1	Personal Services and Employee			
2	Benefits.....	00100	\$	1,286,913
3	Current Expenses.....	13000		843,953
4	Repairs and Alterations.....	06400		40,000
5	Equipment.....	07000		<u>1,862,000</u>
6	Total.....		\$	4,032,866

#### *362 - Public Service Commission – Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2017 Org 0926

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

*363 - National Coal Heritage Area Authority*

(WV Code Chapter 29)

Fund 8869 FY 2017 Org 0941

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

8 Total TITLE II, Section 6 –

9 Federal Funds. . . . . \$ 4,501,997,279

1 **Sec. 7. Appropriations from federal block grants.** – The  
2 following items are hereby appropriated from federal block  
3 grants to be available for expenditure during the fiscal year 2017.

*364 - West Virginia Development Office –  
Community Development*

Fund 8746 FY 2017 Org 0307

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 648,117
3	Unclassified. . . . .	09900	375,000

4	Current Expenses.....	13000		<u>36,476,883</u>
5	Total.....		\$	37,500,000

*365 - WorkForce West Virginia –  
Workforce Investment Act*

Fund 8749 FY 2017 Org 0323

1	Personal Services and Employee			
2	Benefits.....	00100	\$	2,862,606
3	Unclassified.....	09900		23,023
4	Current Expenses.....	13000		28,513,511
5	Repairs and Alterations.....	06400		1,600
6	Equipment.....	07000		500
7	Buildings.....	25800		<u>1,100</u>
8	Total.....		\$	31,402,340

*366 - Department of Commerce  
Office of the Secretary –  
Office of Economic Opportunity –  
Community Services*

Fund 8781 FY 2017 Org 0327

1	Personal Services and Employee			
2	Benefits.....	00100	\$	362,389
3	Unclassified.....	09900		84,000
4	Current Expenses.....	13000		12,043,111
5	Repairs and Alterations.....	06400		1,500
6	Equipment.....	07000		<u>9,000</u>
7	Total.....		\$	12,500,000

*367 - Division of Health –  
Maternal and Child Health*

Fund 8750 FY 2017 Org 0506

1	Personal Services and Employee			
2	Benefits.....	00100	\$	2,124,294





*371- Division of Human Services –  
Energy Assistance*

Fund 8755 FY 2017 Org 0511

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

*372 - Division of Human Services –  
Social Services*

Fund 8757 FY 2017 Org 0511

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

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

Fund 8816 FY 2017 Org 0511

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 18,297,327
3	Unclassified. . . . .	09900	1,250,000
4	Current Expenses. . . . .	13000	<u>105,847,136</u>
5	Total. . . . .		\$ 125,394,463

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

Fund 8817 FY 2017 Org 0511

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 4,676,841

3	Unclassified. . . . .	09900		350,000
4	Current Expenses. . . . .	13000		<u>31,999,456</u>
5	Total. . . . .		\$	<u>37,026,297</u>

*375 - Division of Justice and Community Services –  
Juvenile Accountability Incentive*

Fund 8829 FY 2017 Org 0620

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	14,246
3	Current Expenses. . . . .	13000		85,729
4	Repairs and Alterations. . . . .	06400		<u>25</u>
5	Total. . . . .		\$	100,000
6	Total TITLE II, Section 7 —			
7	Federal Block Grants. . . . .		\$	<u><u>324,436,229</u></u>

1       **Sec. 8. Awards for claims against the state.** — There are  
2 hereby appropriated for fiscal year 2017, from the fund as  
3 designated, in the amounts as specified, general revenue funds  
4 in the amount of \$447,066, special revenue funds in the amount  
5 of \$89,910, and state road funds in the amount of \$983,485 for  
6 payment of claims against the state.

1       **Sec. 9. Appropriations from general revenue surplus**  
2 **accrued.** — The following items are hereby appropriated from  
3 the state fund, general revenue, and are to be available for  
4 expenditure during the fiscal year 2017 out of surplus funds  
5 only, accrued from the fiscal year ending June 30, 2016, subject  
6 to the terms and conditions set forth in this section.

7       It is the intent and mandate of the Legislature that the  
8 following appropriations be payable only from surplus accrued  
9 as of July 31, 2016 from the fiscal year ending June 30, 2016,  
10 only after first meeting requirements of W.Va. Code  
11 §11B-2-20(b).

12 In the event that surplus revenues available on July 31, 2016,  
 13 are not sufficient to meet all the appropriations made pursuant to  
 14 this section, then the appropriations shall be made to the extent  
 15 that surplus funds are available as of the date mandated and shall  
 16 be allocated first to provide the necessary funds to meet the first  
 17 appropriation of this section and each subsequent appropriation  
 18 in the order listed in this section.

*376- Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2017 Org 0511

1	Medical Services Surplus. . . . .	63300	\$	5,500,000
2	Total TITLE II, Section 9 –			
3	Surplus Accrued. . . . .		\$	<u>5,500,000</u>

1 **Sec. 10. Appropriations from lottery net profits surplus**  
 2 **accrued.** — The following item is hereby appropriated from the  
 3 lottery net profits, and is to be available for expenditure during  
 4 the fiscal year 2017 out of surplus funds only, as determined by  
 5 the director of lottery, accrued from the fiscal year ending June  
 6 30, 2016, subject to the terms and conditions set forth in this  
 7 section.

8 It is the intent and mandate of the Legislature that the  
 9 following appropriation be payable only from surplus accrued  
 10 from the fiscal year ending June 30, 2016.

11 In the event that surplus revenues available from the fiscal  
 12 year ending June 30, 2016, are not sufficient to meet the  
 13 appropriation made pursuant to this section, then the  
 14 appropriation shall be made to the extent that surplus funds are  
 15 available.

*377 - Bureau of Senior Services –  
 Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2017 Org 0508

1	Senior Services Medicaid Transfer –		
2	Lottery Surplus. . . . .	68199	\$ 8,000,000
3	Total TITLE II, Section 10 –		
4	Surplus Accrued. . . . .		<u>\$ 8,000,000</u>

1       **Sec. 11. Appropriations from state excess lottery revenue**  
2       **surplus accrued.** — The following item is hereby appropriated  
3       from the state excess lottery revenue fund, and is to be available  
4       for expenditure during the fiscal year 2017 out of surplus funds  
5       only, as determined by the director of lottery, accrued from the  
6       fiscal year ending June 30, 2016, subject to the terms and  
7       conditions set forth in this section.

8       It is the intent and mandate of the Legislature that the  
9       following appropriation be payable only from surplus accrued  
10      from the fiscal year ending June 30, 2016.

11      In the event that surplus revenues available from the fiscal  
12      year ending June 30, 2016, are not sufficient to meet the  
13      appropriation made pursuant to this section, then the  
14      appropriation shall be made to the extent that surplus funds are  
15      available.

*378 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2017 Org 0511

1	Medical Services –		
2	Lottery Surplus. . . . .	68100	\$ 30,000,000
3	Total TITLE II, Section 11 –		
4	Surplus Accrued. . . . .		<u>\$ 30,000,000</u>

1       **Sec. 12. Special revenue appropriations.** — There are  
 2 hereby appropriated for expenditure during the fiscal year 2017  
 3 appropriations made by general law from special revenues which  
 4 are not paid into the state fund as general revenue under the  
 5 provisions of W.Va. Code §12-2-2: Provided, That none of the  
 6 money so appropriated by this section shall be available for  
 7 expenditure except in compliance with the provisions of W.Va.  
 8 Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending  
 9 unit has filed with the director of the budget and the legislative  
 10 auditor prior to the beginning of each fiscal year:

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

13       (b) A detailed expenditure schedule showing for what  
 14 purposes the fund is to be expended. During Fiscal Year 2017,  
 15 the following funds are hereby available and are to be transferred  
 16 to the Department of Health and Human Resources, Division of  
 17 Human Services – Medical Services Trust Fund (fund 5185)  
 18 from available balances per the following:

*379 - Treasurer’s Office  
 Flood Insurance Tax Fund*

(WV Code Chapter 33)

Fund 1343 FY 2017 Org 1300

1 Directed Transfer..... 70000       \$       474,000

*380 - Treasurer’s Office  
 Treasurer’s Financial Electronic Commerce Fund*

(WV Code Chapter 12)

Fund 1345 FY 2017 Org 1300

1 Directed Transfer..... 70000       \$       500,000

2016]

HOUSE OF DELEGATES

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*381 - Secretary of State  
Marriage Celebrants Registration Fee Administration Fund*

(WV Code Chapter 48)

Fund 1613 FY 2017 Org 1600

1 Directed Transfer..... 70000 \$ 100,000

*382 - State Election Commission  
Supreme Court Public Campaign Financing*

(WV Code Chapter 3)

Fund 1690 FY 2017 Org 1601

1 Directed Transfer..... 70000 \$ 500,000

*383 - Surplus Property Division  
Sale of Surplus Property Fund*

(WV Code Chapter 5A)

Fund 2281 FY 2017 Org 0214

1 Directed Transfer..... 70000 \$ 500,000

*384 - Division of Environmental Protection  
Dam Safety Rehabilitation Revolving Fund*

(WV Code Chapter 22)

Fund 3025 FY 2017 Org 0313

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

*385 - Division of Forestry  
Outdoor Heritage Conservation Fund*

(WV Code Chapter 5B)

Fund 3091 FY 2017 Org 0305

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

*386 - West Virginia Development Office  
Development Office Promotion Fund*

(WV Code Chapter 5B)

Fund 3171 FY 2017 Org 0307

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

*387 - Division of Environmental Protection  
Underground Tank Insurance Fund*

(WV Code Chapter 22)

Fund 3218 FY 2017 Org 0313

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

*388 - Department of Environmental Protection  
Water Quality Management Fund*

(WV Code Chapter 22)

Fund 3327 FY 2017 Org 0313

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

*389 - Department of Environmental Protection  
Closure Cost Assistance Fund*

(WV Code Chapter 22)

Fund 3328 FY 2017 Org 0313

1 Directed Transfer..... 70000 \$ 2,000,000

*390 - Division of Culture and History  
Veterans' Memorial*



2016]

HOUSE OF DELEGATES

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(WV Code Chapter 29)

Fund 3532 FY 2017 Org 0432

1 Directed Transfer..... 70000 \$ 128,001.10

*391 - Division of Human Services  
Medicaid Fraud Control Fund*

(WV Code Chapter 9)

Fund 5141 FY 2017 Org 0511

1 Directed Transfer..... 70000 \$ 500,000

*392 - Division of Health  
Central Office Lottery Fund*

(WV Code Chapter 16)

Fund 5219 FY 2017 Org 0506

1 Directed Transfer..... 70000 \$ 450,000

*393 - Division of Health –  
DHHR Safety and Treatment Fund*

(WV Code Chapter 17)

Fund 5228 FY 2017 Org 0506

1 Directed Transfer..... 70000 \$ 500,000

*394 - Division of Corrections  
Prison Industries Fund*

Fund 6303 FY 2017 Org 0608

1 Directed Transfer..... 70000 \$ 500,000

*395 - Insurance Commissioner  
Unfair Claims Settlement Practice Trust Fund*

(WV Code Chapter 33)

Fund 7168 FY 2017 Org 0704

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

*396 - Board of Pharmacy  
Pharmacy Operating Fund*

(WV Code Chapter 30)

Fund 8537 FY 2017 Org 0913

1 Directed Transfer..... 70000 \$ 500,000

*397 - West Virginia Economic Development Authority  
WVEDA Credit Insurance Fund*

(WV Code Chapter 31)

Fund 9063 FY 2017 Org 0944

1 Directed Transfer..... 70000 \$ 3,500,000

2 Total TITLE II, Section 12 –

3 Directed Transfer..... \$ 16,152,001.10

1 **Sec. 13. State improvement fund appropriations.** —  
2 Bequests or donations of nonpublic funds, received by the  
3 Governor on behalf of the state during the fiscal year 2017, for  
4 the purpose of making studies and recommendations relative to  
5 improvements of the administration and management of  
6 spending units in the executive branch of state government, shall  
7 be deposited in the state treasury in a separate account therein  
8 designated state improvement fund.

9 There are hereby appropriated all moneys so deposited  
10 during the fiscal year 2017 to be expended as authorized by the  
11 Governor, for such studies and recommendations which may

12 encompass any problems of organization, procedures, systems,  
13 functions, powers or duties of a state spending unit in the  
14 executive branch, or the betterment of the economic, social,  
15 educational, health and general welfare of the state or its  
16 citizens.

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

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

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

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

12 time to time such amounts to the municipal bond commission as  
13 may be necessary for these purposes.

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

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

6 (a) For redemption of lands;

7 (b) By public service corporations;

8 (c) For tax forfeitures.

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

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

### TITLE III – ADMINISTRATION.

1 **Sec. 1. Appropriations conditional.** — The expenditure of  
2 the appropriations made by this act, except those appropriations  
3 made to the legislative and judicial branches of the state

4 government, are conditioned upon the compliance by the  
5 spending unit with the requirements of Article 2, Chapter 11B of  
6 the Code.

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

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

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

During debate on the bill, Delegate B. White moved the previous  
question, which motion was sustained.

On this motion, the yeas and nays were taken (**Roll No. 697**), and  
there were—yeas 25, nays 64, absent and not voting 11, with the yeas  
and absent and not voting being as follows:

Yeas: Ambler, Atkinson, Azinger, Blair, Cadle, Canterbury,  
Cooper, Deem, Duke, Ellington, A. Evans, D. Evans, Faircloth, Fast,  
Hamilton, Ireland, Kelly, McGeehan, Rowan, R. Smith, Wagner,  
Walters, Weld, Westfall and B. White.

Absent and Not Voting: Campbell, Gearheart, Hanshaw,  
Hornbuckle, Moye, J. Nelson, O'Neal, Perdue, Phillips, Trecost and  
Zatezalo.

So, a majority of the members present and voting not having voted  
in the affirmative, the motion for the previous question did not prevail.

**Speaker Pro Tempore Anderson in the Chair**

Mr. Speaker, Mr. Armstead, arose from his seat and requested to be excused from voting on the passage of Com. Sub. for H. B. 101 under the provisions of House Rule 49. Delegates Shaffer, Pushkin, Marcum, P. Smith, Fleischauer, Byrd, Morgan, Rodighiero, Westfall, Perry, Rowe, Faircloth, Espinosa, Romine, Hamilton, McGeehan, Rowan, Azinger, Waxman, Hamrick, Rohrbach, Duke, Arvon, Lane, E. Nelson, Householder, D. Evans, Border, A. Evans, Ambler, Summers, Overington, Walters, Kurcaba, Frich, Skinner, Eldridge, Boggs, Flanigan, Ireland, Lynch, Ferro, Pethtel and P. White also requested to be excused from voting on the passage of Com. Sub. for H. B. 101 under the provisions of House Rule 49. Speaker Pro Tempore Anderson also indicated to the Clerk that he desired to be included in the request to be excused from voting on the passage of the bill.

The Speaker Pro Tempore replied that any impact on the Delegates would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse them from voting.

**Mr. Speaker, Mr. Armstead, in the Chair**

On the passage of the bill, the yeas and nays were taken (**Roll No. 698**), and there were, including 10 paired—yeas 60, nays 37, absent and not voting 3, with the paired, nays and absent and not voting and paired being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Gearheart      Nay: Moyer

Yea: Hanshaw      Nay: Campbell

Yea: Moffatt      Nay: Ihle

Yea: J. Nelson      Nay: Perdue

Yea: O'Neal      Nay: Phillips

Nays: Bates, Blackwell, Boggs, Byrd, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Folk, Guthrie, Hartman, Hicks, Kurcaba, Longstreth, Lynch, Manchin, Marcum, McGeehan, Miley, Moore, Morgan, Perry, Pethtel, Pushkin, Reynolds, Rodighiero, Rowe, Shaffer, Skinner, Sponaugle and P. White.

Absent and Not Voting: Hornbuckle, Trecoast and Zatezalo.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 101) passed.

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

On this question, the yeas and nays were taken (**Roll No. 699**), and there were—yeas 86, nays 2, absent and not voting 12, with the nays and absent and not voting being as follows:

Nays: Hicks and McGeehan.

Absent and Not Voting: Campbell, Gearheart, Hanshaw, Hornbuckle, Moffatt, Moye, J. Nelson, O'Neal, Perdue, Phillips, Trecoast and Zatezalo.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 101) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, bills of the House of Delegates as follows:

**Com. Sub. for H. B. 117**, Relating generally to the promulgation of administrative rules by the Department of Environmental Protection,

And,

**H. B. 118**, Department of Environmental Protection, Air Quality, rule relating to standards of performance for new stationary sources (45 CSR 16).

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

### **Resolutions Introduced**

Mr. Speaker, Mr. Armstead, offered the following resolution:

**H. C. R. 1** – “Providing for an adjournment of the Legislature until June 12, 2016.”

*Resolved by the Legislature of West Virginia:*

That when adjournment is taken by the two houses of the Legislature at the close of their respective sessions on June 2, 2016, such adjournment shall be until 2:00 p.m. on June 12, 2016, pursuant to section 23, article VI of the Constitution of the State of West Virginia, unless called prior to that time by the Speaker of the House of Delegates and the President of the Senate.

Delegate Cowles asked unanimous consent that reference of the resolution (H. C. R. 1) to a committee be dispensed with, and that it be taken up for immediate consideration and put upon its adoption, which consent was not given, Delegate Sponaugle objecting.

On motion of Delegate Cowles, reference of the resolution (H. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

On the adoption of the resolution, Delegate Caputo demanded the yeas and nays, which demand was sustained.



The yeas and nays were taken (**Roll No. 700**), and there were—yeas 58, nays 30, absent and not voting 12, with the nays and absent and not voting being as follows:

Nays: Bates, Blackwell, Boggs, Byrd, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Perry, Pethtel, Pushkin, Reynolds, Rodighiero, Rowe, Shaffer, Skinner, P. Smith, Sponaugle and P. White.

Absent and Not Voting: Campbell, Gearheart, Hanshaw, Hornbuckle, Moffatt, Moye, J. Nelson, O'Neal, Perdue, Phillips, Trecoast and Zatezalo.

So, a majority of the Members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 1) adopted.

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

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Gearheart, Hanshaw, Trecoast and Zatezalo.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 1**, Providing for an adjournment of the Legislature until June 12, 2016.

### **Miscellaneous Business**

Delegate Perdue asked and obtained unanimous consent that the remarks of Delegate Lane regarding a recent West Virginia Supreme

Court of Appeals case related to drug abuse, be printed in the Appendix to the Journal.

Delegate Sponaugle noted to the Clerk that had he been present on Roll Nos. 691 through 695 he would have vote “Yea” thereon.

Delegate Walters asked and obtained unanimous consent that the remarks of Delegate Ellington regarding H. B. 114, be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Pushkin regarding H. B. 114, be printed in the Appendix to the Journal.

Unanimous consent was asked and obtained that all remarks, excluding colloquy, regarding Com. Sub. for H. B. 101, be printed in the Appendix to the Journal.

At 7:34 p.m., on motion of Delegate Cowles, the House of Delegates adjourned until 2:00 p.m., Sunday, June 12, 2016, pursuant to H. C. R. 1.

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SATURDAY, JUNE 11, 2016

**FOURTEENTH DAY**

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

Pursuant to H. C. R. 1, adopted on the second day of June, 2016, the House of Delegates met at 2:00 p.m., and was called to order by the Honorable Tim Armstead, Speaker.

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

The following letter was read by the Clerk:

West Virginia Legislature  
State Capitol  
Charleston, West Virginia 25305

June 9, 2016

The Honorable Clark Barnes, Clerk  
West Virginia Senate  
Building 1, Room 211-M  
1900 Kanawha Boulevard, East  
Charleston, West Virginia, 25305

The Honorable Stephen J. Harrison, Clerk  
West Virginia House of Delegates  
Building 1, Room 212-M  
1900 Kanawha Boulevard, East  
Charleston, West Virginia, 25305

Dear Clerk Barnes and Clerk Harrison:

Pursuant to the provisions of House Concurrent Resolution 1 adopted by the Senate and House on June 2, 2016, we do hereby call

the Legislature back into session on Saturday, June 11, 2016. The Senate will convene at 11:00 a.m. and the House of Delegates will convene at 2:00 p.m.

Sincerely,

William P. Cole III

*President*

Tim Armstead

*Speaker*

The Clerk proceeded to read the Journal of Thursday, June 2, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### **Committee Reports**

Delegate McCuskey, Chair of 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 7<sup>th</sup> day of June, 2016, 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. 101**, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution,

**Com. Sub. for H. B. 117**, Relating generally to the promulgation of administrative rules by the Department of Environmental Protection,

And,

**H. B. 118**, Department of Environmental Protection, Air Quality, rule relating to standards of performance for new stationary sources (45 CSR 16).

**Messages from the Executive  
and other Communications**

The Speaker laid before the House of Delegates the Proclamation of His Excellency, the Governor, as amended, convening the Legislature in extraordinary session, which was read by the Clerk as follows:

**STATE OF WEST VIRGINIA  
EXECUTIVE DEPARTMENT**

**Charleston**

**A P R O C L A M A T I O N**

**By the Governor**

**I, EARL RAY TOMBLIN**, by virtue of the authority vested in the Governor by Section 7, Article VII of the Constitution of West Virginia, do hereby **AMEND** the Proclamation dated the twelfth day of May, Two Thousand Sixteen, calling the Legislature of West Virginia to convene in Extraordinary Session at twelve o'clock noon on the sixteenth day of May, Two Thousand Sixteen, and amended by subsequent Proclamation dated the first day of June, Two Thousand Sixteen, by adding item ten, as follows:

**TENTH:** A bill reducing the deposit to the West Virginia Infrastructure Fund to \$20,000,000 for fiscal year 2017.

**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 tenth day of June, in the year of our Lord, Two Thousand Sixteen, and in the One Hundred Fifty-Third year of the State.

**EARL RAY TOMBLIN  
GOVERNOR**

By the Governor

NATALIE E. TENNANT  
SECRETARY OF STATE

A communication was received from His Excellency, the Governor, advising that on June 8, 2016, he approved **Com. Sub. for H. B. 117 and H. B. 118.**

At 2:22 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 3:30 p.m.

\* \* \* \* \*

### **Afternoon Session**

\* \* \* \* \*

### **Messages from the Executive**

The Speaker then laid before the House of Delegates a communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both houses, as follows:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

June 8, 2016

### **Veto Message**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
Room 228M, Building 1  
State Capitol Complex  
1900 Kanawha Blvd., East  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 101

Dear Speaker Armstead:

Pursuant to section fifty-one, article VI of the Constitution of West Virginia, I hereby veto—in its entirety—the Enrolled Committee Substitute for House Bill 101 (the “Budget Bill”).

When I convened the West Virginia Legislature in Extraordinary Session last month, I submitted a Budget Bill for fiscal year 2017 that not only was balanced, but fiscally sound and forward-looking. My Budget Bill acknowledged the reality that we must downsize state government sensibly and increase state revenues if West Virginia is to remain a torchbearer of fiscal responsibility. My Budget Bill therefore cut, in targeted fashion, \$86,000,000 from the annual base budget structure that operates state government. But it also strengthened the foundation of that structure by proposing essential, on-going revenue enhancements. These components of my Budget Bill would have closed next year’s projected shortfall of approximately \$270,000,000 and put West Virginia in good stead moving forward.

Significantly, my Budget Bill did not raid one penny from the Revenue Shortfall Reserve Fund (“Rainy Day Fund”). The Rainy Day Fund is a tool to help the state weather the unanticipated revenue shortfalls that occur from time to time; its principal balance should not be invaded, to any great degree, to backfill a budget that is structurally unsound for lack of revenue. Further, a robust Rainy Day Fund supports our competitive bond ratings on Wall Street. It would be reckless and irresponsible to deplete substantially our Rainy Day Fund and jeopardize our bond ratings simply because we wish to avoid or delay taking necessary action to enhance revenues.

The Budget Bill the West Virginia Legislature has presented for my signature bears no resemblance to my responsible proposal of a month ago. Among other reckless measures, the Legislature’s Budget Bill uses \$292,000,000 in “one-time” line items, including spending approximately \$190,000,000 from the Rainy Day Fund, to “balance”

the 2017 fiscal year budget. The Legislature's Budget Bill, moreover, includes \$0 in revenue enhancements to the annual base budget structure. As a consequence, the Legislature's Budget Bill fails to remedy, to any extent, the structural imbalance in our state budget. Signing this misguided blueprint into law would expose West Virginia to projected budget gaps of at least \$380,000,000 in both fiscal years 2018 and 2019. I believe the Legislature should address our very real structural budget problem now, rather than saddle the next administration with an even greater deficit.

In light of the foregoing, I hereby veto the Budget Bill in its entirety. In issuing this veto, I urge the Legislature—in the strongest of terms—to return to the Capitol immediately and work with me to tailor a responsible Budget Bill for fiscal year 2017. With the specter of a July 1, 2016, government shutdown looming, time is of the essence. Nevertheless, time remains for compromise and responsible action. I respectfully request the Legislature to achieve compromise and take responsible action.

Sincerely,

Earl Ray Tomblin,  
*Governor.*

Delegate Cowles moved to proceed to reconsider the bill notwithstanding the objection of the Governor in accordance with section 51, Article VI of the Constitution.

Delegate Folk was recognized and moved to postpone the motion offered by Delegate Cowles one day, which motion was not adopted.

The question before the House being the motion to proceed to reconsider, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 701**), and there were—yeas 55, nays 29, absent and not voting 16, with the nays and absent and not voting being as follows:



Nays: Bates, Blackwell, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Marcum, Miley, Moore, Morgan, Moye, Perry, Pethtel, Phillips, Pushkin, Rodighiero, Rowe, Shaffer, Skinner and P. White.

Absent and Not Voting: Cadle, Ellington, Faircloth, Flanigan, Gearheart, Hill, Householder, Lynch, Manchin, J. Nelson, Perdue, Reynolds, Sponaugle, Storch, Trecost and B. White.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

The Speaker then propounded, "Shall the bill pass, notwithstanding the objections of the Governor?"

On this question, the yeas and nays were taken (**Roll No. 702**), and there were—yeas 55, nays 29, absent and not voting 16, with the yeas, nays and absent and not voting being as follows:

Yeas: Ambler, Anderson, Arvon, Atkinson, Azinger, Blair, Border, Butler, Canterbury, Cooper, Cowles, Deem, Duke, Espinosa, A. Evans, D. Evans, Fast, Folk, Foster, Frich, Hamilton, Hamrick, Hanshaw, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, McCuskey, McGeehan, Miller, Moffatt, E. Nelson, O'Neal, Overington, Rohrbach, Romine, Rowan, Shott, P. Smith, R. Smith, Sobonya, Stansbury, Statler, Summers, Upson, Wagner, Walters, Waxman, Weld, Westfall, Zatezalo and Mr. Speaker (Mr. Armstead).

Nays: Bates, Blackwell, Boggs, Byrd, Campbell, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Marcum, Miley, Moore, Morgan, Moye, Perry, Pethtel, Phillips, Pushkin, Rodighiero, Rowe, Shaffer, Skinner and P. White.

Absent and Not Voting: Cadle, Ellington, Faircloth, Flanigan, Gearheart, Hill, Householder, Lynch, Manchin, J. Nelson, Perdue, Reynolds, Sponaugle, Storch, Trecost and B. White.

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 101) rejected.

### Messages from the Senate

A message from the Senate, by

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

**S. B. 1011** – “A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended, relating to the West Virginia Infrastructure Fund; reducing the distributions to the West Virginia Infrastructure Fund to \$20 million for fiscal year 2017”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 1012** – “A Bill to amend and reenact §11-17-3, §11-17-4 and §11-17-4a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-17-4b, all relating to increasing the tax rate on cigarettes and other tobacco products; requiring a physical inventory of tax stamps and tobacco products upon the effective date of tax imposition and upon any tax rate increase; applying tax rate changes to inventories; requiring a report of such inventory be filed within sixty days after the effective date of the tax imposition or tax rate change; levying the excise tax on e-cigarette liquid; defining terms; providing for administration of the tax on e-cigarette liquid; barring imposition of regulations or prohibitions by municipalities or other governmental subdivisions regarding tobacco product promotions and certain other activities; providing for administration of the tax on e-cigarette liquid; providing for examination of records and stocks and examination of witnesses; declaring a presumption in absence of evidence of payment; specifying penalty for failure to file required reports; specifying criminal sanctions; and specifying effective date”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 1013** – “A Bill making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution”; which was referred to the Committee on Finance.

Delegate Rowe arose to inquire regarding a procedural motion to have a bill which was referred to committee read a first time and subsequently obtained unanimous consent to withdraw his motion.

### **Resolutions Introduced**

Mr. Speaker, Mr. Armstead, offered the following resolution, which was read by the Clerk as follows:

**H. R. 2** – “Authorizing the Committee on Rules to arrange a Special Calendar and providing for making public the vote on certain questions in connection with the preparation thereof.”

*Resolved by the House of Delegates:*

That beginning on Sunday, June 12, 2016, and for the remainder of this First Extraordinary Session of the Legislature, the Committee on Rules is hereby authorized to arrange a Special Calendar as provided by House Rule 70. Daily after the eighth order of business shall have been passed, the Special Calendar shall be called, and until this calendar is disposed of each day, no item of business on the regular House Calendar shall be considered or take precedence over any item of business on the Special Calendar, except by a suspension of this Rule.

All bills or resolutions or other matters of business reported from Committee, and having no additional committee reference, shall automatically be placed by the Clerk on the Special Calendar, and no bill, resolution, or other matter of business shall be removed from the Special Calendar and placed on the regular House Calendar except by

a majority vote of the Committee on Rules, a quorum being present. Once removed from the Special Calendar, any resolution, bill or other matter of business may only be again placed on the Special Calendar by a majority vote of the Committee on Rules, a quorum being present, or by a suspension of this Rule. In making up the Calendar, the Committee on Rules may hear any Delegate or other person in behalf of any resolution or bill he may desire placed upon such calendar and the committee shall give due consideration to the merits of bills and resolutions pending in the House of Delegates, and take cognizance of measures which affect the public interest generally; and, be it

*Further Resolved*, That the committee shall cause to be kept a record of all roll call votes on all questions pertaining to preparation of the Special Calendar and removing the same therefrom. This record of votes shall show those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting. These vote records shall be prepared and following the adjournment of each meeting made available to House members and to the public.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Cadle, Ellington, Faircloth, Flanigan, Gearheart, Hill, Householder, Manchin, J. Nelson, Perdue, Reynolds, Sponaugle, Storch, Trecost and B. White.

### **Miscellaneous Business**

Delegate Lynch was present for part of the session prior to the recess.

Delegate Morgan asked and obtained unanimous consent that the inquiry of Delegate Deem regarding the S. B. 1012 be printed in the Appendix to the Journal.

Delegate Kucaba asked and obtained unanimous consent that the remarks of Delegate Folk regarding the budget, be printed in the Appendix to the Journal.

At 4:47 p.m., the House of Delegates adjourned until 2:00 p.m., Sunday, June 12, 2016.



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SUNDAY, JUNE 12, 2016

**FIFTEENTH DAY**

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

The House of Delegates met at 2:00 p.m., and was called to order by the Honorable Tim Armstead, Speaker.

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

The Clerk proceeded to read the Journal of Saturday, June 11, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 116**, Authorizing the Governor to direct payment of certain state debt,

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

**Com. Sub. for H. B. 116** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-30, relating to authorizing the Governor to issue an executive order to direct the scheduled payment of the principal and interest due on bonds or notes of the state or its agencies, boards and commissions if it appears imminent that the next ensuing fiscal year of

the state will begin and continue for any period during which the budget bill for that fiscal year has not been enacted and made effective; and expiration of force and effect of executive order”,

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for H. B. 116) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 703**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Faircloth, Flanigan, Manchin, J. Nelson, Skinner, Sponaugle, Weld and B. White.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 704**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: McGeehan.



Absent and Not Voting: Ellington, Faircloth, Flanigan, Manchin, J. Nelson, Skinner, Sponaugle, Weld and B. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 116) passed.

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

On this question, the yeas and nays were taken (**Roll No. 705**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Ellington, Faircloth, Flanigan, Manchin, J. Nelson, Skinner, Sponaugle, Weld and B. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 116) takes effect from its passage.

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

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**S. B. 1011**, Reducing distributions to WV Infrastructure Fund,

And,

**S. B. 1012**, Increasing tax rate on cigarettes and other tobacco products,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the bills (S. B. 1011 and S. B. 1012) were each taken up for immediate consideration, read a first time and ordered to second reading.

### **Bills Introduced**

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

**By Mr. Speaker (Mr. Armstead)**

**[By Request of the Executive]:**

**H. B. 120** - “A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended, relating to the West Virginia Infrastructure Fund; reducing the distributions to the West Virginia Infrastructure Fund to \$20 million for fiscal year 2017”; to the Committee on Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley**

**[By Request of the Executive]:**

**H. B. 121** - “A Bill making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution”; to the Committee on Finance.

At 2:45 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 4:00 p.m.

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### **Afternoon Session**

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At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

### **Committee Reports**

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**S. B. 1013**, Budget Bill,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (S. B. 1013) was taken up for immediate consideration, read a first time and ordered to second reading.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Faircloth, Flanigan, Manchin, J. Nelson, Skinner, Sponaugle, Weld and B. White.

### **Miscellaneous Business**

Delegate Lynch announced that he was absent for part of the session on Saturday, June 11, 2016 and that had he been present on Roll No. 702, he would have voted "Nay".

Delegate Reynolds asked and obtained unanimous consent that the remarks of Delegate Moffatt regarding H. B. 119 be printed in the Appendix to the Journal.

At 5:04 p.m., the House of Delegates adjourned until 12:00 noon, Monday, June 13, 2016.



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MONDAY, JUNE 13, 2016

**SIXTEENTH DAY**

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

The House of Delegates met at 12:00 noon, and was called to order by the Honorable Tim Armstead, Speaker.

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

The Clerk proceeded to read the Journal of Sunday, June 12, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Special Calendar**

**Second Reading**

**S. B. 1011**, Reducing distributions to WV Infrastructure Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 706**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Flanigan, Fleischauer, J. Nelson and B. White.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 707**), and there were—yeas 78, nays 19, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bates, Eldridge, Fluharty, Hicks, Ihle, Lane, Lynch, Manchin, Marcum, Moye, Perdue, Phillips, Rodighiero, Skinner, Sponaugle, Summers, Trecost, Upson and P. White.

Absent and Not Voting: Flanigan, J. Nelson and B. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1011) passed.

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

On this question, the yeas and nays were taken (**Roll No. 708**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Manchin and Marcum.

Absent and Not Voting: Flanigan, J. Nelson and B. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1011) takes effect from its passage.

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

**S. B. 1012**, Increasing tax rate on cigarettes and other tobacco products; on second reading, coming up in regular order, was read a second time.

The Clerk then reported an amendment offered by Delegates E. Nelson and Boggs on page four, following line twenty-nine, by striking out §11-17-4a in its entirety.

And,

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

“That §11-17-3 and §11-17-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §11-17-4b, all to read as follows” and a semicolon.

On the adoption of the amendment, Delegate Folk demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 709**), and there were—yeas 79, nays 18, absent and not voting 3, with the yeas and absent and not voting being as follows:

Nays: Azinger, Faircloth, Folk, Frich, Hamrick, Hill, Ihle, Kessinger, Lane, Marcum, McGeehan, Phillips, Rodighiero, Sobonya, Stansbury, Storch, Walters and P. White.

Absent and Not Voting: Flanigan, J. Nelson and B. White.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

Delegates Faircloth and Frich moved to amend the bill on page four, by striking out all of section four-b.

And,

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

“That §11-17-3 and §11-17-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows” and a colon.

On the adoption of the amendment, Delegate Faircloth demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 710**), and there were—yeas 39, nays 58, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Arvon, Azinger, Butler, Duke, Eldridge, Faircloth, Fluharty, Folk, Frich, Gearheart, Hamrick, Hill, Hornbuckle, Householder, Howell, Ihle, Kessinger, Kurcaba, Lane, Longstreth, McCuskey, McGeehan, Moffatt, O’Neal, Perry, Phillips, Pushkin, Reynolds, Rodighiero, Sobonya, Stansbury, Statler, Storch, Summers, Trecost, Upson, Walters, Waxman and Zatezalo.

Absent and Not Voting: Flanigan, J. Nelson and B. White.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegates Faircloth and Frich moved to amend the bill on page two, subsection (c), line nineteen, following the word “cigarettes” by adding the words “with the exception and not including electronic cigarette or similar devices and vapor products”.

On the adoption of the amendment, Delegate Faircloth demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 711**), and there were—yeas 24, nays 73, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Azinger, Duke, Faircloth, Folk, Frich, Gearheart, Hamrick, Hill, Hornbuckle, Ihle, Kessinger, Kurcaba, Lane, Marcum, McGeehan, Phillips, Pushkin, Reynolds, Rodighiero, Sobonya, Summers, Upson, Waxman and Zatezalo.

Absent and Not Voting: Flanigan, J. Nelson and B. White.



So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Sponaugle moved to amend the bill on page two, section three line twenty-one, following the period, by inserting a new subsection (d) to read as follows:

“(d) For fiscal year 2017, the first \$43 million of the revenues collected and dedicated under subsection (c) shall be deposited in the State Treasury to the credit of the Public Employees Insurance Agency: *Provided*, That \$24 million of each year’s appropriation shall not enter in to the calculation of the aggregate premium cost-sharing percentages between employers and employees as set out in section five, article sixteen, chapter five of this code. Beginning with the fiscal year 2018, all money generated by the amendments to this section enacted in the year 2016, shall be dedicated to the credit of the Public Employees Insurance Agency.”

And,

On page two, section three, line twenty-five, by re-lettering current subsection (d) accordingly.

On the adoption of the amendment, Delegate Sponaugle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 712**), and there were—yeas 17, nays 80, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Ferro, Fluharty, Folk, Hornbuckle, Ihle, Lane, Longstreth, Manchin, Marcum, McGeehan, Reynolds, Rodighiero, Shaffer, Skinner, P. Smith, Sponaugle and P. White.

Absent and Not Voting: Flanigan, J. Nelson and B. White.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

There being no further amendments, the bill was then ordered to third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 713**), and there were—yeas 88, nays 9, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Azinger, Folk, Ihle, Lane, McGeehan, Moffatt, Sponaugle, Storch and Waxman.

Absent and Not Voting: Flanigan, J. Nelson and B. White.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 714**), and there were, including 2 paired—yeas 63, nays 35, absent and not voting 2, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: B. White

Nay: Householder

Nays: Azinger, Bates, Butler, Ellington, Faircloth, Folk, Foster, Gearheart, Hill, Hornbuckle, Howell, Ihle, Kessinger, Lane, Longstreth, Manchin, Marcum, McGeehan, Moffatt, Moye, Overington, Perdue, R. Phillips, Reynolds, Rodighiero, Shaffer,

Skinner, P. Smith, Sobonya, Sponaugle, Stansbury, Storch, Upson, P. White.

Absent and Not Voting: Flanigan and J. Nelson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1012) passed.

On motion of Delegate E. Nelson, the title of the bill was amended to read as follows:

**S. B. 1012** – “A Bill to amend and reenact §11-17-3 and §11-17-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-17-4b, all relating to increasing the tax rate on cigarettes and other tobacco products; requiring a physical inventory of tax stamps and tobacco products upon the effective date of tax imposition and upon any tax rate increase; applying tax rate changes to inventories; requiring a report of such inventory be filed within sixty days after the effective date of the tax imposition or tax rate change; levying the excise tax on e-cigarette liquid; defining terms; providing for administration of the tax on e-cigarette liquid; providing for administration of the tax on e-cigarette liquid; providing for examination of records and stocks and examination of witnesses; declaring a presumption in absence of evidence of payment; specifying penalty for failure to file required reports; specifying criminal sanctions; and specifying effective date.”

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

On this question, the yeas and nays were taken (**Roll No. 715**), and there were—yeas 89, nays 8, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Azinger, Faircloth, Folk, Ihle, Lane, Marcum, McGeehan and P. White.

Absent and Not Voting: Flanigan, J. Nelson and B. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1012) takes effect from its passage.

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

**S. B. 1013**, Budget Bill; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

#### TITLE I — GENERAL PROVISIONS.

1       **Section 1. General policy.** — The purpose of this bill is to  
2 appropriate money necessary for the economical and efficient  
3 discharge of the duties and responsibilities of the state and its  
4 agencies during the fiscal year 2017.

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

2       “Governor” shall mean the Governor of the State of West  
3 Virginia.

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

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

9       The “fiscal year 2017” shall mean the period from July 1,  
10 2016, through June 30, 2017.

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

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

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

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

3 “Personal services” shall mean salaries, wages and other  
4 compensation paid to full-time, part-time and temporary  
5 employees of the spending unit but shall not include fees or  
6 contractual payments paid to consultants or to independent  
7 contractors engaged by the spending unit. “Personal services”  
8 shall include “annual increment” for “eligible employees” and  
9 shall be disbursed only in accordance with Article 5, Chapter 5  
10 of the Code.

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

13 “Employee benefits” shall mean social security matching,  
14 workers’ compensation, unemployment compensation, pension

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

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

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

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

46 West Virginia Council for Community and Technical  
47 College Education and Higher Education Policy Commission

48 entities operating with special revenue funds and/or federal  
49 funds shall pay their proportionate share of the Board of Risk  
50 and Insurance Management total insurance premium cost for  
51 their respective institutions.

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

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

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

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

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

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

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

78 Appropriations classified in any of the above categories shall  
79 be expended only for the purposes as defined above and only for  
80 the spending units herein designated: *Provided*, That the  
81 secretary of each department shall have the authority to transfer  
82 within the department those general revenue funds appropriated  
83 to the various agencies of the department: *Provided, however*,  
84 That no more than five percent of the general revenue funds  
85 appropriated to any one agency or board may be transferred to  
86 other agencies or boards within the department: and no funds  
87 may be transferred to a “personal services and employee  
88 benefits” appropriation unless the source funds are also wholly  
89 from a “personal services and employee benefits” line, or unless  
90 the source funds are from another appropriation that has  
91 exclusively funded employment expenses for at least twelve  
92 consecutive months prior to the time of transfer and the  
93 position(s) supported by the transferred funds are also  
94 permanently transferred to the receiving agency or board within  
95 the department: *Provided further*, That the secretary of each  
96 department and the director, commissioner, executive secretary,  
97 superintendent, chairman or any other agency head not governed  
98 by a departmental secretary as established by Chapter 5F of the  
99 Code shall have the authority to transfer funds appropriated to  
100 “personal services and employee benefits,” “current expenses,”  
101 “repairs and alterations,” “equipment,” “other assets,” “land,”  
102 and “buildings” to other appropriations within the same account  
103 and no funds from other appropriations shall be transferred to the  
104 “personal services and employee benefits” or the “unclassified”  
105 appropriation: *And provided further*, That no authority exists  
106 hereunder to transfer funds into appropriations to which no funds  
107 are legislatively appropriated: *And provided further*, That if the  
108 Legislature by subsequent enactment consolidates agencies,  
109 boards or functions, the secretary or other appropriate agency  
110 head may transfer the funds formerly appropriated to such  
111 agency, board or function in order to implement such



112 consolidation. No funds may be transferred from a Special  
113 Revenue Account, dedicated account, capital expenditure  
114 account or any other account or fund specifically exempted by  
115 the Legislature from transfer, except that the use of the  
116 appropriations from the State Road Fund for the office of the  
117 Secretary of the Department of Transportation is not a use other  
118 than the purpose for which such funds were dedicated and is  
119 permitted.

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

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

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

## TITLE II — APPROPRIATIONS.

### ORDER OF SECTIONS

SECTION 1. Appropriations from general revenue.

SECTION 2. Appropriations from state road fund.

SECTION 3. Appropriations from other funds.

SECTION 4. Appropriations from lottery net profits.

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

1        **Section 1. Appropriations from general revenue.** — From  
2 the State Fund, General Revenue, there are hereby appropriated  
3 conditionally upon the fulfillment of the provisions set forth in  
4 Article 2, Chapter 11B the following amounts, as itemized, for  
5 expenditure during the fiscal year 2017.

**LEGISLATIVE**

*I - Senate*

Fund 0165 FY 2017 Org 2100

	<b>Appropriation</b>	<b>General Revenue Fund</b>
1 Compensation of Members (R). . . . .	00300	\$ 0
2 Compensation and Per Diem of		
3 Officers and Employees (R). . . . .	00500	0
4 Employee Benefits (R).. . . . .	01000	0
5 Current Expenses and Contingent		
6 Fund (R). . . . .	02100	780,318
7 Repairs and Alterations (R).. . . . .	06400	100
8 Unclassified. . . . .	09900	0
9 Computer Supplies (R). . . . .	10100	100
10 Computer Systems (R).. . . . .	10200	100
11 Printing Blue Book (R). . . . .	10300	100
12 Expenses of Members (R).. . . . .	39900	100
13 BRIM Premium (R).. . . . .	91300	<u>0</u>
14 Total.. . . . .		\$ 780,818

15 The appropriations for the Senate for the fiscal year 2016 are  
 16 to remain in full force and effect and are hereby reappropriated  
 17 to June 30, 2017, with the exception of fund 0165, fiscal year  
 18 2016, appropriation 39900 (\$238,088), and fund 0165, fiscal  
 19 year 2012, appropriation 00500 (\$2,000,000) which shall expire  
 20 on June 30, 2016. Any balances so reappropriated may be  
 21 transferred and credited to the fiscal year 2016 accounts.

22 Upon the written request of the Clerk of the Senate, the  
 23 Auditor shall transfer amounts between items of the total  
 24 appropriation in order to protect or increase the efficiency of the  
 25 service.

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

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

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

58       The distribution of the blue book shall be by the office of the  
59 Clerk of the Senate and shall include 75 copies for each member

60 of the Legislature and two copies for each classified and  
61 approved high school and junior high or middle school and one  
62 copy for each elementary school within the state.

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

*2 - House of Delegates*

Fund 0170 FY 2017 Org 2200

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

9 The appropriations for the House of Delegates for the fiscal  
10 year 2016 are to remain in full force and effect and are hereby  
11 reappropriated to June 30, 2017, with the exception of fund  
12 0170, fiscal year 2016, appropriation 00300 (\$175,000), fund  
13 0170, fiscal year 2016, appropriation 00500 (\$71,161), and fund  
14 0170, fiscal year 2016, appropriation 39900 (\$110,000) which  
15 shall expire on June 30, 2016. Any balances so reappropriated  
16 may be transferred and credited to the fiscal year 2016 accounts.

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

21 The Clerk of the House of Delegates, with the approval of  
22 the Speaker, is authorized to draw his or her requisitions upon

23 the Auditor, payable out of the Current Expenses and Contingent  
24 Fund of the House of Delegates, for any bills for supplies and  
25 services that may have been incurred by the House of Delegates  
26 and not included in the appropriation bill, for bills for services  
27 and supplies incurred in preparation for the opening of the  
28 session and after adjournment, and for the necessary operation  
29 of the House of Delegates' offices, the requisitions for which are  
30 to be accompanied by bills to be filed with the Auditor.

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

44 For duties imposed by law and by the House of Delegates,  
45 including salary allowed by law as keeper of the rolls, the Clerk  
46 of the House of Delegates shall be paid a monthly salary as  
47 provided in the House resolution, unless increased between  
48 sessions under the authority of the Speaker, with the approval of  
49 the House committee on rules, and payable out of the  
50 appropriation for Compensation and Per Diem of Officers and  
51 Employees or Current Expenses and Contingent Fund of the  
52 House of Delegates.

53 Included in the above appropriation for House of Delegates  
54 (fund 0170, appropriation 02100), an amount not less than  
55 \$5,000 is to be used for the West Virginia Academy of Family  
56 Physicians - Doc of the Day Program.

3 - Joint Expenses

(WV Code Chapter 4)

Fund 0175 FY 2017 Org 2300

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

9       The appropriations for the Joint Expenses for the fiscal year  
10 2016 are to remain in full force and effect and are hereby  
11 reappropriated to June 30, 2017, with the exception of fund  
12 0175, fiscal year 2016, appropriation 10400 (\$343,818) and fund  
13 0175, fiscal year 2009, appropriation 64200 (\$9,000,000) which  
14 shall expire on June 30, 2016. Any balances reappropriated may  
15 be transferred and credited to the fiscal year 2016 accounts.

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

**JUDICIAL**

4 - Supreme Court –  
General Judicial

Fund 0180 FY 2017 Org 2400

1	Personal Services and Employee		
2	Benefits (R)..... 00100	\$	101,924,358
3	Children's Protection Act (R). . . . 09000		2,900,000
4	Current Expenses (R)..... 13000		32,498,862
5	Repairs and Alterations (R)..... 06400		736,450
6	Equipment (R)..... 07000		1,800,000
7	Judges' Retirement System (R).... 11000		900,000
8	Buildings (R)..... 25800		100,000
9	Other Assets (R)..... 69000		500,000
10	BRIM Premium (R)..... 91300		<u>400,000</u>
11	Total.....	\$	141,759,670

12       The appropriations to the Supreme Court of Appeals for the  
13 fiscal years 2015 and 2016 are to remain in full force and effect  
14 and are hereby reappropriated to June 30, 2017. Any balances so  
15 reappropriated may be transferred and credited to the fiscal year  
16 2016 accounts.

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

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

### EXECUTIVE

*5 - Governor's Office*

(WV Code Chapter 5)

Fund 0101 FY 2017 Org 0100



1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 3,143,970
3	Current Expenses (R). . . . .	13000	571,648
4	Repairs and Alterations. . . . .	06400	2,000
5	National Governors Association. . .	12300	60,700
6	Herbert Henderson Office of		
7	Minority Affairs. . . . .	13400	156,726
8	Southern Governors' Association. .	31400	40,000
9	BRIM Premium. . . . .	91300	<u>151,851</u>
10	Total. . . . .		\$ 4,126,895

11 Any unexpended balances remaining in the appropriations  
 12 for Unclassified (fund 0101, appropriation 09900), Current  
 13 Expenses (fund 0101, appropriation 13000), and JOBS Fund  
 14 (fund 0101, appropriation 66500) at the close of the fiscal year  
 15 2016 are hereby reappropriated for expenditure during the fiscal  
 16 year 2017, with the exception of fund 0101, fiscal year 2016,  
 17 appropriation 13000 (\$115,266) which shall expire on June 30,  
 18 2016.

19 Included in the above appropriation to Personal Services and  
 20 Employee Benefits (fund 0101, appropriation 00100), is  
 21 \$150,000 for the Salary of the Governor.

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

*6 - Governor's Office –  
 Custodial Fund*

(WV Code Chapter 5)

Fund 0102 FY 2017 Org 0100

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 353,714

3	Current Expenses (R).....	13000	202,708
4	Repairs and Alterations.....	06400	<u>5,000</u>
5	Total.....		\$ 561,422

6 Any unexpended balance remaining in the appropriation for  
 7 Current Expenses (fund 0102, appropriation 13000) at the close  
 8 of the fiscal year 2016 is hereby reappropriated for expenditure  
 9 during the fiscal year 2017.

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

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

(WV Code Chapter 5)

Fund 0105 FY 2017 Org 0100

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

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

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

*8 - Auditor’s Office –  
 General Administration*

(WV Code Chapter 12)

Fund 0116 FY 2017 Org 1200

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,738,819
3	Current Expenses (R).. . . . .	13000	10,622
4	Volunteer Fire Department Workers’		
5	Compensation Subsidy. . . . .	83200	2,000,000
6	BRIM Premium. . . . .	91300	<u>10,451</u>
7	Total.. . . . .		\$ 4,759,892

8 Any unexpended balance remaining in the appropriation for  
 9 Current Expenses (fund 0116, appropriation 13000) at the close  
 10 of the fiscal year 2016 is hereby reappropriated for expenditure  
 11 during the fiscal year 2017.

12 Included in the above appropriation to Personal Services and  
 13 Employee Benefits (fund 0116, appropriation 00100), is \$95,000  
 14 for the Salary of the Auditor. The above appropriation to  
 15 Volunteer Fire Department Workers’ Compensation Subsidy,  
 16 appropriation 83200, is to be expended by the State Auditor for  
 17 the purpose of administering a Volunteer Fire Department  
 18 Workers’ Compensation Subsidy Program in the same manner  
 19 as the Volunteer Fire Department Workers’ Compensation  
 20 Subsidy Program was administered by the State Auditor prior to  
 21 July 1, 2016, as prescribed in West Virginia Code § 12-4-14a.

*9 - Treasurer’s Office*

(WV Code Chapter 12)

Fund 0126 FY 2017 Org 1300

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,707,357
3	Unclassified. . . . .	09900	31,103
4	Current Expenses (R).. . . . .	13000	177,271
5	Abandoned Property Program. . . . .	11800	158,806
6	Other Assets.. . . . .	69000	5,000
7	BRIM Premium. . . . .	91300	<u>30,809</u>
8	Total.. . . . .		\$ 3,110,346

9 Any unexpended balances remaining in the appropriations  
10 for Current Expenses (fund 0126, appropriation 13000) and  
11 Tuition Trust Fund (fund 0126, appropriation 69200) at the close  
12 of the fiscal year 2016 are hereby reappropriated for expenditure  
13 during the fiscal year 2017, with the exception of fund 0126,  
14 fiscal year 2016, appropriation 13000 (\$11,476) and fund 0126,  
15 fiscal year 2016, appropriation 69200 (\$73,207) which shall  
16 expire on June 30, 2016.

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

*10 - Department of Agriculture*

(WV Code Chapter 19)

Fund 0131 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 5,249,045
3	Animal Identification Program. . . . .	03900	124,636
4	State Farm Museum.. . . . .	05500	89,550
5	Current Expenses (R).. . . . .	13000	154,498
6	Repairs and Alterations. . . . .	06400	8,133

7	Gypsy Moth Program (R). . . . .	11900	942,939
8	Huntington Farmers Market. . . . .	12800	37,900
9	Black Fly Control. . . . .	13700	460,031
10	Donated Foods Program. . . . .	36300	45,000
11	Predator Control (R). . . . .	47000	180,000
12	Logan Farmers Market. . . . .	50100	42,119
13	Bee Research. . . . .	69100	67,237
14	Charleston Farmers Market. . . . .	74600	72,887
15	Microbiology Program (R). . . . .	78500	99,443
16	Moorefield Agriculture Center (R). . . . .	78600	930,931
17	Chesapeake Bay Watershed. . . . .	83000	104,796
18	Livestock Care Standards Board. . . . .	84300	9,000
19	BRIM Premium. . . . .	91300	120,202
20	State FFA-FHA Camp and		
21	Conference Center. . . . .	94101	600,000
22	Threat Preparedness. . . . .	94200	70,943
23	WV Food Banks. . . . .	96900	126,000
24	Senior's Farmers' Market Nutrition		
25	Coupon Program. . . . .	97000	<u>55,923</u>
26	Total. . . . .		\$ 9,591,213

27 Any unexpended balances remaining in the appropriations  
28 for Unclassified – Surplus (fund 0131, appropriation 09700),  
29 Gypsy Moth Program (fund 0131, appropriation 11900), Current  
30 Expenses (fund 0131, appropriation 13000), Predator Control  
31 (fund 0131, appropriation 47000), Capital Outlay, Repairs and  
32 Equipment – Surplus (fund 0131, appropriation 67700), Capital  
33 Outlay and Maintenance (fund 0131, appropriation 75500),  
34 Microbiology Program (fund 0131, appropriation 78500),  
35 Moorefield Agriculture Center (fund 0131, appropriation 78600),  
36 and Agricultural Disaster and Mitigation Needs – Surplus (fund  
37 0131, appropriation 85000) at the close of the fiscal year 2016  
38 are hereby reappropriated for expenditure during the fiscal year  
39 2017, with the exception of fund 0131, fiscal year 2016,  
40 appropriation 11900 (\$101,180), fund 0131, fiscal year 2016,  
41 appropriation 13000 (\$93,162), fund 0131, fiscal year 2016,

42 appropriation 78500 (\$4,604), and fund 0131, fiscal year 2016,  
 43 appropriation 78600 (\$43,099) which shall expire on June 30,  
 44 2016.

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

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

52 A portion of the Current Expenses appropriation may be  
 53 transferred to a special revenue fund for the purpose of matching  
 54 federal funds for marketing and development activities.

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

*11 - West Virginia Conservation Agency*

(WV Code Chapter 19)

Fund 0132 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 730,202
3	Unclassified (R). . . . .	09900	77,808
4	Current Expenses (R). . . . .	13000	316,049
5	Repairs and Alterations. . . . .	06400	56
6	Soil Conservation Projects (R). . . . .	12000	6,724,280
7	BRIM Premium. . . . .	91300	<u>26,326</u>
8	Total. . . . .		\$ 7,874,721

9 Any unexpended balances remaining in the appropriations  
 10 for Unclassified (fund 0132, appropriation 09900), Soil  
 11 Conservation Projects (fund 0132, appropriation 12000), and  
 12 Current Expenses (fund 0132, appropriation 13000) at the close  
 13 of the fiscal year 2016 are hereby reappropriated for expenditure  
 14 during the fiscal year 2017, with the exception of fund 0132,  
 15 fiscal year 2016, appropriation 12000 (\$313,452) which shall  
 16 expire on June 30, 2016.

*12 - Department of Agriculture –  
 Meat Inspection Fund*

(WV Code Chapter 19)

Fund 0135 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 624,268
3	Unclassified. . . . .	09900	7,132
4	Current Expenses. . . . .	13000	<u>81,838</u>
5	Total. . . . .		\$ 713,238

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

*13 - Department of Agriculture –  
 Agricultural Awards Fund*

(WV Code Chapter 19)

Fund 0136 FY 2017 Org 1400

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

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

(WV Code Chapter 8A)

Fund 0607 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	95,582
3	Unclassified. . . . . 09900		<u>950</u>
4	Total. . . . .	\$	96,532

*15 - Attorney General*

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

Fund 0150 FY 2017 Org 1500

1	Personal Services and Employee		
2	Benefits (R). . . . . 00100	\$	2,859,112
3	Unclassified (R). . . . . 09900		44,478
4	Current Expenses (R). . . . . 13000		100,458
5	Repairs and Alterations. . . . . 06400		5,000
6	Equipment. . . . . 07000		33,000
7	Criminal Convictions and Habeas		
8	Corpus Appeals (R). . . . . 26000		1,058,264
9	Better Government Bureau. . . . . 74000		273,416
10	BRIM Premium. . . . . 91300		<u>105,000</u>
11	Total. . . . .	\$	4,478,728

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



19 the close of the fiscal year 2016 are hereby reappropriated for  
 20 expenditure during the fiscal year 2017, with the exception of  
 21 fund 0150, fiscal year 2016, appropriation 00100 (\$206,569)  
 22 which shall expire on June 30, 2016.

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

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

*16 - Secretary of State*

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2017 Org 1600

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 118,148
3	Unclassified (R). . . . .	09900	9,731
4	Current Expenses (R). . . . .	13000	825,310
5	BRIM Premium. . . . .	91300	<u>20,000</u>
6	Total. . . . .		\$ 973,189

7 Any unexpended balances remaining in the appropriations  
 8 for Unclassified (fund 0155, appropriation 09900), Current  
 9 Expenses (fund 0155, appropriation 13000), and Technology

10 Improvements – Surplus (fund 0155, appropriation 72500) at the  
 11 close of the fiscal year 2016 are hereby reappropriated for  
 12 expenditure during the fiscal year 2017, with the exception of  
 13 fund 0155, fiscal year 2016, appropriation 13000 (\$45,439)  
 14 which shall expire on June 30, 2016.

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

*17 - State Election Commission*

(WV Code Chapter 3)

Fund 0160 FY 2017 Org 1601

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,477
3	Unclassified. . . . .	09900	75
4	Current Expenses. . . . .	13000	<u>4,956</u>
5	Total. . . . .		\$ 7,508

**DEPARTMENT OF ADMINISTRATION**

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

(WV Code Chapter 5F)

Fund 0186 FY 2017 Org 0201

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 584,397
3	Unclassified. . . . .	09900	9,177
4	Current Expenses. . . . .	13000	86,354
5	Repairs and Alterations. . . . .	06400	100
6	Equipment. . . . .	07000	1,000
7	Financial Advisor (R). . . . .	30400	100,546
8	Lease Rental Payments. . . . .	51600	15,000,000



1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 91,583
3	Unclassified. . . . .	09900	2,400
4	Current Expenses. . . . .	13000	68,852
5	Repairs and Alterations. . . . .	06400	1,500
6	Equipment. . . . .	07000	1,000
7	GAAP Project (R). . . . .	12500	593,062
8	Other Assets. . . . .	69000	2,000
9	BRIM Premium. . . . .	91300	<u>4,526</u>
10	Total. . . . .		\$ 764,923

11 Any unexpended balance remaining in the appropriation for  
 12 GAAP Project (fund 0203, appropriation 12500) at the close of  
 13 the fiscal year 2016 is hereby reappropriated for expenditure  
 14 during the fiscal year 2017.

*21 - Division of General Services*

(WV Code Chapter 5A)

Fund 0230 FY 2017 Org 0211

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,586,763
3	Current Expenses. . . . .	13000	725,024
4	Repairs and Alterations. . . . .	06400	500
5	Equipment. . . . .	07000	5,000
6	Fire Service Fee. . . . .	12600	14,000
7	Buildings (R). . . . .	25800	500
8	Preservation and Maintenance of		
9	Statues and Monuments		
10	on Capitol Grounds. . . . .	37100	68,000
11	Capital Outlay, Repairs and		
12	Equipment (R). . . . .	58900	4,122,932
13	Other Assets. . . . .	69000	500
14	Land (R). . . . .	73000	500
15	BRIM Premium. . . . .	91300	<u>112,481</u>
16	Total. . . . .		\$ 7,636,200

17 Any unexpended balances remaining in the above  
 18 appropriations for Buildings (fund 0230, appropriation 25800),  
 19 Capital Outlay, Repairs and Equipment (fund 0230,  
 20 appropriation 58900), Capital Outlay, Repairs and Equipment –  
 21 Surplus (fund 0230, appropriation 67700), and Land (fund 0230,  
 22 appropriation 73000) at the close of the fiscal year 2016 are  
 23 hereby reappropriated for expenditure during the fiscal year  
 24 2017, with the exception of fund 0230, fiscal year 2016,  
 25 appropriation 58900 (\$552,068) which shall expire on June 30,  
 26 2016.

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

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

*22 - Division of Purchasing*

(WV Code Chapter 5A)

Fund 0210 FY 2017 Org 0213

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,006,598
3	Unclassified. . . . .	09900	1,444
4	Current Expenses. . . . .	13000	3,250
5	Repairs and Alterations. . . . .	06400	700
6	Equipment. . . . .	07000	1,000
7	Other Assets. . . . .	69000	1,000
8	BRIM Premium. . . . .	91300	<u>6,167</u>
9	Total. . . . .		\$ 1,020,159

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

*23 - Travel Management*

(WV Code Chapter 5A)

Fund 0615 FY 2017 Org 0215

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 875,056
3	Unclassified. . . . .	09900	13,151
4	Current Expenses. . . . .	13000	421,739
5	Equipment. . . . .	07000	5,000
6	Buildings (R). . . . .	25800	100
7	Other Assets. . . . .	69000	100
8	Total. . . . .		\$ 1,315,146

9 Any unexpended balance remaining in the appropriation for  
 10 Buildings (fund 0615, appropriation 25800) at the close of the  
 11 fiscal year 2016 is hereby reappropriated for expenditure during  
 12 the fiscal year 2017.

*24 - Commission on Uniform State Laws*

(WV Code Chapter 29)

Fund 0214 FY 2017 Org 0217

1	Current Expenses. . . . .	13000	\$ 45,550
2	To pay expenses for members of the commission on uniform		
3	state laws.		

*25 - West Virginia Public Employees Grievance Board*

(WV Code Chapter 6C)

Fund 0220 FY 2017 Org 0219

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 918,852
3	Unclassified. . . . .	09900	1,000
4	Current Expenses. . . . .	13000	143,936
5	Equipment. . . . .	07000	50
6	BRIM Premium. . . . .	91300	<u>7,803</u>
7	Total. . . . .		\$ 1,071,641

*26 - Ethics Commission*

(WV Code Chapter 6B)

Fund 0223 FY 2017 Org 0220

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 569,502
3	Unclassified. . . . .	09900	4,500
4	Current Expenses. . . . .	13000	109,224
5	Repairs and Alterations. . . . .	06400	500
6	Other Assets. . . . .	69000	100
7	BRIM Premium. . . . .	91300	<u>7,987</u>
8	Total. . . . .		\$ 691,813

*27 - Public Defender Services*

(WV Code Chapter 29)

Fund 0226 FY 2017 Org 0221

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,364,314
3	Unclassified . . . . .	09900	314,700
4	Current Expenses. . . . .	13000	11,165
5	Public Defender Corporations. . . . .	35200	19,199,374
6	Appointed Counsel Fees (R). . . . .	78800	10,723,115
7	BRIM Premium. . . . .	91300	<u>8,884</u>
8	Total. . . . .		\$ 31,621,552

9 Any unexpended balance remaining in the above  
 10 appropriation for Appointed Counsel Fees (fund 0226,  
 11 appropriation 78800) at the close of the fiscal year 2016 is  
 12 hereby reappropriated for expenditure during the fiscal year  
 13 2017.

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

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

(WV Code Chapter 5A)

Fund 0233 FY 2017 Org 0224

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

*29 - Public Employees Insurance Agency*

(WV Code Chapter 5)

Fund 0200 FY 2017 Org 0225

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

*30 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)



Fund 0557 FY 2017 Org 0228

1	Forensic Medical Examinations (R).68300	\$	138,272
2	Federal Funds/Grant Match (R)... . 74900		<u>99,016</u>
3	Total.. . . . .	\$	237,288

4 Any unexpended balances remaining in the appropriations  
5 for Forensic Medical Examinations (fund 0557, appropriation  
6 68300) and Federal Funds/Grant Match (fund 0557,  
7 appropriation 74900) at the close of the fiscal year 2016 are  
8 hereby reappropriated for expenditure during the fiscal year  
9 2017.

*31 - Real Estate Division*

(WV Code Chapter 5A)

Fund 0610 FY 2017 Org 0233

1	Personal Services and Employee		
2	Benefits.. . . . . 00100	\$	670,168
3	Unclassified.. . . . . 09900		1,000
4	Current Expenses.. . . . . 13000		151,126
5	Repairs and Alterations.. . . . . 06400		100
6	Equipment.. . . . . 07000		2,500
7	BRIM Premium.. . . . . 91300		<u>4,200</u>
8	Total.. . . . .	\$	829,094

**DEPARTMENT OF COMMERCE**

*32 - Division of Forestry*

(WV Code Chapter 19)

Fund 0250 FY 2017 Org 0305

1	Personal Services and Employee		
2	Benefits.. . . . . 00100	\$	1,913,400

3	Unclassified. . . . .	09900		21,435
4	Current Expenses. . . . .	13000		334,903
5	Repairs and Alterations. . . . .	06400		80,000
6	Equipment (R). . . . .	07000		73,000
7	BRIM Premium. . . . .	91300		<u>85,000</u>
8	Total. . . . .		\$	2,507,738

9 Any unexpended balance remaining in the appropriation for  
 10 Equipment (fund 0250, appropriation 07000) at the close of the  
 11 fiscal year 2016 is hereby reappropriated for expenditure during  
 12 the fiscal year 2017, with the exception of fund 0250, fiscal year  
 13 2016, appropriation 07000 (\$27,000) which shall expire on June  
 14 30, 2016.

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

*33 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 0253 FY 2017 Org 0306

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	1,606,686
3	Unclassified. . . . .	09900		28,338
4	Current Expenses. . . . .	13000		15,776
5	Repairs and Alterations. . . . .	06400		968
6	Mineral Mapping System (R). . . .	20700		1,161,131
7	BRIM Premium. . . . .	91300		<u>20,950</u>
8	Total. . . . .		\$	2,833,849

9 Any unexpended balance remaining in the appropriation for  
 10 Mineral Mapping System (fund 0253, appropriation 20700) at  
 11 the close of the fiscal year 2016 is hereby reappropriated for  
 12 expenditure during the fiscal year 2017, with the exception of

13 fund 0253, fiscal year 2016, appropriation 20700 (\$60,767)  
14 which shall expire on June 30, 2016.

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

*34 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 0256 FY 2017 Org 0307

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 4,210,888
3	Unclassified. . . . .	09900	108,687
4	Current Expenses. . . . .	13000	4,026,822
5	National Youth Science Camp. . . . .	13200	241,570
6	Local Economic Development		
7	Partnerships (R). . . . .	13300	792,000
8	ARC Assessment. . . . .	13600	152,585
9	Guaranteed Work Force Grant (R). . . . .	24200	973,518
10	Mainstreet Program. . . . .	79400	164,266
11	Hatfield McCoy Recreational Trail. . . . .	96000	198,415
12	Total. . . . .		\$ 10,868,751

13 Any unexpended balances remaining in the appropriations  
14 for Unclassified – Surplus (fund 0256, appropriation 09700),  
15 Partnership Grants (fund 0256, appropriation 13100), Local  
16 Economic Development Partnerships (fund 0256, appropriation  
17 13300), Guaranteed Work Force Grant (fund 0256, appropriation  
18 24200), Industrial Park Assistance (fund 0256, appropriation  
19 48000), Small Business Development (fund 0256, appropriation  
20 70300), Local Economic Development Assistance (fund 0256,  
21 appropriation 81900), and 4-H Camp Improvements (fund 0256,  
22 appropriation 94100) at the close of the fiscal year 2016 are

23 hereby reappropriated for expenditure during the fiscal year  
24 2017.

25 The above appropriation to Local Economic Development  
26 Partnerships (fund 0256, appropriation 13300) shall be used by  
27 the West Virginia Development Office for the award of funding  
28 assistance to county and regional economic development  
29 corporations or authorities participating in the Certified  
30 Development Community Program developed under the  
31 provisions of W.Va. Code §5B-2-14. The West Virginia  
32 Development Office shall award the funding assistance through  
33 a matching grant program, based upon a formula whereby  
34 funding assistance may not exceed \$34,000 per county served by  
35 an economic development or redevelopment corporation or  
36 authority.

*35 - Division of Labor*

(WV Code Chapters 21 and 47)

Fund 0260 FY 2017 Org 0308

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,129,007
3	Unclassified. . . . .	09900	25,552
4	Current Expenses. . . . .	13000	337,960
5	Repairs and Alterations. . . . .	06400	30,000
6	Equipment. . . . .	07000	10,000
7	BRIM Premium. . . . .	91300	<u>22,752</u>
8	Total. . . . .		\$ 2,555,271

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

(WV Code Chapter 21)

Fund 0616 FY 2017 Org 0308

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 74,883
3	Current Expenses. . . . .	13000	76,826
4	Repairs and Alterations. . . . .	06400	500
5	Equipment. . . . .	07000	500
6	BRIM Premium. . . . .	91300	985
7	Total. . . . .		\$ 153,694

*37 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 0265 FY 2017 Org 0310

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 15,580,813
3	Unclassified. . . . .	09900	188,557
4	Current Expenses. . . . .	13000	166,201
5	Repairs and Alterations. . . . .	06400	100
6	Equipment. . . . .	07000	100
7	Buildings (R). . . . .	25800	100
8	Litter Control Conservation		
9	Officers. . . . .	56400	141,071
10	Upper Mud River Flood Control. . .	65400	160,348
11	Other Assets. . . . .	69000	100
12	Land (R). . . . .	73000	100
13	Law Enforcement. . . . .	80600	2,618,253
14	Total. . . . .		\$ 18,855,743

15 Any unexpended balances remaining in the appropriations  
 16 for Buildings (fund 0265, appropriation 25800), Land (fund  
 17 0265, appropriation 73000), and State Park Improvements –  
 18 Surplus (fund 0265, appropriation 76300) at the close of the  
 19 fiscal year 2016 are hereby reappropriated for expenditure  
 20 during the fiscal year 2017, with the exception of fund 0265,

21 fiscal year 2016, appropriation 25800 (\$300) and fund 0265,  
 22 fiscal year 2016, appropriation 73000 (\$300) which shall expire  
 23 on June 30, 2016.

24 Any revenue derived from mineral extraction at any state  
 25 park shall be deposited in a special revenue account of the  
 26 Division of Natural Resources, first for bond debt payment  
 27 purposes and with any remainder to be for park operation and  
 28 improvement purposes.

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

(WV Code Chapter 22)

Fund 0277 FY 2017 Org 0314

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 9,890,848
3	Unclassified. . . . .	09900	120,000
4	Current Expenses. . . . .	13000	1,622,114
5	Coal Dust and Rock Dust		
6	Sampling. . . . .	27000	477,988
7	BRIM Premium. . . . .	91300	<u>68,134</u>
8	Total. . . . .		\$ 12,179,084

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

*39 - Board of Coal Mine Health and Safety*

(WV Code Chapter 22)

Fund 0280 FY 2017 Org 0319

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 227,655



Fund 0612 FY 2017 Org 0328

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 196,280
3	Unclassified. . . . .	09900	15,219
4	Current Expenses. . . . .	13000	1,307,144
5	BRIM Premium. . . . .	91300	<u>3,297</u>
6	Total. . . . .		\$ 1,521,940
7	From the above appropriation for Current Expenses (fund		
8	0612, appropriation 13000) \$558,247 is for West Virginia		
9	University and \$558,247 is for Southern West Virginia		
10	Community and Technical College for the Mine Training and		
11	Energy Technologies Academy.		

**DEPARTMENT OF EDUCATION***44 - State Board of Education –  
School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 321,931
3	Current Expenses. . . . .	13000	<u>2,118,490</u>
4	Total. . . . .		\$ 2,440,421

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

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 4,278,989



3	Technology System Specialist.....	06200	2,000,000
4	Teachers' Retirement Savings		
5	Realized.....	09500	37,656,000
6	Unclassified (R).....	09900	300,000
7	Current Expenses (R).....	13000	2,518,992
8	Equipment. ....	07000	5,000
9	Increased Enrollment.....	14000	3,430,000
10	Safe Schools.....	14300	4,980,178
11	Teacher Mentor (R).....	15800	550,000
12	Buildings (R).....	25800	1,000
13	Allowance for County Transfers. . .	26400	282,732
14	Technology Repair and		
15	Modernization.....	29800	951,003
16	HVAC Technicians. ....	35500	495,507
17	Early Retirement Notification		
18	Incentive. ....	36600	300,000
19	MATH Program.....	36800	336,532
20	Assessment Programs. ....	39600	1,339,588
21	21st Century Fellows.....	50700	274,899
22	English as a Second Language.....	52800	96,000
23	Teacher Reimbursement. ....	57300	297,188
24	Hospitality Training.....	60000	267,123
25	Hi-Y Youth in Government.....	61600	100,000
26	High Acuity Special Needs (R)....	63400	1,500,000
27	Foreign Student Education.....	63600	150,000
28	Principals Mentorship. ....	64900	69,250
29	State Board of Education		
30	Administrative Costs.....	68400	366,152
31	Other Assets.....	69000	1,000
32	IT Academy (R).....	72100	500,000
33	Land (R).....	73000	1,000
34	Early Literacy Program. ....	75600	5,700,000
35	School Based Truancy		
36	Prevention (R).....	78101	2,000,000
37	Innovation in Education.....	78102	2,496,144

38	21st Century Learners (R) . . . . .	88600	1,706,441
39	BRIM Premium. . . . .	91300	295,036
40	21st Century Assessment and		
41	Professional Development. . . . .	93100	2,999,007
42	21st Century Technology		
43	Infrastructure Network		
44	Tools and Support. . . . .	93300	7,636,586
45	Regional Education Service		
46	Agencies. . . . .	97200	3,543,120
47	Educational Program Allowance. . . . .	99600	<u>516,250</u>
48	Total. . . . .		\$ 89,940,717

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

51 Any unexpended balances remaining in the appropriations  
52 for Unclassified (fund 0313, appropriation 09900), Current  
53 Expenses (fund 0313, appropriation 13000), Teacher Mentor  
54 (fund 0313, appropriation 15800), National Teacher Certification  
55 (fund 0313, appropriation 16100), Buildings (fund 0313,  
56 appropriation 25800), High Acuity Special Needs (fund 0313,  
57 appropriation 63400), IT Academy (fund 0313, appropriation  
58 72100), Land (fund 0313, appropriation 73000), School Based  
59 Truancy Prevention (fund 0313, appropriation 78101), and 21st  
60 Century Learners (fund 0313, appropriation 88600) at the close  
61 of the fiscal year 2016 are hereby reappropriated for expenditure  
62 during the fiscal year 2017, with the exception of fund 0313,  
63 fiscal year 2016, appropriation 13000 (\$106,923), fund 0313,  
64 fiscal year 2016, appropriation 16100 (\$150,000), fund 0313,  
65 fiscal year 2016, appropriation 72100 (\$20,000), fund 0313,  
66 fiscal year 2016, appropriation 78101 (\$1,400,000), and fund  
67 0313, fiscal year 2016, appropriation 88600 (\$68,675) which  
68 shall expire on June 30, 2016.

69 The above appropriation for Technology System Specialists  
70 (fund 0313, appropriation 06200), shall first be used for the

71 continuance of current pilot projects. The remaining balance, if  
 72 any, may be used to expand the pilot project for additional  
 73 counties.

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

78 The above appropriation for Hospitality Training (fund  
 79 0313, appropriation 60000), shall be allocated only to entities  
 80 that have a plan approved for funding by the Department of  
 81 Education, at the funding level determined by the State  
 82 Superintendent of Schools. Plans shall be submitted to the State  
 83 Superintendent of Schools to be considered for funding.

84 From the above appropriation for Educational Program  
 85 Allowance (fund 0313, appropriation 99600), \$100,000 shall be  
 86 expended for Webster County Board of Education for Hacker  
 87 Valley; \$150,000 shall be for the Randolph County Board of  
 88 Education for Pickens School; \$100,000 shall be for the Preston  
 89 County Board of Education for the Aurora School; \$100,000  
 90 shall be for the Fayette County Board of Education for Meadow  
 91 Bridge; and \$66,250 is for Project Based Learning in STEM  
 92 fields.

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

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2017 Org 0402

1	Special Education – Counties. . . .	15900	\$	7,271,757
2	Special Education – Institutions. . .	16000		3,748,794
3	Education of Juveniles Held in			
4	Predispositional			
5	Juvenile Detention Centers. . . .	30200		591,646

6	Education of Institutionalized Juveniles		
7	and Adults (R).....	47200	<u>17,574,235</u>
8	Total.....		\$ 29,186,432

9 Any unexpended balance remaining in the appropriation for  
 10 Education of Institutionalized Juveniles and Adults (fund 0314,  
 11 appropriation 47200) at the close of the fiscal year 2016 is  
 12 hereby reappropriated for expenditure during the fiscal year  
 13 2017, with the exception of fund 0314, fiscal year 2016,  
 14 appropriation 47200 (\$173,354) which shall expire on June 30,  
 15 2016.

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

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

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2017 Org 0402

1	Other Current Expenses.....	02200	\$ 152,089,960
2	Advanced Placement.....	05300	543,661
3	Professional Educators.....	15100	856,017,057
4	Service Personnel.....	15200	290,711,435
5	Fixed Charges.....	15300	102,033,345
6	Transportation.....	15400	74,729,928
7	Professional Student Support		
8	Services.....	65500	36,952,999
9	Improved Instructional Programs. .	15600	49,131,108
10	21st Century Strategic Technology		
11	Learning Growth.....	93600	<u>20,756,981</u>
12	Basic Foundation Allowances.....		1,582,966,474
13	Less Local Share.....		(467,039,269)
14	Adjustments.....		<u>(2,527,044)</u>
15	Total Basic State Aid.....		1,113,400,161

16	Public Employees' Insurance		
17	Matching. . . . .	01200	241,429,043
18	Teachers' Retirement System. . . . .	01900	67,464,000
19	School Building Authority. . . . .	45300	23,421,520
20	Retirement Systems –		
21	Unfunded Liability. . . . .	77500	<u>320,634,000</u>
22	Total. . . . .		\$ 1,766,348,724

*48 - State Board of Education –  
Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,275,473
3	Unclassified. . . . .	09900	268,800
4	Current Expenses. . . . .	13000	882,131
5	Wood Products – Forestry		
6	Vocational Program. . . . .	14600	67,417
7	Albert Yanni Vocational Program. . . . .	14700	131,951
8	Vocational Aid. . . . .	14800	22,215,162
9	Adult Basic Education. . . . .	14900	4,523,322
10	Program Modernization. . . . .	30500	884,313
11	High School Equivalency Diploma		
12	Testing (R). . . . .	72600	778,815
13	FFA Grant Awards. . . . .	83900	11,496
14	Pre-Engineering Academy		
15	Program. . . . .	84000	<u>265,294</u>
16	Total. . . . .		\$ 31,304,174

17 Any unexpended balances remaining in the appropriations  
18 for GED Testing (fund 0390, appropriation 33900) and High  
19 School Equivalency Diploma Testing (fund 0390, appropriation  
20 72600) at the close of the fiscal year 2016 is hereby  
21 reappropriated for expenditure during the fiscal year 2017, with

22 the exception of fund 0390, fiscal year 2016, appropriation  
 23 72600 (\$240,037) which shall expire on June 30, 2016.

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

(WV Code Chapters 18 and 18A)

Fund 0573 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 848,582
3	Unclassified. . . . .	09900	7,000
4	Current Expenses. . . . .	13000	294,316
5	Repairs and Alterations. . . . .	06400	1,000
6	Equipment. . . . .	07000	1,000
7	Other Assets. . . . .	69000	1,000
8	Total. . . . .		\$ 1,152,898

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

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2017 Org 0403

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 11,606,686
3	Unclassified. . . . .	09900	107,329
4	Current Expenses. . . . .	13000	1,761,169
5	Repairs and Alterations. . . . .	06400	115,000
6	Equipment. . . . .	07000	35,000
7	Buildings (R). . . . .	25800	50,000
8	Capital Outlay and Maintenance (R)	75500	62,500
9	BRIM Premium. . . . .	91300	102,750
10	Total. . . . .		\$ 13,840,434

11 Any unexpended balances remaining in the appropriations  
 12 for Buildings (fund 0320, appropriation 25800) and Capital

13 Outlay and Maintenance (fund 0320, appropriation 75500) at the  
 14 close of the fiscal year 2016 are hereby reappropriated for  
 15 expenditure during the fiscal year 2017.

## DEPARTMENT OF EDUCATION AND THE ARTS

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

(WV Code Chapter 5F)

Fund 0294 FY 2017 Org 0431

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	786,753
3	Unclassified. . . . . 09900		35,000
4	Current Expenses. . . . . 13000		6,562
5	WV Early Childhood Planning		
6	Task Force . . . . . 14498		107,584
7	WV Humanities Council. . . . . 16800		250,000
8	Benedum Professional Development		
9	Collaborative (R). . . . . 42700		495,532
10	Governor’s Honors Academy (R). . 47800		977,760
11	Educational Enhancements. . . . . 69500		196,000
12	S.T.E.M. Education and Grant		
13	Program (R). . . . . 71900		490,286
14	Energy Express. . . . . 86100		382,935
15	BRIM Premium. . . . . 91300		4,509
16	Special Olympic Games. . . . . 96600		25,000
17	Center for Professional		
18	Development (R) . . . . . 11500		1,500,000
19	Total. . . . .	\$	5,257,921

20 Any unexpended balances remaining in the appropriations  
 21 for Center for Professional Development (fund 0294,  
 22 appropriation 11500), Benedum Professional Development  
 23 Collaborative (fund 0294, appropriation 42700), Governor’s

24 Honors Academy (fund 0294, appropriation 47800), and  
 25 S.T.E.M. Education and Grant Program (fund 0294,  
 26 appropriation 71900) at the close of the fiscal year 2016 are  
 27 hereby reappropriated for expenditure during the fiscal year  
 28 2017, with the exception of fund 0294, fiscal year 2016,  
 29 appropriation 11500 (\$92,000) and fund 0294, fiscal year 2016,  
 30 appropriation 42700 (\$300,250) which shall expire on June 30,  
 31 2016.

32 From the above appropriation for Educational Enhancements  
 33 (fund 0294, appropriation 69500), \$73,500 shall be used for the  
 34 Clay Center and \$122,500 for Reconnecting McDowell – Save  
 35 the Children.

*52 - Division of Culture and History*

(WV Code Chapter 29)

Fund 0293 FY 2017 Org 0432

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 3,837,234
3	Current Expenses. . . . .	13000	605,585
4	Repairs and Alterations. . . . .	06400	1,000
5	Equipment. . . . .	07000	1
6	Unclassified. . . . .	09900	28,483
7	Buildings (R). . . . .	25800	1
8	Other Assets. . . . .	69000	1
9	Land (R). . . . .	73000	1
10	Culture and History Programming..	73200	231,573
11	Capital Outlay and Maintenance (R)	75500	19,600
12	Historical Highway Marker		
13	Program. . . . .	84400	57,548
14	BRIM Premium. . . . .	91300	<u>33,677</u>
15	Total. . . . .		\$ 4,814,704

16 Any unexpended balances remaining in the appropriations  
 17 for Unclassified (fund 0293, appropriation 09900), Buildings



18 (fund 0293, appropriation 25800), Capital Outlay, Repairs and  
 19 Equipment (fund 0293, appropriation 58900), Capital  
 20 Improvements – Surplus (fund 0293, appropriation 66100),  
 21 Capital Outlay, Repairs and Equipment – Surplus (fund 0293,  
 22 appropriation 67700), Land (fund 0293, appropriation 73000),  
 23 and Capital Outlay and Maintenance (fund 0293, appropriation  
 24 75500) at the close of the fiscal year 2016 are hereby  
 25 reappropriated for expenditure during the fiscal year 2017.

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

*53 - Library Commission*

(WV Code Chapter 10)

Fund 0296 FY 2017 Org 0433

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,318,760
3	Current Expenses. . . . .	13000	137,674
4	Repairs and Alterations. . . . .	06400	6,500
5	Services to Blind & Handicapped. .	18100	161,717
6	BRIM Premium. . . . .	91300	<u>15,177</u>
7	Total. . . . .		\$ 1,639,828

*54 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 0300 FY 2017 Org 0439

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 4,275,602

3	Current Expenses.....	13000	20,146
4	Mountain Stage.....	24900	300,000
5	Capital Outlay and		
6	Maintenance (R).....	75500	10,000
7	BRIM Premium.....	91300	<u>41,929</u>
8	Total.....		\$ 4,647,677

9 Any unexpended balance remaining in the appropriation for  
10 Capital Outlay and Maintenance (fund 0300, appropriation  
11 75500) at the close of the fiscal year 2016 is hereby  
12 reappropriated for expenditure during the fiscal year 2017, with  
13 the exception of fund 0300, fiscal year 2016, appropriation  
14 75500 (\$40,000) which shall expire on June 30, 2016.

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

(WV Code Chapter 18)

Fund 0310 FY 2017 Org 0932

1	Personal Services and Employee		
2	Benefits.....	00100	\$ 10,664,313
3	Independent Living Services.....	00900	455,419
4	Current Expenses.....	13000	545,202
5	Workshop Development.....	16300	1,927,469
6	Supported Employment Extended		
7	Services.....	20600	91,084
8	Ron Yost Personal Assistance Fund.....	40700	354,041
9	Employment Attendant Care		
10	Program.....	59800	142,150
11	BRIM Premium.....	91300	<u>67,033</u>
12	Total.....		\$ 14,246,711

13 From the above appropriation for Workshop Development  
14 (fund 0310, appropriation 16300), funds shall be used  
15 exclusively with the private nonprofit community rehabilitation

16 program organizations known as work centers or sheltered  
 17 workshops. The appropriation shall also be used to continue the  
 18 support of the program, services, and individuals with  
 19 disabilities currently in place at those organizations.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*56 - Environmental Quality Board*

(WV Code Chapter 20)

Fund 0270 FY 2017 Org 0311

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 72,495
3	Current Expenses. . . . .	13000	28,586
4	Repairs and Alterations. . . . .	06400	100
5	Equipment. . . . .	07000	717
6	Other Assets. . . . .	69000	600
7	BRIM Premium. . . . .	91300	<u>684</u>
8	Total. . . . .		\$ 103,182

*57 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 0273 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 4,014,779
3	Water Resources Protection and		
4	Management. . . . .	06800	580,093
5	Current Expenses. . . . .	13000	121,600
6	Repairs and Alterations. . . . .	06400	5,950
7	Equipment. . . . .	07000	6,500
8	Unclassified. . . . .	09900	28,189
9	Dam Safety. . . . .	60700	212,332

10	West Virginia Stream Partners		
11	Program.....	63700	77,396
12	Meth La- Cleanup.....	65600	205,673
13	Other Assets.....	69000	10,183
14	WV Contributions to River		
15	Commissions.....	77600	148,485
16	Office of Water Resources		
17	Non-Enforcement Activity. ...	85500	<u>926,951</u>
18	Total.....		\$ 6,338,131

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

*58 - Air Quality Board*

(WV Code Chapter 16)

Fund 0550 FY 2017 Org 0325

1	Personal Services and Employee		
2	Benefits.....	00100	\$ 61,586
3	Current Expenses.....	13000	12,183
4	Repairs and Alterations.....	06400	50
5	Equipment.....	07000	579
6	Other Assets.....	69000	200
7	BRIM Premium.....	91300	<u>2,013</u>
8	Total.....		\$ 76,611

**DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES**

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

(WV Code Chapter 5F)

Fund 0400 FY 2017 Org 0501

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 376,440
3	Unclassified. . . . .	09900	8,063
4	Current Expenses. . . . .	13000	48,784
5	Women's Commission (R). . . . .	19100	156,408
6	Commission for the Deaf and		
7	Hard of Hearing. . . . .	70400	<u>216,635</u>
8	Total. . . . .		\$ 806,330
9	Any unexpended balance remaining in the appropriation for		
10	the Women's Commission (fund 0400, appropriation 19100) at		
11	the close of the fiscal year 2016 is hereby reappropriated for		
12	expenditure during the fiscal year 2017.		

*60 - Division of Health –  
Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2017 Org 0506

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 12,142,743
3	Chief Medical Examiner. . . . .	04500	5,485,477
4	Unclassified. . . . .	09900	691,862
5	Current Expenses. . . . .	13000	4,640,355
6	State Aid for Local and Basic		
7	Public Health Services. . . . .	18400	12,649,545
8	Safe Drinking Water Program (R)..	18700	2,172,181
9	Women, Infants and Children. . . . .	21000	38,621
10	Early Intervention. . . . .	22300	6,044,884
11	Cancer Registry. . . . .	22500	197,207
12	CARDIAC Project. . . . .	37500	427,500

13	State EMS Technical Assistance. . .	37900	1,353,656
14	Statewide EMS Program		
15	Support (R). . . . .	38300	957,473
16	Black Lung Clinics . . . . .	46700	170,885
17	Center for End of Life. . . . .	54500	420,198
18	Pediatric Dental Services. . . . .	55000	51,888
19	Vaccine for Children . . . . .	55100	334,076
20	Tuberculosis Control . . . . .	55300	366,879
21	Maternal and Child Health		
22	Clinics, Clinicians		
23	Medical Contracts and		
24	Fees (R). . . . .	57500	6,280,223
25	Epidemiology Support. . . . .	62600	1,503,498
26	Primary Care Support. . . . .	62800	4,670,953
27	Sexual Assault Intervention and		
28	Prevention. . . . .	72300	125,000
29	Health Right Free Clinics. . . . .	72700	2,750,000
30	Capital Outlay and		
31	Maintenance (R). . . . .	75500	100,000
32	Healthy Lifestyles. . . . .	77800	147,034
33	Maternal Mortality Review. . . . .	83400	46,973
34	Osteoporosis and Arthritis		
35	Prevention. . . . .	84900	158,530
36	Diabetes Education and Prevention.	87300	97,125
37	Tobacco Education Program (R). . .	90600	3,037,643
38	BRIM Premium. . . . .	91300	211,214
39	State Trauma and Emergency		
40	Care System. . . . .	91800	<u>1,993,374</u>
41	Total. . . . .		\$ 69,266,997

42 Any unexpended balances remaining in the appropriations  
43 for Safe Drinking Water Program (fund 0407, appropriation  
44 18700), Statewide EMS Program Support (fund 0407,  
45 appropriation 38300), Maternal and Child Health Clinics,  
46 Clinicians and Medical Contracts and Fees (fund 0407,

47 appropriation 57500), Capital Outlay and Maintenance (fund  
 48 0407, appropriation 75500), Emergency Response Entities –  
 49 Special Projects (fund 0407, appropriation 82200), Assistance to  
 50 Primary Health Care Centers Community Health Foundation  
 51 (fund 0407, appropriation 84500), and Tobacco Education  
 52 Program (fund 0407, appropriation 90600) at the close of the  
 53 fiscal year 2016 are hereby reappropriated for expenditure  
 54 during the fiscal year 2017.

55 From the above appropriation for Current Expenses (fund  
 56 0407, appropriation 13000), an amount not less than \$100,000 is  
 57 for the West Virginia Cancer Coalition; \$50,000 shall be  
 58 expended for the West Virginia Aids Coalition; \$100,000 is for  
 59 Adolescent Immunization Education; \$73,065 is for informal  
 60 dispute resolution relating to nursing home administrative  
 61 appeals; and \$50,000 is for Hospital Hospitality House of  
 62 Huntington.

63 From the above appropriation for Maternal and Child Health  
 64 Clinics, Clinicians and Medical Contracts and Fees (fund 0407,  
 65 appropriation 57500) up to \$400,000 shall be transferred to the  
 66 Breast and Cervical Cancer Diagnostic Treatment Fund (fund  
 67 5197) and \$11,000 is for the Marshall County Health  
 68 Department for dental services.

*61 - Consolidated Medical Services Fund*

(WV Code Chapter 16)

Fund 0525 FY 2017 Org 0506

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,567,519
3	Current Expenses. . . . .	13000	12,463
4	Behavioral Health Program (R). . . .	21900	64,723,691
5	Family Support Act. . . . .	22100	251,226
6	Institutional Facilities		
7	Operations (R). . . . .	33500	105,711,029

8	Substance Abuse Continuum of		
9	Care (R).....	35400	5,000,000
10	Capital Outlay and		
11	Maintenance (R). ....	75500	950,000
12	Renaissance Program.....	80400	165,996
13	BRIM Premium. ....	91300	<u>1,088,070</u>
14	Total.....		\$ 179,469,994

15 Any unexpended balances remaining in the appropriations  
 16 for Behavioral Health Program (fund 0525, appropriation  
 17 21900), Institutional Facilities Operations (fund 0525,  
 18 appropriation 33500), Substance Abuse Continuum of Care  
 19 (fund 0525, appropriation 35400), Capital Outlay (fund 0525,  
 20 appropriation 51100), Behavioral Health Program – Surplus  
 21 (fund 0525, appropriation 63100), Institutional Facilities  
 22 Operations – Surplus (fund 0525, appropriation 63200),  
 23 Substance Abuse Continuum of Care – Surplus (fund 0525,  
 24 appropriation 72200), and Capital Outlay and Maintenance (fund  
 25 0525, appropriation 75500) at the close of the fiscal year 2016  
 26 are hereby reappropriated for expenditure during the fiscal year  
 27 2017, with the exception of fund 0525, fiscal year 2016,  
 28 appropriation 21900 (\$20,000,000) and fund 0525, fiscal year  
 29 2016, appropriation 33500 (\$20,000,000) which shall expire on  
 30 June 30, 2016.

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

34 From the above appropriation for Institutional Facilities  
 35 Operations (fund 0525, appropriation 33500), together with  
 36 available funds from the Division of Health – Hospital Services  
 37 Revenue Account (fund 5156, appropriation 33500), on July 1,  
 38 2016, the sum of \$160,000 shall be transferred to the Department  
 39 of Agriculture – Land Division – Farm Operating Fund (1412)  
 40 as advance payment for the purchase of food products; actual



41 payments for such purchases shall not be required until such  
42 credits have been completely expended.

43 The above appropriation for Institutional Facilities  
44 Operations (fund 0525, appropriation 33500) contains prior year  
45 salary increases due to the Hartley court order in the amount of  
46 \$2,202,013 for William R. Sharpe Jr. Hospital, and \$2,067,984  
47 for Mildred Mitchel-Bateman Hospital.

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

52 Additional funds have been appropriated in fund 5156, fiscal  
53 year 2017, organization 0506, for the operation of the  
54 institutional facilities. The secretary of the Department of Health  
55 and Human Resources is authorized to utilize up to ten percent  
56 of the funds from the Institutional Facilities Operations  
57 appropriation to facilitate cost effective and cost saving services  
58 at the community level.

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

(WV Code Chapter 16)

Fund 0561 FY 2017 Org 0506

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

4 The above appropriation for Drinking Water Treatment  
5 Revolving Fund – Transfer shall be transferred to the West  
6 Virginia Drinking Water Treatment Revolving Fund or

- 7 appropriate bank depository and the Drinking Water Treatment  
 8 Revolving – Administrative Expense Fund as provided by  
 9 Chapter 16 of the Code.

*63 - Human Rights Commission*

(WV Code Chapter 5)

Fund 0416 FY 2017 Org 0510

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 914,175
3	Unclassified. . . . .	09900	4,024
4	Current Expenses. . . . .	13000	191,766
5	BRIM Premium. . . . .	91300	<u>9,311</u>
6	Total. . . . .		\$ 1,119,276

*64 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2017 Org 0511

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 43,255,270
3	Unclassified. . . . .	09900	5,688,944
4	Current Expenses. . . . .	13000	11,298,895
5	Child Care Development. . . . .	14400	11,228,136
6	Medical Services Contracts and		
7	Office of Managed Care. . . . .	18300	1,835,469
8	Medical Services. . . . .	18900	397,097,674
9	Social Services. . . . .	19500	142,485,812
10	Family Preservation Program. . . . .	19600	1,565,000
11	Family Resource Networks. . . . .	27400	1,762,464
12	Domestic Violence Legal Services		
13	Fund. . . . .	38400	400,000
14	James “Tiger” Morton Catastrophic		
15	Illness Fund. . . . .	45500	101,682

16	I/DD Waiver. . . . .	46600	88,753,483
17	Child Protective Services Case		
18	Workers . . . . .	46800	22,581,819
19	OSCAR and RAPIDS . . . . .	51500	6,413,863
20	Title XIX Waiver for Seniors. . . . .	53300	13,593,620
21	WV Teaching Hospitals Tertiary/ Safety Net. . . . .	54700	6,356,000
22	Child Welfare System . . . . .	60300	1,259,065
23	In-Home Family Education. . . . .	68800	1,000,000
24	WV Works Separate State Program. . . . .	69800	3,250,000
25	Child Support Enforcement. . . . .	70500	6,297,412
26	Medicaid Auditing. . . . .	70600	607,142
27	Temporary Assistance for Needy Families/ Maintenance of Effort. . . . .	70700	22,969,096
28	Child Care - Maintenance of Effort Match. . . . .	70800	5,693,743
29	Child and Family Services. . . . .	73600	2,850,000
30	Grants for Licensed Domestic Violence Programs and Statewide Prevention. . . . .	75000	2,500,000
31	Capital Outlay and Maintenance (R). . . . .	75500	11,875
32	Community Based Services and Pilot Programs for Youth. . . . .	75900	1,000,000
33	Medical Services Administrative Costs. . . . .	78900	35,630,109
34	Traumatic Brain Injury Waiver. . . . .	83500	800,000
35	Indigent Burials (R). . . . .	85100	2,050,000
36	BRIM Premium. . . . .	91300	834,187
37	Rural Hospitals Under 150 Beds. . . . .	94000	2,596,000
38	Children's Trust Fund – Transfer . . . . .	95100	<u>220,000</u>
39	Total. . . . .		\$ 843,986,760

50 Any unexpended balances remaining in the appropriations  
51 for Capital Outlay and Maintenance (fund 0403, appropriation  
52 75500) and Indigent Burials (fund 0403, appropriation 85100) at  
53 the close of the fiscal year 2016 are hereby reappropriated for  
54 expenditure during the fiscal year 2017.

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

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

66 Included in the above appropriation for Social Services (fund  
67 0403, appropriation 19500) is funding for continuing education  
68 requirements relating to the practice of social work.

69 The above appropriation for Domestic Violence Legal  
70 Services Fund (fund 0403, appropriation 38400) shall be  
71 transferred to the Domestic Violence Legal Services Fund (fund  
72 5455).

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

78 The above appropriation for WV Works Separate State  
79 Program (fund 0403, appropriation 69800), shall be transferred

80 to the WV Works Separate State College Program Fund (fund  
81 5467), and the WV Works Separate State Two-Parent Program  
82 Fund (fund 5468) as determined by the secretary of the  
83 Department of Health and Human Resources.

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

89 From the above appropriation for the Grants for Licensed  
90 Domestic Violence Programs and Statewide Prevention (fund  
91 0403, appropriation 75000), 50% of the total shall be divided  
92 equally and distributed among the fourteen (14) licensed  
93 programs and the West Virginia Coalition Against Domestic  
94 Violence (WVCADV). The balance remaining in the  
95 appropriation for Grants for Licensed Domestic Violence  
96 Programs and Statewide Prevention (fund 0403, appropriation  
97 75000), shall be distributed according to the formula established  
98 by the Family Protection Services Board.

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

**DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY**

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

(WV Code Chapter 5F)

Fund 0430 FY 2017 Org 0601

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 715,873

3	Unclassified (R).....	09900	21,841
4	Current Expenses.....	13000	67,986
5	Repairs and Alterations.....	06400	7,572
6	Equipment.....	07000	3,000
7	Fusion Center (R).....	46900	537,665
8	Other Assets.....	69000	3000
9	Directed Transfer.....	70000	32,000
10	BRIM Premium.....	91300	9,404
11	WV Fire and EMS Survivor		
12	Benefit (R).....	93900	250,000
13	Homeland State Security		
14	Administrative Agency (R)....	95300	<u>535,850</u>
15	Total.....		\$ 2,184,191

16 Any unexpended balances remaining in the appropriations  
17 for Unclassified (fund 0430, appropriation 09900), Fusion  
18 Center (fund 0430, appropriation 46900), Substance Abuse  
19 Program – Surplus (fund 0430, appropriation 69600), Justice  
20 Reinvestment Training – Surplus (fund 0430, appropriation  
21 69900), WV Fire and EMS Survivor Benefit (fund 0430,  
22 appropriation 93900), and Homeland State Security  
23 Administrative Agency (fund 0430, appropriation 95300) at the  
24 close of the fiscal year 2016 are hereby reappropriated for  
25 expenditure during the fiscal year 2017, with the exception of  
26 fund 0430, fiscal year 2016, appropriation 46900 (\$7,122), fund  
27 0430, fiscal year 2016, appropriation 93900 (\$200,000), and  
28 fund 0430, fiscal year 2016, appropriation 95300 (\$7,123) which  
29 shall expire on June 30, 2016.

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

(WV Code Chapter 15)

Fund 0433 FY 2017 Org 0603

1	Unclassified (R).....	09900	\$	0
2	College Education Fund.....	23200		4,500,000
3	Mountaineer ChalleNGe			
4	Academy. ....	70900		1,000,000
5	Armory Board Transfer.....	70015		3,000,000
6	Military Authority. ....	74800		<u>5,622,225</u>
7	Total.....		\$	14,122,225

8       Any unexpended balance remaining in the appropriation for  
9       Unclassified (fund 0433, appropriation 09900) at the close of the  
10      fiscal year 2016 is hereby reappropriated for expenditure during  
11      the fiscal year 2017, with the exception of fund 0433, fiscal year  
12      2016, appropriation 09900 (\$599,750) which shall expire on  
13      June 30, 2016.

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

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

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

*67 - Adjutant General –  
Military Fund*

(WV Code Chapter 15)

Fund 0605 FY 2017 Org 0603

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 100,000
3	Current Expenses. . . . .	13000	<u>60,995</u>
4	Total. . . . .		\$ 160,995

*68 - West Virginia Parole Board*

(WV Code Chapter 62)

Fund 0440 FY 2017 Org 0605

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 385,459
3	Current Expenses. . . . .	13000	194,559
4	Salaries of Members of West Virginia		
5	Parole Board. . . . .	22700	597,865
6	BRIM Premium. . . . .	91300	<u>4,712</u>
7	Total. . . . .		\$ 1,182,595

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

*69 - Division of Homeland Security and  
Emergency Management*

(WV Code Chapter 15)

Fund 0443 FY 2017 Org 0606

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 548,175
3	Unclassified. . . . .	09900	28,157
4	Current Expenses. . . . .	13000	66,674
5	Repairs and Alterations. . . . .	06400	1,000
6	Radiological Emergency		
7	Preparedness. . . . .	55400	17,452





2	Children's Protection Act (R). . . . .	09000	938,437
3	Unclassified (R) . . . . .	09900	1,623,738
4	Current Expenses (R).. . . . .	13000	23,132,313
5	Facilities Planning and		
6	Administration (R). . . . .	38600	1,166,627
7	Charleston Correctional Center. . . . .	45600	3,126,532
8	Beckley Correctional Center. . . . .	49000	1,815,364
9	Huntington Work Release Center. . . . .	49500	1,070,058
10	Anthony Correctional Center . . . . .	50400	5,040,533
11	Huttonsville Correctional Center . . . . .	51400	20,998,029
12	Northern Correctional Center . . . . .	53400	6,938,571
13	Inmate Medical Expenses (R). . . . .	53500	21,226,064
14	Pruntytown Correctional Center . . . . .	54300	7,060,326
15	Corrections Academy. . . . .	56900	1,441,819
16	Information Technology Services. . . . .	59901	3,341,064
17	Martinsburg Correctional Center. . . . .	66300	3,538,534
18	Parole Services. . . . .	68600	5,131,198
19	Special Services . . . . .	68700	6,122,439
20	Investigative Services. . . . .	71600	3,151,604
21	Capital Outlay and		
22	Maintenance (R). . . . .	75500	2,000,000
23	Salem Correctional Center. . . . .	77400	9,943,952
24	McDowell County Correctional		
25	Center. . . . .	79000	1,949,983
26	Stevens Correctional Center . . . . .	79100	6,474,500
27	Parkersburg Correctional Center. . . . .	82800	2,442,670
28	St. Mary's Correctional Center . . . . .	88100	12,636,324
29	Denmar Correctional Center. . . . .	88200	4,414,286
30	Ohio County Correctional Center. . . . .	88300	1,738,335
31	Mt. Olive Correctional Complex. . . . .	88800	19,684,203
32	Lakin Correctional Center. . . . .	89600	8,911,795
33	BRIM Premium. . . . .	91300	829,190
34	Total. . . . .		<u>\$ 189,146,624</u>

35 Any unexpended balances remaining in the appropriations  
36 for Children's Protection Act (fund 0450, appropriation 09000),

37 Unclassified – Surplus (fund 0450, appropriation 09700),  
38 Current Expenses (fund 0450, appropriation 13000), Facilities  
39 Planning and Administration (fund 0450, appropriation 38600),  
40 Inmate Medical Expenses (fund 0450, appropriation 53500),  
41 Capital Improvements – Surplus (fund 0450, appropriation  
42 66100), Capital Outlay, Repairs and Equipment – Surplus (fund  
43 0450, appropriation 67700), Capital Outlay and Maintenance  
44 (fund 0450, appropriation 75500), Security System  
45 Improvements – Surplus (fund 0450, appropriation 75501), and  
46 Operating Expenses – Surplus (fund 0450, appropriation 77900)  
47 at the close of the fiscal year 2016 are hereby reappropriated for  
48 expenditure during the fiscal year 2017, with the exception of  
49 fund 0450, fiscal year 2016, appropriation 13000 (\$8,500,000)  
50 which shall expire on June 30, 2016.

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

57 From the above appropriation to Unclassified (fund 0450,  
58 appropriation 09900), on July 1, 2016, the sum of \$300,000 shall  
59 be transferred to the Department of Agriculture – Land Division  
60 – Farm Operating Fund (1412) as advance payment for the  
61 purchase of food products; actual payments for such purchases  
62 shall not be required until such credits have been completely  
63 expended.

64 From the above appropriation to Current Expenses (fund  
65 0450, appropriation 13000) payment shall be made to house  
66 Division of Corrections inmates in federal, county, and/or  
67 regional jails.

68 Any realized savings from the Energy Savings Contract for  
69 Mt. Olive Correctional Complex, Huttonsville Correction

70 Center, Pruntytown Correctional Center, or Denmar Correctional  
 71 Center may be transferred from the listed individual correctional  
 72 units to Facilities Planning and Administration (fund 0450,  
 73 appropriation 38600).

*72 - West Virginia State Police*

(WV Code Chapter 15)

Fund 0453 FY 2017 Org 0612

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 57,760,209
3	Children's Protection Act. . . . .	09000	954,509
4	Current Expenses. . . . .	13000	10,358,032
5	Repairs and Alterations. . . . .	06400	450,523
6	Barracks Lease Payments. . . . .	55600	246,478
7	Communications and Other		
8	Equipment (R). . . . .	55800	70,968
9	Trooper Retirement Fund. . . . .	60500	4,035,203
10	Handgun Administration Expense. . . . .	74700	82,692
11	Capital Outlay and Maintenance (R). . . . .	75500	250,000
12	Retirement Systems – Unfunded		
13	Liability. . . . .	77500	16,875,000
14	Automated Fingerprint		
15	Identification System. . . . .	89800	725,771
16	BRIM Premium. . . . .	91300	<u>4,946,608</u>
17	Total. . . . .		\$ 96,755,993

18 Any unexpended balances remaining in the appropriations  
 19 for Communications and Other Equipment (fund 0453,  
 20 appropriation 55800), and Capital Outlay and Maintenance (fund  
 21 0453, appropriation 75500) at the close of the fiscal year 2016  
 22 are hereby reappropriated for expenditure during the fiscal year  
 23 2017, with the exception of fund 0453, fiscal year 2016,  
 24 appropriation 55800 (\$1,162,002) which shall expire on June 30,  
 25 2016.

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

*73 - Fire Commission*

(WV Code Chapter 29)

Fund 0436 FY 2017 Org 0619

1	Current Expenses.....	13000	\$	65,328
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*74 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 0546 FY 2017 Org 0620

1	Personal Services and Employee			
2	Benefits.....	00100	\$	534,684
3	Current Expenses.....	13000		132,696
4	Repairs and Alterations.....	06400		1,804
5	Child Advocacy Centers (R).....	45800		1,702,108
6	Community Corrections (R).....	56100		7,079,760
7	Statistical Analysis Program.....	59700		46,724
8	Sexual Assault Forensic			
9	Examination Commission.....	71400		76,704
10	Qualitative Analysis and Training for			
11	Youth Services (R).....	76200		362,497
12	Law Enforcement Professional			
13	Standards.....	83800		155,464
14	BRIM Premium.....	91300		<u>1,421</u>
15	Total.....		\$	10,093,862

16 Any unexpended balances remaining in the appropriations  
 17 for Child Advocacy Centers (fund 0546, appropriation 45800),

18 Community Corrections (fund 0546, appropriation 56100), and  
 19 Qualitative Analysis and Training for Youth Services (fund  
 20 0546, appropriation 76200) at the close of the fiscal year 2016  
 21 are hereby reappropriated for expenditure during the fiscal year  
 22 2017, with the exception of fund 0546, fiscal year 2016,  
 23 appropriation 45800 (\$72,000), fund 0546, fiscal year 2016,  
 24 appropriation 56100 (\$178,000), and fund 0546, fiscal year  
 25 2016, appropriation 76200 (\$200,000) which shall expire on  
 26 June 30, 2016.

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

*75 - Division of Juvenile Services*

(WV Code Chapter 49)

Fund 0570 FY 2017 Org 0621

1	Statewide Reporting Centers. . . . .	26200	\$	6,309,696
2	Robert L. Shell Juvenile Center. . . . .	26700		1,969,807
3	Resident Medical Expenses. . . . .	53501		3,604,999
4	Central Office . . . . .	70100		2,324,562
5	Capital Outlay and			
6	Maintenance (R). . . . .	75500		250,000
7	Gene Spadaro Juvenile Center . . . . .	79300		2,141,284
8	BRIM Premium. . . . .	91300		96,187
9	Kenneth Honey Rubenstein Juvenile			
10	Center (R) . . . . .	98000		4,952,035
11	Vicki Douglas Juvenile Center. . . . .	98100		1,882,647
12	Northern Regional Juvenile Center. . . . .	98200		2,876,302
13	Lorrie Yeager Jr. Juvenile Center. . . . .	98300		1,922,009
14	Sam Perdue Juvenile Center . . . . .	98400		2,015,925
15	Tiger Morton Center . . . . .	98500		2,127,696

16	Donald R. Kuhn Juvenile Center . . . . .	98600		4,084,883
17	J.M. "Chick" Buckbee Juvenile			
18	Center . . . . .	98700	<u>2,030,199</u>	
19	Total.. . . . .		\$	38,588,231

20 Any unexpended balances remaining in the appropriations  
 21 for Capital Outlay and Maintenance (fund 0570, appropriation  
 22 75500) and Kenneth Honey Rubenstein Juvenile Center (fund  
 23 0570, appropriation 98000) at the close of the fiscal year 2016  
 24 are hereby reappropriated for expenditure during the fiscal year  
 25 2017.

26 From the above appropriations, on July 1, 2016, the sum of  
 27 \$50,000 shall be transferred to the Department of Agriculture –  
 28 Land Division – Farm Operating Fund (1412) as advance  
 29 payment for the purchase of food products; actual payments for  
 30 such purchases shall not be required until such credits have been  
 31 completely expended.

32 The director of Juvenile Services shall have the authority to  
 33 transfer between appropriations to the individual juvenile centers  
 34 above and may transfer funds from the individual juvenile  
 35 centers to Resident Medical Expenses (fund 0570, appropriation  
 36 53501).

*76 - Division of Protective Services*

(WV Code Chapter 5F)

Fund 0585 FY 2017 Org 0622

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	2,678,975
3	Unclassified (R). . . . .	09900		21,991
4	Current Expenses. . . . .	13000		139,232
5	Repairs and Alterations. . . . .	06400		8,500

6	Equipment (R).....	07000		64,171
7	BRIM Premium.....	91300		<u>9,969</u>
8	Total.....		\$	2,922,838

9 Any unexpended balances remaining in the appropriations  
 10 for Equipment (fund 0585, appropriation 07000), and  
 11 Unclassified (fund 0585, appropriation 09900) at the close of the  
 12 fiscal year 2016 are hereby reappropriated for expenditure  
 13 during the fiscal year 2017.

### DEPARTMENT OF REVENUE

#### *77 - Office of the Secretary*

(WV Code Chapter 11)

Fund 0465 FY 2017 Org 0701

1	Personal Services and Employee			
2	Benefits.....	00100	\$	502,741
3	Unclassified.....	09900		5,991
4	Current Expenses.....	13000		80,633
5	Repairs and Alterations.....	06400		1,262
6	Equipment.....	07000		8,000
7	Other Assets.....	69000		<u>500</u>
8	Total.....		\$	599,127

9 Any unexpended balance remaining in the appropriation for  
 10 Unclassified – Total (fund 0465, appropriation 09600) at the  
 11 close of the fiscal year 2016 is hereby reappropriated for  
 12 expenditure during the fiscal year 2017.

#### *78 - Tax Division*

(WV Code Chapter 11)

Fund 0470 FY 2017 Org 0702

1	Personal Services and Employee			
2	Benefits (R).....	00100	\$	16,380,222



3	Unclassified (R).....	09900	224,578
4	Current Expenses (R).....	13000	5,245,381
5	Repairs and Alterations.....	06400	10,000
6	Equipment.....	07000	50,000
7	Tax Technology Upgrade.....	09400	2,700,000
8	Multi State Tax Commission.....	65300	77,958
9	Other Assets.....	69000	10,000
10	BRIM Premium.....	91300	<u>13,000</u>
11	Total.....		\$ 24,711,139

12 Any unexpended balances remaining in the appropriations  
 13 for Personal Services and Employee Benefits (fund 0470,  
 14 appropriation 00100), Unclassified (fund 0470, appropriation  
 15 09900), Current Expenses (fund 0470, appropriation 13000), and  
 16 GIS Development Project (fund 0470, appropriation 56200) at  
 17 the close of the fiscal year 2016 are hereby reappropriated for  
 18 expenditure during the fiscal year 2017, with the exception of  
 19 fund 0470, fiscal year 2016, appropriation 00100 (\$400,000) and  
 20 fund 0470, fiscal year 2016, appropriation 13000 (\$535,745)  
 21 which shall expire on June 30, 2016.

*79 - State Budget Office*

(WV Code Chapter 11B)

Fund 0595 FY 2017 Org 0703

1	Personal Services and Employee		
2	Benefits.....	00100	\$ 648,390
3	Unclassified (R).....	09900	<u>129</u>
4	Total.....		\$ 648,519

5 Any unexpended balance remaining in the appropriation for  
 6 Unclassified (fund 0595, appropriation 09900) at the close of the  
 7 fiscal year 2016 is hereby reappropriated for expenditure during  
 8 the fiscal year 2017.

*80 - West Virginia Office of Tax Appeals*

(WV Code Chapter 11)

Fund 0593 FY 2017 Org 0709

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 428,077
3	Current Expenses (R).. . . . .	13000	92,542
4	Unclassified. . . . .	09900	5,285
5	BRIM Premium. . . . .	91300	<u>2,618</u>
6	Total.. . . .		\$ 528,522
7	Any unexpended balance remaining in the appropriation for		
8	Current Expenses (fund 0593, appropriation 13000) at the close		
9	of the fiscal year 2016 is hereby reappropriated for expenditure		
10	during the fiscal year 2017.		

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

(WV Code Chapter 29)

Fund 0523 FY 2017 Org 0933

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 9,177
3	Current Expenses. . . . .	13000	<u>27,634</u>
4	Total.. . . .		\$ 36,811

**DEPARTMENT OF TRANSPORTATION**

*82 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2017 Org 0804

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 316,636

3	Current Expenses.....	13000	287,332
4	Other Assets (R).....	69000	1,335,760
5	BRIM Premium.....	91300	<u>173,966</u>
6	Total.....		\$ 2,113,694

7 Any unexpended balances remaining in the appropriations  
8 for Unclassified (fund 0506, appropriation 09900) and Other  
9 Assets (fund 0506, appropriation 69000) at the close of the fiscal  
10 year 2016 are hereby reappropriated for expenditure during the  
11 fiscal year 2017, with the exception of fund 0506, fiscal year  
12 2016, appropriation 69000 (\$25,000) which shall expire on June  
13 30, 2016.

*83 - Division of Public Transit*

(WV Code Chapter 17)

Fund 0510 FY 2017 Org 0805

1	Equipment (R).....	07000	\$ 532,339
2	Current Expenses (R).....	13000	1,757,998
3	Buildings (R).....	25800	5,281
4	Other Assets (R).....	69000	<u>5,000</u>
5	Total.....		\$ 2,300,618

6 Any unexpended balances remaining in the appropriations  
7 for Equipment (fund 0510, appropriation 07000), Current  
8 Expenses (fund 0510, appropriation 13000), Buildings (fund  
9 0510, appropriation 25800) and Other Assets (fund 0510,  
10 appropriation 69000) at the close of the fiscal year 2016 are  
11 hereby reappropriated for expenditure during the fiscal year  
12 2017, with the exception of fund 0510, fiscal year 2016,  
13 appropriation 07000 (\$58,429), fund 0510, fiscal year 2016,  
14 appropriation 25800 (\$20,281), and fund 0510, fiscal year 2016,  
15 appropriation 69000 (\$50,000) which shall expire on June 30,  
16 2016.

*84 - Aeronautics Commission*

(WV Code Chapter 29)

Fund 0582 FY 2017 Org 0807

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 213,368
3	Current Expenses (R).. . . . .	13000	712,414
4	Repairs and Alterations. . . . .	06400	100
5	Civil Air Patrol.. . . . .	23400	155,095
6	BRIM Premium. . . . .	91300	<u>3,045</u>
7	Total.. . . . .		\$ 1,084,022

8 Any unexpended balance remaining in the appropriations for  
9 Unclassified (fund 0582, appropriation 09900) and Current  
10 Expenses (fund 0582, appropriation 13000) at the close of the  
11 fiscal year 2016 are hereby reappropriated for expenditure  
12 during the fiscal year 2017, with the exception of fund 0582,  
13 fiscal year 2016, appropriation 13000 (\$73,169) which shall  
14 expire on June 30, 2016.

15 From the above appropriation for Current Expenses (fund  
16 0582, appropriation 13000), the sum of \$120,000 shall be  
17 distributed equally to each of the twelve local Civil Air Patrol  
18 Squadrons.

**DEPARTMENT OF VETERANS' ASSISTANCE***85 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 0456 FY 2017 Org 0613

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,820,635
3	Unclassified. . . . .	09900	20,000



1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,102,223
3	Current Expenses. . . . .	13000	<u>44,576</u>
4	Total. . . . .		\$ 1,146,799

**BUREAU OF SENIOR SERVICES**

*87 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 0420 FY 2017 Org 0508

1	Transfer to Division of Human		
2	Services for Health Care		
3	and Title XIX Waiver for		
4	Senior Citizens. . . . .	53900	\$ 12,142,184

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

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

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

*88 - West Virginia Council for  
Community and Technical College Education –  
Control Account*

(WV Code Chapter 18B)

Fund 0596 FY 2017 Org 0420

1	West Virginia Council for Community		
2	and Technical Education (R)... 39200	\$	756,232
3	Transit Training Partnership. . . . . 78300		40,217
4	Community College Workforce		
5	Development (R)..... 87800		806,048
6	College Transition Program..... 88700		292,718
7	West Virginia Advance Workforce		
8	Development (R)..... 89300		3,269,964
9	Technical Program		
10	Development (R)..... 89400		<u>1,895,214</u>
11	Total.....	\$	7,060,393

12 Any unexpended balances remaining in the appropriations  
13 for West Virginia Council for Community and Technical  
14 Education (fund 0596, appropriation 39200), Capital  
15 Improvements – Surplus (fund 0596, appropriation 66100),  
16 Community College Workforce Development (fund 0596,  
17 appropriation 87800), West Virginia Advance Workforce  
18 Development (fund 0596, appropriation 89300), and Technical  
19 Program Development (fund 0596, appropriation 89400) at the  
20 close of the fiscal year 2016 are hereby reappropriated for  
21 expenditure during the fiscal year 2017, with the exception of  
22 fund 0596, fiscal year 2016, appropriation 39200 (\$10,030), fund  
23 0596, fiscal year 2016, appropriation 89300 (\$164,577), and  
24 fund 0596, fiscal year 2016, appropriation 89400 (\$89,384)  
25 which shall expire on June 30, 2016.

26 From the above appropriation for the Community College  
27 Workforce Development (fund 0596, appropriation 87800),  
28 \$200,000 shall be expended on the Mine Training Program in  
29 Southern West Virginia.

30 Included in the above appropriation for West Virginia  
31 Advance Workforce Development (fund 0596, appropriation  
32 89300) is \$200,000 to be used exclusively for advanced  
33 manufacturing and energy industry specific training programs.

*89 - Mountwest Community and Technical College*

(WV Code Chapter 18B)

Fund 0599 FY 2017 Org 0444

1	Mountwest Community and		
2	Technical College. . . . .	48700	\$ 5,569,533

*90 - New River Community and Technical College*

(WV Code Chapter 18B)

Fund 0600 FY 2017 Org 0445

1	New River Community and		
2	Technical College. . . . .	35800	\$ 5,499,133

*91 - Pierpont Community and Technical College*

(WV Code Chapter 18B)

Fund 0597 FY 2017 Org 0446

1	Pierpont Community and		
2	Technical College. . . . .	93000	\$ 7,323,810

*92 - Blue Ridge Community and Technical College*

(WV Code Chapter 18B)

Fund 0601 FY 2017 Org 0447

1	Blue Ridge Community and		
2	Technical College. . . . .	88500	\$ 4,480,111

*93 - West Virginia University at Parkersburg*

(WV Code Chapter 18B)



Fund 0351 FY 2017 Org 0464

- 1 West Virginia University –
- 2 Parkersburg. . . . . 47100 \$ 9,521,771

*94 - Southern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0380 FY 2017 Org 0487

- 1 Southern West Virginia Community and
- 2 Technical College. . . . . 44600 \$ 7,991,778

*95 - West Virginia Northern Community and Technical College*

(WV Code Chapter 18B)

Fund 0383 FY 2017 Org 0489

- 1 West Virginia Northern Community and
- 2 Technical College. . . . . 44700 \$ 6,898,459

*96 - Eastern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0587 FY 2017 Org 0492

- 1 Eastern West Virginia Community and
- 2 Technical College. . . . . 41200 \$ 1,834,647

*97 - BridgeValley Community and Technical College*

(WV Code Chapter 18B)

Fund 0618 FY 2017 Org 0493

1	BridgeValley Community and		
2	Technical College. . . . .	71700	\$ 7,500,925

**HIGHER EDUCATION POLICY COMMISSION**

*98 - Higher Education Policy Commission –  
Administration –  
Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2017 Org 0441

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 2,438,271
3	Current Expenses. . . . .	13000	165,893
4	Higher Education Grant Program. .	16400	39,019,864
5	Tuition Contract Program (R). . . .	16500	1,249,555
6	Underwood-Smith Scholarship		
7	Program-Student Awards. . . .	16700	328,349
8	Facilities Planning and		
9	Administration (R). . . . .	38600	1,821,849
10	PROMISE Scholarship – Transfer..	80000	18,500,000
11	HEAPS Grant Program (R). . . . .	86700	5,007,764
12	BRIM Premium. . . . .	91300	<u>15,708</u>
13	Total. . . . .		\$ 68,547,253

14 Any unexpended balances remaining in the appropriations  
 15 for Unclassified – Surplus (fund 0589, appropriation 09700),  
 16 Tuition Contract Program (fund 0589, appropriation 16500),  
 17 Facilities Planning and Administration (fund 0589, appropriation  
 18 38600), Capital Improvements – Surplus (fund 0589,  
 19 appropriation 66100), Capital Outlay and Maintenance (fund  
 20 0589, appropriation 75500), and HEAPS Grant Program (fund  
 21 0589, appropriation 86700) at the close of the fiscal year 2016  
 22 are hereby reappropriated for expenditure during the fiscal year  
 23 2017, with the exception of fund 0589, fiscal year 2016,

24 appropriation 38600 (\$75,910) which shall expire on June 30,  
25 2016.

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

30 The above appropriation for Higher Education Grant  
31 Program (fund 0589, appropriation 16400) shall be transferred  
32 to the Higher Education Grant Fund (fund 4933, org 0441)  
33 established by W.Va. Code §18C-5-3.

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

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

*99 - Higher Education Policy Commission –  
Administration –  
West Virginia Network for Educational Telecomputing  
(WVNET)*

(WV Code Chapter 18B)

Fund 0551 FY 2017 Org 0495

1 WVNET..... 16900 \$ 1,654,572

*100 - West Virginia University –  
School of Medicine  
Medical School Fund*

## (WV Code Chapter 18B)

Fund 0343 FY 2017 Org 0463

1	WVU School of Health Science –		
2	Eastern Division. . . . .	05600	\$ 2,248,472
3	WVU – School of Health		
4	Sciences. . . . .	17400	15,515,841
5	WVU – School of Health Sciences –		
6	Charleston Division. . . . .	17500	2,312,518
7	Rural Health Outreach		
8	Programs (R). . . . .	37700	170,125
9	West Virginia University School of		
10	Medicine		
11	BRIM Subsidy. . . . .	46000	<u>1,161,281</u>
12	Total. . . . .		\$ 21,408,237

13 Any unexpended balance remaining in the appropriations for  
14 Rural Health Outreach Programs (fund 0343, appropriation  
15 37700), and Educational Enhancements – Surplus (fund 0343,  
16 appropriation 92700) at the close of the fiscal year 2016 are  
17 hereby reappropriated for expenditure during the fiscal year  
18 2017, with the exception of fund 0343, fiscal year 2016,  
19 appropriation 37700 (\$7,029) which shall expire on June 30,  
20 2016.

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

25 The above appropriation for West Virginia University  
26 School of Medicine BRIM Subsidy (fund 0343, appropriation  
27 46000) shall be paid to the Board of Risk and Insurance  
28 Management as a general revenue subsidy against the “Total  
29 Premium Billed” to the institution as part of the full cost of their  
30 malpractice insurance coverage.

*101 - West Virginia University –  
General Administrative Fund*

(WV Code Chapter 18B)

Fund 0344 FY 2017 Org 0463

1	West Virginia University.....	45900	\$	97,819,653
2	Jackson's Mill (R). . . . .	46100		239,505
3	West Virginia University Institute of			
4	Technology. . . . .	47900		7,987,811
5	State Priorities – Brownfield			
6	Professional Development (R). . . . .	53100		337,503
7	West Virginia University –			
8	Potomac State. . . . .	99400		<u>3,921,488</u>
9	Total. . . . .		\$	110,305,960

10       Any unexpended balances remaining in the appropriations  
11 for Jackson's Mill (fund 0344, appropriation 46100), and State  
12 Priorities – Brownfield Professional Development (fund 0344,  
13 appropriation 53100) at the close of the fiscal year 2016 are  
14 hereby reappropriated for expenditure during the fiscal year  
15 2017, with the exception of fund 0344, fiscal year 2016,  
16 appropriation 46100 (\$9,902) and fund 0344, fiscal year 2016,  
17 appropriation 53100 (\$13,931) which shall expire on June 30,  
18 2016.

*102 - Marshall University –  
School of Medicine*

(WV Code Chapter 18B)

Fund 0347 FY 2017 Org 0471

1	Marshall Medical School. . . . .	17300	\$	12,179,256
2	Rural Health Outreach			
3	Programs (R). . . . .	37700		167,616

4	Forensic Lab. . . . .	37701	241,438
5	Center for Rural Health. . . . .	37702	160,166
6	Marshall University Medical School		
7	BRIM Subsidy. . . . .	44900	<u>842,290</u>
8	Total. . . . .		\$ 13,590,766

9       Any unexpended balance remaining in the appropriation for  
10 Rural Health Outreach Program (fund 0347, appropriation  
11 37700) at the close of the fiscal year 2016 is hereby  
12 reappropriated for expenditure during the fiscal year 2017, with  
13 the exception of fund 0347, fiscal year 2016, appropriation  
14 37700 (\$6,984) which shall expire on June 30, 2016.

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

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

*103 - Marshall University –  
General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2017 Org 0471

1	Marshall University. . . . .	44800	\$ 45,926,078
2	Luke Lee Listening Language and		
3	Learning Lab. . . . .	44801	102,076
4	Vista E-Learning (R). . . . .	51900	249,089
5	State Priorities – Brownfield		
6	Professional Development (R). . . . .	53100	334,364

7	Marshall University Graduate College		
8	Writing Project (R). . . . .	80700	20,737
9	WV Autism Training Center (R). . .	93200	<u>1,795,300</u>
10	Total.. . . . .		\$ 48,427,644

11 Any unexpended balances remaining in the appropriations  
 12 for Vista E-Learning (fund 0348, appropriation 51900), State  
 13 Priorities – Brownfield Professional Development (fund 0348,  
 14 appropriation 53100), Marshall University Graduate College  
 15 Writing Project (fund 0348, appropriation 80700), and WV  
 16 Autism Training Center (fund 0348, appropriation 93200) at the  
 17 close of fiscal year 2016 are hereby reappropriated for  
 18 expenditure during the fiscal year 2017, with the exception of  
 19 fund 0348, fiscal year 2016, appropriation 51900 (\$10,368), fund  
 20 0348, fiscal year 2016, appropriation 53100 (\$13,931), fund  
 21 0348, fiscal year 2016, appropriation 80700 (\$864), and fund  
 22 0348, fiscal year 2016, appropriation 93200 (\$73,873) which  
 23 shall expire on June 30, 2016.

*104 - West Virginia School of Osteopathic Medicine*

(WV Code Chapter 18B)

Fund 0336 FY 2017 Org 0476

1	West Virginia School of		
2	Osteopathic Medicine. . . . .	17200	\$ 6,798,239
3	Rural Health Outreach		
4	Programs (R). . . . .	37700	168,354
5	West Virginia School of		
6	Osteopathic Medicine		
7	BRIM Subsidy. . . . .	40300	144,721
8	Rural Health Initiative –		
9	Medical Schools Support. . . . .	58100	<u>404,968</u>
10	Total.. . . . .		\$ 7,516,282

11 Any unexpended balance remaining in the appropriation for  
 12 Rural Health Outreach Programs (fund 0336, appropriation

13 37700) at the close of fiscal year 2016 is hereby reappropriated  
 14 for expenditure during the fiscal year 2017, with the exception  
 15 of fund 0336, fiscal year 2016, appropriation 37700 (\$7,015)  
 16 which shall expire on June 30, 2016.

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

21 The above appropriation for West Virginia School of  
 22 Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation  
 23 40300) shall be paid to the Board of Risk and Insurance  
 24 Management as a general revenue subsidy against the “Total  
 25 Premium Billed” to the institution as part of the full cost of their  
 26 malpractice insurance coverage.

*105 - Bluefield State College*

(WV Code Chapter 18B)

Fund 0354 FY 2017 Org 0482

1 Bluefield State College. . . . . 40800 \$ 5,636,862

*106 - Concord University*

(WV Code Chapter 18B)

Fund 0357 FY 2017 Org 0483

1 Concord University. . . . . 41000 \$ 8,674,596

*107 - Fairmont State University*

(WV Code Chapter 18B)

Fund 0360 FY 2017 Org 0484



2016]	HOUSE OF DELEGATES	4387
1	Fairmont State University. . . . . 41400	\$ 15,277,769
	<i>108 - Glenville State College</i>	
	(WV Code Chapter 18B)	
	Fund <u>0363</u> FY <u>2017</u> Org <u>0485</u>	
1	Glenville State College. . . . . 42800	\$ 5,891,397
	<i>109 - Shepherd University</i>	
	(WV Code Chapter 18B)	
	Fund <u>0366</u> FY <u>2017</u> Org <u>0486</u>	
1	Shepherd University. . . . . 43200	\$ 9,551,994
	<i>110 - West Liberty University</i>	
	(WV Code Chapter 18B)	
	Fund <u>0370</u> FY <u>2017</u> Org <u>0488</u>	
1	West Liberty University. . . . . 43900	\$ 7,956,371
	<i>111 - West Virginia State University</i>	
	(WV Code Chapter 18B)	
	Fund <u>0373</u> FY <u>2017</u> Org <u>0490</u>	
1	West Virginia State University. . . 44100	\$ 10,003,071
2	West Virginia State University	
3	Land Grant Match. . . . . 95600	<u>1,584,947</u>
4	Total. . . . .	\$ 11,588,018
5	Total TITLE II, Section 1 —	
6	General Revenue	
7	(Including claims against the state) . .	<u>\$4,187,373,287</u>

1       **Sec. 2. Appropriations from state road fund.** — From the  
 2 state road fund there are hereby appropriated conditionally upon  
 3 the fulfillment of the provisions set forth in Article 2, Chapter  
 4 11- of the Code the following amounts, as itemized, for  
 5 expenditure during the fiscal year 2017.

### DEPARTMENT OF TRANSPORTATION

#### *112 - Division of Motor Vehicles*

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

Fund 9007 FY 2017 Org 0802

	<b>Appro- piation</b>	<b>State Road Fund</b>
1 Personal Services and		
2     Employee Benefits. . . . . 00100	\$	23,278,949
3 Current Expenses. . . . . 13000		16,191,004
4 Repairs and Alterations. . . . . 06400		144,000
5 Equipment. . . . . 07000		1,080,000
6 Buildings. . . . . 25800		10,000
7 Other Assets. . . . . 69000		2,600,000
8 BRIM Premium. . . . . 91300		74,776
9     Total. . . . .	\$	43,378,729

#### *113 - Division of Highways*

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2017 Org 0803

1 Debt Service. . . . . 04000	\$	24,000,000
2 Maintenance. . . . . 23700		369,354,000
3 Maintenance, Contract Paving and		
4     Secondary Road Maintenance. . 27200		54,000,000

5	Bridge Repair and Replacement. . .	27300	15,000,000
6	Inventory Revolving. . . . .	27500	4,000,000
7	Equipment Revolving. . . . .	27600	15,000,000
8	General Operations. . . . .	27700	55,995,000
9	Interstate Construction. . . . .	27800	100,000,000
10	Other Federal Aid Programs. . . . .	27900	432,000,000
11	Appalachian Programs. . . . .	28000	120,000,000
12	Nonfederal Aid Construction. . . . .	28100	15,000,000
13	Highway Litter Control. . . . .	28200	1,727,000
14	Courtesy Patrol. . . . .	28201	<u>3,000,000</u>
15	Total. . . . .		\$1,209,076,000

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

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

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

29 It is the intent of the Legislature to capture and match all  
 30 federal funds available for expenditure on the Appalachian  
 31 highway system at the earliest possible time. Therefore, should  
 32 amounts in excess of those appropriated be required for the  
 33 purposes of Appalachian programs, funds in excess of the  
 34 amount appropriated may be made available upon  
 35 recommendation of the commissioner and approval of the  
 36 Governor. Further, for the purpose of Appalachian programs,  
 37 funds appropriated by appropriation may be transferred to other

38 appropriations upon recommendation of the commissioner and  
 39 approval of the Governor.

*114 - Office of Administrative Hearings*

(WV Code Chapter 17C)

Fund 9027 FY 2017 Org 0808

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,585,201
3	Current Expenses. . . . .	13000	338,278
4	Repairs and Alterations. . . . .	06400	3,000
5	Equipment. . . . .	07000	15,500
6	BRIM Premium. . . . .	91300	<u>10,000</u>
7	Total. . . . .		\$ 1,951,979
8	Total TITLE II, Section 2 — State Road Fund		
9	(Including claims against the state) . . .		<u>\$1,255,390,193</u>

1       **Sec. 3. Appropriations from other funds.** — From the  
 2 funds designated there are hereby appropriated conditionally  
 3 upon the fulfillment of the provisions set forth in Article 2,  
 4 Chapter 11- of the Code the following amounts, as itemized, for  
 5 expenditure during the fiscal year 2017.

**LEGISLATIVE**

*115 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 1731 FY 2017 Org 2300

		<b>Appro- piation</b>	<b>Other Funds</b>
1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 498,020
3	Current Expenses. . . . .	13000	133,903

2016]	HOUSE OF DELEGATES	4391
4	Repairs and Alterations. . . . . 06400	1,000
5	Economic Loss Claim	
6	Payment Fund. . . . . 33400	3,460,125
7	Other Assets. . . . . 69000	<u>3,700</u>
8	Total. . . . .	\$ 4,096,748

**JUDICIAL**

*116 - Supreme Court –  
Family Court Fund*

(WV Code Chapter 51)

Fund 1763 FY 2017 Org 2400

1	Current Expenses. . . . . 13000	\$ 1,600,000
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**EXECUTIVE**

*117 - Governor's Office –  
Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2017 Org 0100

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

*118 - Auditor's Office –  
Land Operating Fund*

(WV Code Chapters 11A, 12 and 36)

Fund 1206 FY 2017 Org 1200

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 749,297
3	Unclassified. . . . .	09900	15,139
4	Current Expenses. . . . .	13000	715,291
5	Repairs and Alterations. . . . .	06400	2,600
6	Equipment. . . . .	07000	426,741
7	Cost of Delinquent Land Sales. . . . .	76800	1,341,168
8	Directed Transfer. . . . .	70000	<u>350,000</u>
9	Total. . . . .		\$ 3,600,236

10       The above appropriation for Directed Transfer (fund 1206,  
 11 appropriation 70000) shall be transferred to the Department of  
 12 Health and Human Resources, Division of Human Services –  
 13 Medical Services Trust Fund (fund 5185).

14       There is hereby appropriated from this fund, in addition to  
 15 the above appropriations if needed, the necessary amount for the  
 16 expenditure of funds other than Personal Services and Employee  
 17 Benefits to enable the division to pay the direct expenses relating  
 18 to land sales as provided in Chapter 11A of the West Virginia  
 19 Code.

20       The total amount of these appropriations shall be paid from  
 21 the Special Revenue Fund out of fees and collections as provided  
 22 by law.

*119 - Auditor's Office –  
 Local Government Purchasing Card Expenditure Fund*

(WV Code Chapter 6)

Fund 1224 FY 2017 Org 1200

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 588,283
3	Current Expenses. . . . .	13000	282,030
4	Repairs and Alterations. . . . .	06400	6,000

5	Equipment. . . . .	07000		10,805
6	Other Assets. . . . .	69000		50,000
7	Directed Transfer. . . . .	70000		400,000
8	Statutory Revenue Distribution. . . . .	74100		<u>1,500,000</u>
9	Total. . . . .		\$	2,837,118

10 The above appropriation for Directed Transfer (fund 1224,  
 11 appropriation 70000) shall be transferred to the Department of  
 12 Health and Human Resources, Division of Human Services –  
 13 Medical Services Trust Fund (fund 5185).

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

*120 - Auditor's Office –  
 Securities Regulation Fund*

(WV Code Chapter 32)

Fund 1225 FY 2017 Org 1200

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	1,882,510
3	Unclassified. . . . .	09900		31,866
4	Current Expenses. . . . .	13000		1,463,830
5	Repairs and Alterations. . . . .	06400		12,400
6	Equipment. . . . .	07000		94,700
7	Other Assets. . . . .	69000		773,326
8	Directed Transfer. . . . .	70000		<u>750,000</u>
9	Total. . . . .		\$	5,008,632

10 The above appropriation for Directed Transfer (fund 1225,  
 11 appropriation 70000) shall be transferred to the Department of

- 12 Health and Human Resources, Division of Human Services –  
 13 Medical Services Trust Fund (fund 5185).

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

(WV Code Chapter 12)

Fund 1233 FY 2017 Org 1200

1	Current Expenses.....	13000	\$	160,000
2	Other Assets.....	69000		<u>100,000</u>
3	Total.....		\$	260,000

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

*122 - Auditor's Office –  
 Purchasing Card Administration Fund*

(WV Code Chapter 12)

Fund 1234 FY 2017 Org 1200

1	Personal Services and Employee			
2	Benefits.....	00100	\$	2,667,397
3	Current Expenses.....	13000		2,303,622
4	Repairs and Alterations.....	06400		5,500
5	Equipment.....	07000		650,000
6	Other Assets.....	69000		308,886
7	Statutory Revenue Distribution....	74100		<u>4,000,000</u>
8	Total.....		\$	9,935,405

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



- 11 meet the transfer and revenue distribution requirements to the
- 12 Purchasing Improvement Fund (fund 2264), the Hatfield-McCoy
- 13 Regional Recreation Authority, and the State Park Operating
- 14 Fund (fund 3265) per W.Va. Code §12-3-10d.

*123 - Auditor's Office –  
Chief Inspector's Fund*

(WV Code Chapter 6)

Fund 1235 FY 2017 Org 1200

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	3,405,512
3	Current Expenses. . . . . 13000		765,915
4	Equipment. . . . . 07000		50,000
5	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 2017 Org 1200

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

*125 - Treasurer's Office –  
College Prepaid Tuition and Savings Program  
Administrative Account*

(WV Code Chapter 18)

Fund 1301 FY 2017 Org 1300

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	774,769

3	Unclassified. . . . .	09900		14,000
4	Current Expenses. . . . .	13000		<u>619,862</u>
5	Total. . . . .		\$	1,408,631

*126 - Treasurer's Office –  
Technology Support and Acquisition Fund*

(WV Code Chapter 12)

Fund 1329 FY 2017 Org 1300

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	185,000
3	Unclassified. . . . .	09900		4,700
4	Current Expenses. . . . .	13000		236,949
5	Other Assets. . . . .	69000		<u>50,000</u>
6	Total. . . . .		\$	476,649

*127 - Department of Agriculture –  
Agriculture Fees Fund*

(WV Code Chapter 19)

Fund 1401 FY 2017 Org 1400

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	2,244,245
3	Unclassified. . . . .	09900		37,425
4	Current Expenses. . . . .	13000		1,356,184
5	Repairs and Alterations. . . . .	06400		58,500
6	Equipment. . . . .	07000		36,209
7	Other Assets. . . . .	69000		10,000
8	Directed Transfer. . . . .	70000		<u>1,000,000</u>
9	Total. . . . .		\$	4,742,563

10      The above appropriation for Directed Transfer (fund 1401,  
11      appropriation 70000) shall be transferred to the Department of  
12      Health and Human Resources, Division of Human Services –  
13      Medical Services Trust Fund (fund 5185).

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

(WV Code Chapter 19)

Fund 1408 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits.....	00100	\$ 73,807
3	Unclassified.....	09900	10,476
4	Current Expenses.....	13000	963,404
5	Directed Transfer.....	70000	<u>500,000</u>
6	Total.....		\$ 1,547,687

7 The above appropriation for Directed Transfer (fund 1408,  
8 appropriation 70000) shall be transferred to the Department of  
9 Health and Human Resources, Division of Human Services –  
10 Medical Services Trust Fund (fund 5185).

*129 - Department of Agriculture –  
General John McCausland Memorial Farm Fund*

(WV Code Chapter 19)

Fund 1409 FY 2017 Org 1400

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

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

*130 - Department of Agriculture –  
Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 309,248
3	Unclassified. . . . .	09900	15,173
4	Current Expenses. . . . .	13000	1,167,464
5	Repairs and Alterations. . . . .	06400	238,722
6	Equipment. . . . .	07000	249,393
7	Other Assets. . . . .	69000	<u>20,000</u>
8	Total. . . . .		\$ 2,000,000

*131 - Department of Agriculture –  
Donated Food Fund*

(WV Code Chapter 19)

Fund 1446 FY 2017 Org 1400

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

*132 - Department of Agriculture –  
Integrated Predation Management Fund*

(WV Code Chapter 7)

Fund 1465 FY 2017 Org 1400

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

(WV Code Chapter 19)

Fund 1481 FY 2017 Org 1400

1 Current Expenses. . . . . 13000 \$ 100

*134 - Department of Agriculture –  
Veterans and Warriors to Agriculture Fund*

(WV Code Chapter 19)

Fund 1483 FY 2017 Org 1400

1 Current Expenses. . . . . 13000 \$ 7,500

*135 - Department of Agriculture –  
State FFA-FHA Camp and Conference Center*

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,169,194
3	Unclassified. . . . .	09900	17,000
4	Current Expenses. . . . .	13000	707,223
5	Repairs and Alterations. . . . .	06400	57,500
6	Equipment. . . . .	07000	1,000
7	Buildings. . . . .	25800	1,000
8	Other Assets. . . . .	69000	10,000
9	Land. . . . .	73000	<u>1,000</u>
10	Total. . . . .		\$ 1,963,917

*136 - Attorney General –  
Antitrust Enforcement Fund*

(WV Code Chapter 47)

Fund 1507 FY 2017 Org 1500

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

*137 - Attorney General –  
Preneed Burial Contract Regulation Fund*

(WV Code Chapter 47)

Fund 1513 FY 2017 Org 1500

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

*138 - Attorney General –  
Preneed Funeral Guarantee Fund*

(WV Code Chapter 47)

Fund 1514 FY 2017 Org 1500

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

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2017 Org 1600

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 791,051



2 The above appropriation for Current Expenses (fund 2044,  
 3 appropriation 13000) shall be transferred to the Consolidated  
 4 Public Retirement Board – West Virginia Teachers’ Retirement  
 5 System Employers Accumulation Fund (fund 2601).

*143 - Division of Information Services and Communications*

(WV Code Chapter 5A)

Fund 2220 FY 2017 Org 0210

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 23,378,322
3	Unclassified. . . . .	09900	382,354
4	Current Expenses. . . . .	13000	11,378,766
5	Repairs and Alterations. . . . .	06400	1,000
6	Equipment. . . . .	07000	2,050,000
7	Other Assets. . . . .	69000	<u>1,045,000</u>
8	Total. . . . .		\$ 38,235,442

9 The total amount of these appropriations shall be paid from  
 10 a Special Revenue Fund out of collections made by the Division  
 11 of Information Services and Communications as provided by  
 12 law.

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

*144 - Division of Purchasing –  
 Vendor Fee Fund*

(WV Code Chapter 5A)

Fund 2263 FY 2017 Org 0213



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

*145 - Division of Purchasing –  
Purchasing Improvement Fund*

(WV Code Chapter 5A)

Fund 2264 FY 2017 Org 0213

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 540,889
3	Unclassified. . . . .	09900	5,562
4	Current Expenses. . . . .	13000	393,066
5	Repairs and Alterations. . . . .	06400	500,500
6	Equipment. . . . .	07000	500
7	Other Assets. . . . .	69000	500,500
8	Directed Transfer. . . . .	70000	500,000
9	BRIM Premium. . . . .	91300	<u>850</u>
10	Total. . . . .		\$ 2,441,867

11 The above appropriation for Directed Transfer (fund 2264,  
12 appropriation 70000) shall be transferred to the Department of  
13 Health and Human Resources, Division of Human Services –  
14 Medical Services Trust Fund (fund 5185).

*146- Travel Management –  
Fleet Management Office Fund*

(WV Code Chapter 5A)

Fund 2301 FY 2017 Org 0215

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

*147 - Travel Management –  
Aviation Fund*

(WV Code Chapter 5A)

Fund 2302 FY 2017 Org 0215

1	Unclassified. . . . .	09900	\$ 1,000
2	Current Expenses. . . . .	13000	149,700
3	Repairs and Alterations. . . . .	06400	400,237
4	Equipment. . . . .	07000	1,000
5	Buildings. . . . .	25800	100
6	Other Assets. . . . .	69000	100
7	Land. . . . .	73000	100
8	Total. . . . .		\$ 552,237

*148 - Division of Personnel*

(WV Code Chapter 29)

Fund 2440 FY 2017 Org 0222

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 3,942,590
3	Unclassified. . . . .	09900	51,418
4	Current Expenses. . . . .	13000	1,062,813
5	Repairs and Alterations. . . . .	06400	5,000
6	Equipment. . . . .	07000	20,000

2016]

HOUSE OF DELEGATES

4405

7	Other Assets.....	69000		60,000
8	Directed Transfer.....	70000		<u>500,000</u>
9	Total.....		\$	5,641,821

10 The above appropriation for Directed Transfer (fund 2440,  
 11 appropriation 70000) shall be transferred to the Department of  
 12 Health and Human Resources, Division of Human Services –  
 13 Medical Services Trust Fund (fund 5185).

14 The total amount of these appropriations shall be paid from  
 15 a Special Revenue Fund out of fees collected by the Division of  
 16 Personnel.

*149 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 2521 FY 2017 Org 0228

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

*150 - Office of Technology –  
 Chief Technology Officer Administration Fund*

(WV Code Chapter 5A)

Fund 2531 FY 2017 Org 0231

1	Personal Services and Employee			
2	Benefits.....	00100	\$	399,911

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

9 From the above fund, the provisions of W.Va. Code  
 10 §11B-2-18 shall not operate to permit expenditures in excess of  
 11 the funds authorized for expenditure herein.

### DEPARTMENT OF COMMERCE

#### *151 - Division of Forestry*

(WV Code Chapter 19)

Fund 3081 FY 2017 Org 0305

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	1,464,328
3	Current Expenses. . . . .	13000		282,202
4	Repairs and Alterations. . . . .	06400		<u>53,000</u>
5	Total. . . . .		\$	1,799,530

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

(WV Code Chapter 19)

Fund 3082 FY 2017 Org 0305

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

*153 - Division of Forestry –  
Severance Tax Operations*

(WV Code Chapter 11)

Fund 3084 FY 2017 Org 0305

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

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

(WV Code Chapter 29)

Fund 3100 FY 2017 Org 0306

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 37,966
3	Unclassified. . . . .	09900	2,182
4	Current Expenses. . . . .	13000	141,631
5	Repairs and Alterations. . . . .	06400	6,500
6	Equipment. . . . .	07000	20,000
7	Other Assets. . . . .	69000	<u>10,000</u>
8	Total. . . . .		\$ 218,279

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

*155 - West Virginia Development Office –  
Department of Commerce –  
Marketing and Communications Operating Fund*

(WV Code Chapter 5B)

Fund 3002 FY 2017 Org 0307

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

*156 - Division of Labor –  
Contractor Licensing Board Fund*

(WV Code Chapter 21)

Fund 3187 FY 2017 Org 0308

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,519,374
3	Unclassified. . . . .	09900	21,589
4	Current Expenses. . . . .	13000	597,995
5	Repairs and Alterations. . . . .	06400	15,000
6	Buildings. . . . .	25800	5,000
7	Directed Transfer. . . . .	70000	<u>1,200,000</u>
8	Total. . . . .		\$ 3,358,958

9       The above appropriation for Directed Transfer (fund 3187,  
10 appropriation 70000) shall be transferred to the Department of  
11 Health and Human Resources, Division of Human Services –  
12 Medical Services Trust Fund (fund 5185).

*157 - Division of Labor –  
Elevator Safety Fund*

(WV Code Chapter 21)

Fund 3188 FY 2017 Org 0308

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 176,772

2016]	HOUSE OF DELEGATES	4409
3	Unclassified. . . . . 09900	2,261
4	Current Expenses. . . . . 13000	44,112
5	Repairs and Alterations. . . . . 06400	2,000
6	Buildings. . . . . 25800	<u>1,000</u>
7	Total. . . . .	\$ 226,145

*158 - Division of Labor –  
Crane Operator Certification Fund*

(WV Code Chapter 21)

Fund 3191 FY 2017 Org 0308

1	Personal Services and Employee	
2	Benefits. . . . . 00100	\$ 84,380
3	Unclassified. . . . . 09900	1,380
4	Current Expenses. . . . . 13000	49,765
5	Repairs and Alterations. . . . . 06400	1,500
6	Buildings. . . . . 25800	<u>1,000</u>
7	Total. . . . .	\$ 138,025

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

(WV Code Chapter 21)

Fund 3192 FY 2017 Org 0308

1	Personal Services and Employee	
2	Benefits. . . . . 00100	\$ 79,316
3	Unclassified. . . . . 09900	1,281
4	Current Expenses. . . . . 13000	44,520
5	Repairs and Alterations. . . . . 06400	2,000
6	Buildings. . . . . 25800	<u>1,000</u>
7	Total. . . . .	\$ 128,117

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

(WV Code Chapter 21)

Fund 3195 FY 2017 Org 0308

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 133,768
3	Unclassified. . . . .	09900	1,847
4	Current Expenses. . . . .	13000	43,700
5	Repairs and Alterations. . . . .	06400	1,000
6	Buildings. . . . .	25800	1,000
7	BRIM Premium. . . . .	91300	<u>3,404</u>
8	Total. . . . .		\$ 184,719

*161 - Division of Labor –  
Weights and Measures Fund*

(WV Code Chapter 47)

Fund 3196 FY 2017 Org 0308

1	Current Expenses. . . . .	13000	\$ 48,000
2	Repairs and Alterations. . . . .	06400	81,000
3	Equipment. . . . .	07000	<u>76,000</u>
4	Total. . . . .		\$ 205,000

*162 - Division of Natural Resources –  
License Fund – Wildlife Resources*

(WV Code Chapter 20)

Fund 3200 FY 2017 Org 0310

1	Wildlife Resources. . . . .	02300	\$ 5,551,895
2	Administration. . . . .	15500	1,387,974
3	Capital Improvements and Land		
4	Purchase (R) . . . . .	24800	1,387,973
5	Law Enforcement. . . . .	80600	<u>5,551,895</u>
6	Total. . . . .		\$ 13,879,737



7 The total amount of these appropriations shall be paid from  
8 a Special Revenue Fund out of fees collected by the Division of  
9 Natural Resources.

10 Any unexpended balance remaining in the appropriation for  
11 Capital Improvements and Land Purchase (fund 3200,  
12 appropriation 24800) at the close of the fiscal year 2016 is  
13 hereby reappropriated for expenditure during the fiscal year  
14 2017.

*163 - Division of Natural Resources –  
Natural Resources Game Fish and Aquatic Life Fund*

(WV Code Chapter 22)

Fund 3202 FY 2017 Org 0310

1 Current Expenses..... 13000 \$ 125,000

*164 - Division of Natural Resources –  
Nongame Fund*

(WV Code Chapter 20)

Fund 3203 FY 2017 Org 0310

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

*165 - Division of Natural Resources –  
Planning and Development Division*

(WV Code Chapter 20)

Fund 3205 FY 2017 Org 0310

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 189,520
3	Current Expenses. . . . .	13000	157,864
4	Repairs and Alterations. . . . .	06400	15,016
5	Equipment. . . . .	07000	8,300
6	Buildings. . . . .	25800	8,300
7	Other Assets. . . . .	69000	1,000,000
8	Directed Transfer. . . . .	70000	1,500,000
9	Land. . . . .	73000	<u>31,700</u>
10	Total. . . . .		\$ 2,910,700

11 The above appropriation for Directed Transfer (fund 3205,  
 12 appropriation 70000) shall be transferred to the Department of  
 13 Health and Human Resources, Division of Human Services –  
 14 Medical Services Trust Fund (fund 5185).

*166 - Division of Natural Resources –  
 Whitewater Study and Improvement Fund*

(WV Code Chapter 20)

Fund 3253 FY 2017 Org 0310

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

*167 - Division of Natural Resources –  
 Whitewater Advertising and Promotion Fund*

(WV Code Chapter 20)

Fund 3256 FY 2017 Org 0310



Fund 3010 FY 2017 Org 0328

1	Energy Assistance – Total. . . . .	64700	\$	62,000
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*171 - Division of Energy –  
Office of Coal Field Community Development*

(WV Code Chapter 5B)

Fund 3011 FY 2017 Org 0328

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	430,724
3	Unclassified. . . . .	09900		8,300
4	Current Expenses. . . . .	13000		394,191
5	Repairs and Alterations. . . . .	06400		1,000
6	Equipment. . . . .	07000		4,000
7	Total. . . . .		\$	838,215

**DEPARTMENT OF EDUCATION**

*172 - State Board of Education –  
Strategic Staff Development*

(WV Code Chapter 18)

Fund 3937 FY 2017 Org 0402

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	134,000
3	Unclassified. . . . .	09900		1,000
4	Current Expenses. . . . .	13000		265,000
5	Total. . . . .		\$	400,000

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

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2017 Org 0402

1 SBA Construction Grants. . . . . 24000 \$ 27,217,000

*174 - School Building Authority*

(WV Code Chapter 18)

Fund 3959 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,087,932
3	Current Expenses. . . . .	13000	249,750
4	Repairs and Alterations. . . . .	06400	7,500
5	Equipment. . . . .	07000	<u>26,000</u>
6	Total. . . . .		\$ 1,371,182

7 The above appropriations are for the administrative expenses  
8 of the School Building Authority and shall be paid from the  
9 interest earnings on debt service reserve accounts maintained on  
10 behalf of said authority.

**DEPARTMENT OF EDUCATION AND THE ARTS**

*175 - Office of the Secretary –  
Lottery Education Fund Interest Earnings –  
Control Account*

(WV Code Chapter 29)

Fund 3508 FY 2017 Org 0431

1 Any unexpended balance remaining in the appropriation for  
2 Educational Enhancements (fund 3508, appropriation 69500) at  
3 the close of the fiscal year 2016 is hereby reappropriated for  
4 expenditure during the fiscal year 2017.

*176 - Division of Culture and History –  
Public Records and Preservation Revenue Account*

(WV Code Chapter 5A)

Fund 3542 FY 2017 Org 0432

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 211,418
3	Current Expenses. . . . .	13000	862,241
4	Equipment. . . . .	07000	75,000
5	Buildings. . . . .	25800	1,000
6	Other Assets. . . . .	69000	52,328
7	Land. . . . .	73000	<u>1,000</u>
8	Total. . . . .		\$ 1,202,987

*177 - State Board of Rehabilitation –  
Division of Rehabilitation Services –  
West Virginia Rehabilitation Center Special Account*

(WV Code Chapter 18)

Fund 8664 FY 2017 Org 0932

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*178 - Solid Waste Management Board*

(WV Code Chapter 22C)

Fund 3288 FY 2017 Org 0312

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 802,209
3	Current Expenses. . . . .	13000	2,061,057
4	Repairs and Alterations. . . . .	06400	1,000
5	Equipment. . . . .	07000	5,000
6	Other Assets. . . . .	69000	4,403
7	Directed Transfer. . . . .	70000	<u>1,000,000</u>
8	Total. . . . .		\$ 3,873,669

9 The above appropriation for Directed Transfer (fund 3288,  
 10 appropriation 70000) shall be transferred to the Department of  
 11 Health and Human Resources, Division of Human Services –  
 12 Medical Services Trust Fund (fund 5185).

*179 - Division of Environmental Protection –  
 Hazardous Waste Management Fund*

(WV Code Chapter 22)

Fund 3023 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 692,784
3	Current Expenses. . . . .	13000	195,569
4	Repairs and Alterations. . . . .	06400	500
5	Equipment. . . . .	07000	1,505
6	Unclassified. . . . .	09900	3,072
7	Other Assets. . . . .	69000	<u>2,000</u>
8	Total. . . . .		\$ 895,430

*180 - Division of Environmental Protection –  
 Air Pollution Education and Environment Fund*

(WV Code Chapter 22)

Fund 3024 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 935,324
3	Current Expenses. . . . .	13000	1,238,610
4	Repairs and Alterations. . . . .	06400	13,000
5	Equipment. . . . .	07000	53,105
6	Unclassified. . . . .	09900	2,900
7	Other Assets. . . . .	69000	20,000
8	Directed Transfer. . . . .	70000	<u>1,000,000</u>
9	Total. . . . .		\$ 3,262,939
10	The above appropriation for Directed Transfer (fund 3024,		
11	appropriation 70000) shall be transferred to the Department of		
12	Health and Human Resources, Division of Human Services –		
13	Medical Services Trust Fund (fund 5185).		

*181 - Division of Environmental Protection –  
Special Reclamation Fund*

(WV Code Chapter 22)

Fund 3321 FY 2017 Org 0313

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

*182 - Division of Environmental Protection –  
Oil and Gas Reclamation Fund*

(WV Code Chapter 22)



Fund 3322 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 15,314
3	Current Expenses. . . . .	13000	<u>356,094</u>
4	Total. . . . .		\$ 371,408

*183 - Division of Environmental Protection –  
Oil and Gas Operating Permit and Processing Fund*

(WV Code Chapter 22)

Fund 3323 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 3,264,961
3	Current Expenses. . . . .	13000	1,313,961
4	Repairs and Alterations. . . . .	06400	20,600
5	Equipment. . . . .	07000	8,000
6	Unclassified. . . . .	09900	44,700
7	Other Assets. . . . .	69000	15,000
8	Directed Transfer. . . . .	70000	<u>2,000,000</u>
9	Total. . . . .		\$ 6,667,222

10 The above appropriation for Directed Transfer (fund 3323,  
11 appropriation 70000) shall be transferred to the Department of  
12 Health and Human Resources, Division of Human Services –  
13 Medical Services Trust Fund (fund 5185).

*184 - Division of Environmental Protection –  
Mining and Reclamation Operations Fund*

(WV Code Chapter 22)

Fund 3324 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 4,635,449

3	Current Expenses. . . . .	13000		2,406,092
4	Repairs and Alterations. . . . .	06400		60,260
5	Equipment. . . . .	07000		85,134
6	Unclassified. . . . .	09900		920
7	Other Assets. . . . .	69000		57,500
8	Total. . . . .		\$	7,245,355

*185 - Division of Environmental Protection –  
Underground Storage Tank  
Administrative Fund*

(WV Code Chapter 22)

Fund 3325 FY 2017 Org 0313

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

*186 - Division of Environmental Protection –  
Hazardous Waste Emergency Response Fund*

(WV Code Chapter 22)

Fund 3331 FY 2017 Org 0313

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	643,319
3	Current Expenses. . . . .	13000		422,386
4	Repairs and Alterations. . . . .	06400		7,014
5	Equipment. . . . .	07000		9,000
6	Unclassified. . . . .	09900		10,616

7	Other Assets.....	69000		<u>11,700</u>
8	Total.....		\$	1,104,035

*187 - Division of Environmental Protection –  
Solid Waste Reclamation and  
Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2017 Org 0313

1	Personal Services and Employee			
2	Benefits.....	00100	\$	793,967
3	Current Expenses.....	13000		3,605,237
4	Repairs and Alterations.....	06400		25,000
5	Equipment.....	07000		31,500
6	Unclassified.....	09900		22,900
7	Other Assets.....	69000		<u>1,000</u>
8	Total.....		\$	4,479,604

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

(WV Code Chapter 22)

Fund 3333 FY 2017 Org 0313

1	Personal Services and Employee			
2	Benefits.....	00100	\$	3,041,424
3	Current Expenses.....	13000		1,020,229
4	Repairs and Alterations.....	06400		30,930
5	Equipment.....	07000		23,356
6	Unclassified.....	09900		37,145
7	Other Assets.....	69000		25,554
8	Directed Transfer.....	70000		<u>3,000,000</u>
9	Total.....		\$	7,178,638

- 10 The above appropriation for Directed Transfer (fund 3333,  
 11 appropriation 70000) shall be transferred to the Department of  
 12 Health and Human Resources, Division of Human Services –  
 13 Medical Services Trust Fund (fund 5185).

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

(WV Code Chapter 22)

Fund 3336 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 5,667,421
3	Current Expenses. . . . .	13000	1,518,704
4	Repairs and Alterations. . . . .	06400	84,045
5	Equipment. . . . .	07000	115,356
6	Unclassified. . . . .	09900	5,580
7	Other Assets. . . . .	69000	52,951
8	Directed Transfer. . . . .	70000	<u>1,000,000</u>
9	Total. . . . .		\$ 8,444,057

- 10 The above appropriation for Directed Transfer (fund 3336,  
 11 appropriation 70000) shall be transferred to the Department of  
 12 Health and Human Resources, Division of Human Services –  
 13 Medical Services Trust Fund (fund 5185).

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

(WV Code Chapter 22)

Fund 3340 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 296,164
3	Current Expenses. . . . .	13000	216,288

2016]	HOUSE OF DELEGATES	4423
4	Repairs and Alterations. . . . . 06400	1,000
5	Equipment. . . . . 07000	6,500
6	Unclassified. . . . . 09900	400
7	Other Assets. . . . . 69000	<u>4,000</u>
8	Total. . . . .	\$ 524,352

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

(WV Code Chapter 22)

Fund 3349 FY 2017 Org 0313

1	Current Expenses. . . . . 13000	\$ 10,298,205
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*192 - Division of Environmental Protection –  
Litter Control Fund*

(WV Code Chapter 22)

Fund 3486 FY 2017 Org 0313

1	Current Expenses. . . . . 13000	\$ 60,000
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*193 - Division of Environmental Protection –  
Recycling Assistance Fund*

(WV Code Chapter 22)

Fund 3487 FY 2017 Org 0313

1	Personal Services and Employee	
2	Benefits. . . . . 00100	\$ 646,395
3	Current Expenses. . . . . 13000	2,735,112
4	Repairs and Alterations. . . . . 06400	800
5	Equipment. . . . . 07000	500
6	Unclassified. . . . . 09900	400
7	Other Assets. . . . . 69000	<u>2,500</u>
8	Total. . . . .	\$ 3,385,707

*194 - Division of Environmental Protection –  
Mountaintop Removal Fund*

(WV Code Chapter 22)

Fund 3490 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,228,345
3	Current Expenses. . . . .	13000	638,729
4	Repairs and Alterations. . . . .	06400	30,112
5	Equipment. . . . .	07000	23,725
6	Unclassified. . . . .	09900	1,180
7	Other Assets. . . . .	69000	<u>15,500</u>
8	Total. . . . .		\$ 1,937,591

*195 - Oil and Gas Conservation Commission –  
Special Oil and Gas Conservation Fund*

(WV Code Chapter 22C)

Fund 3371 FY 2017 Org 0315

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

**DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES**

*196 - Division of Health –  
The Vital Statistics Account*

(WV Code Chapter 16)

Fund 5144 FY 2017 Org 0506

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 876,771
3	Unclassified. . . . .	09900	15,500
4	Current Expenses.. . . .	13000	<u>1,257,788</u>
5	Total.. . . .		\$ 2,150,059

*197 - Division of Health –  
Hospital Services Revenue Account  
Special Fund  
Capital Improvement, Renovation and Operations*

(WV Code Chapter 16)

Fund 5156 FY 2017 Org 0506

1	Institutional Facilities Operations. . . . .	33500	\$ 56,708,911
2	Medical Services Trust Fund –		
3	Transfer. . . . .	51200	<u>27,800,000</u>
4	Total.. . . .		\$ 84,508,911

5       The total amount of these appropriations shall be paid from  
6 the Hospital Services Revenue Account Special Fund created by  
7 W.Va. Code §16-1-13, and shall be used for operating expenses  
8 and for improvements in connection with existing facilities.

9       Additional funds have been appropriated in fund 0525, fiscal  
10 year 2017, organization 0506, for the operation of the  
11 institutional facilities. The Secretary of the Department of Health  
12 and Human Resources is authorized to utilize up to ten percent  
13 of the funds from the appropriation for Institutional Facilities  
14 Operations to facilitate cost effective and cost saving services at  
15 the community level.

16       Necessary funds from the above appropriation may be used  
17 for medical facilities operations, either in connection with this

18 fund or in connection with the appropriation designated  
 19 Institutional Facilities Operations in the Consolidated Medical  
 20 Service Fund (fund 0525, organization 0506).

21 From the above appropriation to Institutional Facilities  
 22 Operations, together with available funds from the Consolidated  
 23 Medical Services Fund (fund 0525, appropriation 33500) on July  
 24 1, 2016, the sum of \$160,000 shall be transferred to the  
 25 Department of Agriculture – Land Division – Farm Operating  
 26 Fund (1412) as advance payment for the purchase of food  
 27 products; actual payments for such purchases shall not be  
 28 required until such credits have been completely expended.

*198 - Division of Health –*

*Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2017 Org 0506

1	Personal Services and Employee		
2	Benefits.....	00100	\$ 912,657
3	Unclassified.....	09900	18,114
4	Current Expenses.....	13000	<u>880,716</u>
5	Total.....		\$ 1,811,487

*199 - Division of Health –*

*The Health Facility Licensing Account*

(WV Code Chapter 16)

Fund 5172 FY 2017 Org 0506

1	Personal Services and Employee		
2	Benefits.....	00100	\$ 605,950
3	Unclassified.....	09900	7,113





*Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2017 Org 0506

1	Current Expenses.....	13000	\$	7,579
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*204 - West Virginia Health Care Authority –  
Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2017 Org 0507

1	Personal Services and Employee			
2	Benefits.....	00100	\$	3,033,821
3	Hospital Assistance.....	02500		600,000
4	Unclassified.....	09900		67,000
5	Current Expenses.....	13000		2,837,945
6	Repairs and Alterations.....	06400		25,000
7	Equipment.....	07000		50,000
8	Buildings.....	25800		25,000
9	Other Assets.....	69000		100,000
10	Total.....		\$	6,738,766

11       The above appropriation is to be expended in accordance  
 12 with and pursuant to the provisions of W.Va. Code §16-29- and  
 13 from the Special Revolving Fund designated Health Care Cost  
 14 Review Fund.

15       The Health Care Authority is authorized to transfer up to  
 16 \$1,500,000 from fund 5375 to the West Virginia Health  
 17 Information Network Account (fund 5380) as authorized per  
 18 W.Va. Code §16-29G-4.

*205 - West Virginia Health Care Authority –*

*West Virginia Health Information Network Account*

(WV Code Chapter 16)

Fund 5380 FY 2017 Org 0507

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 729,000
3	Unclassified. . . . .	09900	20,000
4	Current Expenses. . . . .	13000	1,251,000
5	Technology Infrastructure		
6	Network. . . . .	35100	<u>3,500,000</u>
7	Total. . . . .		\$ 5,500,000

*206 - Division of Human Services –  
Health Care Provider Tax –  
Medicaid State Share Fund*

(WV Code Chapter 11)

Fund 5090 FY 2017 Org 0511

1	Medical Services. . . . .	18900	\$ 198,381,008
2	Medical Services Administrative		
3	Costs. . . . .	78900	<u>418,992</u>
4	Total. . . . .		\$ 198,800,000

5 The above appropriation for Medical Services  
6 Administrative Costs (fund 5090, appropriation 78900) shall be  
7 transferred to a Special Revenue account in the treasury for use  
8 by the Department of Health and Human Resources for  
9 administrative purposes. The remainder of all moneys deposited  
10 in the fund shall be transferred to the West Virginia Medical  
11 Services Fund (fund 5084).

*207 - Division of Human Services –  
Child Support Enforcement Fund*

(WV Code Chapter 48A)

Fund 5094 FY 2017 Org 0511

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

6 Any unexpended balances remaining in the appropriations  
7 for Unclassified (fund 5094, appropriation 09900) and Current  
8 Expenses (fund 5094, appropriation 13000) at the close of the  
9 fiscal year 2016 are hereby reappropriated for expenditure  
10 during the fiscal year 2017.

*208 - Division of Human Services –  
Medical Services Trust Fund*

(WV Code Chapter 9)

Fund 5185 FY 2017 Org 0511

1	Medical Services. . . . .	18900	\$ 160,910,206
2	Medical Services Administrative		
3	Costs. . . . .	78900	<u>548,723</u>
4	Total. . . . .		\$ 161,458,929

5 The above appropriation to Medical Services shall be used  
6 to provide state match of Medicaid expenditures as defined and  
7 authorized in subsection (c) of W.Va. Code §9-4A-2a.  
8 Expenditures from the fund are limited to the following:  
9 payment of backlogged billings, funding for services to future  
10 federally mandated population groups and payment of the  
11 required state match for Medicaid disproportionate share  
12 payments. The remainder of all moneys deposited in the fund  
13 shall be transferred to the Division of Human Services accounts.

*209 - Division of Human Services –  
James “Tiger” Morton Catastrophic Illness Fund*

(WV Code Chapter 16)

Fund 5454 FY 2017 Org 0511

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 89,392
3	Unclassified. . . . .	09900	16,031
4	Current Expenses. . . . .	13000	1,497,688
5	Directed Transfer. . . . .	70000	<u>700,000</u>
6	Total. . . . .		\$ 2,303,111

7 The above appropriation for Directed Transfer (fund 5454,  
8 appropriation 70000) shall be transferred to the Department of  
9 Health and Human Resources, Division of Human Services –  
10 Medical Services Trust Fund (fund 5185).

*210 - Division of Human Services –  
Domestic Violence Legal Services Fund*

(WV Code Chapter 48)

Fund 5455 FY 2017 Org 0511

1	Current Expenses. . . . .	13000	\$ 1,077,982
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*211 - Division of Human Services –  
West Virginia Works Separate State College Program Fund*

(WV Code Chapter 9)

Fund 5467 FY 2017 Org 0511

1	Current Expenses. . . . .	13000	\$ 1,065,000
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*212 - Division of Human Services –*

*West Virginia Works Separate State Two-Parent Program  
Fund*

(WV Code Chapter 9)

Fund 5468 FY 2017 Org 0511

1 Current Expenses..... 13000 \$ 3,250,000

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

(WV Code Chapter 9)

Fund 5490 FY 2017 Org 0511

1	Personal Services and Employee		
2	Benefits. .... 00100	\$	10,000
3	Current Expenses..... 13000		<u>25,000</u>
4	Total.....	\$	35,000

**DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY**

*214 - 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 2017 Org 0601

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

*215 - State Armory Board –  
General Armory Fund*

(WV Code Chapter 15)

Fund 6057 FY 2017 Org 0603

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,643,528
3	Current Expenses. . . . .	13000	750,000
4	Repairs and Alterations. . . . .	06400	485,652
5	Equipment. . . . .	07000	300,000
6	Buildings. . . . .	25800	770,820
7	Land. . . . .	73000	<u>50,000</u>
8	Total. . . . .		\$ 4,000,000

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

*216 - Division of Homeland Security and  
Emergency Management –  
West Virginia Interoperable Radio Project*

(WV Code Chapter 24)

Fund 6295 FY 2017 Org 0606

1	Current Expenses. . . . .	13000	\$ 2,000,000
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2 Any unexpended balance remaining in the appropriation for  
3 Unclassified – Total (fund 6295, appropriation 09600) at the  
4 close of fiscal year 2016 is hereby reappropriated for expenditure  
5 during the fiscal year 2017.

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

(WV Code Chapter 62)

Fund 6362 FY 2017 Org 0608

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,013,793
3	Unclassified. . . . .	09900	9,804
4	Current Expenses. . . . .	13000	758,480
5	Equipment. . . . .	07000	30,000
6	Other Assets. . . . .	69000	40,129
7	Directed Transfer. . . . .	70000	<u>500,000</u>
8	Total. . . . .		\$ 2,352,206

9       The above appropriation for Directed Transfer (fund 6362,  
10 appropriation 70000) shall be transferred to the Department of  
11 Health and Human Resources, Division of Human Services –  
12 Medical Services Trust Fund (fund 5185).

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

(WV Code Chapter 17C)

Fund 6501 FY 2017 Org 0612

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,786,923
3	Current Expenses. . . . .	13000	488,211
4	Repairs and Alterations. . . . .	06400	204,500
5	Equipment. . . . .	07000	4,770,751
6	Buildings. . . . .	25800	534,000
7	Other Assets. . . . .	69000	5,000
8	BRIM Premium. . . . .	91300	<u>302,432</u>
9	Total. . . . .		\$ 8,091,817

10       The total amount of these appropriations shall be paid from  
11 the Special Revenue Fund out of fees collected for inspection  
12 stickers as provided by law.



*219 - West Virginia State Police –  
Drunk Driving Prevention Fund*

(WV Code Chapter 15)

Fund 6513 FY 2017 Org 0612

1	Current Expenses. . . . .	13000	\$	1,327,000
2	Equipment. . . . .	07000		3,491,895
3	BRIM Premium. . . . .	91300		154,452
4	Total. . . . .		\$	4,973,347

5       The total amount of these appropriations shall be paid from  
6 the Special Revenue Fund out of receipts collected pursuant to  
7 W.Va. Code §11-15-9a and 16 and paid into a revolving fund  
8 account in the State Treasury.

*220 - West Virginia State Police –  
Surplus Real Property Proceeds Fund*

(WV Code Chapter 15)

Fund 6516 FY 2017 Org 0612

1	Buildings. . . . .	25800	\$	443,980
2	Land. . . . .	73000		1,000
3	BRIM Premium. . . . .	91300		77,222
4	Total. . . . .		\$	522,202

*221 - West Virginia State Police –  
Surplus Transfer Account*

(WV Code Chapter 15)

Fund 6519 FY 2017 Org 0612

1	Current Expenses. . . . .	13000	\$	114,063
2	Repairs and Alterations. . . . .	06400		10,000

3	Equipment. ....	07000		157,002
4	Buildings. ....	25800		40,000
5	Other Assets.....	69000		45,000
6	Total.....		\$	366,065

*222 - West Virginia State Police –  
Central Abuse Registry Fund*

(WV Code Chapter 15)

Fund 6527 FY 2017 Org 0612

1	Personal Services and Employee			
2	Benefits. ....	00100	\$	236,881
3	Current Expenses.....	13000		51,443
4	Repairs and Alterations. ....	06400		500
5	Equipment. ....	07000		200,500
6	Other Assets.....	69000		500
7	BRIM Premium. ....	91300		18,524
8	Total.....		\$	508,348

*223 - West Virginia State Police –  
Bail Bond Enforcer Account*

(WV Code Chapter 15)

Fund 6532 FY 2017 Org 0612

1	Current Expenses.....	13000	\$	8,300
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*224 - West Virginia State Police –  
State Police Academy Post Exchange*

(WV Code Chapter 15)

Fund 6544 FY 2017 Org 0612

1	Current Expenses.....	13000	\$	160,000
2	Repairs and Alterations. ....	06400		40,000
3	Total.....		\$	200,000

*225 - Regional Jail and Correctional Facility Authority*

(WV Code Chapter 31)

Fund 6675 FY 2017 Org 0615

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

*226 - Fire Commission –  
Fire Marshal Fees*

(WV Code Chapter 29)

Fund 6152 FY 2017 Org 0619

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,848,036
3	Unclassified. . . . .	09900	3,800
4	Current Expenses. . . . .	13000	1,249,550
5	Repairs and Alterations. . . . .	06400	58,500
6	Equipment. . . . .	07000	35,800
7	Other Assets. . . . .	69000	12,000
8	Directed Transfer. . . . .	70000	500,000
9	BRIM Premium. . . . .	91300	<u>50,000</u>
10	Total. . . . .		\$ 4,757,686

11 The above appropriation for Directed Transfer (fund 6152,  
 12 appropriation 70000) shall be transferred to the Department of  
 13 Health and Human Resources, Division of Human Services –  
 14 Medical Services Trust Fund (fund 5185).

*227 - Division of Justice and Community Services –  
WV Community Corrections Fund*

(WV Code Chapter 62)

Fund 6386 FY 2017 Org 0620

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

*228 - Division of Justice and Community Services –  
Court Security Fund*

(WV Code Chapter 51)

Fund 6804 FY 2017 Org 0620

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

**DEPARTMENT OF REVENUE**

*229 - Division of Financial Institutions*

(WV Code Chapter 31A)

Fund 3041 FY 2017 Org 0303

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	2,421,059
3	Unclassified. . . . . 09900		32,290



Fund 7071 FY 2017 Org 0702

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 23,459
3	Current Expenses. . . . .	13000	<u>7,717</u>
4	Total. . . . .		\$ 31,176

*233 - Tax Division –  
Special Audit and Investigative Unit*

(WV Code Chapter 11)

Fund 7073 FY 2017 Org 0702

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

*234 - Tax Division –  
Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2017 Org 0702

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

*235 - Tax Division –  
Reduced Cigarette Ignition Propensity  
Standard and Fire Prevention Act Fund*

(WV Code Chapter 47)

Fund 7092 FY 2017 Org 0702

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

*236 - Tax Division –  
Local Sales Tax and Excise Tax  
Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2017 Org 0702

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

*237 - State Budget Office –  
Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2017 Org 0703

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

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

*238 - Insurance Commissioner –  
Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2017 Org 0704

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 721,117
3	Current Expenses. . . . .	13000	1,357,201
4	Repairs and Alterations. . . . .	06400	3,000
5	Equipment. . . . .	07000	81,374
6	Buildings. . . . .	25800	8,289
7	Other Assets. . . . .	69000	<u>11,426</u>
8	Total. . . . .		\$ 2,182,407

*239 - Insurance Commissioner –  
Consumer Advocate*

(WV Code Chapter 33)

Fund 7151 FY 2017 Org 0704

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

*240 - Insurance Commissioner –  
Insurance Commission Fund*

(WV Code Chapter 33)

Fund 7152 FY 2017 Org 0704

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 25,039,727





Fund 7165 FY 2017 Org 0704

1	Current Expenses.....	13000	\$	10,000,000
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*245 - Lottery Commission –  
Revenue Center Construction Fund*

(WV Code Chapter 29)

Fund 7209 FY 2017 Org 0705

1	Buildings. ....	25800	\$	500,000
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*246 - Municipal Bond Commission*

(WV Code Chapter 13)

Fund 7253 FY 2017 Org 0706

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

*247 - Racing Commission –  
Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2017 Org 0707

1	Medical Expenses – Total. ....	24500	\$	57,000
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2     The total amount of this appropriation shall be paid from the  
3 Special Revenue Fund out of collections of license fees and fines  
4 as provided by law.

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

*248 - Racing Commission –  
Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2017 Org 0707

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

*249 - Racing Commission –  
General Administration*

(WV Code Chapter 19)

Fund 7305 FY 2017 Org 0707

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

*250 - Racing Commission –  
Administration, Promotion, Education, Capital Improvement  
and Greyhound Adoption Programs  
to include Spaying and Neutering Account*

(WV Code Chapter 19)

Fund 7307 FY 2017 Org 0707

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 864,474
3	Current Expenses. . . . .	13000	214,406

4	Other Assets.....	69000		<u>200,000</u>
5	Total.....		\$	1,278,880

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

(WV Code Chapter 60)

Fund 7351 FY 2017 Org 0708

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

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

*252 - Alcohol Beverage Control Administration*

(WV Code Chapter 60)

Fund 7352 FY 2017 Org 0708

1	Personal Services and Employee			
2	Benefits.....	00100	\$	5,413,237
3	Current Expenses.....	13000		2,897,577
4	Repairs and Alterations.....	06400		84,000
5	Equipment.....	07000		108,000
6	Buildings.....	25800		100
7	Purchase of Supplies for Resale. . .	41900		72,500,000
8	Transfer Liquor Profits and Taxes..	42500		16,000,000
9	Other Assets.....	69000		100

10	Land.....	73000		<u>100</u>
11	Total.....		\$	97,003,114

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

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

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

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

*253 - State Athletic Commission Fund*

(WV Code Chapter 29)

Fund 7009 FY 2017 Org 0933

1	Current Expenses.....	13000	\$	20,000
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**DEPARTMENT OF TRANSPORTATION**

*254 - Division of Motor Vehicles –  
 Dealer Recovery Fund*

(WV Code Chapter 17)

Fund 8220 FY 2017 Org 0802

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

(WV Code Chapter 17B)

Fund 8223 FY 2017 Org 0802

1	Personal Services and Employee		
2	Benefits..... 00100	\$	2,852,799
3	Current Expenses..... 13000		4,882,937
4	Repairs and Alterations..... 06400		16,000
5	Equipment..... 07000		75,000
6	Other Assets..... 69000		10,000
7	BRIM Premium..... 91300		<u>74,775</u>
8	Total.....	\$	<u>7,911,511</u>

*256 - Division of Highways –  
A. James Manchin Fund*

(WV Code Chapter 22)

Fund 8319 FY 2017 Org 0803

1	Current Expenses..... 13000	\$	1,650,000
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*257 - Public Port Authority –  
Special Railroad and Intermodal Enhancement Fund*

(WV Code Chapter 17)

Fund 8254 FY 2017 Org 0806

1	Current Expenses..... 13000	\$	510,000
2	Other Assets..... 69000		3,490,000
3	Total.....	\$	4,000,000

**DEPARTMENT OF VETERANS' ASSISTANCE**

*258 - Veterans' Facilities Support Fund*

(WV Code Chapter 9A)

Fund 6703 FY 2017 Org 0613

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

*259 - Department of Veterans' Assistance –  
WV Veterans' Home –  
Special Revenue Operating Fund*

(WV Code Chapter 9A)

Fund 6754 FY 2017 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**

*260 - Bureau of Senior Services –  
Community Based Service Fund*

(WV Code Chapter 22)

Fund 5409 FY 2017 Org 0508

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

5 The total amount of these appropriations are funded from  
6 annual table game license fees to enable the aged and disabled

7 citizens of West Virginia to stay in their homes through the  
8 provision of home and community-based services.

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

*261 - West Virginia University at Parkersburg –  
Land Sale Account*

(WV Code Chapter 18B)

Fund 4322 FY 2017 Org 0464

1 Capital Outlay, Repairs and  
2 Equipment..... 58900 \$ 532,000

3 The total amount of this appropriation shall be used for the  
4 purchase of additional real property or technology, or for capital  
5 improvements at the institution.

**HIGHER EDUCATION POLICY COMMISSION**

*262 - 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 2017 Org 0442

1 Debt Service..... 04000 \$ 27,720,321  
2 General Capital Expenditures. . . . 30600 5,000,000  
3 Facilities Planning and  
4 Administration..... 38600 421,082  
5 Total..... \$ 33,141,403



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

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

*263 - Tuition Fee Revenue Bond Construction Fund*

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2017 Org 0442

1 Any unexpended balance remaining in the appropriation for  
2 Capital Outlay (fund 4906, appropriation 51100) at the close of  
3 the fiscal year 2016 is hereby reappropriated for expenditure  
4 during the fiscal year 2017.

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

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

*264 - Community and Technical College –  
Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2017 Org 0442

1 Any unexpended balance remaining in the appropriation for  
2 Capital Improvements – Total (fund 4908, appropriation 95800)

3 at the close of fiscal year 2016 is hereby reappropriated for  
 4 expenditure during the fiscal year 2017.

5 The total amount of this appropriation shall be paid from the  
 6 sale of the 2009 Series A Community and Technical College  
 7 Capital Improvement Revenue Bonds and anticipated interest  
 8 earnings.

*265 - West Virginia University –  
 West Virginia University Health Sciences Center*

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2017 Org 0463

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 10,274,340
3	Current Expenses. . . . .	13000	4,524,300
4	Repairs and Alterations. . . . .	06400	425,000
5	Equipment. . . . .	07000	512,000
6	Buildings. . . . .	25800	150,000
7	Other Assets. . . . .	69000	<u>50,000</u>
8	Total. . . . .		\$ 15,935,640

**MISCELLANEOUS BOARDS AND COMMISSIONS**

*266- Board of Barbers and Cosmetologists –  
 Barbers and Beauticians Special Fund*

(WV Code Chapters 16 and 30)

Fund 5425 FY 2017 Org 0505

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

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

*267- Hospital Finance Authority –  
Hospital Finance Authority Fund*

(WV Code Chapter 16)

Fund 5475 FY 2017 Org 0509

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 85,981
3	Unclassified.. . . .	09900	1,450
4	Current Expenses. . . . .	13000	<u>57,740</u>
5	Total.. . . .		\$ 145,171

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

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

(WV Code Chapter 30)

Fund 8517 FY 2017 Org 0906

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 430,324
3	Current Expenses. . . . .	13000	<u>53,133</u>
4	Total.. . . .		\$ 483,457

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

(WV Code Chapter 30)

Fund 8520 FY 2017 Org 0907

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,081,694
3	Current Expenses. . . . .	13000	295,339
4	Repairs and Alterations. . . . .	06400	3,000
5	Equipment. . . . .	07000	19,500
6	Other Assets. . . . .	69000	4,500
7	Directed Transfer. . . . .	70000	<u>500,000</u>
8	Total. . . . .		\$ 1,904,033

9       The above appropriation for Directed Transfer (fund 8520,  
10 appropriation 70000) shall be transferred to the Department of  
11 Health and Human Resources, Division of Human Services –  
12 Medical Services Trust Fund (fund 5185).

*270 - Public Service Commission*

(WV Code Chapter 24)

Fund 8623 FY 2017 Org 0926

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 11,807,314
3	Unclassified. . . . .	09900	147,643
4	Current Expenses. . . . .	13000	2,594,398
5	Repairs and Alterations. . . . .	06400	55,000
6	Equipment. . . . .	07000	160,000
7	Buildings. . . . .	25800	4,500,000
8	PSC Weight Enforcement. . . . .	34500	4,405,884
9	Debt Payment/Capital Outlay. . . . .	52000	350,000
10	BRIM Premium. . . . .	91300	<u>114,609</u>
11	Total. . . . .		\$ 24,134,848

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

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

*271 - Public Service Commission –  
 Gas Pipeline Division –  
 Public Service Commission Pipeline Safety Fund*

(WV Code Chapter 24B)

Fund 8624 FY 2017 Org 0926

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 284,198
3	Unclassified. . . . .	09900	3,851
4	Current Expenses. . . . .	13000	93,115
5	Repairs and Alterations. . . . .	06400	4,000
6	Total. . . . .		\$ 385,164

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

*272 - Public Service Commission –  
 Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8625 FY 2017 Org 0926

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,243,526
3	Unclassified. . . . .	09900	29,233
4	Current Expenses. . . . .	13000	577,557
5	Repairs and Alterations. . . . .	06400	23,000

6	Equipment. . . . .	07000		<u>50,000</u>
7	Total.. . . . .		\$	2,923,316

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

*273 - Public Service Commission –  
Consumer Advocate Fund*

(WV Code Chapter 24)

Fund 8627 FY 2017 Org 0926

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	743,372
3	Current Expenses. . . . .	13000		276,472
4	Equipment. . . . .	07000		10,000
5	BRIM Premium. . . . .	91300		<u>4,532</u>
6	Total.. . . . .		\$	1,034,376

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

*274 - Real Estate Commission –  
Real Estate License Fund*

(WV Code Chapter 30)

Fund 8635 FY 2017 Org 0927

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

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

*275 - WV Board of Examiners for Speech-Language  
Pathology and Audiology –  
Speech-Language Pathology and Audiology Operating Fund*

(WV Code Chapter 30)

Fund 8646 FY 2017 Org 0930

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

*276 - WV Board of Respiratory Care –  
Board of Respiratory Care Fund*

(WV Code Chapter 30)

Fund 8676 FY 2017 Org 0935

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 79,583
3	Current Expenses. . . . .	13000	51,047
4	Repairs and Alterations. . . . .	06400	<u>400</u>
5	Total. . . . .		\$ 131,030

*277 - WV Board of Licensed Dietitians –  
Dietitians Licensure Board Fund*

(WV Code Chapter 30)

Fund 8680 FY 2017 Org 0936

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 8,648
3	Current Expenses. . . . .	13000	<u>14,352</u>
4	Total. . . . .		\$ 23,000

*278 - Massage Therapy Licensure Board –  
Massage Therapist Board Fund*

(WV Code Chapter 30)

Fund 8671 FY 2017 Org 0938

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 104,358
3	Current Expenses. . . . .	13000	<u>22,708</u>
4	Total. . . . .		\$ 127,066

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

(WV Code Chapter 30)

Fund 9070 FY 2017 Org 0945

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,047,752
3	Current Expenses. . . . .	13000	988,789
4	Repairs and Alterations. . . . .	06400	<u>20,000</u>
5	Total. . . . .		\$ 2,056,541

*280 - West Virginia Enterprise Resource Planning Board –  
Enterprise Resource Planning System Fund*

(WV Code Chapter 12)

Fund 9080 FY 2017 Org 0947

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 6,713,066
3	Unclassified. . . . .	09900	430,000
4	Current Expenses. . . . .	13000	42,306,934
5	Repairs and Alterations. . . . .	06400	100,000
6	Equipment. . . . .	07000	250,000



7	Buildings. . . . .	25800		100,000
8	Other Assets. . . . .	69000		<u>100,000</u>
9	Total. . . . .		\$	50,000,000

*281 - Board of Treasury Investments –  
Board of Treasury Investments Fee Fund*

(WV Code Chapter 12)

Fund 9152 FY 2017 Org 0950

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	715,279
3	Unclassified. . . . .	09900		12,667
4	Current Expenses. . . . .	13000		488,074
5	BRIM Premium. . . . .	91300		50,687
6	Fees of Custodians, Fund Advisors and			
7	Fund Managers. . . . .	93800		<u>3,500,000</u>
8	Total. . . . .		\$	4,766,707

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

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

18 Total TITLE II, Section 3 — Other Funds

19       (Including claims against the state).. .     \$1,965,026,910

1       **Sec. 4. Appropriations from lottery net profits.** — Net  
2 profits of the lottery are to be deposited by the director of the  
3 lottery to the following accounts in the amounts indicated. The  
4 director of the lottery shall prorate each deposit of net profits in

5 the proportion the appropriation for each account bears to the  
 6 total of the appropriations for all accounts.

7 After first satisfying the requirements for Fund 2252, Fund  
 8 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the  
 9 director of the lottery shall make available from the remaining  
 10 net profits of the lottery any amounts needed to pay debt service  
 11 for which an appropriation is made for Fund 9065, Fund 4297,  
 12 Fund 3390, and Fund 3514 and is authorized to transfer any such  
 13 amounts to Fund 9065, Fund 4297, Fund 3390, and Fund 3514  
 14 for that purpose. Upon receipt of reimbursement of amounts so  
 15 transferred, the director of the lottery shall deposit the  
 16 reimbursement amounts to the following accounts as required by  
 17 this section.

*282 - Education, Arts, Sciences and Tourism –  
 Debt Service Fund*

(WV Code Chapter 5)

Fund 2252 FY 2017 Org 0211

		<b>Appro- p-riation</b>		<b>Lottery Funds</b>
1	Debt Service – Total. . . . .	31000	\$	10,000,000

*283 - West Virginia Development Office –  
 Division of Tourism*

(WV Code Chapter 5B)

Fund 3067 FY 2017 Org 0304

1	Tourism – Telemarketing Center... 46300	\$	82,080
2	WV Film Office..... 49800		341,153
3	Tourism – Advertising (R)... 61800		1,822,407
4	Tourism – Operations (R). . . . . 66200		<u>3,970,510</u>
5	Total.. . . . .	\$	6,216,150

6 Any unexpended balances remaining in the appropriations  
 7 for Tourism – Advertising (fund 3067, appropriation 61800), and  
 8 Tourism – Operations (fund 3067, appropriation 66200) at the  
 9 close of the fiscal year 2016 are hereby reappropriated for  
 10 expenditure during the fiscal year 2017.

*284 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 3267 FY 2017 Org 0310

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,104,327
3	Current Expenses. . . . .	13000	23,000
4	Pricketts Fort State Park. . . . .	32400	106,560
5	Non-Game Wildlife (R). . . . .	52700	367,248
6	State Parks and Recreation		
7	Advertising (R). . . . .	61900	<u>494,578</u>
8	Total. . . . .		\$ 3,095,713

9 Any unexpended balances remaining in the appropriations  
 10 for Unclassified (fund 3267, appropriation 09900), Capital  
 11 Outlay – Parks (fund 3267, appropriation 28800), Non-Game  
 12 Wildlife (fund 3267, appropriation 52700), and State Parks and  
 13 Recreation Advertising (fund 3267, appropriation 61900) at the  
 14 close of the fiscal year 2016 are hereby reappropriated for  
 15 expenditure during the fiscal year 2017.

*285 - State Board of Education*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2017 Org 0402

1	FBI Checks. . . . .	37200	\$ 108,860
2	Vocational Education Equipment		
3	Replacement. . . . .	39300	800,000

4	Assessment Program (R) . . . . .	39600	2,946,059
5	21st Century Technology Infrastructure		
6	Network Tools and		
7	Support (R) . . . . .	93300	<u>14,151,287</u>
8	Total . . . . .		\$ 18,006,206

9       Any unexpended balances remaining in the appropriations  
10 for Unclassified (fund 3951, appropriation 09900), Current  
11 Expenses (fund 3951, appropriation 13000), Assessment  
12 Program (fund 3951, appropriation 39600), and 21st Century  
13 Technology Infrastructure Network Tools and Support (fund  
14 3951, appropriation 93300) at the close of the fiscal year 2016  
15 are hereby reappropriated for expenditure during the fiscal year  
16 2017.

*286 - State Department of Education –  
School Building Authority –  
Debt Service Fund*

(WV Code Chapter 18)

Fund 3963 FY 2017 Org 0402

1	Debt Service – Total . . . . .	31000	\$ 7,507,700
2	Directed Transfer . . . . .	70000	<u>10,492,300</u>
3	Total . . . . .		\$ 18,000,000

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

*287 - Department of Education and the Arts –  
Office of the Secretary –  
Control Account –  
Lottery Education Fund*

(WV Code Chapter 5F)

Fund 3508 FY 2017 Org 0431

1	Unclassified (R).....	09900	\$	11,864
2	Current Expenses.....	13000		108,136
3	Commission for National and			
4	Community Service.....	19300		350,228
5	Arts Programs (R). ....	50000		81,510
6	College Readiness. ....	57900		154,906
7	Statewide STEM 21st Century			
8	Academy. ....	89700		130,000
9	Literacy Project (R).....	89900		<u>350,000</u>
10	Total.....		\$	1,186,644

11 Any unexpended balances remaining in the appropriations  
 12 for Unclassified (fund 3508, appropriation 09900), Governor’s  
 13 Honors Academy (fund 3508, appropriation 47800), Arts  
 14 Programs (fund 3508, appropriation 50000), and Literacy Project  
 15 (fund 3508, appropriation 89900) at the close of fiscal year 2016  
 16 are hereby reappropriated for expenditure during the fiscal year  
 17 2017.

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

(WV Code Chapter 29)

Fund 3534 FY 2017 Org 0432

1	Huntington Symphony.....	02700	\$	73,823
2	Preservation West Virginia (R)...	09200		587,519
3	Fairs and Festivals (R).....	12200		1,668,297
4	Archeological Curation/Capital			
5	Improvements (R).....	24600		37,593
6	Historic Preservation Grants (R)...	31100		368,428
7	West Virginia Public Theater. ....	31200		150,024
8	Greenbrier Valley Theater.....	42300		124,429
9	Theater Arts of West Virginia.....	46400		112,500
10	Marshall Artists Series.....	51800		45,007

11	Grants for Competitive Arts		
12	Program (R).....	62400	726,000
13	West Virginia State Fair. ....	65700	39,052
14	Save the Music.....	68000	30,000
15	Contemporary American Theater		
16	Festival. ....	81100	71,602
17	Independence Hall. ....	81200	34,097
18	Mountain State Forest Festival. ...	86400	47,734
19	WV Symphony.....	90700	73,823
20	Wheeling Symphony. ....	90800	73,823
21	Appalachian Children's Chorus....	91600	<u>68,193</u>
22	Total.....		\$ 4,331,944

23 From the above appropriation for Preservation West Virginia  
24 (fund 3534, appropriation 09200) funding shall be provided to  
25 the African-American Heritage Family Tree Museum (Fayette)  
26 \$3,342, Aracoma Story (Logan) \$37,129, Arts Monongahela  
27 (Monongalia) \$14,852, Barbour County Arts and Humanities  
28 Council \$1,114, Beckley Main Street (Raleigh) \$3,713, Buffalo  
29 Creek Memorial (Logan) \$3,713, Carnegie Hall (Greenbrier)  
30 \$58,624, Ceredo Historical Society (Wayne) \$1,485, Ceredo  
31 Kenova Railroad Museum (Wayne) \$1,485, Ceredo Museum  
32 (Wayne) \$900, Children's Theatre of Charleston (Kanawha)  
33 \$3,909, Chuck Mathena Center (Mercer) \$78,165, Collis P.  
34 Huntington Railroad Historical Society (Cabell) \$7,426, Country  
35 Music Hall of Fame and Museum (Marion) \$5,198, First Stage  
36 Children's Theater Company \$1,485, Flannigan Murrell House  
37 (Summers) \$4,726, Fort Ashby Fort (Mineral) \$1,114, Fort New  
38 Salem (Harrison) \$2,748, Fort Randolph (Mason) \$3,713,  
39 General Adam Stephen Memorial Foundation (Berkeley)  
40 \$13,757, Grafton Mother's Day Shrine Committee (Taylor)  
41 \$6,312, Hardy County Tour and Crafts Association \$14,852,  
42 Heartwood in the Hills (Calhoun) \$6,300, Heritage Farm  
43 Museum & Village (Cabell) \$37,129, Historic Fayette Theater  
44 (Fayette) \$4,084, Historic Middleway Conservancy (Jefferson)

45 \$743, Jefferson County Black History Preservation Society  
46 \$3,713, Jefferson County Historical Landmark Commission  
47 \$5,941, Maddie Carroll House (Cabell) \$5,569, Marshall County  
48 Historical Society \$6,312, McCoy Theater (Hardy) \$14,852,  
49 Morgantown Theater Company (Monongalia) \$14,852,  
50 Mountaineer Boys' State (Lewis) \$7,426, Nicholas Old Main  
51 Foundation (Nicholas) \$1,485, Norman Dillon Farm Museum  
52 (Berkeley) \$7,426, Old Opera House Theater Company  
53 (Jefferson) \$11,138, Parkersburg Arts Center (Wood) \$14,852,  
54 Pocahontas Historic Opera House \$4,455, Raleigh County All  
55 Wars Museum \$7,426, Rhododendron Girl's State (Ohio) \$7,426,  
56 Roane County 4-H and FFA Youth Livestock Program \$3,713,  
57 Scottish Heritage Society/N. Central WV (Harrison) \$3,713,  
58 Society for the Preservation of McGrew House (Preston) \$2,599,  
59 Southern West Virginia Veterans' Museum \$4,242, Summers  
60 County Historic Landmark Commission \$3,713, Those Who  
61 Served War Museum (Mercer) \$2,970, Three Rivers Avian  
62 Center (Summers) \$6,638, Tug Valley Arts Council (Mingo)  
63 \$3,713, Tug Valley Chamber of Commerce Coal House (Mingo)  
64 \$1,485, Tunnelton Historical Society (Preston) \$1,485, Veterans  
65 Committee for Civic Improvement of Huntington (Wayne)  
66 \$3,713, West Virginia Museum of Glass (Lewis) \$3,713, West  
67 Virginia Music Hall of Fame (Kanawha) \$25,990, YMCA Camp  
68 Horseshoe (Tucker) \$74,257, Youth Museum of Southern West  
69 Virginia (Raleigh) \$8,911, Z.D. Ramsdell House (Wayne) \$900.

70 From the above appropriation for Fairs and Festivals (fund  
71 3534, appropriation 12200) funding shall be provided to A  
72 Princeton 4th (Mercer) \$2,250, African-American Cultural  
73 Heritage Festival (Jefferson) \$3,713, Alderson 4th of July  
74 Celebration (Greenbrier) \$3,713, Allegheny Echo (Pocahontas)  
75 \$5,570, Alpine Festival/Leaf Peepers Festival (Tucker) \$8,354,  
76 American Civil War (Grant) \$3,909, American Legion Post 8  
77 Veterans Day Parade (McDowell) \$1,563, Angus Beef and  
78 Cattle Show (Lewis) \$1,114, Annual Birch River Days

79 (Nicholas) \$1,620, Annual Don Redman Heritage Concert &  
80 Awards (Jefferson) \$1,173, Annual Ruddle Park Jamboree  
81 (Pendleton) \$5,863, Antique Market Fair (Lewis) \$1,485, Apollo  
82 Theater-Summer Program (Berkeley) \$1,485, Apple Butter  
83 Festival (Morgan) \$4,455, Arkansaw Homemaker's Heritage  
84 Weekend (Hardy) \$2,599, Armed Forces Day-South Charleston  
85 (Kanawha) \$2,228, Arthurdale Heritage New Deal Festival  
86 (Preston) \$3,713, Athens Town Fair (Mercer) \$1,485, Augusta  
87 Fair (Randolph) \$3,713, Autumn Harvest Fest (Monroe) \$3,060,  
88 Barbour County Fair \$18,564, Barboursville Octoberfest  
89 (Cabell) \$3,713, Bass Festival (Pleasants) \$1,374, Battelle  
90 District Fair (Monongalia) \$3,713, Battle of Dry Creek  
91 (Greenbrier) \$1,114, Battle of Point Pleasant Memorial  
92 Committee (Mason) \$3,713, Belle Town Fair (Kanawha) \$3,342,  
93 Belleville Homecoming (Wood) \$14,852, Bergoo Down Home  
94 Days (Webster) \$1,857, Berkeley County Youth Fair \$13,738,  
95 Black Bear 4K Mountain Bike Race (Kanawha) \$855, Black  
96 Heritage Festival (Harrison) \$4,455, Black Walnut Festival  
97 (Roane) \$7,426, Blast from the Past (Upshur) \$1,800, Blue-Gray  
98 Reunion (Barbour) \$2,599, Boone County Fair \$7,426, Boone  
99 County Labor Day Celebration \$2,970, Bradshaw Fall Festival  
100 (McDowell) \$1,485, Brandonville Heritage Day (Preston)  
101 \$1,310, Braxton County Fair \$8,540, Braxton County Monster  
102 Fest / West Virginia Autumn Festival \$1,857, Brooke County  
103 Fair \$2,599, Bruceton Mills Good Neighbor Days (Preston)  
104 \$1,485, Buckwheat Festival (Preston) \$6,313, Buffalo 4th of July  
105 Celebration (Putnam) \$500, Buffalo October Fest (Putnam)  
106 \$4,050, Burlington Apple Harvest Festival (Mineral) \$22,277,  
107 Burlington Pumpkin Harvest Festival (Raleigh) \$3,713,  
108 Burnsville Harvest Festival (Braxton) \$1,759, Cabell County  
109 Fair \$7,426, Calhoun County Wood Festival \$1,485, Campbell's  
110 Creek Community Fair (Kanawha) \$1,857, Cape Coalwood  
111 Festival Association (McDowell) \$1,857, Capon Bridge  
112 Founders Day Festival (Hampshire) \$1,485, Capon Springs  
113 Ruritan 4th of July (Hampshire) \$855, Cass Homecoming



114 (Pocahontas) \$1,485, Cedarville Town Festival (Gilmer) \$855,  
115 Celebration in the Park (Wood) \$2,970, Celebration of America  
116 (Monongalia) \$4,455, Ceredo Freedom Festival (Wayne) \$876,  
117 Chapmanville Apple Butter Festival (Logan) \$855,  
118 Chapmanville Fire Department 4th of July (Logan) \$2,228,  
119 Charles Town Christmas Festival (Jefferson) \$3,713, Charles  
120 Town Heritage Festival (Jefferson) \$3,713, Cherry River  
121 Festival (Nicholas) \$4,827, Chester Fireworks (Hancock)  
122 \$1,114, Chester 4th of July Festivities (Hancock) \$3,713, Chief  
123 Logan State Park-Civil War Celebration (Logan) \$5,941,  
124 Chilifest West Virginia State Chili Championship (Cabell)  
125 \$1,954, Christmas In Our Town (Marion) \$3,909, Christmas in  
126 Shepherdstown (Jefferson) \$2,970, Christmas in the Park  
127 (Brooke) \$3,713, Christmas in the Park (Logan) \$18,564, City of  
128 Dunbar Critter Dinner (Kanawha) \$7,426, City of Logan Polar  
129 Express (Logan) \$5,570, City of New Martinsville Festival of  
130 Memories (Wetzel) \$8,168, Clay County Golden Delicious  
131 Apple Festival \$5,198, Clay District Fair (Monongalia) \$1,350,  
132 Coal Field Jamboree (Logan) \$25,990, Coalton Days Fair  
133 (Randolph) \$5,198, Country Roads Festival (Fayette) \$1,485,  
134 Cowen Railroad Festival (Webster) \$2,599, Craigs ville Fall  
135 Festival (Nicholas) \$2,599, Cruise into Princeton (Mercer)  
136 \$2,700, Culturefest World Music & Arts Festival (Mercer)  
137 \$5,863, Delbarton Homecoming (Mingo) \$2,599, Doddridge  
138 County Fair \$5,198, Dorcas Ice Cream Social (Grant) \$4,455,  
139 Durbin Days (Pocahontas) \$3,713, Elbert/Filbert Reunion  
140 Festival (McDowell) \$1,114, Elkins Randolph County 4th of  
141 July Car Show (Randolph) \$1,485, Fairview 4th of July  
142 Celebration (Marion) \$855, Farm Safety Day (Preston) \$1,485,  
143 Farmer's Day Festival (Monroe) \$2,913, Farmers' Day Parade  
144 (Wyoming) \$900, Fenwick Mountain Old Time Community  
145 Festival (Nicholas) \$3,600, FestivALL Charleston (Kanawha)  
146 \$14,852, Flatwoods Days (Braxton) \$876, Flemington Day Fair  
147 and Festival (Taylor) \$2,599, Follansbee Community Days  
148 (Brooke) \$6,126, Fort Gay Mountain Heritage Days (Wayne)

149 \$3,713, Fort Henry Days (Ohio) \$3,936, Fort Henry Living  
150 History (Ohio) \$1,954, Fort New Salem Spirit of Christmas  
151 Festival (Harrison) \$3,040, Frankford Autumnfest (Greenbrier)  
152 \$3,713, Franklin Fishing Derby (Pendleton) \$5,570, Freshwater  
153 Folk Festival (Greenbrier) \$3,713, Friends Auxiliary of W.R.  
154 Sharpe Hospital (Lewis) \$3,713, Frontier Days (Harrison)  
155 \$2,228, Frontier Fest/Canaan Valley (Taylor) \$3,713, Fund for  
156 the Arts-Wine & All that Jazz Festival (Kanawha) \$1,857,  
157 Gassaway Days Celebration (Braxton) \$3,713, Gilbert  
158 Elementary Fall Blast (Mingo) \$2,735, Gilbert Kiwanis Harvest  
159 Festival (Mingo) \$2,970, Gilbert Spring Fling (Mingo) \$4,494,  
160 Gilmer County Farm Show \$2,970, Grant County Arts Council  
161 \$1,485, Grape Stomping Wine Festival (Nicholas) \$1,485, Great  
162 Greenbrier River Race (Pocahontas) \$7,426, Greater Quinwood  
163 Days (Greenbrier) \$977, Guyandotte Civil War Days (Cabell)  
164 \$7,426, Hamlin 4th of July Celebration (Lincoln) \$3,713,  
165 Hampshire Civil War Celebration Days (Hampshire) \$855,  
166 Hampshire County 4th of July Celebration \$14,852, Hampshire  
167 County Fair \$6,253, Hampshire Heritage Days (Hampshire)  
168 \$2,970, Hancock County Oldtime Fair \$3,713, Hardy County  
169 Commission - 4th of July \$7,426, Hatfield McCoy Matewan  
170 Reunion Festival (Mingo) \$15,413, Hatfield McCoy Trail  
171 National ATV and Dirt Bike Weekend (Wyoming) \$3,713,  
172 Heat'n the Hills Chilifest (Lincoln) \$3,127, Heritage Craft  
173 Festival (Monroe) \$1,305, Heritage Days Festival (Roane)  
174 \$1,114, Hilltop Festival (Cabell) \$855, Hilltop Festival of Lights  
175 (McDowell) \$1,485, Hinton Railroad Days (Summers) \$5,434,  
176 Holly River Festival (Webster) \$1,114, Hometown Mountain  
177 Heritage Festival (Fayette) \$3,040, Hundred 4th of July (Wetzel)  
178 \$5,384, Hundred American Legion Earl Kiger Post Bluegrass  
179 Festival (Wetzel) \$1,485, Hurricane 4th of July Celebration  
180 (Putnam) \$3,713, Jaeger Town Fair (McDowell) \$1,114, Irish  
181 Heritage Festival of West Virginia (Raleigh) \$3,713, Irish Spring  
182 Festival (Lewis) \$855, Italian Heritage Festival-Clarksburg  
183 (Harrison) \$22,277, Jackson County Fair \$3,713, Jamboree

184 (Pocahontas) \$3,713, Jane Lew Arts and Crafts Fair (Lewis)  
185 \$855, Jefferson County Fair Association \$18,564, Jersey  
186 Mountain Ruritan Pioneer Days (Hampshire) \$855, John Henry  
187 Days Festival (Monroe) \$5,873, Johnnie Johnson Blues and Jazz  
188 Festival (Marion) \$3,713, Johnstown Community Fair (Harrison)  
189 \$1,857, Junior Heifer Preview Show (Lewis) \$1,485, Kanawha  
190 Coal Riverfest-St. Albans 4th of July Festival (Kanawha)  
191 \$3,713, Keeper of the Mountains-Kayford (Kanawha) \$1,857,  
192 Kenova Autumn Festival (Wayne) \$5,472, Kermit Fall Festival  
193 (Mingo) \$2,228, Keystone Reunion Gala (McDowell) \$1,954,  
194 King Coal Festival (Mingo) \$3,713, Kingwood Downtown Street  
195 Fair and Heritage Days (Preston) \$1,485, L.Z. Rainelle West  
196 Virginia Veterans Reunion (Greenbrier) \$3,713, Lady of  
197 Agriculture (Preston) \$855, Larry Joe Harless Center Octoberfest  
198 Hatfield McCoy Trail (Mingo) \$7,426, Larry Joe Harless  
199 Community Center Spring Middle School Event (Mingo)  
200 \$3,713, Last Blast of Summer (McDowell) \$3,713, Lewis  
201 County Fair Association \$2,599, Lewisburg Shanghai  
202 (Greenbrier) \$1,485, Lincoln County Fall Festival \$5,941,  
203 Lincoln County Winterfest \$3,713, Lindsie Veterans' Day  
204 Parade \$900, Little Levels Heritage Festival (Pocahontas)  
205 \$1,485, Lost Creek Community Festival (Harrison) \$5,198, Main  
206 Street Arts Festival (Upshur) \$3,909, Main Street Martinsburg  
207 Chocolate Fest and Book Fair (Berkeley) \$3,517, Mannington  
208 District Fair (Marion) \$4,455, Maple Syrup Festival (Randolph)  
209 \$855, Marion County FFA Farm Fest \$1,857, Marmet Labor  
210 Day Celebration (Kanawha) \$3,848, Marshall County Antique  
211 Power Show \$1,857, Marshall County Fair \$5,570, Mason  
212 County Fair \$3,713, Mason Dixon Festival (Monongalia) \$5,198,  
213 Matewan Massacre Reenactment (Mingo) \$6,255,  
214 Matewan-Magnolia Fair (Mingo) \$19,915, McARTS-McDowell  
215 County \$14,852, McDowell County Fair \$1,857, McGrew House  
216 History Day (Preston) \$1,485, McNeill's Rangers (Mineral)  
217 \$5,941, Meadow Bridge Hometown Festival (Fayette) \$929,  
218 Meadow River Days Festival (Greenbrier) \$2,228, Mercer

219 Bluestone Valley Fair (Mercer) \$1,485, Mercer County Fair  
220 \$1,485, Mercer County Heritage Festival \$4,343, Mid Ohio  
221 Valley Antique Engine Festival (Wood) \$2,228, Milton  
222 Christmas in the Park (Cabell) \$1,857, Milton 4th of July  
223 Celebration (Cabell) \$1,857, Mineral County Fair \$1,300,  
224 Mineral County Veterans Day Parade \$1,114, Molasses Festival  
225 (Calhoun) \$1,485, Monongahfest (Marion) \$4,690, Moon Over  
226 Mountwood Fishing Festival (Wood) \$2,228, Morgan County  
227 Fair-History Wagon \$1,114, Moundsville Bass Festival  
228 (Marshall) \$2,970, Moundsville July 4th Celebration (Marshall)  
229 \$3,713, Mount Liberty Fall Festival (Barbour) \$1,857, Mountain  
230 Fest (Monongalia) \$14,852, Mountain Festival (Mercer) \$3,434,  
231 Mountain Heritage Arts and Crafts Festival (Jefferson) \$3,713,  
232 Mountain Music Festival (McDowell) \$1,857, Mountain State  
233 Apple Harvest Festival (Berkeley) \$5,570, Mountain State Arts  
234 & Crafts Fair Cedar Lakes (Jackson) \$33,415, Mountaineer Hot  
235 Air Balloon Festival (Monongalia) \$2,970, Mullens Dogwood  
236 Festival (Wyoming) \$5,198, Multi-Cultural Festival of West  
237 Virginia (Kanawha) \$14,852, Music and Barbecue - Banks  
238 District VFD (Upshur) \$1,598, New Cumberland Christmas  
239 Parade (Hancock) \$2,228, New Cumberland 4th of July  
240 (Hancock) \$3,713, New River Bridge Day Festival (Fayette)  
241 \$29,703, Newburg Volunteer Fireman's Field Day (Preston)  
242 \$855, Nicholas County Fair \$3,713, Nicholas County Potato  
243 Festival \$2,599, Oak Leaf Festival (Fayette) \$7,817, Oceana  
244 Heritage Festival (Wyoming) \$4,455, Oglebay City Park -  
245 Festival of Lights (Ohio) \$59,405, Oglebay Festival (Ohio)  
246 \$7,426, Ohio County Country Fair \$6,683, Ohio River Fest  
247 (Jackson) \$5,400, Ohio Valley Beef Association (Wood) \$1,857,  
248 Ohio Valley Black Heritage Festival (Ohio) \$4,084, Old Central  
249 City Fair (Cabell) \$3,713, Old Century City Fair (Barbour)  
250 \$1,563, Old Tyme Christmas (Jefferson) \$1,782, Paden City  
251 Labor Day Festival (Wetzel) \$4,827, Parkersburg Homecoming  
252 (Wood) \$10,943, Patty Fest (Monongalia) \$1,485, Paw Paw  
253 District Fair (Marion) \$2,599, Pax Reunion Committee (Fayette)

254 \$3,713, Pendleton County 4-H Weekend \$1,485, Pendleton  
255 County Committee for Arts \$11,138, Pendleton County Fair  
256 \$7,817, Pennsboro Country Road Festival (Ritchie) \$1,485,  
257 Petersburg 4th of July Celebration (Grant) \$14,852, Petersburg  
258 HS Celebration (Grant) \$7,426, Piedmont-Annual Back Street  
259 Festival (Mineral) \$2,970, Pinch Reunion (Kanawha) \$1,114,  
260 Pine Bluff Fall Festival (Harrison) \$2,970, Pine Grove 4th of  
261 July Festival (Wetzel) \$5,198, Pineville Festival (Wyoming)  
262 \$4,455, Pleasants County Agriculture Youth Fair \$3,713, Poca  
263 Heritage Days (Putnam) \$2,228, Pocahontas County Pioneer  
264 Days \$5,198, Point Pleasant Stern Wheel Regatta (Mason)  
265 \$3,713, Pratt Fall Festival (Kanawha) \$1,857, Princeton  
266 Autumnfest (Mercer) \$1,954, Princeton Street Fair (Mercer)  
267 \$3,713, Putnam County Fair \$3,713, Quartets on Parade (Hardy)  
268 \$2,970, Rainelle Fall Festival (Greenbrier) \$3,909, Rand  
269 Community Center Festival (Kanawha) \$1,857, Randolph  
270 County Community Arts Council \$2,228, Randolph County Fair  
271 \$5,198, Randolph County Ramp and Rails \$1,485, Ranson  
272 Christmas Festival (Jefferson) \$3,713, Ranson Festival  
273 (Jefferson) \$3,713, Renick Liberty Festival (Greenbrier) \$855,  
274 Ripley 4th of July (Jackson) \$11,138, Ritchie County Fair and  
275 Exposition \$3,713, Ritchie County Pioneer Days \$855, River  
276 City Festival (Preston) \$855, Roane County Agriculture Field  
277 Day \$2,228, Rock the Park (Kanawha) \$4,050, Rocket Boys  
278 Festival (Raleigh) \$2,138, Romney Heritage Days (Hampshire)  
279 \$2,345, Ronceverte River Festival (Greenbrier) \$3,713,  
280 Rowlesburg Labor Day Festival (Preston) \$855, Rupert Country  
281 Fling (Greenbrier) \$2,228, Saint Spyridon Greek Festival  
282 (Harrison) \$1,857, Salem Apple Butter Festival (Harrison)  
283 \$2,970, Sistersville 4th of July (Tyler) \$4,084, Skirmish on the  
284 River (Mingo) \$1,563, Smoke on the Water (Wetzel) \$2,228,  
285 South Charleston Summerfest (Kanawha) \$7,426, Southern  
286 Wayne County Fall Festival \$855, Spirit of Grafton Celebration  
287 (Taylor) \$7,426, Springfield Peach Festival (Hampshire) \$923,  
288 St. Albans City of Lights - December (Kanawha) \$3,713,

289 Sternwheel Festival (Wood) \$2,228, Stoco Reunion (Raleigh)  
290 \$1,857, Stonewall Jackson Heritage Arts & Crafts Jubilee  
291 (Lewis) \$8,168, Stonewall Jackson's Roundhouse Raid  
292 (Berkeley) \$9,000, Storytelling Festival (Lewis) \$500,  
293 Strawberry Festival (Upshur) \$22,277, Sylvester Big Coal River  
294 Festival \$2,430, Tacy Fair (Barbour) \$855, Taste of Parkersburg  
295 (Wood) \$3,713, Taylor County Fair \$4,084, Terra Alta VFD 4th  
296 of July Celebration (Preston) \$855, The Gathering at Sweet  
297 Creek (Wood) \$2,228, Three Rivers Coal Festival (Marion)  
298 \$5,755, Thunder on the Tygart - Mothers' Day Celebration  
299 (Taylor) \$11,138, Town of Delbarton 4th of July Celebration  
300 (Mingo) \$2,228, Town of Fayetteville Heritage Festival  
301 (Fayette) \$5,570, Town of Matoaka Hog Roast (Mercer) \$855,  
302 Town of Rivesville 4th of July Festival (Marion) \$3,909, Town  
303 of Winfield - Putnam County Homecoming \$4,050, St. Albans  
304 Train Fest (Kanawha) \$7,650, Treasure Mountain Festival  
305 (Pendleton) \$18,564, Tri-County Fair (Grant) \$28,186, Tucker  
306 County Arts Festival and Celebration \$13,366, Tucker County  
307 Fair \$3,527, Tucker County Health Fair \$1,485, Tunnelton  
308 Depot Days (Preston) \$855, Tunnelton Volunteer Fire  
309 Department Festival (Preston) \$855, Turkey Festival (Hardy)  
310 \$2,228, Tyler County Fair \$3,861, Tyler County 4th of July  
311 \$500, Tyler County OctoberFest \$900, Union Community Irish  
312 Festival (Barbour) \$810, Uniquely West Virginia Festival  
313 (Morgan) \$1,485, Upper Kanawha Valley Oktoberfest  
314 (Kanawha) \$1,857, Upper Ohio Valley Italian Festival (Ohio)  
315 \$8,911, Upshur County Youth Livestock Show \$1,800, Valley  
316 District Fair (Preston) \$2,599, Veterans Welcome Home  
317 Celebration (Cabell) \$1,173, Vietnam Veterans of America #  
318 949 Christmas Party (Cabell) \$855, Volcano Days at  
319 Mountwood Park (Wood) \$3,713, War Homecoming Fall  
320 Festival (McDowell) \$1,114, Wardensville Fall Festival (Hardy)  
321 \$3,713, Wayne County Fair \$3,713, Wayne County Fall Festival  
322 \$3,713, Webster County Fair \$4,500, Webster County Wood  
323 Chopping Festival \$11,138, Webster Wild Water Weekend

324 \$1,485, Weirton July 4th Celebration (Hancock) \$14,852,  
325 Welcome Home Family Day (Wayne) \$2,376, Wellsburg 4th of  
326 July Celebration (Brooke) \$5,570, Wellsburg Apple Festival of  
327 Brooke County \$3,713, West Virginia Blackberry Festival  
328 (Harrison) \$3,713, West Virginia Chestnut Festival (Preston)  
329 \$855, West Virginia Coal Festival (Boone) \$7,426, West  
330 Virginia Coal Show (Mercer) \$1,954, West Virginia Dairy Cattle  
331 Show (Lewis) \$7,426, West Virginia Dandelion Festival  
332 (Greenbrier) \$3,713, West Virginia Day at the Railroad Museum  
333 (Mercer) \$2,250, West Virginia Fair and Exposition (Wood)  
334 \$6,016, West Virginia Fireman's Rodeo (Fayette) \$1,857, West  
335 Virginia Oil and Gas Festival (Tyler) \$8,168, West Virginia  
336 Peach Festival (Hampshire) \$4,050, West Virginia Polled  
337 Hereford Association (Braxton) \$1,114, West Virginia Poultry  
338 Festival (Hardy) \$3,713, West Virginia Pumpkin Festival  
339 (Cabell) \$7,426, West Virginia State Folk Festival (Gilmer)  
340 \$3,713, West Virginia Water Festival - City of Hinton  
341 (Summers) \$11,431, Weston VFD 4th of July Firemen Festival  
342 (Lewis) \$1,485, Wetzel County Autumnfest \$4,084, Wetzel  
343 County Town and Country Days \$12,623, Wheeling Celtic  
344 Festival (Ohio) \$1,485, Wheeling City of Lights (Ohio) \$5,941,  
345 Wheeling Sternwheel Regatta (Ohio) \$7,426, Wheeling Vintage  
346 Raceboat Regatta (Ohio) \$14,852, Whipple Community Action  
347 (Fayette) \$1,857, Wileyville Homecoming (Wetzel) \$2,970,  
348 Wine Festival and Mountain Music Event (Harrison) \$3,713,  
349 Winter Festival of the Waters (Berkeley) \$3,713, Wirt County  
350 Fair \$1,857, Wirt County Pioneer Days \$1,485, Wyoming  
351 County Civil War Days \$1,620, Youth Stockman Beef Expo  
352 (Lewis) \$1,485.

353 Any unexpended balances remaining in the appropriations  
354 for Preservation West Virginia (fund 3534, appropriation  
355 09200), Fairs and Festivals (fund 3534, appropriation 12200),  
356 Archeological Curation/Capital Improvements (fund 3534,  
357 appropriation 24600), Historic Preservation Grants (fund 3534,

358 appropriation 31100), Grants for Competitive Arts Program  
 359 (fund 3534, appropriation 62400), and Project ACCESS (fund  
 360 3534, appropriation 86500) at the close of the fiscal year 2016  
 361 are hereby reappropriated for expenditure during the fiscal year  
 362 2017.

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

*289 - Library Commission –  
 Lottery Education Fund*

(WV Code Chapter 10)

Fund 3559 FY 2017 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>858,315</u>
6	Total. . . . .		\$	11,428,662

7 Any unexpended balance remaining in the appropriation for  
 8 Libraries – Special Projects (fund 3559, appropriation 62500) at  
 9 the close of fiscal year 2016 is hereby reappropriated for  
 10 expenditure during the fiscal year 2017.

*290 - Bureau of Senior Services –  
 Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2017 Org 0508

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	195,001
3	Current Expenses. . . . .	13000		332,095



2016]

HOUSE OF DELEGATES

4475

4	Repairs and Alterations. . . . .	06400	1,000
5	Local Programs Service Delivery		
6	Costs. . . . .	20000	2,435,250
7	Silver Haired Legislature. . . . .	20200	18,500
8	Transfer to Division of Human Services for		
9	Health Care and Title XIX Waiver for		
10	Senior Citizens. . . . .	53900	22,424,274
11	Roger Tompkins Alzheimer's		
12	Respite Care. . . . .	64300	2,297,036
13	WV Alzheimer's Hotline. . . . .	72400	45,000
14	Regional Aged and Disabled		
15	Resource Center. . . . .	76700	425,000
16	Senior Services Medicaid Transfer. . . . .	87100	8,670,000
17	Legislative Initiatives for the		
18	Elderly. . . . .	90400	9,671,239
19	Long Term Care Ombudsman. . . . .	90500	297,226
20	BRIM Premium. . . . .	91300	6,500
21	In-Home Services and Nutrition for		
22	Senior Citizens. . . . .	91700	<u>4,320,941</u>
23	Total. . . . .		\$ 51,139,062

24 Any unexpended balance remaining in the appropriation for  
25 Senior Citizen Centers and Programs (fund 5405, appropriation  
26 46200) at the close of the fiscal year 2016 is hereby  
27 reappropriated for expenditure during the fiscal year 2017.

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

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

*291 - Higher Education Policy Commission –  
 Lottery Education –  
 Higher Education Policy Commission –  
 Control Account*

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2017 Org 0441

1	RHI Program and Site Support (R). 03600	\$	1,912,491
2	RHI Program and Site Support –		
3	RHEP Program		
4	Administration (R). . . . . 03700		146,653
5	RHI Program and Site Support – Grad Med		
6	Ed and Fiscal Oversight (R). . . 03800		87,110
7	Minority Doctoral Fellowship (R).. 16600		129,604
8	Health Sciences Scholarship (R). . . 17600		220,690
9	Vice Chancellor for Health Sciences –		
10	Rural Health Residency		
11	Program (R)..... 60100		62,725
12	WV Engineering, Science, and		
13	Technology Scholarship		
14	Program..... 86800		<u>452,831</u>
15	Total.....	\$	3,012,104

16 Any unexpended balances remaining in the appropriations  
 17 for RHI Program and Site Support (fund 4925, appropriation  
 18 03600), RHI Program and Site Support – RHEP Program  
 19 Administration (fund 4925, appropriation 03700), RHI Program  
 20 and Site Support – Grad Med Ed and Fiscal Oversight (fund  
 21 4925, appropriation 03800), Minority Doctoral Fellowship (fund  
 22 4925, appropriation 16600), Health Sciences Scholarship (fund  
 23 4925, appropriation 17600), and Vice Chancellor for Health  
 24 Sciences – Rural Health Residency Program (fund 4925,  
 25 appropriation 60100) at the close of fiscal year 2016 are hereby  
 26 reappropriated for expenditure during the fiscal year 2017.

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

*292 - Community and Technical College –  
 Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2017 Org 0442

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

2       Any unexpended balance remaining in the appropriation for  
 3 Capital Outlay and Improvements – Total (fund 4908,  
 4 appropriation 84700) at the close of fiscal year 2016 is hereby  
 5 reappropriated for expenditure during the fiscal year 2017.

*293 - Higher Education Policy Commission –  
 Lottery Education –  
 West Virginia University – School of Medicine*

(WV Code Chapter 18B)

Fund 4185 FY 2017 Org 0463

1	WVU Health Sciences –		
2	RHI Program and Site		
3	Support (R). . . . .	03500	\$     1,158,437
4	MA Public Health Program and		
5	Health Science Technology (R).	62300	54,798
6	Health Sciences Career		
7	Opportunities Program (R). . . .	86900	334,296
8	HSTA Program (R). . . . .	87000	1,705,198
9	Center for Excellence in		
10	Disabilities (R). . . . .	96700	<u>306,019</u>
11	Total. . . . .		\$     3,558,748

12 Any unexpended balances remaining in the appropriations  
 13 for WVU Health Sciences – RHI Program and Site Support  
 14 (fund 4185, appropriation 03500), MA Public Health Program  
 15 and Health Science Technology (fund 4185, appropriation  
 16 62300), Health Sciences Career Opportunities Program (fund  
 17 4185, appropriation 86900), HSTA Program (fund 4185,  
 18 appropriation 87000), and Center for Excellence in Disabilities  
 19 (fund 4185, appropriation 96700) at the close of fiscal year 2016  
 20 are hereby reappropriated for expenditure during the fiscal year  
 21 2017.

*294 - Higher Education Policy Commission –  
 Lottery Education –  
 Marshall University – School of Medicine*

(WV Code Chapter 18B)

Fund 4896 FY 2017 Org 0471

1	Marshall Medical School –		
2	RHI Program and Site		
3	Support (R). . . . .	03300	\$ 414,486
4	Vice Chancellor for Health Sciences –		
5	Rural Health Residency		
6	Program (R). . . . .	60100	<u>171,400</u>
7	Total. . . . .		\$ <u>585,886</u>

8 Any unexpended balances remaining in the appropriations  
 9 for Marshall Medical School – RHI Program and Site Support  
 10 (fund 4896, appropriation 03300) and Vice Chancellor for  
 11 Health Sciences – Rural Health Residency Program (fund 4896,  
 12 appropriation 60100) at the close of fiscal year 2016 are hereby  
 13 reappropriated for expenditure during the fiscal year 2017.

14	Total TITLE II, Section 4 —		
15	Lottery Revenue. . . . .		<u>\$ 135,561,119</u>

1       **Sec. 5. Appropriations from state excess lottery revenue**  
 2 **fund.** — In accordance with W.Va. Code §29-22-18a,  
 3 §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the  
 4 following appropriations shall be deposited and disbursed by the  
 5 Director of the Lottery to the following accounts in this section  
 6 in the amounts indicated.

7       After first funding the appropriations required by W.Va.  
 8 Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and  
 9 §29-25-22b, the Director of the Lottery shall provide funding  
 10 from the State Excess Lottery Revenue Fund for the remaining  
 11 appropriations in this section to the extent that funds are  
 12 available. In the event that revenues to the State Excess Lottery  
 13 Revenue Fund are sufficient to meet all the appropriations  
 14 required made pursuant to this section, then the Director of the  
 15 Lottery shall then provide the funds available for fund 5365,  
 16 appropriation 18900.

*295 - Lottery Commission –  
 Refundable Credit*

Fund 7207 FY 2017 Org 0705

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

2       The above appropriation shall be transferred to the General  
 3 Revenue Fund to provide reimbursement for the refundable  
 4 credit allowable under W.Va. Code §11-21-21. The amount of  
 5 the required transfer shall be determined solely by the state tax  
 6 commissioner and shall be completed by the director of the  
 7 lottery upon the commissioner’s request.

*296 - Lottery Commission –  
 General Purpose Account*

Fund 7206 FY 2017 Org 0705

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

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

*297 - Higher Education Policy Commission –  
Education Improvement Fund*

Fund 4295 FY 2017 Org 0441

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

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

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

*298 - Economic Development Authority –  
Economic Development Project Fund*

Fund 9065 FY 2017 Org 0944

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

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

*299 - Department of Education –  
School Building Authority*

Fund 3514 FY 2017 Org 0402

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

*300 - West Virginia Infrastructure Council –  
West Virginia Infrastructure Transfer Fund*

Fund 3390 FY 2017 Org 0316

1 Directed Transfer. . . . . 70000 \$ 26,000,000

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

*301 - Higher Education Policy Commission –  
Higher Education Improvement Fund*

Fund 4297 FY 2017 Org 0441

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

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

*302 - Division of Natural Resources  
State Park Improvement Fund*

Fund 3277 FY 2017 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	<u>100,500</u>
6	Total.....		\$ 5,000,000

7 Any unexpended balances remaining in the above  
8 appropriations for Repairs and Alterations (fund 3277,  
9 appropriation 06400), Equipment (fund 3277, appropriation

10 07000), Unclassified – Total (fund 3277, appropriation 09600),  
 11 Unclassified (fund 3277, appropriation 09900), Current  
 12 Expenses (fund 3277, appropriation 13000), Buildings (fund  
 13 3277, appropriation 25800), and Other Assets (fund 3277,  
 14 appropriation 69000) at the close of the fiscal year 2016 are  
 15 hereby reappropriated for expenditure during the fiscal year  
 16 2017.

*303 - Racing Commission –*

Fund 7308 FY 2017 Org 0707

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

*304 - Lottery Commission –*

*Distributions to Statutory Funds and Purposes*

Fund 7213 FY 2017 Org 0705

1	Parking Garage Fund – Transfer. . .	70001	\$ 500,000
2	2004 Capitol Complex Parking		
3	Garage Fund – Transfer. . . . .	70002	254,147
4	Capitol Dome and Improvements		
5	Fund – Transfer. . . . .	70003	2,155,201
6	Capitol Renovation and Improvement		
7	Fund – Transfer. . . . .	70004	2,795,627
8	Development Office Promotion		
9	Fund – Transfer. . . . .	70005	1,524,887
10	Research Challenge Fund –		
11	Transfer. . . . .	70006	2,033,184
12	Tourism Promotion Fund –		
13	Transfer. . . . .	70007	5,659,115
14	Cultural Facilities and Capitol		
15	Resources Matching		
16	Grant Program Fund –		
17	Transfer. . . . .	70008	1,433,371



18	Workers' Compensation Debt		
19	Reduction Fund – Transfer. . . . .	70009	11,000,000
20	State Debt Reduction Fund –		
21	Transfer. . . . .	70010	20,000,000
22	General Revenue Fund – Transfer..	70011	1,513,472
23	West Virginia Racing Commission		
24	Racetrack Video Lottery		
25	Account. . . . .	70012	4,066,363
26	Historic Resort Hotel Fund. . . . .	70013	34,200
27	Licensed Racetrack Regular		
28	Purse Fund. . . . .	70014	0
29	Licensed Racetrack Thoroughbred		
30	Regular Purse Fund. . . . .		<u>10,111,678</u>
31	Total. . . . .		\$ 63,081,245

32 The above appropriation for Workers' Compensation Debt  
 33 Reduction Fund – Transfer (fund 7213, appropriation 70009)  
 34 may be redirected by Executive Order to the General Revenue  
 35 Fund in accordance with §29-22A-10d and §29-22A-10e.

*305 - Governor's Office*

(WV Code Chapter 5)

Fund 1046 FY 2017 Org 0100

1 Any unexpended balance remaining in the appropriation for  
 2 Publication of Papers and Transition Expenses – Lottery Surplus  
 3 (fund 1046, appropriation 06600) at the close of the fiscal year  
 4 2016 is hereby reappropriated for expenditure during the fiscal  
 5 year 2017.

*306 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 3170 FY 2017 Org 0307

1 Any unexpended balances remaining in the appropriations  
 2 for Unclassified – Total (fund 3170, appropriation 09600),

3 Recreational Grants or Economic Development Loans (fund  
 4 3170, appropriation 25300), and Connectivity Research and  
 5 Development – Lottery Surplus (fund 3170, appropriation  
 6 92300) at the close of the fiscal year 2016 are hereby  
 7 reappropriated for expenditure during the fiscal year 2017.

*307 - Higher Education Policy Commission –  
 Administration –  
 Control Account*

(WV Code Chapter 18B)

Fund 4932 FY 2017 Org 0441

1 Any unexpended balance remaining in the appropriation for  
 2 Advanced Technology Centers (fund 4932, appropriation 02800)  
 3 at the close of the fiscal year 2016 is hereby reappropriated for  
 4 expenditure during the fiscal year 2017.

*308 - Division of Health –  
 Central Office*

(WV Code Chapter 16)

Fund 5219 FY 2017 Org 0506

1 Any unexpended balance remaining in the appropriation for  
 2 Capital Outlay and Maintenance (fund 5219, appropriation  
 3 75500) at the close of the fiscal year 2016 is hereby  
 4 reappropriated for expenditure during the fiscal year 2017.

*309 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2017 Org 0511

1 Medical Services..... 18900 \$ 31,377,985

*310 - Division of Corrections –  
Correctional Units*

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

Fund 6283 FY 2017 Org 0608

1 Any unexpended balance remaining in the appropriation for  
2 Capital Outlay and Maintenance (fund 6283, appropriation  
3 75500) at the close of the fiscal year 2016 is hereby  
4 reappropriated for expenditure during the fiscal year 2017.

5 Total TITLE II, Section 5 —

6 Excess Lottery Funds. . . . . \$ 284,459,230

1 **Sec. 6. Appropriations of federal funds.** — In accordance  
2 with Article 11, Chapter 4 of the Code from federal funds there  
3 are hereby appropriated conditionally upon the fulfillment of the  
4 provisions set forth in Article 2, Chapter 11B of the Code the  
5 following amounts, as itemized, for expenditure during the fiscal  
6 year 2017.

**LEGISLATIVE**

*311 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 8738 FY 2017 Org 2300

	<b>Appro- priation</b>	<b>Federal Funds</b>
1 Economic Loss Claim		
2 Payment Fund. . . . .	33400	\$ 3,000,000

**JUDICIAL**

*312 - Supreme Court*

Fund 8867 FY 2017 Org 2400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,008,000
3	Current Expenses. . . . .	13000	<u>2,542,000</u>
4	Total. . . . .		\$ 4,550,000

**EXECUTIVE***313 - Governor's Office*

(WV Code Chapter 5)

Fund 8742 FY 2017 Org 0100

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 86,677
3	Current Expenses. . . . .	13000	<u>138,323</u>
4	Total. . . . .		\$ 225,000

*314 - Department of Agriculture*

(WV Code Chapter 19)

Fund 8736 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,563,760
3	Unclassified. . . . .	09900	50,534
4	Current Expenses. . . . .	13000	3,828,661
5	Repairs and Alterations. . . . .	06400	650,000
6	Equipment. . . . .	07000	910,500
7	Other Assets. . . . .	69000	<u>50,000</u>
8	Total. . . . .		\$ 7,053,455

*315 - Department of Agriculture –  
Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2017 Org 1400

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

*316 - Department of Agriculture –  
State Conservation Committee*

(WV Code Chapter 19)

Fund 8783 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 97,250
3	Current Expenses. . . . .	13000	<u>14,099,974</u>
4	Total. . . . .		\$ 14,197,224

*317 - Department of Agriculture –  
Land Protection Authority*

Fund 8896 FY 2017 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 46,526
3	Unclassified. . . . .	09900	5,004
4	Current Expenses. . . . .	13000	<u>448,920</u>
5	Total. . . . .		\$ 500,450

*318 - Secretary of State –  
State Election Fund*

(WV Code Chapter 3)

Fund 8854 FY 2017 Org 1600

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 210,240
3	Unclassified. . . . .	09900	7,484
4	Current Expenses. . . . .	13000	415,727
5	Repairs and Alterations. . . . .	06400	15,000
6	Other Assets. . . . .	69000	<u>100,000</u>
7	Total. . . . .		\$ 748,451

**DEPARTMENT OF COMMERCE**

*319 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2017 Org 0305

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,578,347
3	Unclassified. . . . .	09900	51,050
4	Current Expenses. . . . .	13000	5,632,560
5	Repairs and Alterations. . . . .	06400	155,795
6	Equipment. . . . .	07000	100,000
7	Other Assets. . . . .	69000	<u>1,808,300</u>
8	Total. . . . .		\$ 9,326,052

*320 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 8704 FY 2017 Org 0306

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

*321 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 8705 FY 2017 Org 0307

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 745,981
3	Unclassified. . . . .	09900	50,000
4	Current Expenses. . . . .	13000	<u>4,504,019</u>
5	Total. . . . .		\$ 5,300,000

*322 - Division of Labor*

(WV Code Chapters 21 and 47)

Fund 8706 FY 2017 Org 0308

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

*323 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 8707 FY 2017 Org 0310

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 7,912,218
3	Unclassified. . . . .	09900	107,693
4	Current Expenses. . . . .	13000	5,556,594
5	Repairs and Alterations. . . . .	06400	289,400
6	Equipment. . . . .	07000	1,815,712
7	Buildings. . . . .	25800	951,000
8	Other Assets. . . . .	69000	1,951,000

9	Land.....	73000		<u>1,000</u>
10	Total.....		\$	18,584,617

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

(WV Code Chapter 22)

Fund 8709 FY 2017 Org 0314

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

*325 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 8835 FY 2017 Org 0323

1	Unclassified.....	09900	\$	5,127
2	Current Expenses.....	13000		507,530
3	Reed Act 2002 – Unemployment			
4	Compensation.....	62200		2,850,000
5	Reed Act 2002 – Employment			
6	Services.....	63000		<u>1,650,000</u>
7	Total.....		\$	5,012,657

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



*326 - Office of the Secretary –  
Office of Economic Opportunity*

(WV Code Chapter 5)

Fund 8780 FY 2017 Org 0327

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 497,289
3	Unclassified. . . . .	09900	106,795
4	Current Expenses. . . . .	13000	10,068,916
5	Repairs and Alterations. . . . .	06400	500
6	Equipment. . . . .	07000	<u>6,000</u>
7	Total. . . . .		\$ 10,679,500

*327 - Division of Energy*

(WV Code Chapter 5B)

Fund 8892 FY 2017 Org 0328

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

**DEPARTMENT OF EDUCATION**

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

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 7,078,855
3	Unclassified. . . . .	09900	2,000,000

4	Current Expenses.....	13000	210,917,820
5	Repairs and Alterations.....	06400	10,000
6	Equipment.....	07000	10,000
7	Other Assets.....	69000	10,000
8	Total.....		<u>\$ 220,026,675</u>

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

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits.....	00100	\$ 1,992,648
3	Unclassified.....	09900	1,150,500
4	Current Expenses.....	13000	128,101,265
5	Repairs and Alterations.....	06400	20,000
6	Equipment.....	07000	100,000
7	Other Assets.....	69000	25,000
8	Total.....		<u>\$ 131,389,413</u>

*330 - State Board of Education –  
Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits.....	00100	\$ 1,519,972
3	Unclassified.....	09900	155,000
4	Current Expenses.....	13000	14,320,081
5	Repairs and Alterations.....	06400	10,000
6	Equipment.....	07000	10,000
7	Other Assets.....	69000	10,000
8	Total.....		<u>\$ 16,025,053</u>

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

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2017 Org 0402

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 4,044,940
3	Unclassified. . . . .	09900	1,000,000
4	Current Expenses. . . . .	13000	107,646,390
5	Repairs and Alterations. . . . .	06400	10,000
6	Equipment. . . . .	07000	10,000
7	Other Assets. . . . .	69000	<u>10,000</u>
8	Total. . . . .		\$ 112,721,330

**DEPARTMENT OF EDUCATION AND THE ARTS**

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

(WV Code Chapter 5F)

Fund 8841 FY 2017 Org 0431

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 414,424
3	Current Expenses. . . . .	13000	5,589,576
4	Repairs and Alterations. . . . .	06400	<u>1,000</u>
5	Total. . . . .		\$ 6,005,000

*333 - Division of Culture and History*

(WV Code Chapter 29)

Fund 8718 FY 2017 Org 0432

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 743,046
3	Current Expenses. . . . .	13000	1,947,372

4	Repairs and Alterations. . . . .	06400		1,000
5	Equipment. . . . .	07000		1,000
6	Buildings. . . . .	25800		1,000
7	Other Assets. . . . .	69000		1,000
8	Land. . . . .	73000		<u>360</u>
9	Total. . . . .		\$	2,694,778

*334 - Library Commission*

(WV Code Chapter 10)

Fund 8720 FY 2017 Org 0433

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

*335 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 8721 FY 2017 Org 0439

1	Equipment. . . . .	07000	\$	750,000
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*336 - State Board of Rehabilitation –  
Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 8734 FY 2017 Org 0932

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	11,248,930
3	Current Expenses. . . . .	13000		54,485,940
4	Repairs and Alterations. . . . .	06400		350,400
5	Equipment. . . . .	07000		<u>1,275,870</u>
6	Total. . . . .		\$	67,361,140

*337 - State Board of Rehabilitation –  
Division of Rehabilitation Services –  
Disability Determination Services*

(WV Code Chapter 18)

Fund 8890 FY 2017 Org 0932

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	13,730,634
3	Current Expenses. . . . . 13000		11,383,206
4	Repairs and Alterations. . . . . 06400		1,100
5	Equipment. . . . . 07000		83,350
6	Total. . . . .	\$	25,198,290

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*338 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 8708 FY 2017 Org 0313

1	Personal Services and Employee		
2	Benefits. . . . . 00100	\$	28,402,177
3	Current Expenses. . . . . 13000		164,785,225
4	Repairs and Alterations. . . . . 06400		230,783
5	Equipment. . . . . 07000		725,238
6	Unclassified. . . . . 09900		1,900,000
7	Other Assets. . . . . 69000		154,416
8	Land. . . . . 73000		100,000
9	Total. . . . .	\$	196,297,839

**DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES**

*339 - Consolidated Medical Service Fund*

(WV Code Chapter 16)

Fund 8723 FY 2017 Org 0506

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 750,876
3	Unclassified. . . . .	09900	73,307
4	Current Expenses. . . . .	13000	<u>6,630,103</u>
5	Total. . . . .		\$ 7,454,286

*340 - Division of Health –  
Central Office*

(WV Code Chapter 16)

Fund 8802 FY 2017 Org 0506

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

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

(WV Code Chapter 16)

Fund 8824 FY 2017 Org 0506

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

*342 - West Virginia Health Care Authority*

(WV Code Chapter 16)

Fund 8851 FY 2017 Org 0507

1	Unclassified. . . . .	09900	\$	9,966
2	Current Expenses. . . . .	13000		<u>986,649</u>
3	Total. . . . .		\$	996,615

*343 - Human Rights Commission*

(WV Code Chapter 5)

Fund 8725 FY 2017 Org 0510

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

*344 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 8722 FY 2017 Org 0511

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	68,841,330
3	Unclassified. . . . .	09900		22,855,833
4	Current Expenses. . . . .	13000		72,056,205
5	Medical Services. . . . .	18900		2,884,265,405
6	Medical Services Administrative			
7	Costs. . . . .	78900		132,045,119
8	CHIP Administrative Costs. . . . .	85601		3,333,752
9	CHIP Services. . . . .	85602		47,422,974
10	Federal Economic Stimulus. . . . .	89100		<u>45,693,209</u>
11	Total. . . . .		\$	3,276,513,827

**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY**

*345 - Office of the Secretary*

(WV Code Chapter 5F)

Fund 8876 FY 2017 Org 0601

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 439,636
3	Unclassified. . . . .	09900	250,000
4	Current Expenses. . . . .	13000	24,307,690
5	Repairs and Alterations. . . . .	06400	3,000
6	Other Assets. . . . .	69000	<u>5,000</u>
7	Total. . . . .		\$ 25,005,326

*346 - Adjutant General –  
State Militia*

(WV Code Chapter 15)

Fund 8726 FY 2017 Org 0603

1	Unclassified. . . . .	09900	\$ 982,705
2	Mountaineer ChalleNGe Academy. . . . .	70900	3,375,000
3	Martinsburg Starbase. . . . .	74200	410,000
4	Charleston Starbase. . . . .	74300	400,000
5	Military Authority. . . . .	74800	<u>93,102,900</u>
6	Total. . . . .		\$ 98,270,605

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

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

(WV Code Chapter 15)

Fund 8785 FY 2017 Org 0603

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,350,000





6	Buildings. ....	25800		750,500
7	Other Assets.....	69000		144,500
8	Land. ....	73000		<u>500</u>
9	Total.....		\$	7,891,105

*351 - Fire Commission*

(WV Code Chapter 29)

Fund 8819 FY 2017 Org 0619

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

(WV Code Chapter 15)

Fund 8803 FY 2017 Org 0620

1	Personal Services and Employee			
2	Benefits. ....	00100	\$	1,056,170
3	Unclassified. ....	09900		25,185
4	Current Expenses.....	13000		18,774,373
5	Repairs and Alterations. ....	06400		<u>1,750</u>
6	Total.....		\$	19,857,478

**DEPARTMENT OF REVENUE**

*353 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2017 Org 0704

1	Current Expenses.....	13000	\$	3,000,000
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**DEPARTMENT OF TRANSPORTATION**

*354 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2017 Org 0802

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 501,394
3	Current Expenses. . . . .	13000	15,671,640
4	Repairs and Alterations. . . . .	06400	<u>500</u>
5	Total. . . . .		\$ 16,173,534

*355 - Division of Public Transit*

(WV Code Chapter 17)

Fund 8745 FY 2017 Org 0805

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 702,637
3	Current Expenses. . . . .	13000	9,161,605
4	Repairs and Alterations. . . . .	06400	2,500
5	Equipment. . . . .	07000	5,486,432
6	Buildings. . . . .	25800	205,526
7	Other Assets. . . . .	69000	<u>35,000</u>
8	Total. . . . .		\$ 15,593,700

*356 - Public Port Authority*

(WV Code Chapter 17)

Fund 8830 FY 2017 Org 0806

1	Current Expenses. . . . .	13000	\$ 626,250
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**DEPARTMENT OF VETERANS' ASSISTANCE**

*357 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2017 Org 0613

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 2,751,100

3	Current Expenses.....	13000	3,925,900
4	Repairs and Alterations.....	06400	50,000
5	Equipment.....	07000	200,000
6	Buildings.....	25800	600,000
7	Other Assets.....	69000	100,000
8	Land.....	73000	<u>100,000</u>
9	Total.....		\$ 7,727,000

*358 - Department of Veterans' Assistance –  
Veterans' Home*

(WV Code Chapter 9A)

Fund 8728 FY 2017 Org 0618

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

**BUREAU OF SENIOR SERVICES**

*359 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 8724 FY 2017 Org 0508

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

**MISCELLANEOUS BOARDS AND COMMISSIONS**

*360 - Public Service Commission –  
Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8743 FY 2017 Org 0926

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 1,286,913
3	Current Expenses. . . . .	13000	843,953
4	Repairs and Alterations. . . . .	06400	40,000
5	Equipment. . . . .	07000	<u>1,862,000</u>
6	Total. . . . .		\$ 4,032,866

*361 - Public Service Commission –  
Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2017 Org 0926

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

*362 - National Coal Heritage Area Authority*

(WV Code Chapter 29)

Fund 8869 FY 2017 Org 0941

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 159,235
3	Current Expenses. . . . .	13000	631,365

4	Repairs and Alterations. . . . .	06400		5,000
5	Equipment. . . . .	07000		3,000
6	Other Assets. . . . .	69000		<u>2,000</u>
7	Total. . . . .		\$	800,600
8	Total TITLE II, Section 6 –			
9	Federal Funds. . . . .			<u>\$4,501,997,279</u>

1       **Sec. 7. Appropriations from federal block grants.** – The  
2 following items are hereby appropriated from federal block  
3 grants to be available for expenditure during the fiscal year 2017.

*363 - West Virginia Development Office –  
Community Development*

Fund 8746 FY 2017 Org 0307

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	648,117
3	Unclassified. . . . .	09900		375,000
4	Current Expenses. . . . .	13000		<u>36,476,883</u>
5	Total. . . . .		\$	37,500,000

*364 - WorkForce West Virginia –  
Workforce Investment Act*

Fund 8749 FY 2017 Org 0323

1	Personal Services and Employee			
2	Benefits. . . . .	00100	\$	2,862,606
3	Unclassified. . . . .	09900		23,023
4	Current Expenses. . . . .	13000		28,513,511
5	Repairs and Alterations. . . . .	06400		1,600
6	Equipment. . . . .	07000		500
7	Buildings. . . . .	25800		<u>1,100</u>
8	Total. . . . .		\$	31,402,340

*365 - Department of Commerce  
Office of the Secretary –  
Office of Economic Opportunity –  
Community Services*

Fund 8781 FY 2017 Org 0327

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 362,389
3	Unclassified. . . . .	09900	84,000
4	Current Expenses. . . . .	13000	12,043,111
5	Repairs and Alterations. . . . .	06400	1,500
6	Equipment. . . . .	07000	<u>9,000</u>
7	Total. . . . .		\$ 12,500,000

*366 - Division of Health –  
Maternal and Child Health*

Fund 8750 FY 2017 Org 0506

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

*367 - Division of Health –  
Preventive Health*

Fund 8753 FY 2017 Org 0506

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 162,320
3	Unclassified. . . . .	09900	22,457
4	Current Expenses. . . . .	13000	1,895,366
5	Equipment. . . . .	07000	<u>165,642</u>
6	Total. . . . .		\$ 2,245,785

*368 - Division of Health –  
Substance Abuse Prevention and Treatment*

Fund 8793 FY 2017 Org 0506

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

*369 - Division of Health –  
Community Mental Health Services*

Fund 8794 FY 2017 Org 0506

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 936,557
3	Unclassified. . . . .	09900	33,533
4	Current Expenses. . . . .	13000	<u>2,383,307</u>
5	Total. . . . .		\$ 3,353,397

*370 - Division of Human Services –  
Energy Assistance*

Fund 8755 FY 2017 Org 0511

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

*371 - Division of Human Services –  
Social Services*

Fund 8757 FY 2017 Org 0511



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

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

Fund 8816 FY 2017 Org 0511

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 18,297,327
3	Unclassified. . . . .	09900	1,250,000
4	Current Expenses. . . . .	13000	<u>105,847,136</u>
5	Total. . . . .		\$ 125,394,463

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

Fund 8817 FY 2017 Org 0511

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 4,676,841
3	Unclassified. . . . .	09900	350,000
4	Current Expenses. . . . .	13000	<u>31,999,456</u>
5	Total. . . . .		\$ 37,026,297

*374 - Division of Justice and Community Services –  
Juvenile Accountability Incentive*

Fund 8829 FY 2017 Org 0620

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 14,246
3	Current Expenses. . . . .	13000	85,729
4	Repairs and Alterations. . . . .	06400	<u>25</u>
5	Total. . . . .		\$ 100,000

6 Total TITLE II, Section 7 —  
 7 Federal Block Grants..... \$ 324,436,229

1 **Sec. 8. Awards for claims against the state.** — There are  
 2 hereby appropriated for fiscal year 2017, from the fund as  
 3 designated, in the amounts as specified, general revenue funds  
 4 in the amount of \$447,066, special revenue funds in the amount  
 5 of \$89,910, and state road funds in the amount of \$983,485 for  
 6 payment of claims against the state.

1 **Sec. 9. Appropriations from general revenue surplus**  
 2 **accrued.** — The following item is hereby appropriated from the  
 3 state fund, general revenue, and is to be available for expenditure  
 4 during the fiscal year 2017 out of surplus funds only, accrued  
 5 from the fiscal year ending June 30, 2016, subject to the terms  
 6 and conditions set forth in this section.

7 It is the intent and mandate of the Legislature that the  
 8 following appropriation be payable only from surplus accrued as  
 9 of July 31, 2016 from the fiscal year ending June 30, 2016, only  
 10 after first meeting requirements of W.Va. Code §11B-2-20(b).

11 In the event that surplus revenues available on July 31, 2016,  
 12 are not sufficient to meet the appropriation made pursuant to this  
 13 section, then the appropriation shall be made to the extent that  
 14 surplus funds are available as of the date mandated and shall be  
 15 allocated first to provide the necessary funds to meet the  
 16 appropriation of this section.

*375 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2017 Org 0511

1 Medical Services Surplus. . . . . 63300 \$ 5,500,000

2 Total TITLE II, Section 9 –  
 3 Surplus Accrued. . . . . \$ 5,500,000

1 **Sec. 10. Appropriations from lottery net profits surplus**  
 2 **accrued.** — The following item is hereby appropriated from the  
 3 lottery net profits, and is to be available for expenditure during  
 4 the fiscal year 2017 out of surplus funds only, as determined by  
 5 the director of lottery, accrued from the fiscal year ending June  
 6 30, 2016, subject to the terms and conditions set forth in this  
 7 section.

8 It is the intent and mandate of the Legislature that the  
 9 following appropriation be payable only from surplus accrued  
 10 from the fiscal year ending June 30, 2016.

11 In the event that surplus revenues available from the fiscal  
 12 year ending June 30, 2016, are not sufficient to meet the  
 13 appropriation made pursuant to this section, then the  
 14 appropriation shall be made to the extent that surplus funds are  
 15 available.

*376 - Bureau of Senior Services –  
 Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2017 Org 0508

1 Senior Services Medicaid Transfer –  
 2 Lottery Surplus. . . . . 68199 \$ 8,000,000

3 Total TITLE II, Section 10 –  
 4 Surplus Accrued. . . . . \$ 8,000,000

1 **Sec. 11. Appropriations from state excess lottery revenue**  
 2 **surplus accrued.** — The following item is hereby appropriated  
 3 from the state excess lottery revenue fund, and is to be available

4 for expenditure during the fiscal year 2017 out of surplus funds  
 5 only, as determined by the director of lottery, accrued from the  
 6 fiscal year ending June 30, 2016, subject to the terms and  
 7 conditions set forth in this section.

8 It is the intent and mandate of the Legislature that the  
 9 following appropriation be payable only from surplus accrued  
 10 from the fiscal year ending June 30, 2016.

11 In the event that surplus revenues available from the fiscal  
 12 year ending June 30, 2016, are not sufficient to meet the  
 13 appropriation made pursuant to this section, then the  
 14 appropriation shall be made to the extent that surplus funds are  
 15 available.

*377 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2017 Org 0511

1	Medical Services –		
2	Lottery Surplus. . . . .	68100	\$ <u>30,000,000</u>
3	Total TITLE II, Section 11 –		
4	Surplus Accrued. . . . .		\$ <u>30,000,000</u>

1 **Sec. 12. Special revenue appropriations.** — There are  
 2 hereby appropriated for expenditure during the fiscal year 2017  
 3 appropriations made by general law from special revenues which  
 4 are not paid into the state fund as general revenue under the  
 5 provisions of W.Va. Code §12-2-2: *Provided*, That none of the  
 6 money so appropriated by this section shall be available for  
 7 expenditure except in compliance with the provisions of W.Va.  
 8 Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending  
 9 unit has filed with the director of the budget and the legislative  
 10 auditor prior to the beginning of each fiscal year:

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

13 (b) A detailed expenditure schedule showing for what  
14 purposes the fund is to be expended. During Fiscal Year 2017,  
15 the following funds are hereby available and are to be transferred  
16 to the Department of Health and Human Resources, Division of  
17 Human Services – Medical Services Trust Fund (fund 5185)  
18 from available balances per the following:

*378 - Treasurer’s Office –  
Flood Insurance Tax Fund*

(WV Code Chapter 33)

Fund 1343 FY 2017 Org 1300

1 Directed Transfer..... 70000 \$ 474,000

*379 - Treasurer’s Office –  
Treasurer’s Financial Electronic Commerce Fund*

(WV Code Chapter 12)

Fund 1345 FY 2017 Org 1300

1 Directed Transfer..... 70000 \$ 500,000

*380 - Secretary of State –  
Marriage Celebrants Registration Fee Administration Fund*

(WV Code Chapter 48)

Fund 1613 FY 2017 Org 1600

1 Directed Transfer..... 70000 \$ 100,000

*381 - State Election Commission –  
Supreme Court Public Campaign Financing*

(WV Code Chapter 3)

Fund 1690 FY 2017 Org 1601

1 Directed Transfer..... 70000 \$ 500,000

*382 - Surplus Property Division –  
Sale of Surplus Property Fund*

(WV Code Chapter 5A)

Fund 2281 FY 2017 Org 0214

1 Directed Transfer..... 70000 \$ 500,000

*383 - Division of Environmental Protection –  
Dam Safety Rehabilitation Revolving Fund*

(WV Code Chapter 22)

Fund 3025 FY 2017 Org 0313

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

*384 - Division of Forestry -  
Outdoor Heritage Conservation Fund*

(WV Code Chapter 5B)

Fund 3091 FY 2017 Org 0305

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

*385 - West Virginia Development Office -  
Development Office Promotion Fund*

(WV Code Chapter 5B)

Fund 3171 FY 2017 Org 0307

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

*386 - Division of Environmental Protection –  
Underground Tank Insurance Fund*

2016]

HOUSE OF DELEGATES

4513

(WV Code Chapter 22)

Fund 3218 FY 2017 Org 0313

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

*387 - Department of Environmental Protection -  
Water Quality Management Fund*

(WV Code Chapter 22)

Fund 3327 FY 2017 Org 0313

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

*388 - Department of Environmental Protection –  
Closure Cost Assistance Fund*

(WV Code Chapter 22)

Fund 3328 FY 2017 Org 0313

1 Directed Transfer..... 70000 \$ 2,000,000

*389 - Division of Culture and History –  
Veterans' Memorial*

(WV Code Chapter 29)

Fund 3532 FY 2017 Org 0432

1 Directed Transfer..... 70000 \$ 128,001.10

*390 - Division of Human Services -  
Medicaid Fraud Control Fund*

(WV Code Chapter 9)

Fund 5141 FY 2017 Org 0511

1 Directed Transfer..... 70000 \$ 500,000

*391 - Division of Health -  
Central Office Lottery Fund*

(WV Code Chapter 16)

Fund 5219 FY 2017 Org 0506

1 Directed Transfer..... 70000 \$ 450,000

*392 - Division of Health -  
DHHR Safety and Treatment Fund*

(WV Code Chapter 17)

Fund 5228 FY 2017 Org 0506

1 Directed Transfer..... 70000 \$ 500,000

*393 - Division of Corrections -  
Prison Industries Fund*

Fund 6303 FY 2017 Org 0608

1 Directed Transfer..... 70000 \$ 500,000

*394 - Insurance Commissioner –  
Unfair Claims Settlement Practice Trust Fund*

(WV Code Chapter 33)

Fund 7168 FY 2017 Org 0704

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

*395 - Board of Pharmacy -  
Pharmacy Operating Fund*

(WV Code Chapter 30)

Fund 8537 FY 2017 Org 0913

1 Directed Transfer..... 70000 \$ 500,000



396 - West Virginia Economic Development Authority –  
WVEDA Credit Insurance Fund

(WV Code Chapter 31)

Fund 9063 FY 2017 Org 0944

1	Directed Transfer.....	70000	\$	<u>3,500,000</u>
2	Total TITLE II, Section 12 –			
3	Directed Transfer.....			<u>\$16,152,001.10</u>

1       **Sec. 13. State improvement fund appropriations.** —  
2       Bequests or donations of nonpublic funds, received by the  
3       Governor on behalf of the state during the fiscal year 2017, for  
4       the purpose of making studies and recommendations relative to  
5       improvements of the administration and management of  
6       spending units in the executive branch of state government, shall  
7       be deposited in the state treasury in a separate account therein  
8       designated state improvement fund.

9       There are hereby appropriated all moneys so deposited  
10      during the fiscal year 2017 to be expended as authorized by the  
11      Governor, for such studies and recommendations which may  
12      encompass any problems of organization, procedures, systems,  
13      functions, powers or duties of a state spending unit in the  
14      executive branch, or the betterment of the economic, social,  
15      educational, health and general welfare of the state or its  
16      citizens.

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

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

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

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

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

1       **Sec. 17. Appropriations for local governments.** — There  
2 are hereby appropriated for payment to counties, districts and  
3 municipal corporations such amounts as will be necessary to pay

4 taxes due counties, districts and municipal corporations and  
5 which have been paid into the treasury:

6 (a) For redemption of lands;

7 (b) By public service corporations;

8 (c) For tax forfeitures.

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

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

### TITLE III – ADMINISTRATION.

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

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

1 **Sec. 2. Constitutionality.** — If any part of this act is  
2 declared unconstitutional by a court of competent jurisdiction, its

3 decision shall not affect any portion of this act which remains,  
 4 but the remaining portion shall be in full force and effect as if  
 5 the portion declared unconstitutional had never been a part of the  
 6 act.

On motion of Delegate Blair, the amendment was amended on page fifty, Item 64, line six, by striking out “399,097,674” and inserting in lieu thereof “398,597,674”.

On page fifty-one, Item 64, line thirty-six, by striking out “845,986,760” and inserting in lieu thereof “845,486,760”.

And,

On page seventy, Item 92, line one, by striking out “4,480,111” and inserting in lieu thereof “4,980,111”.

Delegate Sponaugle moved to amend the amendment on page nine, Item 2, line four, by striking out the number “1,929,031” and inserting in lieu thereof, the number “1,454,505”.

On page nine, Item 2, following line six, by adding thereto a new line seven to read as follows:

“Direct Transfer ..... 474,526”.

On page nine, Item 2, line thirteen, following the period, by inserting the following:

“The above directed transaction shall be deposited into Fund 3534 FY 2017 Org 0432.”

And,

On page one hundred forty-nine, Item 288, following the words and numbers “Fund 3534 FY 2017 Org 0432” by striking out everything from line one on page one hundred forty-nine through line

two hundred twenty-four on page one hundred fifty-eight and inserting in lieu thereof the following:

“Huntington Symphony.....	02700	\$	82,025
Preservation West Virginia (R).....	09200		652,799
Fairs and Festivals (R).....	12200		1,853,663
Archeological Curation/Capital			
Improvements (R).....	24600		41,770
Historic Preservation Grants.....	31100		368,428
West Virginia Public Theater.....	31200		166,693
George Tyler Moore Center for the			
Study of the Civil War.....	39700		51,932
Greenbrier Valley Theater.....	42300		138,254
Theater Arts of West Virginia.....	46400		125,000
Marshall Artists Series.....	51800		50,008
Grants for Competitive Arts			
Program (R).....	62400		726,000
West Virginia State Fair.....	65700		43,391
Save the Music.....	68000		35,000
Contemporary American Theater			
Festival.....	81100		79,558
Independence Hall.....	81200		37,885
Mountain State Forest Festival.....	86400		53,038
WV Symphony.....	90700		82,025
Wheeling Symphony.....	90800		82,025
Appalachian Children’s Chorus.....	91600		75,770
Total.....		\$	<u>4,745,264</u>

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 2016 are hereby reappropriated for expenditure during the fiscal year 2017.

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) \$3,713, Aracoma Story (Logan) \$41,254, Arts Monongahela (Monongalia) \$16,502, Barbour County Arts and Humanities Council \$1,238, Beckley Main Street (Raleigh) \$4,125, Buffalo Creek Memorial (Logan) \$4,125, Carnegie Hall (Greenbrier) \$65,138, Ceredo Historical Society (Wayne) \$1,650, Ceredo Kenova Railroad Museum (Wayne) \$1,650, Ceredo Museum (Wayne) \$1,000, Children's Theatre of Charleston (Kanawha) \$4,343, Chuck Mathena Center (Mercer) \$86,850, Collis P. Huntington Railroad Historical Society (Cabell) \$8,251, Country Music Hall of Fame and Museum (Marion) \$5,776, First Stage Children's Theater Company \$1,650, Flannigan Murrell House (Summers) \$5,251, Fort Ashby Fort (Mineral) \$1,238, Fort New Salem (Harrison) \$3,053, Fort Randolph (Mason) \$4,125, General Adam Stephen Memorial Foundation (Berkeley) \$15,286, Grafton Mother's Day Shrine Committee (Taylor) \$7,013, Hardy County Tour and Crafts Association \$16,502, Heartwood in the Hills (Calhoun) \$7,000, Heritage Farm Museum & Village (Cabell) \$41,254, Historic Fayette Theater (Fayette) \$4,538, Historic Middleway Conservancy (Jefferson) \$825, Jefferson County Black History Preservation Society \$4,125, Jefferson County Historical Landmark Commission \$6,601, Maddie Carroll House (Cabell) \$6,188, Marshall County Historical Society \$7,013, McCoy Theater (Hardy) \$16,502, Morgantown Theater Company (Monongalia) \$16,502, Mountaineer Boys' State (Lewis) \$8,251, Nicholas Old Main Foundation (Nicholas) \$1,650, Norman Dillon Farm Museum (Berkeley) \$8,251, Old Opera House Theater Company (Jefferson) \$12,376, Parkersburg Arts Center (Wood) \$16,502, Pocahontas Historic Opera House \$4,950, Raleigh County All Wars Museum \$8,251, Rhododendron Girl's State (Ohio) \$8,251, Roane County 4-H and FFA Youth Livestock Program \$4,125, Scottish Heritage Society/N. Central WV (Harrison) \$4,125, Society for the

Preservation of McGrew House (Preston) \$2,888, Southern West Virginia Veterans' Museum \$4,713, Summers County Historic Landmark Commission \$4,125, Those Who Served War Museum (Mercer) \$3,300, Three Rivers Avian Center (Summers) \$7,376, Tug Valley Arts Council (Mingo) \$4,125, Tug Valley Chamber of Commerce Coal House (Mingo) \$1,650, Tunnelton Historical Society (Preston) \$1,650, Veterans Committee for Civic Improvement of Huntington (Wayne) \$4,125, West Virginia Museum of Glass (Lewis) \$4,125, West Virginia Music Hall of Fame (Kanawha) \$28,878, YMCA Camp Horseshoe (Tucker) \$82,508, Youth Museum of Southern West Virginia (Raleigh) \$9,901, Z.D. Ramsdell House (Wayne) \$1,000.

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to A Princeton 4th (Mercer) \$2,500, African-American Cultural Heritage Festival (Jefferson) \$4,125, Alderson 4th of July Celebration (Greenbrier) \$4,125, Allegheny Echo (Pocahontas) \$6,189, Alpine Festival/Leaf Peepers Festival (Tucker) \$9,282, American Civil War (Grant) \$4,343, American Legion Post 8 Veterans Day Parade (McDowell) \$1,737, Angus Beef and Cattle Show (Lewis) \$1,238, Annual Birch River Days (Nicholas) \$1,800, Annual Don Redman Heritage Concert & Awards (Jefferson) \$1,303, Annual Ruddle Park Jamboree (Pendleton) \$6,514, Antique Market Fair (Lewis) \$1,650, Apollo Theater-Summer Program (Berkeley) \$1,650, Apple Butter Festival (Morgan) \$4,950, Arkansasaw Homemaker's Heritage Weekend (Hardy) \$2,888, Armed Forces Day-South Charleston (Kanawha) \$2,475, Arthurdale Heritage New Deal Festival (Preston) \$4,125, Athens Town Fair (Mercer) \$1,650, Augusta Fair (Randolph) \$4,125, Autumn Harvest Fest (Monroe) \$3,400, Barbour County Fair \$20,627, Barboursville Octoberfest (Cabell) \$4,125, Bass Festival (Pleasants) \$1,527, Battelle District Fair (Monongalia) \$4,125, Battle of Dry Creek (Greenbrier) \$1,238, Battle of Point Pleasant Memorial Committee (Mason) \$4,125, Belle Town Fair (Kanawha) \$3,713, Belleville Homecoming (Wood) \$16,502, Bergoo Down Home Days (Webster) \$2,063, Berkeley County Youth

Fair \$15,264, Black Bear 4K Mountain Bike Race (Kanawha) \$1,025, Black Heritage Festival (Harrison) \$4,950, Black Walnut Festival (Roane) \$8,251, Blast from the Past (Upshur) \$2,000, Blue-Gray Reunion (Barbour) \$2,888, Boone County Fair \$8,251, Boone County Labor Day Celebration \$3,300, Bradshaw Fall Festival (McDowell) \$1,650, Brandonville Heritage Day (Preston) \$1,455, Braxton County Fair \$9,489, Braxton County Monster Fest / West Virginia Autumn Festival \$2,063, Brooke County Fair \$2,888, Bruceton Mills Good Neighbor Days (Preston) \$1,650, Buckwheat Festival (Preston) \$7,014, Buffalo 4th of July Celebration (Putnam) \$550, Buffalo October Fest (Putnam) \$4,500, Burlington Apple Harvest Festival (Mineral) \$24,752, Burlington Pumpkin Harvest Festival (Raleigh) \$4,125, Burnsville Harvest Festival (Braxton) \$1,954, Cabell County Fair \$8,251, Calhoun County Wood Festival \$1,650, Campbell's Creek Community Fair (Kanawha) \$2,063, Cape Coalwood Festival Association (McDowell) \$2,063, Capon Bridge Founders Day Festival (Hampshire) \$1,650, Capon Springs Ruritan 4th of July (Hampshire) \$1,025, Cass Homecoming (Pocahontas) \$1,650, Cedarville Town Festival (Gilmer) \$1,025, Celebration in the Park (Wood) \$3,300, Celebration of America (Monongalia) \$4,950, Ceredo Freedom Festival (Wayne) \$1,048, Chapmanville Apple Butter Festival (Logan) \$1,025, Chapmanville Fire Department 4th of July (Logan) \$2,475, Charles Town Christmas Festival (Jefferson) \$4,125, Charles Town Heritage Festival (Jefferson) \$4,125, Cherry River Festival (Nicholas) \$5,363, Chester Fireworks (Hancock) \$1,238, Chester 4th of July Festivities (Hancock) \$4,125, Chief Logan State Park-Civil War Celebration (Logan) \$6,601, Chilifest West Virginia State Chili Championship (Cabell) \$2,171, Christmas In Our Town (Marion) \$4,343, Christmas in Shepherdstown (Jefferson) \$3,300, Christmas in the Park (Brooke) \$4,125, Christmas in the Park (Logan) \$20,627, City of Dunbar Critter Dinner (Kanawha) \$8,251, City of Logan Polar Express (Logan) \$6,189, City of New Martinsville Festival of Memories (Wetzel) \$9,076, Clay County Golden Delicious Apple Festival \$5,776, Clay District Fair (Monongalia) \$1,500, Coal Field Jamboree (Logan) \$28,878, Coalton Days Fair (Randolph) \$5,776,



Country Roads Festival (Fayette) \$1,650, Cowen Railroad Festival (Webster) \$2,888, Craigs ville Fall Festival (Nicholas) \$2,888, Cruise into Princeton (Mercer) \$3,000, Culturefest World Music & Arts Festival (Mercer) \$6,514, Delbarton Homecoming (Mingo) \$2,888, Doddridge County Fair \$5,776, Dorcas Ice Cream Social (Grant) \$4,950, Durbin Days (Pocahontas) \$4,125, Elbert/Filbert Reunion Festival (McDowell) \$1,238, Elkins Randolph County 4th of July Car Show (Randolph) \$1,650, Fairview 4th of July Celebration (Marion) \$1,025, Farm Safety Day (Preston) \$1,650, Farmer's Day Festival (Monroe) \$3,237, Farmers' Day Parade (Wyoming) \$1,000, Fenwick Mountain Old Time Community Festival (Nicholas) \$4,000, FestivALL Charleston (Kanawha) \$16,502, Flatwoods Days (Braxton) \$1,048, Flemington Day Fair and Festival (Taylor) \$2,888, Follansbee Community Days (Brooke) \$6,807, Fort Gay Mountain Heritage Days (Wayne) \$4,125, Fort Henry Days (Ohio) \$4,373, Fort Henry Living History (Ohio) \$2,171, Fort New Salem Spirit of Christmas Festival (Harrison) \$3,378, Frankford Autumnfest (Greenbrier) \$4,125, Franklin Fishing Derby (Pendleton) \$6,189, Freshwater Folk Festival (Greenbrier) \$4,125, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$4,125, Frontier Days (Harrison) \$2,475, Frontier Fest/Canaan Valley (Taylor) \$4,125, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$2,063, Gassaway Days Celebration (Braxton) \$4,125, Gilbert Elementary Fall Blast (Mingo) \$3,039, Gilbert Kiwanis Harvest Festival (Mingo) \$3,300, Gilbert Spring Fling (Mingo) \$4,993, Gilmer County Farm Show \$3,300, Grant County Arts Council \$1,650, Grape Stomping Wine Festival (Nicholas) \$1,650, Great Greenbrier River Race (Pocahontas) \$8,251, Greater Quinwood Days (Greenbrier) \$1,086, Guyandotte Civil War Days (Cabell) \$8,251, Hamlin 4th of July Celebration (Lincoln) \$4,125, Hampshire Civil War Celebration Days (Hampshire) \$1,025, Hampshire County 4th of July Celebration \$16,502, Hampshire County Fair \$6,948, Hampshire Heritage Days (Hampshire) \$3,300, Hancock County Oldtime Fair \$4,125, Hardy County Commission - 4th of July \$8,251, Hatfield McCoy Matewan Reunion Festival (Mingo) \$17,125, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$4,125, Heat'n the Hills

Chilifest (Lincoln) \$3,474, Heritage Craft Festival (Monroe) \$1,450, Heritage Days Festival (Roane) \$1,238, Hilltop Festival (Cabell) \$1,025, Hilltop Festival of Lights (McDowell) \$1,650, Hinton Railroad Days (Summers) \$6,038, Holly River Festival (Webster) \$1,238, Hometown Mountain Heritage Festival (Fayette) \$3,378, Hundred 4th of July (Wetzel) \$5,982, Hundred American Legion Earl Kiger Post Bluegrass Festival (Wetzel) \$1,650, Hurricane 4th of July Celebration (Putnam) \$4,125, Iaeger Town Fair (McDowell) \$1,238, Irish Heritage Festival of West Virginia (Raleigh) \$4,125, Irish Spring Festival (Lewis) \$1,025, Italian Heritage Festival-Clarksburg (Harrison) \$24,752, Jackson County Fair \$4,125, Jamboree (Pocahontas) \$4,125, Jane Lew Arts and Crafts Fair (Lewis) \$1,025, Jefferson County Fair Association \$20,627, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$1,025, John Henry Days Festival (Monroe) \$6,525, Johnnie Johnson Blues and Jazz Festival (Marion) \$4,125, Johnstown Community Fair (Harrison) \$2,063, Junior Heifer Preview Show (Lewis) \$1,650, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) \$4,125, Keeper of the Mountains-Kayford (Kanawha) \$2,063, Kenova Autumn Festival (Wayne) \$6,080, Kermit Fall Festival (Mingo) \$2,475, Keystone Reunion Gala (McDowell) \$2,171, King Coal Festival (Mingo) \$4,125, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,650, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$4,125, Lady of Agriculture (Preston) \$1,025, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$8,251, Larry Joe Harless Community Center Spring Middle School Event (Mingo) \$4,125, Last Blast of Summer (McDowell) \$4,125, Lewis County Fair Association \$2,888, Lewisburg Shanghai (Greenbrier) \$1,650, Lincoln County Fall Festival \$6,601, Lincoln County Winterfest \$4,125, Lindsie Veterans' Day Parade \$1,000, Little Levels Heritage Festival (Pocahontas) \$1,650, Lost Creek Community Festival (Harrison) \$5,776, Main Street Arts Festival (Upshur) \$4,343, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) \$3,908, Mannington District Fair (Marion) \$4,950, Maple Syrup Festival (Randolph) \$1,025, Marion County FFA Farm Fest \$2,063, Marmet Labor Day Celebration (Kanawha) \$4,275,

Marshall County Antique Power Show \$2,063, Marshall County Fair \$6,189, Mason County Fair \$4,125, Mason Dixon Festival (Monongalia) \$5,776, Matewan Massacre Reenactment (Mingo) \$6,950, Matewan-Magnolia Fair (Mingo) \$22,128, McARTS-McDowell County \$16,502, McDowell County Fair \$2,063, McGrew House History Day (Preston) \$1,650, McNeill's Rangers (Mineral) \$6,601, Meadow Bridge Hometown Festival (Fayette) \$1,032, Meadow River Days Festival (Greenbrier) \$2,475, Mercer Bluestone Valley Fair (Mercer) \$1,650, Mercer County Fair \$1,650, Mercer County Heritage Festival \$4,825, Mid Ohio Valley Antique Engine Festival (Wood) \$2,475, Milton Christmas in the Park (Cabell) \$2,063, Milton 4th of July Celebration (Cabell) \$2,063, Mineral County Fair \$1,444, Mineral County Veterans Day Parade \$1,238, Molasses Festival (Calhoun) \$1,650, Monongahfest (Marion) \$5,211, Moon Over Mountwood Fishing Festival (Wood) \$2,475, Morgan County Fair-History Wagon \$1,238, Moundsville Bass Festival (Marshall) \$3,300, Moundsville July 4th Celebration (Marshall) \$4,125, Mount Liberty Fall Festival (Barbour) \$2,063, Mountain Fest (Monongalia) \$16,502, Mountain Festival (Mercer) \$3,816, Mountain Heritage Arts and Crafts Festival (Jefferson) \$4,125, Mountain Music Festival (McDowell) \$2,063, Mountain State Apple Harvest Festival (Berkeley) \$6,189, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$37,128, Mountaineer Hot Air Balloon Festival (Monongalia) \$3,300, Mullens Dogwood Festival (Wyoming) \$5,776, Multi-Cultural Festival of West Virginia (Kanawha) \$16,502, Music and Barbecue - Banks District VFD (Upshur) \$1,776, New Cumberland Christmas Parade (Hancock) \$2,475, New Cumberland 4th of July (Hancock) \$4,125, New River Bridge Day Festival (Fayette) \$33,003, Newburg Volunteer Fireman's Field Day (Preston) \$1,025, Nicholas County Fair \$4,125, Nicholas County Potato Festival \$2,888, Oak Leaf Festival (Fayette) \$8,685, Oceana Heritage Festival (Wyoming) \$4,950, Oglebay City Park - Festival of Lights (Ohio) \$66,006, Oglebay Festival (Ohio) \$8,251, Ohio County Country Fair \$7,426, Ohio River Fest (Jackson) \$6,000, Ohio Valley Beef Association (Wood) \$2,063, Ohio Valley Black Heritage Festival (Ohio) \$4,538,

Old Central City Fair (Cabell) \$4,125, Old Century City Fair (Barbour) \$1,737, Old Tyme Christmas (Jefferson) \$1,980, Paden City Labor Day Festival (Wetzel) \$5,363, Parkersburg Homecoming (Wood) \$12,159, Patty Fest (Monongalia) \$1,650, Paw Paw District Fair (Marion) \$2,888, Pax Reunion Committee (Fayette) \$4,125, Pendleton County 4-H Weekend \$1,650, Pendleton County Committee for Arts \$12,376, Pendleton County Fair \$8,685, Pennsboro Country Road Festival (Ritchie) \$1,650, Petersburg 4th of July Celebration (Grant) \$16,502, Petersburg HS Celebration (Grant) \$8,251, Piedmont-Annual Back Street Festival (Mineral) \$3,300, Pinch Reunion (Kanawha) \$1,238, Pine Bluff Fall Festival (Harrison) \$3,300, Pine Grove 4th of July Festival (Wetzel) \$5,776, Pineville Festival (Wyoming) \$4,950, Pleasants County Agriculture Youth Fair \$4,125, Poca Heritage Days (Putnam) \$2,475, Pocahontas County Pioneer Days \$5,776, Point Pleasant Stern Wheel Regatta (Mason) \$4,125, Pratt Fall Festival (Kanawha) \$2,063, Princeton Autumnfest (Mercer) \$2,171, Princeton Street Fair (Mercer) \$4,125, Putnam County Fair \$4,125, Quartets on Parade (Hardy) \$3,300, Rainelle Fall Festival (Greenbrier) \$4,343, Rand Community Center Festival (Kanawha) \$2,063, Randolph County Community Arts Council \$2,475, Randolph County Fair \$5,776, Randolph County Ramp and Rails \$1,650, Ranson Christmas Festival (Jefferson) \$4,125, Ranson Festival (Jefferson) \$4,125, Renick Liberty Festival (Greenbrier) \$1,025, Ripley 4th of July (Jackson) \$12,376, Ritchie County Fair and Exposition \$4,125, Ritchie County Pioneer Days \$1,025, River City Festival (Preston) \$1,025, Roane County Agriculture Field Day \$2,475, Rock the Park (Kanawha) \$4,500, Rocket Boys Festival (Raleigh) \$2,375, Romney Heritage Days (Hampshire) \$2,606, Ronceverte River Festival (Greenbrier) \$4,125, Rowlesburg Labor Day Festival (Preston) \$1,025, Rupert Country Fling (Greenbrier) \$2,475, Saint Spyridon Greek Festival (Harrison) \$2,063, Salem Apple Butter Festival (Harrison) \$3,300, Sistersville 4th of July (Tyler) \$4,538, Skirmish on the River (Mingo) \$1,737, Smoke on the Water (Wetzel) \$2,475, South Charleston Summerfest (Kanawha) \$8,251, Southern Wayne County Fall Festival \$1,025, Spirit of Grafton Celebration (Taylor) \$8,251, Springfield Peach

Festival (Hampshire) \$1,026, St. Albans City of Lights - December (Kanawha) \$4,125, Sternwheel Festival (Wood) \$2,475, Stoco Reunion (Raleigh) \$2,063, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$9,076, Stonewall Jackson's Roundhouse Raid (Berkeley) \$10,000, Storytelling Festival (Lewis) \$550, Strawberry Festival (Upshur) \$24,752, Sylvester Big Coal River Festival \$2,700, Tacy Fair (Barbour) \$1,025, Taste of Parkersburg (Wood) \$4,125, Taylor County Fair \$4,538, Terra Alta VFD 4th of July Celebration (Preston) \$1,025, The Gathering at Sweet Creek (Wood) \$2,475, Three Rivers Coal Festival (Marion) \$6,394, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$12,376, Town of Delbarton 4th of July Celebration (Mingo) \$2,475, Town of Fayetteville Heritage Festival (Fayette) \$6,189, Town of Matoaka Hog Roast (Mercer) \$1,025, Town of Rivesville 4th of July Festival (Marion) \$4,343, Town of Winfield - Putnam County Homecoming \$4,500, St. Albans Train Fest (Kanawha) \$8,500, Treasure Mountain Festival (Pendleton) \$20,627, Tri-County Fair (Grant) \$31,318, Tucker County Arts Festival and Celebration \$14,851, Tucker County Fair \$3,919, Tucker County Health Fair \$1,650, Tunnelton Depot Days (Preston) \$1,025, Tunnelton Volunteer Fire Department Festival (Preston) \$1,025, Turkey Festival (Hardy) \$2,475, Tyler County Fair \$4,290, Tyler County 4th of July \$550, Tyler County OctoberFest \$1,000, Union Community Irish Festival (Barbour) \$975, Uniquely West Virginia Festival (Morgan) \$1,650, Upper Kanawha Valley Oktoberfest (Kanawha) \$2,063, Upper Ohio Valley Italian Festival (Ohio) \$9,901, Upshur County Youth Livestock Show \$2,000, Valley District Fair (Preston) \$2,888, Veterans Welcome Home Celebration (Cabell) \$1,303, Vietnam Veterans of America # 949 Christmas Party (Cabell) \$1,025, Volcano Days at Mountwood Park (Wood) \$4,125, War Homecoming Fall Festival (McDowell) \$1,238, Wardensville Fall Festival (Hardy) \$4,125, Wayne County Fair \$4,125, Wayne County Fall Festival \$4,125, Webster County Fair \$5,000, Webster County Wood Chopping Festival \$12,376, Webster Wild Water Weekend \$1,650, Weirton July 4th Celebration (Hancock) \$16,502, Welcome Home Family Day (Wayne) \$2,640, Wellsburg 4th of July Celebration (Brooke) \$6,189, Wellsburg

Apple Festival of Brooke County \$4,125, West Virginia Blackberry Festival (Harrison) \$4,125, West Virginia Chestnut Festival (Preston) \$1,025, West Virginia Coal Festival (Boone) \$8,251, West Virginia Coal Show (Mercer) \$2,171, West Virginia Dairy Cattle Show (Lewis) \$8,251, West Virginia Dandelion Festival (Greenbrier) \$4,125, West Virginia Day at the Railroad Museum (Mercer) \$2,500, West Virginia Fair and Exposition (Wood) \$6,684, West Virginia Fireman's Rodeo (Fayette) \$2,063, West Virginia Oil and Gas Festival (Tyler) \$9,076, West Virginia Peach Festival (Hampshire) \$4,500, West Virginia Polled Hereford Association (Braxton) \$1,238, West Virginia Poultry Festival (Hardy) \$4,125, West Virginia Pumpkin Festival (Cabell) \$8,251, West Virginia State Folk Festival (Gilmer) \$4,125, West Virginia Water Festival - City of Hinton (Summers) \$12,701, Weston VFD 4th of July Firemen Festival (Lewis) \$1,650, Wetzel County Autumnfest \$4,538, Wetzel County Town and Country Days \$14,026, Wheeling Celtic Festival (Ohio) \$1,650, Wheeling City of Lights (Ohio) \$6,601, Wheeling Sternwheel Regatta (Ohio) \$8,251, Wheeling Vintage Raceboat Regatta (Ohio) \$16,502, Whipple Community Action (Fayette) \$2,063, Wileyville Homecoming (Wetzel) \$3,300, Wine Festival and Mountain Music Event (Harrison) \$4,125, Winter Festival of the Waters (Berkeley) \$4,125, Wirt County Fair \$2,063, Wirt County Pioneer Days \$1,650, Wyoming County Civil War Days \$1,800, Youth Stockman Beef Expo (Lewis) \$1,650.”

On page one hundred forty-five, line fourteen, by reconciling the Total TITLE II, Section 3 – Other Funds (including claims against the state) accordingly.

And,

On page one hundred fifty, Item 288, line nineteen, by reconciling the fund total accordingly.

On the adoption of the amendment, Delegate Sponaugle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 716**), and there were--yeas 33, nays 63, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Bates, Blackwell, Boggs, Byrd, Campbell, Caputo, Eldridge, Faircloth, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Moore, Morgan, Moye, Perdue, Perry, Phillips, Pushkin, Reynolds, Rodighiero, Shaffer, Skinner, P. Smith, Sponaugle and P. White.

Absent and Not Voting: Flanigan, J. Nelson, Upson and B. White.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

An amendment to the amendment offered by Delegates Perry, Campbell, Moye, Morgan, Guthrie, Ambler, Cooper, Rowan, Boggs, Pushkin, Rowe, Hornbuckle, Eldridge, Fluharty, Reynolds, Hicks, Evans, Romine, Marcum, Fleischauer, Lynch, P. White, Hamilton, Ferro, Caputo, Hartman was reported by the Clerk on page forty-one, Item 51, following line twelve, by inserting a new line, to read as follows:

“Center for Professional  
Development (R)..... 11500                    1,500,000”

On page forty-one, Item 51, line thirteen, by reconciling the total accordingly,

And,

On page one hundred twenty-six, Item 230, line one, Fund 7005, by adding 1,500,000 to the line item “Medical Services Trust Fund – Transfer” .

On the adoption of the amendment to the amendment, Delegate Perry demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 717**), and there were--yeas 52, nays 45, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Arvon, Azinger, Blackwell, Blair, Border, Butler, Cadle, Duke, Ellington, Espinosa, A. Evans, Fast, Folk, Foster, Frich, Gearheart, Hamrick, Hill, Householder, Howell, Ihle, Kelly, Kessinger, Kurcaba, Lane, McCuskey, McGeehan, Miller, Moffatt, E. Nelson, O'Neal, Overington, Shott, R. Smith, Sobonya, Stansbury, Statler, Storch, Trecost, Upson, Walters, Waxman, Weld, Zatezalo and Mr. Speaker (Mr. Armstead).

Absent and Not Voting: Flanigan, J. Nelson and B. White.

So, a majority of the members present and voting having voted in the affirmative, the amendment to the amendment was adopted.

The Finance Committee amendment, as amended, was then adopted.

There being no further amendments, the bill was ordered to third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 718**), and there were--yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Azinger, Faircloth, Ihle and Lane.

Absent and Not Voting: Flanigan, J. Nelson and B. White.

The bill was then read a third time and put upon its passage.



On the passage of the bill, the yeas and nays were taken (**Roll No. 719**), and there were, including 4 paired--yeas 84, nays 15, absent and not voting 1, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: J. Nelson                      Nay: Ihle

Yea: B. White                      Nay: Gearheart

Nays: Azinger, Bates, Caputo, Faircloth, Folk, Hornbuckle, Longstreth, Manchin, McGeehan, Perdue, Skinner, Sponaugle and P. White.

Absent and Not Voting: Flanigan.

So, a majority of members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1013) passed.

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

On this question, the yeas and nays were taken (**Roll No. 720**), and there were --yeas 94, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Azinger, Ihle and McGeehan.

Absent and Not Voting: Flanigan, J. Nelson and B. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1013) takes effect from its passage.

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

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Flanigan, J. Nelson and B. White.

### **Speaker Pro Tempore Anderson in the Chair**

#### **Miscellaneous Business**

Delegate Gearheart asked and obtained unanimous consent that the remarks of Delegate Ellington regarding the response to his June 2, 2016 speech related to H. B. 114 be printed in the Appendix to the Journal.

Delegate Walters asked and obtained unanimous consent that the remarks of Mr. Speaker, Mr. Armstead, regarding the budget bill and the legislative session be printed in the Appendix to the Journal.

Delegate Fast asked and obtained unanimous consent that the remarks of Delegates D. Evans, Morgan, O'Neal, E. Nelson, Rowe regarding S. B. 1012 be printed in the Appendix to the Journal.

Delegate Butler asked and obtained unanimous consent that the remarks of Delegate Folk, regarding S. B. 1013, Budget bill, be printed in the Appendix to the Journal.

Delegate Butler asked and obtained unanimous consent that the remarks of Delegates Gearheart and Lane regarding S. B. 1012 be printed in the Appendix to the Journal.

Delegate Campbell asked and obtained unanimous consent that the remarks of Delegate Perry regarding his amendment to the Finance Committee amendment to S. B. 1013 be printed in the Appendix to the Journal.

Delegate Pushkin asked and obtained unanimous consent that the remarks of Delegates Fluharty, Ihle and Cooper made during the XIV Order of Business today be printed in the Appendix to the Journal.

At 4:20 p.m., the House of Delegates adjourned until 10:00 a.m., Tuesday, June 14, 2016.



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TUESDAY, JUNE 14, 2016

**SEVENTEENTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Monday, June 13, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Messages from the Executive**

The Speaker laid before the House of Delegates the Proclamation of His Excellency, the Governor, as amended, convening the Legislature in extraordinary session, which was read by the Clerk as follows:

STATE OF WEST VIRGINIA  
EXECUTIVE DEPARTMENT

**A P R O C L A M A T I O N**

**By the Governor**

**I, EARL RAY TOMBLIN**, by virtue of the authority vested in the Governor by Section 7, Article VII of the Constitution of West Virginia, do hereby **AMEND** the Proclamation dated the twelfth day of May, Two Thousand Sixteen, calling the Legislature of West Virginia to convene in Extraordinary Session at twelve o'clock noon on the sixteenth day of May, Two Thousand Sixteen, and amended by subsequent Proclamations dated the first day of June, Two Thousand

Sixteen and the tenth day of June, Two Thousand Sixteen, by adding items eleven, twelve, thirteen, and fourteen, as follows:

**ELEVENTH:** A bill to establish a special revenue fund designated the Public Employees Insurance Agency Financial Stability Fund and granting the Secretary of Revenue the authority to redirect certain special revenue funds into the Stability Fund;

**TWELFTH:** A bill appropriating \$15 million to a new fund 7401 (the Public Employees Insurance Agency Financial Stability Fund), fiscal year 2017, organization 0703 of the State Budget Office account, for the purpose of offsetting retiree premium increases and maintaining PEIA fund solvency;

**THIRTEENTH:** A bill authorizing various boards and commissions to promulgate legislative rules;

**FOURTEENTH:** A bill to repair a technical error in the Traffic Regulations and Laws of the Road relating to participation in the Motor Vehicle Alcohol Test and Lock Program.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

NATALIE E. TENNANT  
Secretary of State

**DONE** at the Capitol in the City of Charleston, State of West Virginia, this thirteenth day of June, in the year of our Lord, Two Thousand Sixteen, and in the One Hundred Fifty-Third year of the State.

**EARL RAY TOMBLIN,**  
Governor

**Messages from the Senate**

A message from the Senate, by

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

**S. B. 1012**, Increasing tax rate on cigarettes and other tobacco products.

A message from the Senate, by

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

**Com. Sub. for H. B. 116**, Authorizing the Governor to direct payment of certain state debt.

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

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

**“ARTICLE 1. THE GOVERNOR.**

**§5-1-30. Authority to direct payment of certain debt in emergency.**

(a) The Legislature makes the following findings:

(1) Subdivision (12), subsection (d), section fifty-one, article VI of the Constitution of West Virginia authorizes the Legislature to enact laws as are necessary and proper to carry out the purposes of section fifty-one, article VI of the Constitution of West Virginia.

(2) One of the purposes of section fifty-one, article VI of the Constitution of West Virginia is to ensure the solvency and fiscal well-being of the State of West Virginia.

(3) Ensuring payment of the debt service on the notes and bonded indebtedness of the state and its agencies, boards and commissions is necessary and proper to ensure the solvency and fiscal well-being of the State of West Virginia.

(b) If, on June 30 of any year, no budget bill has been enacted and made effective for the next ensuing fiscal year, the Governor shall have plenary power and authority by executive order to direct the scheduled payment of the principal and interest due on bonds or notes of the state or its agencies, boards and commissions.

(c) Upon issuance by the Governor of an executive order pursuant to subsection (b) of this section, the State Auditor and State Treasurer shall take such actions as are necessary to ensure payment of the principal and interest due on the bonds or notes of the state, its agencies, boards and commissions as directed by the Governor.

(d) Any executive order issued pursuant to subsection (b) of this section shall continue in full force and effect until the effective date of the budget bill enacted for the fiscal year beginning July 1.”

And,

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

**Com. Sub. for H. B. 116** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-30, relating generally to granting Governor plenary power and authority to direct scheduled payment of the principal and interest due on bonds or notes of the state or its agencies, boards and commissions if no budget bill has been enacted on June 30 of any year for the ensuing fiscal year; making legislative findings; authorizing the Governor to direct said payments by executive order; directing State Auditor and State Treasurer to take such actions as are necessary to ensure payments as directed by the executive order; and clarifying that an executive order remains effective until the effective date of a budget bill enacted for the fiscal year beginning July 1.”



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

On the passage of the bill, the yeas and nays were taken (**Roll No. 721**), and there were—yeas 85, nays 3, absent and not voting 12, with the nays and absent and not voting being as follows:

Nays: Folk, Ihle and McGeehan.

Absent and Not Voting: Campbell, Deem, Ellington, Ferro, Flanigan, Manchin, J. Nelson, Rohrbach, Trecost, Upson, Westfall and B. White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 116) passed.

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

On this question, the yeas and nays were taken (**Roll No. 722**), and there were--yeas 85, nays 4, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Faircloth, Folk, Ihle and McGeehan.

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Manchin, J. Nelson, Rohrbach, Trecost, Upson, Westfall and B. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 116) takes effect from its passage.

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

### **Resolutions Introduced**

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

**By Delegates Hamrick, Howell, Walters, Arvon and Waxman:**

**H. J. R. 1** – “Proposing an amendment to the Constitution of the State of West Virginia, amending article ten thereof by adding thereto a new section, designated §13, relating to enacting the Taxpayer’s Bill of Rights; limiting annual growth in state and local government entity spending; limiting government entity revenue; establishing a formula for limits on government entity spending and revenue; requiring state and local government entities to issue refunds to taxpayers if state spending exceeds spending or revenue limits; exempting certain sources of revenue from spending limits; allowing a cause of action for enforcement of limits on government entity revenue; requiring a government entity, when revenue is refunded as the result of a lawsuit, to pay interest on revenue illegally kept for any period within four years before a suit was filed; defining terms; requiring a government entity to submit proposals for the following measures to popular vote before such measures may go into effect: new taxes, tax rate increases, mill levy increase, valuation for assessment ratio increase for a property class, extension of expiring tax, or any other tax policy change causing a net tax revenue gain; requiring a government entity, before entering into a financial obligation without adequate present cash reserves held irrevocably for future payments, to submit such proposed measures to popular vote; establishing election procedures for elections required by the new provisions; requiring a government entity to issue taxpayer refunds if an entity publishes incorrect estimates to voters regarding the fiscal impact of proposed measures; requiring government entities to reserve a percentage of funds for declared emergencies; establishing certain exemptions for emergency taxes; prohibiting emergency property taxes; establishing procedures for imposing emergency taxes; establishing revenue limits and restrictions; and allowing local government entities to end subsidies to any program required by state statutory law”; to the Committee on Finance then the Judiciary.

**Motions**

At the request of Delegate Cowles, and by unanimous consent, permission was granted the Joint Committee on Enrolled Bills, after it

had examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of this session of the Legislature, to file its report with the Clerk and that such reports be included in the final Journal of this session, that communications from His Excellency, the Governor, as to his action on bills after adjournment of the session, also be included in the Journal and that other applicable communications not reported before the adjournment of this session, which do not require action by the House, be considered received by the House, filed with the Clerk and recorded in the Journal.

At 10:42 a.m., on motion of Delegate Cowles, the House of Delegates recessed until 1:00 p.m.

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### **Afternoon Session**

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### **Messages from the Senate**

A message from the Senate, by

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

**S. B. 1015** – “A Bill to amend and reenact §17C-5-2b of the Code of West Virginia, 1931, as amended, relating to participation in Motor Vehicle Alcohol Test and Lock Program; and clarifying offenses for which individuals are eligible to participate in the program.”

At the respective requests of Delegate Cowles, and by unanimous consent; the bill was taken up for immediate consideration; reference of the bill (S. B. 1015) to a committee was dispensed with; and it was read a first time and ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 723**), and there were--yeas 82, nays none, absent and not voting 18, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Deem, Ellington, Ferro, Flanigan, Hartman, Hicks, Ireland, Manchin, Moye, J. Nelson, Rohrbach, Rowan, P. Smith, Trecost, Upson, Westfall and B. White.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to third reading.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 724**), and there were--yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, Moye, J. Nelson, Rohrbach, Trecost, Upson, Westfall and B. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1015) passed.

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

On this question, the yeas and nays were taken (**Roll No. 725**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, Moye, J. Nelson, Rohrbach, Trecost, Upson, Westfall and B. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1015) takes effect from its passage.

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

A message from the Senate, by

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

**S. B. 1017** – “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to, and recommended by, the Legislative Rule-Making Review Committee; authorizing certain agencies and commissions to repeal certain legislative, procedural or interpretative rules that are no longer authorized or are obsolete; directing various agencies to amend and promulgate certain legislative rules; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensing; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselor license renewal and continuing professional education requirements; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapists licensing; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family license renewal and continuing professional education requirements; authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the Department of Agriculture to promulgate a legislative rule relating to the inspection

of nontraditional domesticated animals; authorizing the Department of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing the Department of Agriculture to promulgate a legislative rule relating to captive cervid farming; repealing the Department of Agriculture legislative rule relating to tobacco; repealing the Department of Agriculture legislative rule relating to the conduct of beef industry self-improvement assessment program referendums; repealing the Department of Agriculture legislative rule relating to the conduct of beef self-improvement assessment program referendums; repealing the Department of Agriculture legislative rule relating to West Virginia seal of quality; repealing the Department of Agriculture legislative rule relating to aquaculture farm rules; repealing the Department of Agriculture procedural rule relating to the conduct of tree fruit industries self-improvement assessment program referendums; authorizing the State Conservation Committee to promulgate a legislative rule relating to the West Virginia Conservation Agency Financial Assistance Program; authorizing the Board of Dentistry to promulgate a legislative rule relating to continuing education requirements; authorizing the Board of Dentistry to promulgate a legislative rule relating to expanded duties of dental hygienists and dental assistants; authorizing the State Election Commission to promulgate a legislative rule relating to the regulation of campaign finance; authorizing the State Election Commission to promulgate a legislative rule relating to the West Virginia Supreme Court of Appeals Public Campaign Financing Program; authorizing the State Board of Registration for Professional Engineers to promulgate a legislative rule relating to the examination, licensure and practice of professional engineers; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; authorizing the Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to the board;

authorizing the Board of Medicine to promulgate a legislative rule relating to the establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities; directing the Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures of Physicians and Podiatrists; authorizing the Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to record keeping and automated data processing systems; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure of wholesale drug distributors, third-party logistics providers and manufacturers; authorizing the Property Valuation and Procedures Commission to promulgate a legislative rule relating to tax map sales; authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work; authorizing the Secretary of State to promulgate a legislative rule relating to registration forms and receipts; authorizing the Secretary of State to promulgate a legislative rule relating to the elimination of precinct registration books; authorizing the Secretary of State to promulgate a legislative rule relating to absentee voting by military voters who are members of reserve units called to active duty; authorizing the Secretary of State to promulgate a legislative rule relating to the Freedom of Information Act database; repealing the Secretary of State legislative rule relating to matters relating to corporations and other business entity filing; repealing the Secretary of State legislative rule relating to matters relating to official election forms and vendor authorization; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the licensure of speech pathology and audiology; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to

speech-language pathology and audiology assistants; repealing the Cable TV Advisory Board legislative rule relating to franchising procedures; repealing the Cable TV Advisory Board legislative rule relating to implementing regulations; repealing the Cable TV Advisory Board legislative rule relating to calculation and collection of late fee; repealing the Cable TV Advisory Board procedural rule relating to administrative procedures for consumer complaint resolution under the West Virginia Cable TV Systems Act; repealing the Cable TV Advisory Board procedural rule relating to rate regulation procedures; repealing the Cable TV Advisory Board procedural rule relating to form and service of notice under section eight, article eighteen-a, chapter five of this code; repealing the Contractor Licensing Board legislative rule relating to consumer complaints; repealing the Respiratory Care Board legislative rule relating to the procedure for licensure applications; repealing the Attorney General procedural rule relating to freedom of information; repealing the Municipal Bond Commission procedural rule relating to rules of procedure covering board and executive committee meetings of the Municipal Bond Commission; repealing the Housing Development Fund legislative rule relating to refiling of administrative rules pertaining to administration of single-family mortgage loans; repealing the Public Service Commission legislative exempt rule relating to rules and regulations for carrier access to the lines and facilities of other carriers; repealing the Public Service Commission legislative exempt rule relating to rules and regulations for shipper access to the lines and facilities of rail carriers; repealing the Infrastructure and Jobs Development Council procedural rule relating to establishing procedures to provide public notice of date, time, place, agenda and purpose of meetings of the West Virginia Infrastructure and Jobs Development Council and manner in which meetings are to be conducted; repealing the Water Development Authority procedural rule new procedures in relation to providing public notice of date, time, place and purpose of meetings of the West Virginia Water Development Authority and manner in which meetings are to be conducted; and directing the Board of Osteopathic Medicine



to promulgate a legislative rule relating to licensing procedures for osteopathic physicians.”

At the respective requests of Delegate Cowles, and by unanimous consent; the bill was taken up for immediate consideration; reference of the bill (S. B. 1017) to a committee was dispensed with; and it was read a first time and ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 726**), and there were--yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, Moye, J. Nelson, Rohrbach, Trecost, Upson, Westfall and B. White.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to third reading.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 727**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, Moye, J. Nelson, Rohrbach, Trecost, Upson, Westfall and B. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1017) passed.

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

On this question, the yeas and nays were taken (**Roll No. 728**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, Moye, J. Nelson, Rohrbach, Trecost, Upton, Westfall and B. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1017) takes effect from its passage.

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

### **Bills Introduced**

Bills were introduced, pursuant to House Rule 92, and severally referred as follows:

**By Delegates Moffatt, Azinger, Rowe, Blackwell, Zatezalo, Butler and Frich:**

**H. B. 122** – “A Bill to amend and reenact §33-3-33a of the Code of West Virginia, 1931, as amended, relating to reinstating the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund and directing that certain moneys be deposited into the fund to finance the Volunteer Fire Department Workers' Compensation Subsidy Program”; to the Committee on Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley  
[By Request of the Executive]:**

**H. B. 123** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11B-2-32, relating to establishing a special revenue fund called the Public

Employees Insurance Agency Financial Stability Fund and granting authority to the Secretary of Revenue to redirect certain special revenue funds to the Public Employees Insurance Agency Financial Stability Fund to be used to lower retiree premiums, to help reduce benefit cuts, to help reduce premium increases or any combination thereof.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (H. B. 123) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

**By Delegates Marcum, Rodighiero, Eldridge, Lynch, Hicks, Moore, Boggs, Ferro, Caputo, Guthrie and Pushkin:**

**H. B. 127** – “A Bill to amend and reenact §11-21-4e of the Code of West Virginia, 1931, as amended, relating to increasing personal income tax rates for taxpayers earning income over a certain amount”; to the Committee on Finance.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley  
[By Request of the Executive]:**

**H. B. 128** – “A Bill to amend and reenact §33-3-33a of the Code of West Virginia, 1931, as amended, relating to the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund; providing for the deposit of monies into the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund until June 30, 2017; providing for the expiration and closure of the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund on June 30, 2017; and providing for the transfer of any remaining monies in the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund upon closure of such fund.”

At the respective requests of Delegate Cowles, and by unanimous consent; the bill was taken up for immediate consideration; reference of the bill (H. B. 128) to a committee was dispensed with; and it was read a first time and ordered to second reading.

At 2:25 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 3:30 p.m.

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### **Second Afternoon Session**

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### **Messages from the Executive**

The Speaker laid before the House of Delegates the Proclamation of His Excellency, the Governor, as amended, convening the Legislature in extraordinary session, which was read by the Clerk as follows:

STATE OF WEST VIRGINIA  
EXECUTIVE DEPARTMENT  
Charleston

### **A P R O C L A M A T I O N**

#### **By the Governor**

**I, EARL RAY TOMBLIN**, by virtue of the authority vested in the Governor by Section 7, Article VII of the Constitution of West Virginia, do hereby **AMEND** the Proclamation dated the twelfth day of May, Two Thousand Sixteen, calling the Legislature of West Virginia to convene in Extraordinary Session at twelve o'clock noon on the sixteenth day of May, Two Thousand Sixteen, and amended by subsequent Proclamations dated the first day of June, Two Thousand Sixteen the tenth day of June, Two Thousand Sixteen, and the thirteenth day of June, Two Thousand Sixteen, by adding item fifteen, as follows:

**FIFTEENTH:** A bill continuing and maintaining the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund up to and including the thirtieth day of June, Two Thousand Seventeen.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

NATALIE E. TENNANT  
*Secretary of State*

**DONE** at the Capitol in the City of Charleston, State of West Virginia, this fourteenth day of June, in the year of our Lord, Two Thousand Sixteen, and in the One Hundred Fifty-Third year of the State.

EARL RAY TOMBLIN,  
*Governor*

### **Messages from the Senate**

A message from the Senate, by

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

**S. B. 1013**, Budget Bill.

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

On page one hundred twenty-nine, after item 237, by adding a new item, designated item 238, to read as follows:

*238 – State Budget Office  
Public Employee Insurance Agency Financial Stability Fund*

(WV Code Chapter 11B)

Fund 7401 FY 2017 Org 0703

Retiree Premium Offset.....	80101	\$	5,000,000
PEIA Reserve.....	80102	\$	10,000,000
Total.....		\$	15,000,000

The above appropriation shall be transferred to special revenue fund 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.

By renumbering the remaining items of appropriation accordingly.

And,

On page one hundred forty-five, item 281, line fourteen, by striking out “1,965,026,910” and inserting in lieu thereof “1,980,026,910”.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 729**), and there were, including 2 paired—yeas 80, nays 7, absent and not voting 13, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Manchin

Nay: Ihle

Nays: Azinger, Folk, Gearheart, McGeehan, Perdue, Skinner.

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Kurcaba, J. Nelson, Rohrbach, Trecost, Upson, Westfall and B. White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1013) passed.

Delegate Cowles moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 730**), and there were—yeas 83, nays 3, absent and not voting 14, with the nays and absent and not voting being as follows:

Nays: Azinger, Ihle and McGeehan.

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Kurcaba, Manchin, J. Nelson, Rohrbach, Trecost, Upson, Westfall and B. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1013) takes effect from passage.

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

A message from the Senate, by

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

**S. B. 1010** – “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General

Revenue, to the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2016, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2016.”

At the respective requests of Delegate Cowles, and by unanimous consent; the bill was taken up for immediate consideration; reference of the bill (S. B. 1010) to a committee was dispensed with; and it was read a first time and ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 731**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Kurcaba, Manchin, J. Nelson, Rohrbach, Trecost, Upson, Westfall and B. White.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to third reading.

The bill was then read a third time.

Delegate Lane requested to be excused from voting on the passage of S. B. 1010 under the provisions of House Rule 49. The Speaker replied that the Delegate exhibited no direct personal or pecuniary interest and refused to excuse the Gentleman from voting.

Delegate Eldridge requested to be excused from voting on the passage of S. B. 1010 under the provisions of House Rule 49. The Speaker replied that any impact on the Member would be as a member



of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Gentleman from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 732**), and there were, including 6 paired—yeas 72, nays 19, absent and not voting 9, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings was filed and announced by the Clerk:

Paired:

Yea: Atkinson                      Nay: Rohrbach

Yea: Hicks                          Nay: Walters

Yea: J. Nelson                      Nay: Summers

Nays: Azinger, Cadle, Fairecloth, Folk, Foster, Frich, Gearheart, Hanshaw, Howell, Ihle, Kurcaba, McGeehan, Overington, Shott, Sobonya, Waxman.

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Ireland, Manchin, Trecost, Upson and B. White.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (S. B. 1010) passed.

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

On this question, the yeas and nays were taken (**Roll No. 733**), and there were—yeas 80, nays 8, absent and not voting 12, with the nays and absent and not voting being as follows:

Nays: Cadle, Folk, Frich, Hanshaw, Howell, Ihle, McGeehan and Walters.

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, J. Nelson, Rohrbach, Trecoast, Upson and B. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1010) takes effect from its passage.

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

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates returned to further consideration of H. B. 123, Establishing a special revenue fund called the Public Employees Insurance Agency Financial Stability Fund.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 734**), and there were—yeas 88, nays none, absent and not voting 12, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, J. Nelson, Rohrbach, Trecoast, Upson and B. White.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time.

The Clerk then reported an amendment offered by Delegates E. Nelson and Boggs on page one, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“ARTICLE 2. STATE BUDGET OFFICE.****§11B-2-32. Establish a special revenue fund designated the Public Employees Insurance Agency Financial Stability Fund; authority of the Secretary of Revenue to redirect certain special revenue funds to the Public Employees Insurance Agency Financial Stability Fund.**

(a) There is hereby created a special revenue account in the State Treasury, designated the Public Employees Insurance Agency Financial Stability Fund, to be administered by the Secretary of Revenue.

(b) The Public Employees Insurance Agency Financial Stability Fund shall consist of moneys appropriated by the Legislature and moneys transferred annually pursuant to the provisions of subsection (c) of this section. These moneys shall be appropriated by the Legislature only for the purposes of lowering retiree premiums, to help reduce benefit cuts, to help reduce premium increases or any combination thereof.

(c) Notwithstanding any other provisions of this code to the contrary, beginning July 1, 2016, and ending June 30, 2020, the Secretary of Revenue shall redirect nonaligned state special revenue funds, in the total aggregate amount of \$15 million per fiscal year, to be deposited in the Public Employees Insurance Agency Financial Stability Fund. Not more than three million seven hundred fifty thousand dollars may be transferred to the Public Employees Insurance Agency Financial Stability Fund in any quarter of a fiscal year. Not later than thirty days before redirecting the nonaligned state special revenue funds, the secretary shall provide written notice of the amount that will be redirected in each affected account to the Speaker of the House of Delegates, to the President of the Senate and to the agency head who oversees any account that will have funds redirected into the Public Employee Insurance Agency Financial Stability Fund.

(d) For purposes of this section:

(1) 'Nonaligned state special revenue funds' means state revenue funds that are:

(A) Not derived from any federal fund, from any federal grant program or from any other federal revenue source established under the laws of the federal government of the United States of America;

(B) Not derived from any state special revenue fund dedicated, directed or designated to be used for operations of the Legislative Branch of government;

(C) Not derived from any state special revenue fund dedicated, directed or designated to be used for operations of the Judicial Branch of government;

(D) Not expressly dedicated, directed or designated by the Constitution of this state to be used for an express and specified purpose; and

(E) Not moneys held as retirement funds administered by the Consolidated Public Retirement Board, or not held as funds for benefits administered by the Public Employees Insurance Agency.

(2) 'State special revenue funds' means specific revenue sources which, by legislative enactments, are not required to be accounted for as general revenue.

(e) It is the intent of the Legislature that this section shall be interpreted to authorize the redirection, diminishment or modification of special revenue funding for constitutional officers, except that not more than twenty-five percent of the balance of moneys of any nonaligned state special revenue fund administered by a constitutional officer may be transferred in any quarter to the Public Employees Insurance Agency Financial Stability Fund."

The Clerk then reported an amendment to the amendment, offered by Delegate Shott, on page two, section thirty-two, line twenty-two, by striking out the word “quarter” and inserting in lieu thereof the words “fiscal year”.

On motion of Delegate Cowles, further consideration of the bill was postponed until 5:00 p.m.

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates returned to further consideration of H. B. 128, Extending the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 735**), and there were—yeas 87, nays none absent and not voting 13, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, Marcum, J. Nelson, Rohrbach, Trecost, Upson and B. White.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 736**), and there were—yeas 88, nays none, absent and not voting 12, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, J. Nelson, Rohrbach, Trecost, Upson and B. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 128) passed.

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

On this question, the yeas and nays were taken (**Roll No. 737**), and there were—yeas 88, nays none, absent and not voting 12, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, J. Nelson, Rohrbach, Trecost, Upson and B. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 128) takes effect from its passage.

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

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, J. Nelson, Rohrbach, Trecost, Upson and B. White.

At 4:48 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 5:00 p.m.

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### **EVENING SESSION**

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At the request of Delegate Cowles, and by unanimous consent, the House of Delegates proceeded to further consideration of **H. B. 123**.

Whereupon,

Delegate Shott asked and obtained unanimous consent that his amendment to the amendment be withdrawn.

Delegate E. Nelson asked and obtained unanimous consent that the amendment offered by Delegates E. Nelson and Boggs be withdrawn.

The Clerk then reported an amendment offered by Delegates E. Nelson, Shott and Boggs, on page one, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“ARTICLE 2. STATE BUDGET OFFICE.**

**§11B-2-32. Establish a special revenue fund designated the Public Employees Insurance Agency Financial Stability Fund; authority of the Secretary of Revenue to redirect certain special revenue funds to the Public Employees Insurance Agency Financial Stability Fund.**

(a) There is hereby created a special revenue account in the State Treasury, designated the Public Employees Insurance Agency Financial Stability Fund, to be administered by the Secretary of Revenue.

(b) The Public Employees Insurance Agency Financial Stability Fund shall consist of moneys appropriated by the Legislature and moneys transferred annually pursuant to the provisions of subsection (c) of this section. These moneys shall be appropriated by the Legislature only for the purposes of lowering retiree premiums, to help reduce benefit cuts, to help reduce premium increases or any combination thereof.

(c) Notwithstanding any other provisions of this code to the contrary, beginning July 1, 2016, and ending June 30, 2020, the Secretary of Revenue shall redirect nonaligned state special revenue funds, in the total aggregate amount of \$15 million per fiscal year, to

be deposited in the Public Employees Insurance Agency Financial Stability Fund. Not more than three million seven hundred fifty thousand dollars may be transferred to the Public Employees Insurance Agency Financial Stability Fund in any quarter of a fiscal year. Not later than thirty days before redirecting the nonaligned state special revenue funds, the secretary shall provide written notice of the amount that will be redirected in each affected account to the Speaker of the House of Delegates, to the President of the Senate and to the agency head who oversees any account that will have funds redirected into the Public Employee Insurance Agency Financial Stability Fund.

(d) For purposes of this section:

(1) ‘Nonaligned state special revenue funds’ means state revenue funds that are:

(A) Not derived from any federal fund, from any federal grant program or from any other federal revenue source established under the laws of the federal government of the United States of America;

(B) Not derived from any state special revenue fund dedicated, directed or designated to be used for operations of the Legislative Branch of government;

(C) Not derived from any state special revenue fund dedicated, directed or designated to be used for operations of the Judicial Branch of government;

(D) Not expressly dedicated, directed or designated by the Constitution of this state to be used for an express and specified purpose; and

(E) Not moneys held as retirement funds administered by the Consolidated Public Retirement Board, or not held as funds for benefits administered by the Public Employees Insurance Agency.



(2) ‘State special revenue funds’ means specific revenue sources which, by legislative enactments, are not required to be accounted for as general revenue.

(e) It is the intent of the Legislature that this section shall be interpreted to authorize the redirection, diminishment or modification of special revenue funding for constitutional officers, except that not more than twenty-five percent of the balance of moneys existing at the time of a transfer in any nonaligned state special revenue fund administered by a constitutional officer may be transferred to the Public Employees Insurance Agency Financial Stability Fund: Provided, That not more than three million seven hundred fifty thousand dollars may be transferred from any nonaligned state special revenue fund administered by a constitutional officer to the Public Employees Insurance Agency Financial Stability Fund in any fiscal year without an express appropriation of the Legislature.”

Delegate Ambler requested to be excused from voting on H. B. 123 under the provisions of House Rule 49. The Speaker announced that other members with the same request could notify the Clerk and notifications from the following members were received: Anderson, Blackwell, Border, Byrd, Duke, Espinosa, D. Evans, Ferro, Fleischauer, Moye, Perry, Rowan, Shaffer, P. Smith, Wagner, Westfall and P. White.

The Speaker replied that any impact on the Members would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Members from voting.

The amendment offered by Delegates E. Nelson, Shott and Boggs was then adopted.

The bill was then ordered to engrossment and third reading.

Having been engrossed, the bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 738**), and there were—yeas 85, nays 4, absent and not voting 11, paired 4, with the nays and absent and not voting and paired being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Ferro                      Nay: Ihle

Yea: Manchin                Nay: Walters

Nays: Cadle and Foster.

Absent and Not Voting: Deem, Ellington, Flanigan, Hicks, Ireland, J. Nelson, Perdue, Rohrbach, Trecoast, Upson and B. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 123) passed.

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

On this question, the yeas and nays were taken (**Roll No. 739**), and there were—yeas 87, nays none, absent and not voting 13, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Ferro, Flanigan, Hicks, Ireland, Manchin, J. Nelson, Perdue, Rohrbach, Trecoast, Upson and B. White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 123) takes effect from its passage.

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

At 6:00 p.m., on motion of Delegate Cowles, the House of Delegates recessed for fifteen minutes.

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### **Second Evening Session**

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### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 123**, Establishing a special revenue fund called the Public Employees Insurance Agency Financial Stability Fund.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 128**, Extending the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund.

### **Miscellaneous Business**

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had completed the business of this First Extraordinary Session of the 82nd Legislature and was ready to adjourn sine die.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates Lane, Cadle and Morgan.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the legislature was ready to adjourn sine die.

The Speaker appointed as members of such committee the following:

Delegates Duke, Border and Boggs.

Delegate Campbell announced that she was not in her seat when the vote was taken on Roll No. 721, and that had she been present, she would have voted "Yea" thereon.

Delegate Rowan noted to the Clerk that she was absent on today when the vote was taken on Roll Nos. 723, and that had she been present, she would have voted "Yea" thereon.

Delegate Westfall noted to the Clerk that he was absent on today when the vote was taken on S. B. 1013, Budget Bill, and that had he been present, he would have voted "Yea" thereon.

Delegate Miley filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 128.

### **Messages from the Executive**

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

June 2, 2016

The Honorable William P. Cole III  
President, West Virginia Senate  
Room 229M, Building 1

State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Senate Bill 1002

Dear President Cole:

Pursuant to the provisions of section fifty-one, article VI of the Constitution of West Virginia, I hereby return Enrolled Senate Bill 1002, passed May 27, 2016, approved with the following objections:

My first objection to the Bill pertains to the title of the bill, on page 1, lines 1-23, which states:

**“AN ACT expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2016, in the amount of \$1,000,000 from the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the amount of \$1,000,000 from the Governor’s Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the amount of \$1,000,000 from the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400; \$3,150,000 from the Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200; in the amount of \$3,000,000 from the Treasurer’s Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016, organization 1300; in the amount of \$8,500,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; in the amount of \$2,500,000 from the Department of Health and Human Resources, West Virginia Health Care Authority – Health Care Costs Review Fund, fund 5375, fiscal year 2016, organization 0507; in the amount of \$32,000,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal**

**year 2016, organization 0701; in the amount of \$5,000,000 from the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; in the amount of \$4,631,089.49 from the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705; and in the amount of \$2,000,000 from the Public Service Commission, fund 8623, fiscal year 2016, organization 0926.”**

The expirations in this bill are intended to help fill an anticipated budget gap in the current fiscal year, fiscal year 2016. Expiring these funds reduces the amount of an anticipated end of the year appropriation reduction to DHHR accounts, but amendments to the introduced bill by the Legislature added expirations from funds in the Governor’s Office – Civil Contingent Fund. The Civil Contingent funds are funds of last resort that are used for unforeseen emergencies.

Therefore, on page 1, lines 2-7, I am deleting the language, “\$1,000,000 from the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the amount of \$1,000,000 from the Governor’s Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the amount of \$1,000,000 from the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400;”.

My second objection to the Bill pertains to pages 3-4, lines 63-79, which state:

**“Whereas, The Legislature finds that the account balances in the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the Governor’s Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400; in the Joint**

**Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200; in the Treasurer’s Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016, organization 1300; in the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; in the Department of Health and Human Resources, West Virginia Health Care Authority – Health Care Costs Review Fund, fund 5375, fiscal year 2016, organization 0507; in the Department of Revenue, Office of the Secretary - Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701; in the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; in the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705; and in the Public Service Commission, fund 8623, fiscal year 2016, organization 0926, exceed that which is necessary for the purposes for which the accounts were established; therefore”**

Having deleted the language in the title of the Bill in objection one above, I am deleting the language on page 3, lines 63-67, “in the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the Governor’s Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400;”

My third objection to the Bill pertains to page 4, lines 1-24, which state:

**“That the balance of the funds available for expenditure in the fiscal year ending June 30, 2016, in the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,000,000; in the Governor’s Office, Civil Contingent Fund –**

**Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, be decreased by expiring the amount of \$1,000,000; in the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,000,000; Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200, be decreased by expiring the amount of \$3,150,000; in the Treasurer’s Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016, organization 1300, be decreased by expiring the amount of \$3,000,000; in the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500, be decreased by expiring the amount of \$8,500,000; in the Department of Health and Human Resources, West Virginia Health Care Authority – Health Care Costs Review Fund, fund 5375, fiscal year 2016, organization 0507, be decreased by expiring the amount of \$2,500,000; in the Department of Revenue, Office of the Secretary - Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701, be decreased by expiring the amount of \$32,000,000; in the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704, be decreased by expiring the amount of \$5,000,000; in the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705, be decreased by expiring the amount of \$4,631,089.49; and in the Public Service Commission, fund 8623, fiscal year 2016, organization 0926, be decreased by expiring the amount of \$2,000,000, all to the unappropriated balance of the State Fund, General Revenue, to be available during the fiscal year ending June 30, 2016.“**

Having deleted the language in the title of the Bill in objection one above, I am deleting the language on page 4, lines 2-7, “Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, be decreased by expiring the



amount of \$1,000,000; in the Governor's Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, be decreased by expiring the amount of \$1,000,000; in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,000,000;”

For these reasons stated herein, I have approved, subject to the above objections, Enrolled Senate Bill 1002.

Sincerely,

Earl Ray Tomblin,  
*Governor*

cc: The Hon. Tim Armstead  
*Speaker, West Virginia House of Delegates*

The Hon. Natalie E. Tennant  
*Secretary of State*

### **Committee Reports**

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, filed the following reports with the Clerk after it had examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of this session of the Legislature:

**June 14, 2016**

**(S. B. 1011)**, Reducing distributions to WV Infrastructure Fund,

And,

**(S. B. 1012)**, Increasing tax rate on cigarettes and other tobacco products.

**June 15, 2016**

**(Com. Sub. for H. B. 116)**, Authorizing the Governor to direct payment of certain state debt.

**June 16, 2016**

**(H. B. 123)**, Establishing a special revenue fund called the Public Employees Insurance Agency Financial Stability Fund,

**(H. B. 128)**, Extending the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund,

**(S. B. 1010)**, Supplemental appropriation from State Fund, General Revenue to Department of Education, State Board of Education,

**(S. B. 1013)**, Budget Bill,

**(S. B. 1015)**, Relating to participation in Motor Vehicle Alcohol Test and Lock Program.

And,

**(S. B. 1017)**, Authorizing miscellaneous agencies and boards to promulgate legislative rules.

**Messages from the Executive**

Actions of His Excellency, the Governor, on other bills following adjournment of the session, as indicated in communications addressed to the Secretary of State, as follows:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

June 17, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Senate Bill No. 1013

Dear Secretary Tennant:

Due to an unexpected and unprecedented decline in severance tax revenue, this year's budget has been one of the most challenging budgets I have worked on in all my years of service to our State.

During the State of the State, I proposed a responsible, balanced budget that included judicious cuts and reasonable revenue enhancement recommendations. While the Legislature did not approve all of my recommendations and the process took longer than I would have liked, I appreciate the work all those involved in passing a final budget that takes some steps to address our long-term financial challenges. The proposed 65-cent cigarette tax, which passed with bipartisan support, creates nearly \$100 million of new revenue moving forward. This revenue helps to address issues with not only the Fiscal Year 2017 budget but projected deficits in future years; however it falls well short of eliminating projected deficits of hundreds of millions of dollars that elected officials will have to address in the future.

The revised budget I proposed for Fiscal Year 2017 includes nearly \$90 million in cuts, \$70 million of revenue from the Rainy Day Fund, and approximately \$19 million of other one time surplus special revenue balance expirations. We have built up a sufficient amount in our Rainy Day Fund that has allowed us to address unanticipated revenue shortfalls of the past two fiscal years, but as one of the creators

of the State's reserve fund, I know it was established for occasional revenue shortfalls, and we must curb the reliance on the fund and continue to move toward a structurally sound budget.

Pursuant to the provisions of Section Fifty-one, Article VI of the Constitution of West Virginia, I hereby return Enrolled Senate Bill No. 1013, passed June 14, 2016, approved with the following objections:

My first objection to the Bill is contained in Item 128, page 86, line 4, which states:

**“Directed Transfer        70000        500,000”**

I am advised by the Department of Agriculture federal regulations limit redirection of funds that were initially provided by the federal government. The balance in this fund is highly restricted and not permitted to be redirected from the agricultural/economic development purposes for which this program is intended. If this money is moved out of that account, the State could be forced to reimburse the federal government. Therefore, I am restoring \$500,000 to that account and reducing the directed transfer from \$500,000 to \$0.

My second objection to the Bill is contained in Item 165, page 101, line 7, which states:

**“Directed Transfer        70000        1,500,000”**

West Virginia’s outstanding state park system has limited funds available for the repair and replacement of out-of-compliance water and wastewater treatment facilities, which are important both to protect the environment and allow enjoyment of these facilities. This appropriation would reduce funding available for these very important infrastructure projects and could adversely affect tourism growth. Therefore, I am restoring \$500,000 to the fund and reducing the directed transfer from \$1,500,000 to \$1,000,000.

My third objection to the Bill is contained in Item 183, page 108, line 7, which states:

**“Directed Transfer        70000        2,000,000”**

This fund consists of permit fees for horizontal well drilling activities related to the Marcellus and Utica Shale regions. The one-time permit fee paid by developers is designed to provide funding for regulatory duties throughout the life of the exploration and operation of the wells. I am advised by the Department of Environmental Protection that these fees and the regulatory functions they fund are an important part of maintaining the responsible development of our important natural resources. The Office of Oil and Gas in the Department of Environmental Protection relies primarily on this fund for its operations. Therefore, I am restoring \$500,000 to the fund and reducing the directed transfer from \$2,000,000 to \$1,500,000.

My fourth objection to the Bill is contained in Item 217, page 121, line 6, which states:

**“Directed Transfer        70000        500,000”**

As a part of the Justice Reinvestment Act of 2013, this fund contains supervision fees be paid by each parolee as part of the conditions of their release on parole. Transferring funds from this account would have a significant negative impact on the safe operation of the Parole Services unit. This impact is counterproductive as we work to provide opportunities for offenders to get back on the right path, return to their families, and become contributing members of their communities and our State’s workforce. Therefore, I am restoring \$500,000 to the fund and reducing the directed transfer from \$500,000 to \$0.

My fifth objection to the Bill is contained in Item 305, page 166, lines 16 and 17, which states:

**“Licensed Racetrack Thoroughbred  
Regular Purse Fund. . . . .        10,111,678”**

I hereby disapprove and strike the word "Thoroughbred" on page 166, line 17 because it is an unauthorized insertion and it alters or

redirects Licensed Racetrack Regular Purse Fund distributions in a manner that contravenes the requirements of general law, among other reasons. The correct name of the fund at issue (and designated as such in the Executive Budget I presented to the Legislature) is the "Licensed Racetrack Regular Purse Fund," not the "Licensed Racetrack Thoroughbred Regular Purse Fund." Moreover, West Virginia law specifically controls the distribution of the Licensed Racetrack Regular Purse Fund monies; the Legislature may not use an unauthorized insertion in the Budget Bill to undermine general law. See, e.g., *Dadisman v. Moore*, 384 S.E.2d 816, 825 (W. Va. 1988) ("It is fundamental to our constitutional law and we affirm that the Legislature cannot amend general substantive statutes with budgetary language."). I also disapprove and strike the "0" from page 166, line 16 in order to clarify the Legislature's appropriation of \$10,111,678 to the Licensed Racetrack Regular Purse Fund.

My sixth objection to the Bill is contained in Item 386, page 194, line 1, which states:

**"Directed Transfer        70000 \$    1,000,000"**

Currently no general revenue funds are dedicated for marketing in the West Virginia Development Office, and special revenue sources have declined significantly in recent years. As we work to expand and diversify our economy, efforts to spread the word about the good things happening in West Virginia are vital, and reducing the funding for that outreach would be counterproductive. Therefore, I am restoring \$500,000 to the fund and reducing the directed transfer from \$1,000,000 to \$500,000.

My seventh objection to the Bill is contained in Item 396, page 196, line 1, which states:

**"Directed Transfer        70000 \$    500,000"**

The monies in this fund reflect the efforts of the Board of Pharmacy to save for necessary large, one time expenditures, including

a Controlled Substances Monitoring Program database, as well as a new licensing database. The efforts of the Board of Pharmacy continue to be an important part of our efforts to combat substance abuse in West Virginia, and that effort is critical to ensuring we have a healthy, drug-free workforce available for employers. Therefore, I am restoring \$500,000 to the fund and reducing the directed transfer from \$500,000 to \$0.

As noted above, this year's budget process was exceptionally difficult and required hard work on the part of the Governor's Office, the Department of Revenue, Legislature and a number of other State agencies. While we eventually were able to reach a reasonable compromise and restore certainty for so many of our State employees, residents and businesses, it is important to note that serious financial challenges remain in the years ahead. I am exceptionally proud of the steps that we have taken during my years in the Legislature and as Governor of this great State, including the reduction of business and consumer taxes while also creating one of the strongest reserve funds in the nation. While I will not be a part of finalizing the Fiscal Year 2018 budget, I encourage those who come after me to maintain that commitment to fiscal responsibility so our State can realize the great potential that we all know is possible.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Senate Bill No. 1013.

Sincerely,

Earl Ray Tomblin,  
*Governor.*

cc: The Hon. William P. Cole, III  
*President of the Senate*

Subsequent to the adjournment of the session, communications were received from His Excellency, the Governor, advising that on

June 16, 2016, he approved S. B. 1010; on June 17, 2016, he approved S. B. 1011, S. B. 1012, S. B. 1015, S. B. 1017, H. B. 116, H. B. 123 and H. B. 128.

There being no further business to come before the House, at 5:23 p.m., on motion of Delegate Cowles, the House of Delegates adjourned *sine die*.



*We hereby certify that the forgoing record of the proceedings of the House of Delegates, First Extraordinary Session, 2016, is the Official Journal of the House of Delegates for said session.*

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TIM ARMSTEAD

*Speaker of the House of Delegates*

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STEPHEN J. HARRISON

*Clerk of the House of Delegates*





West Virginia Legislature  
**JOURNAL**  
of the  
**HOUSE of DELEGATES**

Eighty-First Legislature  
Second Extraordinary Session

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Charleston, Sunday, September 18, 2016

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

Pursuant to the Proclamation of His Excellency, the Governor, issued the 16th day of September, 2016, and hereinafter set forth, convening the Legislature in Extraordinary Session on the eighteenth day of September, 2016, the House of Delegates assembled in its Chamber in the Capitol Building in the City of Charleston at 6:00 p.m. and was called to order by the Speaker, the Honorable Tim Armstead.

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

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 740**), and

90 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Blackwell, Eldridge, Flanigan, Hicks, Manchin, Moore, R. Smith, Sobonya, Storch and Trecost .

Delegates Blackwell, Manchin and Sobonya each arrived after the quorum call.

### **Messages from the Executive**

The Speaker laid before the House of Delegates the Proclamation of His Excellency, the Governor, convening the Legislature in extraordinary session, which was read by the Clerk, as follows:

### **A P R O C L A M A T I O N**

By the Governor

**I, EARL RAY TOMBLIN**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at 6:00 p.m. on the eighteenth day of September, Two Thousand Sixteen, in its chambers in the State Capitol, City of Charleston, for the sole purpose of considering and acting upon the following business:

**FIRST:** A bill expiring \$21,000,000.00 of fiscal year 2016 surplus funds from two separate accounts (i.e., \$13,700,000.00 from the unappropriated balance in Lottery Net Profits and \$7,300,000.00 from the unappropriated balance in the State Excess Lottery Revenue Fund) and expiring \$55,000,000.00 from the Revenue Shortfall Reserve Fund to the State Fund, General Revenue, and appropriating \$85,000,000.00 from the State Fund, General Revenue, into the Civil Contingent Fund to pay obligations and ongoing expenses incurred by the State as a result of the federally-declared disaster and State of Emergency of the twenty-third day of June, Two Thousand Sixteen; 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.



By the Governor

NATALIE E. TENNANT

*Secretary of State*

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation by which it had been called together.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Weld, Stansbury and Lynch.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three, to join with a similar committee on the part of the Senate, to inform His Excellency, the Governor, that the

**DONE** at the Capitol in the City of Charleston, State of West Virginia, this sixteenth day of September, in the year of our Lord, Two Thousand Sixteen, and in the One Hundred Fifty-Fourth year of the State.

**EARL RAY TOMBLIN,**  
*Governor.*

Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Duke, Border and Perdue.

### **Messages from the Executive**

Mr. Speaker, Mr. Armstead, laid before the House a communication from His Excellency, the Governor, as follows:

State of West Virginia  
OFFICE OF THE GOVERNOR  
Charleston, WV

September 18, 2016

### **HOUSE EXECUTIVE MESSAGE NO. 1 2016 SECOND EXTRAORDINARY SESSION**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
Building 1, Room M-228  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Speaker Armstead:

The following replaces the “General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance” which I submitted to you on January 13, 2016 as part of my recommended Budget for the fiscal year ending June 30, 2017.

General Revenue Fund  
Statement of Revenues, Expenditures  
and Changes in Cash Balance

	Beginning Cash Balance July 1, 2016	\$ 371,422,528	
Less:	31 Day Disbursements (including adjustments) (July 1, 2016 - July 31, 2016)	(58,945,556)	
Plus:	Accumulated Prior Year Reimbursements (July 1, 2016 - July 31, 2016)	87,523	
Less:	Prior Year Appropriations Forwarded	(283,014,937)	
Less:	Cash Balance Adjustments and Accruals	<u>(742,662)</u>	
	Accumulated General Revenue Surplus @ July 31, 2016	\$ 28,806,896	
Less:	Transfer one-half to Revenue Shortfall Reserve Fund (Statutory)	(14,403,448)	
Less:	Surplus Appropriation (FY 2017 Budget Bill SB 1013 - 2016 1st Extraordinary Session)	(5,500,000)	
Plus:	Accumulated Prior Year Reimbursements (August 1, 2016 - September 15, 2016)	<u>158,837</u>	
	Unappropriated Surplus Balance @ September 15, 2016	\$ 9,062,285	
Plus:	Recommended Expiration (from Lottery) to Surplus (2016 2nd Extraordinary Session)	13,700,000	
Plus:	Recommended Expiration (from Excess Lottery) to Surplus (2016 2nd Extraordinary Session)	7,300,000	
Plus:	Recommended Expiration (from Rainy Day) to Surplus (2016 2nd Extraordinary Session)	55,000,000	
Less:	Recommended Surplus Supplemental Appropriation (2016 2 nd Extraordinary Session)	<u>(85,000,000)</u>	
	Estimated Unappropriated Surplus Balance @ June 30, 2017	\$ 62,285	
Plus:	Revenue Estimate FY 2017	4,187,419,000	
Less:	Regular Appropriations FY 2017 (FY 2017 Budget Bill SB 1013 - 2016 1st Extraordinary Session)	<u>(4,187,373,287)</u>	

Estimated Unappropriated Balance from FY 2017 @ June 30, 2017	\$ 45,713
Total Estimated Unappropriated Surplus Balance @ June 30, 2017	<u>\$ 107,998</u>

The following replaces the “Lottery Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance” which I submitted to you on January 13, 2016 as part of my recommended Budget for the fiscal year ending June 30, 2017.

Lottery Fund  
Statement of Revenues, Expenditures  
and Changes in Cash Balance

Balance July 1, 2016	\$ 61,831,572
Less: Reserve for Cash Flow and Contingencies	(40,000,000)
Less: Surplus Appropriations (FY 2017 Budget Bill SB 1013 - 2016 1st Extraordinary Session)	<u>(8,000,000)</u>
Unappropriated Balance @ July 1, 2016	\$ 13,831,572
Plus: FY 2017 Revenue Estimate	135,961,119
Less: Veterans Fund	(400,000)
Less: FY 2017 Appropriations (FY 2017 Budget Bill SB 1013 - 2016 1st Extraordinary Session)	<u>(135,561,119)</u>
Unappropriated Balance @ September 18, 2016	\$ 13,831,572
Less: Recommended Cash Expiration (2016 2nd Extraordinary Session)	<u>(13,700,000)</u>
Estimated Unappropriated Balance @ June 30, 2017	<u>\$ 131,572</u>

The following replaces the “Excess Lottery Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance” which I submitted to you on January 13, 2016 as part of my recommended Budget for the fiscal year ending June 30, 2017.

Excess Lottery Fund  
Statement of Revenues, Expenditures  
and Changes in Cash Balance

Balance July 1, 2016	\$	73,360,388
Less: Reserve for Cash Flow and Contingencies		(5,900,000)
Less: Catastrophic Event Contingency		(30,000,000)
Less: Surplus Appropriations (FY 2017 Budget Bill SB 1013 - 2016 1st Extraordinary Session)		<u>(30,000,000)</u>
Unappropriated Balance @ July 1, 2016	\$	7,460,388
Plus: FY 2017 Revenue Estimate		284,459,230
Less: FY 2017 Appropriations (FY 2017 Budget Bill SB 1013 - 2016 1st Extraordinary Session)		<u>(284,459,230)</u>
Unappropriated Balance @ September 18, 2016	\$	7,460,388
Less: Recommended Cash Expiration (2016 2rd Extraordinary Session)		(7,300,000)
Estimated Unappropriated Balance @ June 30, 2017		<u><u>\$ 160,388</u></u>

Thank you for your cooperation in this matter.

Sincerely,

Earl Ray Tomblin  
Governor

**Speaker Pro Tempore Anderson in the Chair**

Mr. Speaker, Mr. Armstead, addressed the House regarding the flooding that occurred across the state in June and thanked those that assisted in the relief efforts.

Mr. Speaker, Mr. Armstead then requested to be excused from voting on all questions regarding H. B. 201 under the provisions of House Rule 49.

The Speaker Pro Tempore replied that any impact on the Delegate would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Gentleman from voting. The Speaker Pro Tempore announced that other members with similar requests could inform the Clerk and would also be directed to vote. Delegate P. Smith noted such request to the Clerk.

**Mr. Speaker, Mr. Armstead, in the Chair**

**Bills Introduced**

The following bill was introduced, pursuant to House Rule 92 as follows:

**By Mr. Speaker (Mr. Armstead) and Delegate Miley  
[By Request of the Executive]:**

**H. B. 201** – “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017, in the amount of \$13,700,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits, in the amount of \$7,300,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund, and in the amount of \$55,000,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Governor’s Office – Civil Contingent Fund, fund 0105, fiscal year 2017, organization 0100, by supplementing and amending the appropriation for the fiscal year ending June 30, 2017.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (H. B. 201) to a committee was dispensed with and it was taken up for immediate consideration, read a first time and ordered to second reading.



Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 741**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Eldridge, Flanigan, Hicks, Moore, R. Smith, Storch and Trecost.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading.

Having been engrossed, the bill was then read a third time.

### **Messages from the Senate**

A message from the Senate, by

Senators Boso, Leonhardt and Beach, announced that the Senate had convened in extraordinary session, pursuant to the Proclamation of the Governor, with a quorum present, and was ready to enter upon the business for which the Legislature had been called together.

**H. B. 201** was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 742**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Eldridge, Flanigan, Hicks, Moore, R. Smith, Storch and Trecost.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 201) passed.

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

On this question, the yeas and nays were taken (**Roll No. 743**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Eldridge, Flanigan, Hicks, Moore, R. Smith, Storch and Trecost.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 201) takes effect from its passage.

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

### **Remarks by Members**

Delegate Ireland asked and obtained unanimous consent that the remarks of Mr. Speaker, Mr. Armstead, regarding the flooding that occurred across the state in June be printed in the Appendix to the Journal.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Eldridge, Flanigan, Hicks, Moore, R. Smith, Storch and Trecost.

At 6:35 p.m., the House of Delegates adjourned until 12:00 Noon, Monday, September 19, 2016.

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MONDAY, SEPTEMBER 19, 2016

**SECOND DAY**

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

The House of Delegates met at 12:00 Noon, and was called to order by the Honorable Tim Armstead, Speaker.

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

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 744**), and 90 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Blair, Eldridge, Flanigan, Gearheart, Manchin, Moore, Perdue, Storch, Trecost and Weld.

The Clerk proceeded to read the Journal of Sunday, September 18, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**MESSAGES FROM THE SENATE**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 201**, Supplemental appropriation expiring funds from the aforesaid accounts to the unappropriated surplus balance of the State Fund, General Revenue.

### **Motions**

At the request of Delegate Cowles, and by unanimous consent, permission was granted the Joint Committee on Enrolled Bills, after it had examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of this session of the Legislature, to file its report with the Clerk and that such reports be included in the final Journal of this session, that communications from His Excellency, the Governor, as to his action on bills after adjournment of the session, also be included in the Journal and that other applicable communications not reported before the adjournment of this session, which do not require action by the House, be considered received by the House, filed with the Clerk and recorded in the Journal.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Blair, Eldridge, Flanigan, Gearheart, Manchin, Moore, Perdue, Storch, Trecost and Weld.

### **Miscellaneous Business**

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had completed the business of this Second Extraordinary Session of the 82nd Legislature and was ready to adjourn sine die.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates R. Smith, Stansbury and Lynch. .

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to

join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature was ready to adjourn *sine die*.

The Speaker appointed as members of such committee the following:

Delegates Duke, Border and Boggs.

### **Committee Reports**

Delegate McCuskey, Chair of the Joint Committee on Enrolled Bills, filed the following report with the Clerk after it had examined, found truly enrolled and presented to His Excellency, the Governor, for his action, a bill passed but not presented to him prior to adjournment of this session of the Legislature:

### **September 20, 2016**

**(H. B. 201)**, Supplemental appropriation expiring funds from the aforesaid accounts to the unappropriated surplus balance of the State Fund, General Revenue.

### **Messages from the Executive**

Subsequent to the adjournment of the session, communications were received from His Excellency, the Governor, advising that on September 20, 2016, he approved H. B. 201.

There being no further business to come before the House, at 12:28 p.m., on motion of Delegate Cowles, the House of Delegates adjourned *sine die*.



*We hereby certify that the forgoing record of the proceedings of the House of Delegates, Second Extraordinary Session, 2016, is the Official Journal of the House of Delegates for said session.*

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TIM ARMSTEAD

*Speaker of the House of Delegates*

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STEPHEN J. HARRISON

*Clerk of the House of Delegates*

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Excused from voting, requested. . . . .	442, 1156
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    1134, 1136, 1138, 1140, 1190, 1476

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STATLER, JOE, a Delegate from the Fifty-first Delegate District:

Added as cosponsor. . . . . 1389

Bills introduced by. . . . . 69, 146, 152, 153,

    157, 187, 188, 192, 193, 212, 256, 283, 284, 287, 354, 357, 358, 439, 470, 566, 569, 570, 640, 647, 648,

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Excused from voting, requested. . . . . 1156

Resolutions offered by. . . . . 74, 144, 146, 171,

    205, 217, 247, 456, 592, 634, 636, 762, 773, 1109, 1120, 1879, 2184, 2816

STORCH, ERIKKA L., a Delegate from the Third Delegate District:

Bills introduced by. . . . . 24, 25, 149, 150,

    151, 186, 211, 227, 255, 256, 315, 333, 334, 335, 336, 354, 381, 383, 384, 387, 416, 434, 438, 469, 595,

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Excused from voting, requested. . . . . 338,

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    4047, 4286, 4588, 4590

Reports by, as Chair of the Committee on Political Subdivisions. . . . . 132, 133, 266, 365,

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Resolutions offered by. . . . . 74, 142, 171, 217,

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## TRECOST, II, PATSY, a Delegate from the Forty-eighth Delegate District:

Announcement concerning vote. . . . . 1417

Appointed on special committees to notify the Senate that the House had assembled in  
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Excused from voting, requested. . . . . 1983, 3077

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3759, 3771, 4029, 4033, 4036, 4037, 4277, 4286, 4560, 4588, 4590

Removed as cosponsor. . . . . 3010

Resolutions offered by. . . . . 74, 178, 245, 310,  
422, 456, 465, 762, 1264, 1879, 1946, 1948, 1950, 2184, 2798, 2816

## UPSON, JILL, the Delegate from the Sixty-fifth Delegate District:

Announcement concerning vote. . . . . 3678

Bills introduced by. . . . . 24, 70, 121, 146,  
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Leave of absence granted to. . . . . 4036, 4560

Petitions presented by. . . . . 2799

Removed as cosponsor. . . . . 436

Resolutions offered by. . . . . 74, 205, 217,  
456, 458, 636, 762, 1109, 1879, 2184, 2186, 2816

## WAGNER, DANNY, the Delegate from the Forty-seventh Delegate District:

Bills introduced by. . . . . 62, 69, 70, 80, 152, 156,  
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436, 597, 598, 647, 648, 736, 784, 876, 877, 1140, 1141, 1186, 1289

Excused from voting, requested. . . . . 338, 2814, 4563

Removed as cosponsor. . . . . 1328

Resolutions offered by. . . . . 74, 146, 166, 168,  
210, 217, 220, 456, 632, 762, 1026, 1109, 1118, 1879, 1949, 1950, 2100, 2184, 2796, 2816

## WALTERS, RON, the Delegate from the Thirty-ninth Delegate District:

Announcement concerning vote. . . . . 1815

Bills introduced by. . . . . 24, 25, 146, 149,  
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Excused from voting, requested. . . . . 338, 1155, 1656,  
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Leave of absence granted to. . . . . 159, 324, 444

Paired . . . . . 3007, 4555, 4564

Remarks by, ordered printed. . . . . 292, 4029

Reports by, as Chair of the Committee on Banking and Insurance. . . . . 305, 424, 656, 1164, 1884

Resolutions offered by. . . . . 74, 171, 422, 456, 762,  
1109, 1850, 1879, 1958, 2081, 2798, 2816

## WAXMAN, TERRY, a Delegate from the Forty-eighth Delegate District:

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 1033, 1188, 3754  
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 Resolutions offered by. . . . . 74, 171, 178,  
 183, 217, 220, 245, 249, 310, 456, 465, 634, 762, 1109, 1120, 1127, 1879, 2071, 2080, 2081, 2816

WELD, RYAN, the Delegate from the Second Delegate District:  
 Added as cosponsor. . . . . 607  
 Appointed on Conference Committees as to:  
     Com. Sub. for S. B. 283. . . . . 1888  
     Report from. . . . . 3424  
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 Appointed on special committee to notify the Senate that the House had assembled in  
     extraordinary session. . . . . 4581  
 Bills introduced by. . . . . 24, 26, 79, 82,  
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     640, 686, 734, 823, 824, 826, 1136, 1445, 1471, 1475  
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 Leave of absence granted to. . . . . 214, 237, 1159, 4293, 4590  
 Paired . . . . . 232, 234, 235  
 Resolutions offered by. . . . . 74, 144, 180, 217,  
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WESTFALL, STEVE, the Delegate from the Twelfth Delegate District:  
 Added as cosponsor. . . . . 1483  
 Announcement concerning vote. . . . . 4566  
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     82, 120, 149, 150, 151, 154, 156, 185, 186, 187, 193, 223, 224, 227, 255, 256, 281, 284, 300, 318, 319,  
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WHITE, BRAD, a Delegate from the Thirty-sixth Delegate District:  
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 Previous question demanded. . . . . 4271  
 Remarks by, ordered printed. . . . . 719  
 Removed as cosponsor. . . . . 1170, 1483  
 Resolutions offered by. . . . . 74, 78, 142, 217,  
     456, 592, 631, 634, 762, 772, 1109, 1120, 1879, 1958, 2071, 2073, 2816

WHITE, HARRY KEITH, the Delegate from the Twenty-first Delegate District:  
 Resignation from House. . . . . 6

## WHITE, PHYLLIS, the Delegate from the Twenty-first Delegate District:

## Appointed on Conference Committees as to:

S. B. 509..... 1310

S. B. 573..... 2784

## Appointed on special committees to inform the Governor that the Legislature

was ready to adjourn sine die. .... 3696

## Appointed to House. .... 7

Bills introduced by. .... 184, 211, 224, 230,  
280, 281, 315, 354, 358, 570, 727, 729, 732, 735, 778, 781, 824, 830, 1080, 1133, 1134, 1135, 1136,  
1424, 1476

Excused from voting, requested. .... 338, 442, 2204, 4563

Leave of absence granted to. .... 214

Resolutions offered by. .... 74, 140, 165, 166,  
168, 175, 176, 218, 242, 350, 551, 633, 678, 682, 762, 766, 768, 771, 822, 1259, 1261, 1263, 1879, 2798,  
2816, 3066

## WILLIAMS, LARRY A., the Delegate from the Fifty-second Delegate District:

Resignation from House. .... 2

## ZATEZALO, MARK, a Delegate from the First Delegate District:

Added as cosponsor. .... 720

Announcement concerning vote. .... 3781

Appointed on Conference Committee as to Com. Sub. for S. B. 378. .... 3196

Bills introduced by. .... 24, 26, 62, 82, 149,  
186, 187, 226, 255, 283, 284, 317, 332, 382, 383, 439, 469, 570, 595, 640, 643, 736, 776, 778, 787, 824,  
852, 1073, 1424, 1443, 1470, 1471, 1475, 4548

Excused from voting, requested. .... 442, 1156,

Leave of absence granted to. .... 214, 3743, 4277

Remarks by, ordered printed. .... 3754

Resolutions offered by. .... 74, 144, 155, 171, 185,  
207, 211, 217, 220, 249, 350, 422, 456, 762, 1109, 1483, 1879, 1958, 2186, 2816

**REGULAR SESSION, 2016**

\*Denotes Committee Substitute

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2009	By Delegates Fast, Duke, Summers, Rohrbach, Border, Storch, Arvon, Romine and Cowles: Allowing State Police, police, sheriffs and fire and emergency service personnel to possess naloxone or other approved opioid antagonist	22					22
2017	By Delegate Shott: Providing for the posting of unenclosed lands to prohibit hunting, trapping or fishing	22					22
2018	By Delegate Cooper: Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents	22					22
2020	By Delegate Lane: Relating to requirements for PROMISE scholarships	22					22
2024	By Delegate Guthrie: Requiring preplanning, preparing and provisioning of public facilities for use as shelters for elderly and disabled during emergency situations	22					22
2026	By Delegates Howell, Canterbury, Hamrick, Ambler, Zatezalo, McCuskey, Cadle, D. Evans, Rowan and Hartman: Allowing terminally ill patients to have access to investigational products that have not been approved by the federal food and drug administration	22	65				22, 65
2028	By Delegate Shott: Relating generally to purchasing	22	446				22, 446
2029	By Delegate Shott: Allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants	22					22
2030	By Delegate Romine: Relating to the issuance of driver's licenses and disposition	22					22
2031	By Delegate Romine: Prohibiting the performance of any abortion when the woman seeking it is doing so solely on account of the gender of the fetus	22					22
2032	By Delegate Romine: Increasing salary increments paid to principals and assistant principals	22					22
2038	By Delegate R. Smith: Relating to excuses from jury service	22					22
2039	By Delegates Shott, E. Nelson and Gearheart: Raising the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled	22					22

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2040	By Delegates Guthrie and Hamilton: Adding domestic violence and fraud to the list of crimes for which conviction would bar a person from holding public office	22					22
2041	By Delegates Guthrie, Skinner and P. Smith: Establishing requirements for prior review of all privatization proposals	22					22
2042	By Delegate Guthrie: West Virginia Renewable Energy Act	22					22
2043	By Delegate Guthrie: Granting all public employees a \$1,000 per year permanent pay increase	22					22
2048	By Delegate Shott: Relating to juvenile proceedings	22					22
2049	By Delegates Shott, Cooper, Gearheart and Ambler: Requiring the Parkways Authority to provide free daily toll passes for veterans under certain circumstances	22					22
2050	By Delegate Guthrie: Relating generally to the accountability of a corporation's political activities	22					22
2052	By Delegate Shott: Relating to the labor-management relations act for the private sector	22					22
2054	By Delegate Shott: Relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances	22					22
2057	By Delegates Caputo, Ferro, Longstreth and Moye: Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers	22					22
2058	By Delegate Caputo: Providing for the use of neck braces by football players	22					22
2059	By Delegate Caputo: Increasing benefits of retired state personnel and retired teachers	22					22
2061	By Delegate Caputo: Establishing seniority rights for public employees	22					22
2062	By Delegates Caputo and Manchin: Establishing the Legislative Oversight Commission on Energy Workers Safety	22					22
2063	By Delegate Caputo: Prohibiting the use of a credit score in casualty insurance rate filings	22					22
2064	By Delegate Caputo: Providing a ten percent discount to residents at state parks and forests	22					22

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2066	By Delegate Caputo: Increasing the amount of annual and incremental salary increases for eligible state employees	22					22
2067	By Delegate Caputo: Relating to pension benefits exempt from state income taxation	22					22
2068	By Delegate Caputo: Allowing state employees to take paid leave to attend parent-teacher conference for their children	22					22
2069	By Delegate Caputo: Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors	22					22
2070	By Delegate Caputo: Providing meetings and conference rights for members of municipal fire departments	22					22
2071	By Delegates Caputo and Ferro: Providing an increase in compensation for natural resources police officers	22					22
2072	By Delegate Caputo: Increasing compensation for conservation officers	22					22
2073	By Delegates Caputo and Longstreth: Requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability	22					22
2074	By Delegates Caputo and Hamilton: Requiring the Superintendent of the State Police to implement a plan to increase the number of troopers	22					22
2075	By Delegates Caputo and Hamilton: Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service	22					22
2076	By Delegates Caputo, Manchin and Longstreth: Allowing quarterly payment of real and personal property taxes	22					22
2077	By Delegates Caputo and Manchin: Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office	22					22
2078	By Delegates Caputo and Longstreth: Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction	22					22

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2080	By Delegates Ferro, Caputo, Pethel, Storch, Hamilton, A. Evans, Boggs, Miley, Longstreth and Romine: Reallocating and dedicating up to \$30 million to the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin	22					22
2081	By Delegates Guthrie, Rowe, Pushkin, Byrd and Hornbuckle: Including journalists as a protected profession within the definition of crimes of violence against certain categories of workers	22					22
2082	By Delegates Caputo and Rowan: Requiring county boards of education to employ a certified library media specialist in each county school	22					22
2096	By Delegate Caputo: Giving the Insurance Commissioner the power to regulate and penalize self-insured employers	22					22
*2101	By Delegates Morgan, Caputo, Faircloth, Folk, Howell and R. Smith: Eliminating obsolete government entities (Chapter 40, Acts, 2016)	22	78, 448	448	449	195	22, 127, 158, 194, 195, 449, 575, 724
2102	By Delegates Kelly, Rowan, Westfall, Border, Statler, Azinger, Romine, A. Evans, Zatezalo and Sobonya: Prohibiting the sale of United States flags or West Virginia flags unless manufactured in the United States	22					22
2104	By Delegates Arvon, Kessinger, Cooper, Householder, Sobonya, Rowan, Border, Ellington, Campbell and Miller: Terminating the Tax Commissioner's authority to issue business licenses to sell paraphernalia for use with controlled substances	22					22
2109	By Delegates Howell, Rowan, Hamilton, Storch, Moffatt, Hamrick, Householder, Walters, Blair and Zatezalo: West Virginia Firearms Freedom Act	22					22
*2110	By Delegates Howell, Moye, Storch, Moffatt, Hamrick, Householder, Statler, Walters, Arvon, Blair and Kessinger: Relating generally to the tax treatment of manufacturing entities	22	1013, 1327	1418, 3201, 3214	3200, 3675	1448, 3215	22, 1013, 1379, 1417, 1418, 1448, 3214, 3215, 3700, 3712
2111	By Delegates Howell, Rowan, Moffatt, Hamrick, Householder, J. Nelson, Statler, Walters, Arvon, Kessinger and A. Evans: Providing a special method for valuation of certain wireless technology property for property taxes	22	163				22, 163

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2112	By Delegates Rodighiero, Hicks, Perdue, Marcum, Reynolds and Eldridge: Providing that school nutrition plans include take home meals for low income students	22					22
2113	By Delegates Rodighiero, Hicks, Perdue, Marcum, Reynolds, Eldridge and Moye: Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System	22					22
2119	By Delegates Howell, Moffatt, Hamrick, Householder, J. Nelson, Statler, Walters, Arvon, Blair, Kessinger and Zatezalo: Intrastate Coal and Use Act	22	326				22, 325
2120	By Delegates Howell, Householder, Hamrick, Statler, Moffatt, Walters, Blair, Kessinger, Zatezalo, Frich and Hamilton: Permitting certain holders of concealed weapons permits to carry weapons of the grounds and buildings on the State Capitol Complex	22					22
2121	By Delegates Howell, Householder, J. Nelson, Hamrick, Statler, Walters, Border, Frich, Hamilton and A. Evans: Establishing a policy for formal recognition of Indian tribes	22	77				22, 77
*2122	By Delegates Ambler, Cooper, Householder, Walters, R. Smith, Canterbury and Gearheart: Making it illegal for first responders to photograph a corpse; Jonathan's Law (Chapter 71, Acts, 2016)	22	610	745, 789, 1914	1914	789, 1916	22, 718, 745, 789, 611, 1914, 1917, 3011, 3734
2123	By Delegates Rodighiero, Hicks, Perdue, Reynolds and Eldridge: Requiring students to attend school until the age of eighteen	23					23
2127	By Delegates Howell, Householder, Border, Canterbury, Sobonya, R. Smith, Blair, Kessinger, Arvon, Zatezalo and Frich: Relating to corporation net income tax for manufacturers of medical devices	23					23
2129	By Delegates Overington, Foster, Frich, Householder, Moffatt, Faircloth, Hamilton, Rowan, Espinosa, Upson and Butler: Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years	23					23
*2130	By Delegates Westfall, Espinosa, Hamrick, McCuskey, Stansbury, B. White and Ihle: Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties	23	164				23, 213, 237, 260
2135	By Delegates Hamilton, Ferro, Longstreth and Rowan: Extending the expiration of driver's licenses for active military members' spouses	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2136	By Delegates Phillips, Walters, Eldridge, Byrd, R. Smith, Reynolds, Storch and Moffatt: Increasing criminal penalties for the transportation of controlled substances	23					23
2137	By Delegates Phillips, Walters, Eldridge, Marcum, R. Smith, Reynolds, Storch, Moffatt and Sponaugle: Changing the way counties pay for regional jail inmates	23					23
2144	By Delegates Hamilton, A. Evans, Rowan, Romine, Folk, Faircloth, Canterbury, Ferro, Lynch and Sponaugle: Permitting crossbow hunting	23					23
2147	By Delegates Folk, Hamilton, Frich, Shott, Householder, Ireland, Weld, Gearheart, Hanshaw and Azinger: Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested attorneys in the circuit	23	138, 540	236, 257		257	23, 198, 213, 235, 257, 258, 540
2150	By Delegates Howell, Hamrick, J. Nelson, Statler, Walters, Arvon, Blair, Kessinger and Kurcaba: Creating an exception to allow aftermarket mufflers	23					23
2151	By Delegates Perry, Rowan, Ambler, Cooper, Espinosa, Pethel, Romine and Longstreth: Making the West Virginia state teacher of the year an ex officio, nonvoting member of the West Virginia Board of Education	23					23
2154	By Delegates Perry, Hamilton, Romine, Rowan, Moye, Longstreth and Hartman: Providing a one-time bonus payable in July of every year for retired public school teachers and state retirees	23					23
2163	By Delegates Marcum, Phillips, Campbell, Lynch, Fluharty, Pushkin, Sponaugle, Hartman and Perdue: Increasing salaries for school service personnel	23					23
2164	By Delegates Marcum, Phillips, Campbell, Perry, Pushkin, Lynch, Sponaugle and Perdue: Providing pay increases for teachers and counselors	23					23
2165	By Delegates Marcum, J. Nelson, Phillips, Lynch, Campbell, Byrd, Moye, Butler, Faircloth and Hartman: Creating a tax credit for certain businesses with more than twenty-five employees that relocate to reclaimed mountaintop removal land	23					23
2167	By Delegates Marcum, Phillips, Campbell, Hartman, J. Nelson, Pushkin, Lynch, Faircloth and Perdue: Providing a \$500 tax credit to volunteer firefighters	23					23



Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2168	By Delegates McGeehan, Faircloth, Hamrick, Folk, Hill, Perdue, Householder, Gearheart, Storch, Ihle and Shott: Requiring an official declaration of war or an action to call forth the West Virginia National Guard by the United States Congress	23					23
2169	By Delegate Rodighiero: Providing cost-of-living adjustments for certain current and former public employees	23					23
2170	By Delegate Rodighiero: Including volunteer firefighters within the Public Employees Insurance Act	23					23
2171	By Delegate Rodighiero: Relating to rules governing the operation of motorboats on lakes	23					23
2172	By Delegate Rodighiero: Requiring facilities providing abortions to obtain parental notification or consent in writing	23					23
2173	By Delegate Rodighiero: Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act	23					23
2174	By Delegates Marcum, Phillips, Hicks, Lynch, Butler, Faircloth, J. Nelson, Reynolds and Eldridge: Increasing criminal incarceration penalties for the transportation of controlled substances into the state	23					23
2175	By Delegate Rodighiero: Increasing criminal penalties for the illegal killing, taking, or possessing of certain wildlife	23					23
2176	By Delegates Marcum, Phillips, Campbell, Arvon, Hartman, J. Nelson, Reynolds, Eldridge, Moffatt and Perdue: Creating a tax credit for certain businesses that locate within a twenty-mile radius of a Hatfield-McCoy recreation area trail head	23					23
2178	By Delegates Overington, Cadle, Butler, Householder, Faircloth, Moffatt, Kelly, Frich, Phillips, Rohrbach and Howell: Clarifying circumstances under which a person may possess certain firearms while afield hunting	23					23
2180	By Delegates Hamilton, Ferro, Ambler, Guthrie, Longstreth, Sobonya, Wagner, A. Evans and Romine: Relating to licenses to sell paraphernalia for use with controlled substances	23					23
2183	By Delegate Rodighiero: Relating to salary increase for school personnel	23					23
2184	By Delegates McGeehan, Folk, J. Nelson, Householder, Ihle, Azinger and Kelly: Discontinuing the use of common core standards and assessments in the state	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2188	By Delegates Gearheart, Householder, R. Smith and Storch: Relating to compulsory school attendance	23					23
2189	By Delegates Gearheart, Householder and R. Smith: Permitting counties to adopt certain ordinances relating to dogs and cats	23					23
2190	By Delegates Gearheart, Householder, R. Smith, Faircloth and Storch: Removing limitations on advertising and promotional activities by limited video lottery retailers	23					23
2191	By Delegates Gearheart, Householder, R. Smith, Faircloth and Storch: Work/Incarceration Prison pilot program	23					23
2192	By Delegates Gearheart, Cooper, Ambler, Householder, R. Smith, Faircloth, Espinosa and Storch: Exempting heating oil for residential use from the Motor Fuel Excise Tax	23	659				23
2193	By Delegates Gearheart, Householder, R. Smith and Faircloth: Providing the Parkways Authority with the power to issue \$500 million worth of bonds	23					23
2194	By Delegates Gearheart, R. Smith and Storch: Relating to the School Building Authority	23					23
2195	By Delegates Gearheart, Cooper, Householder, R. Smith and Faircloth: Making changes to the definition of electrical contractor	23					23
2196	By Delegates Marcum, J. Nelson, Phillips, Lynch, Campbell, Pushkin, Byrd, Arvon and Hartman: Authorizing the Division of Motor Vehicles to issue special Hatfield-McCoy Trail license plates	23					23
2197	By Delegates Sponaugle and Campbell: Removing the compensation caps entirely for secretary-clerks and case coordinators	23					23
2198	By Delegates Sponaugle, Perry, Pethtel and Longstreth: Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits	23					23
2199	By Delegates Hamilton, Ferro, Lynch, Guthrie, Longstreth, A. Evans, Wagner, Statler, Kurcaba and Romine: Relating to the surcharge on fire and casualty insurance policies	23					23
*2202	By Delegates Rowan, Romine, Duke, Perry, Ambler, Butler, D. Evans, Pethtel, Cooper, Espinosa and Householder: Relating to more equitable disbursement of funds to county boards	23	540, 1165			1333	23, 1210, 1293, 1333

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2203	By Delegates Rowan, Miller, Sobonya, P. Smith, Border, Arvon and Storch: Redefining the parameters for the offense of human trafficking	23					23
2204	By Delegates Howell, Walters, Storch, Hill, J. Nelson, Kelly, Wagner, Canterbury, Stansbury, Zatezalo and Butler: Eliminating the motor fuels tax on heating oil for residential use by eligible seniors	23					23
*2205	By Delegates Howell, Stansbury, Ambler, Cooper, Miller, Faircloth, Zatezalo, Blair, Statler and Wagner: Creating the crime of prohibited sexual contact by a psychotherapist (Chapter 72, Acts, 2016)	23	1325	3081	3081	1449, 3084	23, 1349, 1418, 1449, 3082, 3084, 3705, 3734
2206	By Delegates Overington, Householder, McCuskey, Cowles, Espinosa, Gearheart, Walters, Folk, Foster, Azinger and Blair: Repealing the requirement of paying prevailing hourly rate of wages for construction of public improvements	23					23
2214	By Delegates Hamrick, Howell, Gearheart, Phillips, Waxman, Cadle, Faircloth, Folk and J. Nelson: Permitting the resident lineal descendants of landowners to hunt, trap or fish on that resident landowner's property without a license	23					23
2222	By Delegates Hamilton, Ferro, Frich, Guthrie, Longstreth, Lynch, A. Evans, Kurcaba, Folk and Sobonya: Relating to certain members of the Legislature and certain service by members of the Legislature	23	658				23, 658
2223	By Delegates Walters and Frich: Including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in the definitions of "primary mortgage loan" and "subordinate mortgage loan"	23					23
2225	By Delegates Gearheart, Hill, J. Nelson, Kelly, Wagner, Stansbury, Canterbury, Zatezalo, Butler, D. Evans and Howell: Relating to roof-mounted off-road light bar lighting devices	23					23
2230	By Delegates Walters, Westfall, B. White, Ambler, Cooper, Upson, Eldridge, Marcum and Phillips: Relating to calculation of West Virginia adjusted gross income for personal income tax purposes	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2235	By Delegates Fluharty, Ferro, Byrd, Hornbuckle, Trecost, Storch, Miley, Hamilton, Lynch and Pushkin: Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists	23					23
2238	By Delegates Hamilton, Frich, Guthrie, Longstreth, Sobonya and Romine: Relating to appointment of Public Service Commissioners	23					23
2241	By Delegates Walters and Frich: Relating to licenses for the business of currency exchange, transportation or transmission	23					23
2243	By Delegate Rodighiero: Relating to minimum wage and maximum hours standards for employers	23					23
2244	By Delegate Rodighiero: Providing state health care services for all active and inactive duty military personnel	23					23
2245	By Delegate Rodighiero: Relating to salary increase for Regional Jail Authority employees	23					23
2246	By Delegate Rodighiero: Establishing seniority rights for public employees	23					23
2247	By Delegate Cowles: Prohibiting a chief deputy sheriff from engaging in certain political activities	23					23
2248	By Delegate Rodighiero: Ensuring Patient Safety Act	23					23
2249	By Delegate Rodighiero: Requiring the assessor of each county to, within three months of a deed filing in the county clerk's office of each county, prepare a new property tax ticket	23					23
2250	By Delegate Rodighiero: Allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent	23					23
2251	By Delegate Rodighiero: Making it a criminal offense to disturb the peace	23					23
2252	By Delegate Rodighiero: Relating to replacing the present crime of burglary with the crime of home invasion	23					23
2253	By Delegate Rodighiero: Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income	23					23
2254	By Delegate Rodighiero: Allowing the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority to establish a work program	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2255	By Delegate Rodighiero: Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing	23					23
2256	By Delegate Rodighiero: Prohibiting state funding of abortions	23					23
2257	By Delegate Cowles: Establishing a bill of rights for children in foster care	23					23
2258	By Delegates Cowles and Kurcaba: "Parents' Bill of Rights"	23					23
2259	By Delegates Hamrick, Howell, Arvon, Ihle, Faircloth, Zatezalo, Cadle, Border, R. Smith and Moffatt: Relating to the Governor filling vacancies on professional boards	23					23
2261	By Delegate Cowles: Requiring automated external defibrillators in public schools	23					23
2262	By Delegates Shott and Ellington: Allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants	23					23
2264	By Delegate Cowles: Establishing a bill of rights for foster parents	23					23
2265	By Delegate Cowles: Increasing the minimum number of magisterial districts in a county	23					23
2267	By Delegates Walters, Householder, Butler, Canterbury, Stansbury, Phillips, Hamrick and Cowles: Authorizing a county school board to adopt a policy that allows an inspirational message	23					23
2269	By Delegates Walters, Phillips, Storch, Ihle and Foster: Requiring rules of the Department of Environmental Protection, Department of Health and Human Resources, Division of Natural Resources and Department of Commerce be no more stringent than corresponding federal laws	23					23
2270	By Delegates Overington, Walters, Rowan, Frich, Kelly, Butler, Phillips, Sobonya, Foster and Ellington: Protecting academic freedom in higher education	23					23
2275	By Delegates Phillips, Perdue, Hartman, Marcum, Moffatt, Folk, R. Smith, J. Nelson, Sobonya and Westfall: Increasing criminal penalties for littering	23					23
*2366	By Delegates Rowan, Miller, Sobonya, P. Smith, Border, Arvon and Storch: Relating generally to the solicitation of minors (Chapter 68, Acts, 2016)	23	370	3267	3267	477, 3269	23, 422, 443, 477, 3267, 3269, 3705, 3734

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2369	By Delegates Caputo, Longstreth, Manchin and Miley: Creating an additional magistrate court deputy clerk position for Marion County	23					23
2371	By Delegates P. Smith, Perry, Hartman, Moye, Rodighiero, Frich, Cowles, Sobonya, J. Nelson, Hamrick and Shott: Relating to abortions performed on unemancipated minors	23	1481				23, 1483
2373	By Delegate Rodighiero: Prohibiting the establishment of new methadone treatment programs and clinics; providing exceptions	23					23
2374	By Delegates Rodighiero and Hicks: Providing benefits for those who have served in the military service	23					23
2375	By Delegate Rodighiero: Providing civil service status for certain employees of the Regional Jail and Correctional Facility Authority	23					23
2378	By Delegates Sponaugle, Hartman, Marcum, Reynolds, Perdue, Guthrie, Perry, Rowe and Phillips: Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists	23					23
2379	By Delegates Walters and Frich: Simplifying the process by which a bank may adjust the hours of operation for branch offices	23					23
2380	By Delegates Folk, Ihle, Faircloth, Frich, Householder, Shott, Kurcaba, Weld, Sobonya and J. Nelson: Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test	23					23
2383	By Delegate Rodighiero: Freezing PEIA employee premiums for three years	23					23
2384	By Delegates Walters, Canterbury, Phillips, Overington, Byrd, Rowe, Stansbury, Guthrie, B. White, Mr. Speaker (Mr. Armstead) and E. Nelson: Removing prohibition of municipalities that are participating in the Municipal Home Rule Pilot Program to pass ordinances, acts, rules or regulations pertaining to municipal pension plans	23					23
2389	By Delegates Rodighiero and Hicks: Granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase	23					23
2390	By Delegate Rodighiero: Relating to public health	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2393	By Delegates Rodighiero and Hicks: Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card	23					23
2394	By Delegates R. Smith, Phillips, J. Nelson, Wagner, Summers, Marcum, Arvon, Kessinger and Storch: Repealing the additional tax on the privilege of severing coal	23					23
2396	By Delegates Rodighiero and Perdue: Changing the way that the costs of incarcerating inmates in regional jails is collected	23					23
2397	By Delegates Rodighiero and Perdue: Prohibiting the establishment of methadone treatment programs and clinics in this state; providing exceptions	23					23
2398	By Delegates Rodighiero, Hicks and Perdue: Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance	23					23
2399	By Delegates Rodighiero and Marcum: Exempting all veterans of the Armed Forces or any reserve component thereof from having to obtain a hunting, trapping fishing license	23					23
2400	By Delegates Rodighiero and Marcum: Relating to quarterly payment of real and personal property taxes	23					23
2401	By Delegates Rodighiero and Marcum: Authorizing the issuance of special "In God We Trust" motor vehicle registration plates	23					23
2402	By Delegate Rodighiero: Creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated	23					23
2403	By Delegate Rodighiero: Relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children's Health Insurance Program	23					23
2404	By Delegate Rodighiero: Providing one-time supplements to all annuitants when they reach the age of seventy	23					23
2405	By Delegate Rodighiero: Providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage	23					23
2406	By Delegate Rodighiero: Changing the way the cost of incarcerating inmates in regional jails is collected	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2407	By Delegates Storch, Zatezalo, Weld, Fluharty, Trecost, Ferro and D. Evans: Reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin	23					23
2410	By Delegates Walters, Canterbury, Ambler, Cooper, R. Smith, J. Nelson, Stansbury, Phillips and Byrd: Improving state emergency preparedness	23					23
2412	By Delegates P. Smith, Perry, Hartman, Eldridge, Campbell, Lynch, Longstreth, Frich, Rowe and Pethtel: Relating to disclosure of sex offender registration to public and private elementary and secondary schools and institutions of higher education	23					23
2414	By Delegates P. Smith, Moye, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Longstreth and Rowe: Permitting a salary increase for certain kindergarten aides and early childhood classroom assistant teachers	23					23
2415	By Delegates P. Smith, Rodighiero, Trecost, Eldridge, Campbell, Lynch and Longstreth: Removing the armed conflict requirement before state employees may receive credit for time served in the Armed Forces	23					23
2417	By Delegates P. Smith, Hartman, Moye, Rodighiero, Trecost, Eldridge and Lynch: Relating to the State Teachers Retirement System	23					23
2418	By Delegates P. Smith, Rodighiero and Lynch: Requiring the Department of Health and Human Resources to reimburse the circuit clerk of the county where involuntary commitment hearings are held for certain expenses	23					23
2419	By Delegates P. Smith, Trecost, Eldridge, Lynch and Longstreth: Adding fifty new positions to the staff at the William R. Sharpe, Jr. Hospital	23					23
2421	By Delegates P. Smith, Rodighiero, Trecost, Eldridge, Lynch, Longstreth, Rowe and Ferro: Retaining jobs for certain disabled veterans seeking or receiving treatment for active duty service-connected injury	23					23
2422	By Delegates Overington, Butler, Rohrbach, Upson, J. Nelson, Cooper, D. Evans, Border, Frich and Foster: Removing the requirement that home schooled students have to acquire a general equivalency degree (GED) in order to qualify for the promise scholarship	23					23



Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2423	By Delegates Hamilton, Romine, Azinger, Sponaugle, Lynch, Canterbury, Border, Ambler, Guthrie and Morgan: Reinstating service credit to certain members of the Public Employees Retirement System	23					23
2424	By Delegates Overington, Gearheart, Cadle, Butler, Householder, Moffatt, Faircloth, Frich, Sobonya and Howell: Providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America	23					23
2425	By Delegates Howell, Blair, Westfall, R. Smith, Eldridge, Kessinger, Border, Hamilton and Trecost: Requiring a test that is identical to the civics portion of the naturalization test in order to graduate from high school or obtain a General Educational Development (GED) diploma	23					23
2426	By Delegates Walters, Frich, Phillips, J. Nelson, Folk, R. Smith, Marcum, Ireland, D. Evans and Hanshaw: Relating to the Volunteer Fire Departments Workers' Compensation Subsidy Program and the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund	23					23
2427	By Delegates Cadle, Foster, Hamrick, Moffatt, R. Smith, Zatezalo, Blair, Ihle, Hill and Faircloth: Increasing penalties for destruction or theft of election campaign advertising	23					23
2428	By Delegates P. Smith, Perry, Hamrick, Trecost, Eldridge, Campbell, Lynch, Frich, Ferro and Reynolds: Prohibiting a person convicted of a sexual offense against a child from being on school property without written permission	23					23
2429	By Delegates P. Smith, Perry, Hamrick, Moye, Eldridge, Lynch, Ferro, Reynolds, Faircloth and Sobonya: Requiring a convicted sex offender who volunteers for an organization whose volunteers have contact with minors to inform that organization of his or her conviction	23					23
2433	By Delegates P. Smith, Rodighiero, Rowan, Trecost, Campbell, Lynch, Longstreth, Rowe and Ferro: Authorizing the Division of Motor Vehicles to issue a special license plate for applicants who are hearing impaired	23					23
2435	By Delegates P. Smith, Perry, Hartman, Rodighiero, Eldridge, Campbell, Lynch and Longstreth: Increasing the amount of annual and incremental salary increases for eligible employees	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2436	By Delegates P. Smith, Perry, Hartman, Rodighiero, Trecost, Eldridge, Campbell, Lynch and Longstreth: Increasing the number of child protective service workers	23					23
2437	By Delegates P. Smith, Perry, Moye, Rodighiero, Trecost, Eldridge, Campbell, Lynch and Longstreth: Providing a cost-of-living provision for certain persons retired	23					23
2439	By Delegates P. Smith, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Longstreth and Frich: Creating enhanced criminal penalties for assaults or batteries against pregnant women	23					23
2440	By Delegates Frich, Householder, Arvon, Ellington, Butler, Rohrbach, Sobonya, Waxman, Westfall, Kurcaba and Shott: Preventing taxpayer subsidization of health insurance covering elective abortions	23					23
*2444	By Mr. Speaker (Mr. Armstead), and Delegates Miller, Waxman, Azinger, Upson, Kessinger, Summers, Hanshaw, Kurcaba, Hill and E. Nelson: Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals (Chapter 77, Acts, 2016)	23	423	2891	2890	601, 2891	23, 536, 573, 600, 2890, 2891, 3698, 3734
2446	By Delegate Reynolds: Permitting the possession of firearms on the grounds of higher education institutions by all persons with valid licenses	23					23
2448	By Delegates Sobonya, Miller, Butler, Frich, Overington, Ihle, J. Nelson, Faircloth and Hill: Permitting the sale of raw milk	23					23
2449	By Delegates Sobonya, Miller, Butler, Folk, Frich, Overington, Householder, Ihle, J. Nelson, Faircloth and Hill: Permitting co-owners of cows to receive raw milk from those cows	23	367				23, 367
2450	By Delegates Campbell, Eldridge, Householder, Marcum, Ferro, Perry and Summers: Expanding prescriptive authority of advanced practice registered nurses and certified nurse-midwives	23					23
2451	By Delegates Campbell, Perry, Butler, Ambler, Rodighiero, Reynolds, Eldridge, Householder, Marcum and Ellington: Providing that recess periods or other such time allocated for student physical activity during the regular class day may not be reduced	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2452	By Delegates Ferro, Fluharty, Hornbuckle and Trecost: Requiring reports to the Governor from state agencies to be made available electronically via the internet	23					23
2453	By Delegates Ferro, P. Smith, Longstreth, Fleischauer, Trecost, Hornbuckle, Sponaugle and Fluharty: Relating to educational benefits for dependents of deceased or disabled veterans	23					23
2454	By Delegates Ferro, Pethel, Fluharty, Storch and Trecost: Adding pharmacist and pharmacy to the definition of "health care provider" as used in the Medical Professional Liability Act	23					23
2455	By Delegates Sobonya, Miller, Frich, Householder, Butler, Ihle and Walters: Requiring health care providers to release unemancipated minor's medical records for drug testing to a parent or legal guardian without written consent from minor	23					23
2456	By Delegates Sobonya, Miller, Frich, Overington, Householder and Walters: Changing the way that the cost of incarcerating inmates in regional jails is collected	23					23
2458	By Delegates Sobonya, Miller, Frich, Householder, Butler, Ihle and Walters: Prohibiting school employees from promoting abortion	23					23
2459	By Delegates Sobonya, J. Nelson, Folk, Rohrbach, Stansbury and Miller: Requiring state agencies to issue photographic identification cards to qualified retired law-enforcement officers	23					23
2460	By Delegates Perdue, Rodighiero, Hicks, Marcum, Phillips, J. Nelson, Butler, Westfall, Campbell and Perry: Relating to the effect of adoption on grandparent visitation rights	23					23
2463	By Delegates Moye, Perry, Hamilton, Marcum, Morgan, P. Smith, Lynch, Canterbury and R. Smith: Increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled	23					23
2464	By Delegates Moye, Marcum, Morgan, Perry, P. Smith, Lynch, Canterbury and R. Smith: Exempting disabled veterans from campground rental fees during certain times	23					23
2465	By Delegates Hamrick, Sobonya, Miller, Butler, Ihle, Rohrbach and J. Nelson: Authorizing the election of and specifying qualifications for nonappointed members of the West Virginia Board of Education	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2466	By Delegates Storch, Zatezalo, Weld, Fluharty, Trecost, Ferro, Howell, D. Evans and Summers: Exempting valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events	23					23
2468	By Delegates Ireland, Butler, Householder, Howell, Faircloth, D. Evans, Border, Wagner, Foster, Blair and Upson: No State-Funded Transportation for Abortion Act	23					23
2470	By Delegates Campbell and Householder: Relating to nursing education faculty	23					23
2472	By Delegates Rodighiero, Campbell, Hornbuckle, Eldridge, Guthrie and P. Smith: Issuing a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder	23					23
2473	By Delegates Cowles, Espinosa, Householder, Duke, Upson, Folk, Faircloth and Blair: Relating to the excise tax on the privilege of transferring real property and using the tax to reimburse counties for regional jail fees	23					23
*2474	By Delegates Cowles, Rowan and Duke: Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind	23	77, 749			1040	23, 77, 838, 1003, 1040
2475	By Delegates Ireland, Folk, Hanshaw, Ambler, R. Smith, Romine, Rowan and D. Evans: Relating to the requirements for and scope of practice for registered veterinary technicians	23					23
2476	By Delegates Ireland, Butler, Hanshaw, Ambler, R. Smith, J. Nelson, Frich, Folk and D. Evans: Authorizing the Division of Motor Vehicles to issue a special "SECOND AMENDMENT" license plate	23					23
2479	By Delegates Fleischauer, Sobonya, Statler, Kurcaba, Morgan, Hartman, Perdue, Manchin, Pethel and Overington: Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs	23					23
2480	By Delegates P. Smith and Lynch: Changing the number of strikes in jury selection in felony cases	23					23
2481	By Delegate P. Smith: Providing forensic evaluators with civil immunity for acts committed by the subject of the evaluation	23					23

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Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2482	By Delegates P. Smith, Lynch and Frich: Authorizing immediate discharge and transportation to a regional jail for aggressive and violent behavior of persons committed to state hospitals	23					23
2483	By Delegates P. Smith, Lynch and Longstreth: Requiring the three commissioners of the Public Service Commission be elected from the three congressional districts for six-year terms	23					23
2484	By Delegates P. Smith, Perry, Hartman, Eldridge, Lynch, Longstreth, Ferro, Reynolds, Faircloth and Moye: Clarifying the statutory restrictions placed on sex offenders	23					23
2485	By Delegates Folk, Canterbury, Reynolds, Hamilton, Kurcaba, Storch, O'Neal, Faircloth and Householder: Relating to the West Virginia Future Fund	23					23
2486	By Delegates McGeehan, Folk, J. Nelson, Moffatt, Ihle, Faircloth, Kessinger, Hill and Butler: Relating to school curricular standards and assessments	23					23
2487	By Delegates A. Evans and Rowan: Requiring a person restraining a mentally ill or mentally challenged person in a "four point restraint" to administer sedation by injection at the time the patient is secured	23					23
2488	By Delegates Campbell, Eldridge, Householder, Rodighiero, Marcum and Ellington: Requiring the construction of new public buildings and when an entrance of an existing public building is renovated to be compliant with the federal Americans With Disabilities Act by having automatic doors	23					23
2490	By Delegate Rodighiero: Establishing a tax credit for new businesses that locate in the state	23					23
2494	By Delegates Weld, Fast, Sponaugle, Skinner and Shott: Creating a provisional plea process in criminal cases (Chapter 73, Acts, 2016)	23	1176	3216, 3218	3215	1407, 3218	23, 1296, 1340, 1407, 3215, 3218, 3700, 3734
2498	By Delegates Cadle, Ihle, Zatezalo, Faircloth and Hamrick: Allowing taxpayers to make partial payments of real and personal property taxes	23					23
2499	By Delegates Rodighiero and Reynolds: Making available elective courses on the history of the old and new testaments of the bible	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2501	By Delegates Rowan, Border, Campbell, Arvon, Kessinger, Waxman, Summers, Miller, Sobonya and Longstreth: Prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility	23					23
2508	By Delegates Phillips, J. Nelson, Sobonya, R. Smith, Arvon, Miller, Gearheart, Ellington, A. Evans and Moffatt: Creating the West Virginia Freedom of Conscience Protection Act	23					23
2510	By Delegates Campbell, Kelly, Wagner, Rowan, Perry, Ambler, Romine, Cooper, Reynolds, Householder and Marcum: Relating to school celebrations, recognition programs and events	23					23
*2511	By Delegates Walters, Howell, Ellington, Canterbury, R. Smith, Gearheart, Perry, P. Smith and Ambler: Health Care Sharing Ministries Freedom to Share Act	23	66, 370			478	23, 66, 422, 443, 477, 478
2512	By Delegates Walters, Phillips, J. Nelson, Canterbury, R. Smith, Gearheart and Marcum: Requiring the consent of the Public Service Commission before an electric utility subject to this chapter may retire or permanently shut-down an electric generating plant	23					23
2514	By Delegates Walters, Howell, Ellington, Canterbury, R. Smith, Gearheart and Perry: Creating a Bureau of Actuarial Services within the office of the Legislative Auditor	23	445				23, 445
2517	By Delegates Ferro, Walters, Perry, Fluharty, Storch, P. Smith, Longstreth, Trecost, Sponaule and Reynolds: Updating the Uniform Common Interest Ownership Act	23					23
2518	By Delegates Walters, Householder, Ellington, Folk, Kurcaba, Fleischauer, Sponaule, Reynolds, Perdue and Blair: Requiring insurers issuing group accident and sickness insurance policies to certain employers to furnish claims loss experience to policyholders	23					23
2519	By Delegates Ferro, Walters, Perry, Fluharty, Storch, P. Smith, Longstreth, Trecost, Hornbuckle and Reynolds: Creating the Uniform Real Property Electronic Recording Act	23					23
2520	By Delegates Rowan, Border, Campbell, Arvon, Kessinger, Miller and Longstreth: Relating to domestic violence victims' eligibility for unemployment compensation benefits	23					23

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Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2522	By Delegates Lynch, P. Smith, A. Evans, Romine, Hamilton, Householder, Boggs, Miley, Fluharty and Perry: Exempting State Teachers Retirement System pension benefits from West Virginia personal income taxation	23					23
2528	By Delegates Hornbuckle, Reynolds, Sponaugle, Marcum, Phillips, Trecoast, Campbell, Rodighiero, Perry and Bates: Providing scholarships for certain former coal miners	23					23
2529	By Delegates Reynolds, Pushkin, Byrd, Hornbuckle and Sponaugle: Requiring the Commissioner of Agriculture to develop a pilot program for the cultivation of marijuana to be sold in states where sales are legal	23					23
2530	By Delegates Morgan, Perdue, Boggs, Pethtel, Rohrbach, Hornbuckle, Sobonya and Miller: Establishing a Library Facilities Improvement Fund	23					23
2531	By Delegate Morgan: Good Jobs Internet Reporting Act	23					23
2532	By Delegates Sponaugle, Perdue, Hornbuckle, Pethtel, Boggs, Hartman, Phillips, Bates and Reynolds: Reducing federal adjusted gross income for volunteer fire department and rescue squad members	23					23
2548	By Delegates Perdue, Hicks, Marcum, Rodighiero and Reynolds: Authorizing incorporated Class IV municipalities to enforce speed limits by use of any device designed to measure and indicate or record speed by means of microwaves or reflected light	23					23
2551	By Delegates R. Smith, J. Nelson, Border, Kessinger, Arvon, Moffatt, A. Evans, Wagner, Cadle and D. Evans: Prohibiting internet service providers from advertising or offering to provide high speed internet service that is not at least ten megabytes per second	23					23
2552	By Delegates R. Smith, J. Nelson, Border, Kessinger, Arvon, Phillips, Moffatt, A. Evans, Wagner and Cadle: Permitting utility consumers to use the consumer protection laws when concerning billing issues are in question	23					23
2553	By Delegates Perdue, Sponaugle, Pushkin, Hornbuckle, Morgan, Hartman, Phillips and Bates: Relating to human trafficking	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2554	By Delegates Cowles, Cadle, Campbell, Hartman, Kelly, McCuskey, Phillips, R. Smith, Stansbury and Upson: Relating to protection of utility workers from crimes against the person	23					23
2555	By Delegates Cowles, Overington, Folk and Faircloth: Forfeiture Reporting Act	23					23
2556	By Delegates Cowles, Lane, Sobonya, Householder, Kessinger, Fast and Storch: Providing medical and religious exemptions from mandatory immunizations for school children	23					23
2560	By Delegates Canterbury, Folk, Walters, Hamilton, Marcum and Hicks: Relating to disqualification for public retirement plan benefits when a participant is determined to have rendered less than honorable service	23					23
2561	By Delegates Statler, Kurcaba, Stansbury, Rohrbach, Frich, Summers, Waxman, Blair and Ihle: Requiring the Commissioner of Highways to contract with private providers or contractors for necessary emergency maintenance operations	23					23
2569	By Delegates Gearheart and Hamrick: Relating to the Dealer Recovery Program	23	799				23, 799
2570	By Delegate Walters: Relating to a tax deduction allowed for capital expenditures from the corporate net income tax	23					23
2572	By Delegate Walters: Allowing certain county boards of education to operate their schools on a four-day school week	23					23
2573	By Delegates Ireland, Longstreth, Overington, Espinosa, Sobonya, Butler, Perry, Zatezalo, Border, Hamilton and Moffatt: Establishing the English language to be the official language of the state	23					23
2577	By Delegate Walters: Consolidating purchasing by county boards of education	23					23
2578	By Delegate Walters: Creating a hunting license permitting crossbow hunting	23					23
2579	By Delegate Walters: Allowing a tax deduction for all prepaid tuition contracts or college savings plan	23					23
2580	By Delegate Walters: Creating the Economic Fairness Act of 2015	23					23
2582	By Delegates Guthrie, Rowe, Sponaugle, Byrd, Lynch and Longstreth: Requiring the State Board of Education to cause school buses to be equipped with safety belts	23					23



Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2584	By Delegates Rohrbach, Sobonya, Shott, Miller, Hicks, Reynolds and Rowe: Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment	23	138	236		258	23, 198, 213, 236, 258
2585	By Delegates Border, Anderson, Ireland, Miller, Kessinger, Zatezalo, Kelly, Cadle, R. Smith and Caputo: Requiring leaseholders of mineral interests to notify the owners of the minerals when there is an assignment of the lease to another party	23					23
*2588	By Delegates E. Nelson, Lane, Kurcaba, O'Neal, Westfall, McCuskey, Byrd, Gearheart, Storch and Espinosa: Relating to the filing of financial statements with the Secretary of State (Chapter 100, Acts, 2016)	23	139	2772	2772	258, 2774	23, 198, 213, 236, 258, 259, 2775, 3689, 3734
2590	By Delegates Howell, Zatezalo, Ihle, Foster, Cadle, Kelly, Azinger, Hill, Faircloth, Stansbury and Summers: Providing that residents sixty-five years of age or older are not required to have a license to hunt, trap or fish	23					23
2594	By Delegates McGeehan, Canterbury, Faircloth, Hill, Kessinger and Ihle: Requiring that all higher education institutions in the state award credit to transfer students for similar courses completed at a different institution	23					23
2597	By Delegates McGeehan, J. Nelson and Pushkin: Exempting all monetary benefits derived from military retirement from personal income tax obligations	23					23
2599	By Delegates McGeehan, Wagner and Hamrick: Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax	23					23
2600	By Delegates Canterbury, Ihle and J. Nelson: Fair Trial Act	23					23
2602	By Delegates Kurcaba, Householder, Fast, Faircloth, D. Evans, Cadle, Wagner, Zatezalo and Ihle: Requiring a voter to present an identifying document issued by the State of West Virginia or a United States military identification card that contains the name, address and a photograph of the person desiring to vote	23					23
2604	By Delegates Pushkin, Sponaugle, Fluharty, Hornbuckle, Perdue, Skinner, McCuskey, Guthrie, Moore, Fleischauer and McGeehan: Creating the Second Chance for Employment Act	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2605	By Delegates Moore, Hornbuckle and Shott: Removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor (Chapter 1, Acts, 2016)	23	853	3596	3596	1143, 3598	23, 1059, 1093, 1142, 1143, 3596, 3598, 3700, 3734
2609	By Delegates Faircloth, Blair, Folk, Householder and Butler: Prohibiting railroads from blocking crossings on privately owned streets	23					23
2611	By Delegates Perdue, Hamilton, Morgan, Rowe, Rohrbach, Pushkin, Guthrie, Miley, Anderson, Boggs and Border: Relating to controlling methamphetamine	23					23
*2615	By Delegates Lane, Faircloth, Miller, Frich and E. Nelson: West Virginia Small Business Capital Act (Chapter 224, Acts, 2016)	23	203, 584	740	2062	740	23, 203, 653, 715, 740, 741, 3700, 3734
2617	By Delegates Kurcaba, Statler, Folk, Moffatt, Zatezalo, Wagner and E. Nelson: Lengthening the residency requirement necessary to be eligible for the PROMISE Scholarship	23					23
2618	By Delegates Guthrie, Eldridge, Romine and Ambler: Creating a State Animal Abuse Registry	23					23
2619	By Delegates McGeehan, Azinger, Kurcaba, Weld, Ihle, Kessinger, J. Nelson, Canterbury, Hamrick and Moffatt: Clarifying when a chief law-enforcement officer is required to certify the transfer or making of certain firearms	23					23
2620	By Delegates E. Nelson, Miller, Border, Shott, Kurcaba, Moffatt, Westfall, McCuskey, Gearheart and Espinosa: Relating to definitions used in the Public Employees Retirement System	23					23
2622	By Delegates Kurcaba, Hill, Householder, R. Smith, Espinosa, Moffatt, Wagner, E. Nelson and Cadle: Relating to deductions from personal income tax for contributions to state-administered prepaid college tuition contracts or college savings plans	23					23
2624	By Delegates Howell, Moffatt, Canterbury, A. Evans, Blair, Statler, Kurcaba, Cadle, Cooper, Ihle and Walters: Relating to voter registration photo cards	23					23
2628	By Delegates Rowe, Shott, Lane, Guthrie, Pushkin, Byrd, Manchin, Skinner, Deem, Lynch and B. White: Changing the date of filing announcements of candidacies	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2630	By Delegates Sponaugle, Perdue, Reynolds, Marcum, Campbell, Bates, Phillips, Hartman, Morgan and Pushkin: Creating the West Virginia Earned Income Tax Credit	23					23
2633	By Delegates Perdue, Morgan, Hamilton and Guthrie: Funding for substance abuse services through increased taxes on beer, wine and liquor	23					23
2634	By Delegates Perdue, Perry, Guthrie and Morgan: Increasing the excise tax on cigarettes and all other tobacco products	23					23
2635	By Delegates Rohrbach and Morgan: West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act	23					23
2638	By Delegates McGeehan, Folk, J. Nelson and Ihle: Exempting motor vehicles from personal property tax	23					23
2639	By Delegates McGeehan, Folk and Ihle: Abolishing the Personal Income Tax	23					23
2642	By Delegates Gearheart, Ambler, Cooper, Householder, Hamrick, R. Smith, Faircloth and Storch: Reducing personnel employed by the West Virginia Department of Education	23					23
2643	By Delegates Overington, Walters, Householder, Faircloth, Espinosa, Upson, Cadle, Foster, Fast, Westfall and Blair: Establishing the West Virginia Right to Work Law	23					23
2646	By Delegates Phillips, J. Nelson, Butler, Marcum, Eldridge, Walters, Hanshaw, Hartman and McCuskey: Legalizing and regulating the sale and use of fireworks	23					23
2647	By Delegates Howell, Hill, B. White, Arvon, Fast, A. Evans, Romine, Storch, Hanshaw and Phillips: Allowing an employer to extend workers' compensation insurance coverage to an employee engaged in volunteer fire fighting and allowing employers a tax credit	23					23
2649	By Delegates McGeehan, Ihle, Hill, Howell, J. Nelson, Shott, Azinger, Lane, Faircloth, Moffatt and Frich: Exempting social security benefits from personal income tax	23					23
2653	By Delegates Frich, Butler, J. Nelson, Cadle, Cooper, Ambler, R. Smith, Hill and Overington: Prohibiting the use of unmanned aircraft	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2654	By Delegates Frich, Cadle, Skinner, Butler, J. Nelson, Faircloth, Ambler, Cooper, R. Smith and Ihle: Relating to location information of an electronic device	23					23
2656	By Delegates Eldridge, Marcum, Campbell and Hicks: Establishing a retired teachers instant lottery scratch-off game	23					23
2659	By Delegates Eldridge, Marcum, Campbell and Hicks: Providing that paid county or municipal fire departments and duly incorporated volunteer fire departments pay reduced workers' compensation premiums when not actively engaged in fire fighting	23					23
2660	By Delegates Frich, Walters, Butler, Householder, Arvon, Ellington, Summers, Rohrbach and Waxman: Relating to health insurance exchange navigators and nonnavigator assisters	23					23
2661	By Delegates Frich, Walters, Householder, Ellington, Rohrbach, Waxman, Faircloth, Shott, Fast and Deem: Providing for the protection and privacy of persons seeking health insurance assisted by navigators and nonnavigator assisters under the federal Affordable Care Act	23					23
*2665	By Delegates Folk, Skinner, Espinosa, Householder, Faircloth, Overington, Upson, Blair, Perdue, Sobonya and Waxman: Relating to participation in Motor Vehicle Alcohol Test and Lock Program (Chapter 241, Acts, 2016)	23	797, 1435	3218	3218	1621, 3223	23, 797, 1467, 1510, 1621, 3224, 3700, 3735
2668	By Delegates Walters, Canterbury, Ambler, Hanshaw, Hartman, Sponaule and Phillips: Permitting deed of trust or mortgage interest paid on taxpayers' personal residences to be used as a deduction for personal income tax purposes	23					23
2671	By Delegates Eldridge, Marcum, Campbell and Hicks: Establishing the state parks instant lottery scratch-off game	23					23
2672	By Delegates Eldridge, Phillips and Hicks: Requiring that public schools provide facilities for students of all faiths and religions to have a place of fellowship, prayer and worship	23					23
2675	By Delegates E. Nelson, Hanshaw, Ireland, R. Smith, Storch, Phillips, B. White, McCuskey, Waxman and Summers: Reducing certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2677	By Delegate Hamrick: Creating a legislative commission to study the feasibility of the state entering into sponsorship agreements for transportation structures	23					23
2679	By Delegates Morgan, Fleischauer, Miley, Caputo, Moore, Hornbuckle, Rowe, Lynch, Pushkin and Perdue: Good Jobs First Act	23					23
2682	By Delegates Hamilton, Longstreth, Ferro and Guthrie: Relating to donations of overpayment of fees to the Secretary of State	23					23
2683	By Delegate P. Smith: Adding an additional magistrate court deputy clerk position for Lewis County	23					23
2687	By Delegates Sponaugle, Guthrie, Perdue, Reynolds, Hartman, Fluharty, Trecoast and Moore: Relating to personal income taxes	23					23
2689	By Delegates Fast, Kessinger, Hill, J. Nelson and Kurcaba: Repealing the provision prohibiting employers from discriminating for use of tobacco products	23					23
2693	By Delegate Fast: Relating to commercial motor carriers	23					23
2694	By Delegates Fast, Weld, Kurcaba, Summers, Waxman, Rowan, Howell, Frich, B. White and Sobonya: Requiring all local special elections to be held on the days and hours of general or primary elections	23					23
2695	By Delegates Fast, Kessinger, J. Nelson, Blair, Hill, Kurcaba and Summers: Relating to gasoline and fuel excise tax	23					23
2696	By Delegate Fast: Relating to investigations of discrimination by the Human Rights Commission	23					23
2697	By Delegates Fast, Kessinger, Kurcaba and Arvon: Allowing a home improvement transaction to be performed under an oral contract	23					23
2699	By Delegates Fast, Kessinger and Hill: Requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers	23					23
2703	By Delegates Hamilton, Moore, A. Evans and Canterbury: Permitting in absentia parole hearings in certain instances	23					23
*2704	By Delegate Cowles: West Virginia Consumer Sales and Service Use tax	23	1480				23, 1482, 1510, 1511, 1605

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2707	By Delegates Eldridge, Marcum, Hicks, Rodighiero, Perdue and Campbell: Permitting certain surface owners to purchase gas at market rates	23					23
2709	By Delegates Sponaugle, Marcum, Campbell, Phillips, Hartman, Walters, Fluharty, Miley, Boggs and Byrd: Exempting a percentage of social security benefits from personal income tax	23					23, 1447
2711	By Delegates Marcum, Phillips, Rodighiero, Eldridge and Campbell: Providing for a scratch-off game to fund a drug treatment facility on post-mine land in Mingo and Logan Counties	23					23
2713	By Delegates Byrd, McCuskey, Stansbury, Guthrie, Pushkin, Rowe, Reynolds, Fleischauer, Espinosa and Lynch: Providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid	23	1073				23, 1073
2715	By Delegates Sobonya, Frich, Miller, Householder, Butler, Ihle and Kurcaba: Making it illegal to transport a minor across state lines to obtain an abortion without written consent of both parents	23					23
2718	By Delegates Gearheart, Butler, Hamrick, Ihle, Householder, Westfall, Miller, Border, Cooper, Hanshaw and Ellington: Transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund and closing the Racetrack Modernization Fund	23					23
2721	By Delegates Hamilton, Moore, A. Evans and Canterbury: Specifying who receives notice of parole hearings via regular or certified mail	23					23
2724	By Delegates Sobonya, Householder, Rohrbach, Hamrick and Foster: Requiring benefit access devices to benefits provided by the Department of Human Services, to have a photograph of the person to whom a device was issued	23					23
2725	By Delegates Miller, Sobonya, Border, Rowan, Rohrbach, Folk, Eldridge, Ferro and Hornbuckle: Permitting playground facilities to be part of a school construction project	23					23
2730	By Delegate Sponaugle: Updating unlawful methods of bear hunting and clarifying the process for bear damage claims	23					23
2731	By Delegates Perry, Boggs, Ferro, Cadle, Storch, Perdue, Moye, Campbell and Morgan: Increasing salaries and creating longevity pay increases for all employees of the Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2739	By Delegates Folk, Hamrick, J. Nelson and Faircloth: Requiring regional airport authority board members to include persons of area expertise	23					23
2747	By Delegate Canterbury: Prohibiting the expenditures for meals and beverages for members of the Legislature and their staff by lobbyists	23					23
2749	By Delegates Ellington, Border, Householder, Gearheart, Storch, Overington, Miller, Faircloth and Kurcaba: Relating to the secondary schools athletic commission	23					23
2750	By Delegates Canterbury, Walters, A. Evans, Faircloth, Romine, Ambler, Cooper, Border and Ihle: Abolishing the adverse possession of land	23					23
2756	By Delegates Trecost, Lynch, Marcum, Phillips, Sponaugle, Statler and Kelly: Authorizing appointees or employees of the Alcohol Beverage Control Commissioner to carry concealed handguns	23					23
2774	By Delegates Butler, Gearheart, Frich, R. Smith, J. Nelson, Moffatt, Azinger, Cadle, Kelly and Ihle: Relating to public school standards and assessments	23					23
2775	By Delegates Campbell, Eldridge, Perry, Moore, J. Nelson and Marcum: Relating to salary increase for Veteran's Service Officer 1 and Veteran's Service Officer 2 positions	23					23
2777	By Delegates Faircloth, Ihle, Hill, Kessinger, Stansbury, Hamrick, Hartman, Ferro, Zatezalo and Blair: Relating to licensing of barbers, cosmetologists, and hairstylists, and revising the membership requirements of the Board of Barbers and Cosmetologists	23					23
2781	By Delegates Westfall, Cowles, Ellington, Summers, Foster, Waxman, Shott, Hanshaw, Campbell and Sobonya: Allowing a medical power of attorney representative or surrogate to waive the incapacitated person's right to a trial by jury	23					23
2785	By Delegates Lynch, Rowe, D. Evans, Ambler, Marcum, Sponaugle, Arvon, Anderson, Hanshaw and Eldridge: Statewide Interoperable Radio Network Act	23					23
2787	By Delegate Rowe: Relating to hearings before the Office of Administrative Hearings	23					23
2788	By Delegates Rowe, Guthrie, Moore, McCuskey, Pushkin and Fleischauer: Providing school days to register and transport students to vote	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2791	By Delegates P. Smith, Boggs, Trecoast, Perry, Campbell, Moye, Eldridge, Rodighiero and Hicks: Increasing benefits of retired state personnel and retired teachers	23					23
2794	By Delegates Eldridge and Hicks: Making changes to the definition of contractor for purposes of the West Virginia Contractor Licensing Act	23					23
*2795	By Delegates Westfall, B. White and McCuskey: Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order	23	849	3385, 3387, 3390	3385	1202, 3390	23, 1099, 1157, 1202, 1203, 3390
2796	By Mr. Speaker (Mr. Armstead): Providing paid leave for certain state officers and employees during a declared state of emergency	23	138		1917	259	23, 198, 213, 237, 259, 1059, 2791, 3713
2799	By Delegates Miller, Sobonya, Border, Folk and Eldridge: Requiring all high schools to teach fetal development	23					23
*2800	By Delegates Miller, Ferro, Sobonya, Border, Rohrbach, Folk and Eldridge: Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests (Chapter 122, Acts, 2016)	23	137	1731, 1737	666, 1757	259, 1738	23, 198, 213, 237, 259, 671, 756, 1381, 1731, 1738, 1884, 3689
*2801	By Delegates Rowe, Pushkin, Lynch, Guthrie and Byrd: Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas (Chapter 52, Acts, 2016)	23	365, 1324		2662	1449	23, 365, 1379, 1418, 1450, 3011, 3734
2802	By Delegates Folk, Faircloth, Rowe and Reynolds: Relating to public sewage services	23					23
2803	By Delegates Espinosa, Skinner, Caputo, Ferro, Manchin, Westfall, Upson, Miller and E. Nelson: Relating to the sale of alcohol by licensed manufacturers	23					23
2804	By Delegates Espinosa, Manchin, Skinner, Miller, Caputo, Longstreth, Ferro, Campbell, Westfall, Hartman and Upson: Relating to the sale of alcoholic beverages on Sundays by private licensees	23					23
2807	By Delegates Eldridge, Skinner, Butler, Marcum and Perdue: Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp	23					23



Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2808	By Delegates Overington, Hamrick, Waxman, Shott, McCuskey, Hicks, Gearheart, Miley, D. Evans and E. Nelson: Providing that members of the House of Delegates in districts having more than one delegate be elected from numbered divisions	23					23
2809	By Delegates Storch, Ferro, Phillips, Householder, Anderson, Walters, Bates, Boggs and Westfall: Creating a preference for certain limited video lottery current permit holders in bid process	23					23
2812	By Delegates Canterbury and O'Neal: Clarifying use of subsistence allowance in determining compensation for purposes of calculating pension benefits for natural resources police officers	23					23
2813	By Delegates Miller, Sobonya, Border, Rohrbach, Folk and Eldridge: Issuing a special "Family of an Officer Killed in the Line of Duty" license plate	23					23
2818	By Delegate Walters: Increasing the threshold of signatures of named petitioners required to bring a petition seeking removal of a public official	23					23
2819	By Delegates Rowe, Miley, Guthrie, Lynch and Shott: Relating generally to contested cases under the Administrative Procedures Act	23					23
2820	By Delegates Shott, Manchin and Foster: Relating to affirmative defenses against mechanics' liens	23					23
2821	By Delegates R. Smith, Butler, Wagner, Eldridge, D. Evans, Miller, Border, Longstreth and Caputo: Implementing a surcharge on licensed exotic entertainment facilities and adult bookstores to provide funding for rape information and prevention services and rape crisis centers	23					23
*2823	By Delegates Walters, Blair, Upson, Phillips, J. Nelson, Hanshaw, E. Nelson, Boggs and Caputo: Eliminating the street and interurban and electric railways tax (Chapter 228, Acts, 2016)	23	1069		2063	1269	23, 1159, 1209, 1269, 3011, 3734
2825	By Delegates Walters, Stansbury, Canterbury, Bates, Boggs, A. Evans, Phillips, Reynolds and Rowe: Requiring the Department of Health and Human Resources to review rates it pays to care providers and to increase direct care rates	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2826	By Delegates Butler, Trecost, J. Nelson, Eldridge, Longstreth, Boggs, Summers, Wagner, R. Smith, Perdue and Zatezalo: Requiring the Commissioner of the Division of Highways to approve points of access to and from state highways to real property used or to be used for commercial, industrial or mercantile purposes; "Sarah Nott's Law" (Chapter 222, Acts, 2016)	23	1384	3360	3359	1498, 3363	23, 1423, 1464, 1498, 3360, 3363, 3701, 3735
2832	By Delegates Ellington, Householder, Faircloth, Storch, Gearheart, Rowan, Folk, Border, Cooper and Shott: Reducing the motor fuel excise tax	23					23
2834	By Delegates Ellington and Householder: Amending the Uniform Interstate Family Support Act	23					23
2836	By Delegates Zatezalo, Weld, Storch, Wagner, Butler, Border, Kurcaba and Azinger: Requiring the clerk of a county commission to maintain a county ordinance book	23					23
2838	By Delegates Lynch, Cadle, Cooper, Ambler, Canterbury, Walters, D. Evans, Border, Hamilton and Romine: Relating to the reproduction, distribution and sale of tax maps	23					23
2839	By Delegates Morgan, Walters, Arvon, Zatezalo and Border: Eliminating late fees charged by the Secretary of State	23					23
2841	By Delegates Gearheart, Ferro, Householder and Phillips: Allowing a person to be both a limited video lottery operator and retailer	23					23
2842	By Delegates R. Smith, Wagner, Eldridge, Ambler, D. Evans, Longstreth, Hornbuckle, Caputo, Upson and Pushkin: Establishing a four year pilot program to have social workers in public schools, from prekindergarten through the elementary school	23					23
2843	By Delegates Rodighiero, Perdue, Hicks and Eldridge: Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses	23					23
2845	By Delegates Fleischauer, Rowe, Skinner, Morgan, Hartman, Boggs, Butler, Border, Canterbury and Folk: Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement	23					23
2847	By Delegate Walters: Permitting sheriffs to hire outside attorneys to assist with collection of taxes	23					23

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2848	By Delegates Rohrbach, Stansbury, Perdue, Campbell, Hornbuckle, Moye, Sobonya, Miller and Statler: Requiring the Board of Education to implement a comprehensive drug awareness program in grades K through 12	23					23
*2849	By Mr. Speaker (Mr. Armstead), and Delegates Miller, Walters and Hanshaw: Creating the West Virginia Sentencing Commission	23	1397			1621	23, 1468, 1511, 1621
*2852	By Delegates Hamrick, Trecost, Zatezalo, Waxman and E. Nelson: Relating to legalizing and regulating the sale and use of fireworks (Chapter 121, Acts, 2016)	23	137, 750	1004, 1917, 1934	1917, 2063	1041, 1934	23, 138, 838, 1003, 1040, 1041, 1917, 1935, 3701, 3735
2855	By Delegates Overington, Gearheart, Westfall, Phillips, Foster, Householder, Blair, Walters and Moffatt: Relating to the death penalty for first degree murder	23					23
2856	By Delegate Faircloth: Revising the requirements for the removal of the daytime driving restriction for Class G driver's licenses	23					23
2859	By Delegates Howell, Storch, A. Evans, Hanshaw, Phillips, Trecost, Folk, Hill, Miller and Arvon: Exempting certain food establishments from inspection	23					23
2862	By Delegates P. Smith, Householder, Arvon, Kurcaba, Frich, Folk, Moye, Duke and Miller: Adding additional magistrate court deputy clerks	23					23
2864	By Delegate McGeehan: Relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom	23					23
2865	By Delegate Walters: Providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years	23					23
2866	By Delegates Guthrie, Moore, Longstreth, Ferro, Campbell, Perdue and Moye: Establishing legislative findings, providing physical education and physical activity requirements for physical education classes in schools	23					23
2868	By Delegates Sobonya, Householder, Rohrbach, Border and Perry: Making it a felony to knowingly housing drug traffickers	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2869	By Delegates Sobonya, P. Smith, R. Smith, Trecost, Miller, Miley, Rowe and Perry: Making the Department of Corrections and the Division of Health, and their respective workplaces, subject to the Occupational Safety and Health Act	23					23
2870	By Delegates Overington and Walters: Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school	23					23
2873	By Delegates Sobonya, Householder, Ihle, Rohrbach, Miller, Waxman, Howell, Overington, O'Neal and Hamrick: Budget and Spending Transparency Act	23					23
2890	By Delegates McGeehan and Zatezalo: Streamlining the process of abandoned mineral interests	23					23
2891	By Delegates Walters, A. Evans and Storch: Making the West Virginia Consumer Credit and Protection Act more consistent with the federal Fair Debt Collection Practices Act	23					23
*2897	By Delegates Weld, Foster, Kessinger, Hill, Blair and Ihle: Young Entrepreneur Reinvestment Act (Chapter 83, Acts, 2016)	23	307, 1072	3224	3224, 3675	1334	23, 307, 1159, 1209, 1293, 1333, 1334, 3224, 3225, 3226, 3701, 3734
2899	By Delegates Caputo, Hamilton, Lynch, Fluharty, Hornbuckle, Storch, Moore, Skinner, Manchin and Miley: Relating to career progression of members of the State Police	23					23
2900	By Delegates Miley, Trecost and Hamrick: Exempting certified professional estimator services from consumer sales and service tax	23					23
2901	By Delegates Moffatt, Folk, Phillips and Howell: Relating to the establishment of state speed restrictions	23					23
2903	By Delegates Byrd, Skinner, Fleischauer, Manchin, Miley, Sobonya, Summers, Weld, B. White, Rowe and Guthrie: Providing a tax credit for first time home buyers	23					23
*2904	By Delegates McGeehan and Zatezalo: Requiring the clerk of a county commission to maintain a county ordinance book (Chapter 47, Acts, 2016)	23	133, 723	2892, 2894	2892, 3675	879, 2895	23, 133, 792, 837, 879, 2892, 2895, 3701, 3731
2905	By Delegate McGeehan: Relating to athletic coaches in public schools	23					23
2906	By Delegate McGeehan: Relating to county budget stabilization funds	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2911	By Mr. Speaker (Mr. Armstead), and Delegates Westfall, Cadle, Butler, Shott, Lane, Arvon and Ihle: Voluntary Political Contribution Act	23					23
2912	By Delegate R. Smith: Relating to third-party telecommunications services provided to residential and business consumers	23					23
2913	By Delegate Sobonya: Terminating the Municipal Home Rule Pilot Program and Municipal Home Rule Board	23					23
2917	By Delegates Walters and Skinner: Establishing a Hotel and Restaurant Renovation Tax Credit	23					23
2918	By Delegate Walters: Relating to delinquency charges on loans	23					23
2919	By Delegates Rowe, Sponaugle, Pushkin, Miller, Skinner, Guthrie, Bates, Fluharty, Trecoast and Sobonya: Requiring the Library Commission to survey the libraries of the state and develop a ten year plan for construction and maintenance of public libraries	23					23
2920	By Delegates Walters, Howell, Arvon, Kessinger and Hill: Vesting the Public Employees Insurance Agency with the authority to negotiate and executing all health care and ancillary contracts for the Medicaid program	23					23
2921	By Delegate Butler: Eliminating the courtesy patrol program	23					23
2924	By Delegate Perdue: Directing the Health Care Authority to establish a council to investigate and recommend to the authority pricing guides for pharmaceuticals that exclude advertising costs	23					23
2925	By Delegates Fluharty and Pushkin: Relating to drug testing of legislators	23					23
2928	By Delegate Ireland: Allowing inmates to perform the community service of providing upkeep to cemeteries	23					23
2930	By Delegate Westfall: Aged, Blind, Disabled and Long Term Services and Support Managed Care Act	23					23
2936	By Delegates Miley, Miller, Skinner, Sponaugle, Storch, Bates, Hamilton and Kessinger: Relating to the West Virginia Economic Development Authority	23					23
2937	By Delegates Perdue and Miley: Designating 5 million dollars per year for 4 years from beer, wine, and liquor tax revenue to the Fight Substance Abuse Fund	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2938	By Delegates Sobonya, Marcum, Reynolds, Byrd, Hicks and Miller: Requiring the West Virginia Supreme Court of Appeals to maintain a searchable, criminal database containing copies of all arrests and convictions by all the courts in the state	23					23
2940	By Delegate R. Smith: Creating the Tourist-Oriented Directional Signs Program	23					23
2942	By Delegates Fast and Frich: Modifying the definition of child abuse or neglect to exclude accidental injury	23					23
2951	By Delegates Pushkin, Ihle, J. Nelson, Faircloth, Azinger, Folk, Blair and Fast: Recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation	23	401				23, 401
2952	By Delegate Moffatt: Creating the Statewide Interoperable Radio Network	23					23
2953	By Delegates Fast, A. Evans, Rowan, Hornbuckle, Pushkin and Fleischauer: Increasing the excise tax on cigarettes and other tobacco products	23					23
2954	By Delegates Miley, Hornbuckle, Moye, Bates, Reynolds, Perry, Moore, Rodighiero and Pushkin: Expanding the promise scholarship to technical and community college students	23					23
2955	By Delegates Fast and Kurcaba: Increasing the hourly rate for attorneys providing Public Defender Services for in court and out of court work	23					23
2956	By Delegates Sobonya, Border, Miller, D. Evans, Rowan, Kessinger and Arvon: Preserving the rights of individuals guaranteed by the West Virginia Constitution and the United States Constitution when deciding the comity of a legal decision in a foreign country	23					23
2959	By Delegates Canterbury, A. Evans, Hamilton and Sponaugle: Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease	23					23
2960	By Delegate Lane: Permitting county boards of education to develop emergency preparedness drills in schools	23	1321			1450	23, 1379, 1450
2961	By Delegates Eldridge, Phillips, Lynch, Fluharty, Trecost, Ferro, Sponaugle and Campbell: Relating to abuse-deterrent opioid analgesic drugs	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2963	By Delegates Weld, B. White, Sobonya, Folk, Campbell and Byrd: Expanding the definition of kidnapping	23	1390			1622	23, 1468, 1512, 1622
2966	By Delegates Moye, P. Smith, Longstreth and Perry: Relating to the Senior Farmers' Market Nutrition Program	23					23
2967	By Delegates Longstreth, Caputo, Manchin, Howell, Cadle, Butler, Hamrick and Gearheart: Providing that the appraised value of an antique motor vehicle is a maximum of \$3,000 for purposes of ad valorem property taxes	23					23
2969	By Delegates Zatezalo, Storch and Faircloth: Requiring that a county itemize and publish all activity related to budget stabilization funds	23	133				23, 133
2970	By Delegates Marcum, Phillips, Reynolds, J. Nelson, R. Smith, Eldridge, Perdue, Hamilton, Ireland and Folk: Authorizing county commissions and municipalities to cooperate and enter into agreements removing or demolishing dwellings or buildings unfit for human habitation	23					23
2971	By Delegates R. Smith, Moye, Campbell, Perry, Longstreth and Bates: Continuing the Office of Emergency Medical Services as an independent office within the Department of Military Affairs and Public Safety	23					23
2972	By Delegates Overington, Moffatt, Sobonya, Frich, Foster and Zatezalo: Requiring the accumulation of one and one-half years of instruction in the study of the Declaration of Independence and other founding American historical documents	23					23
2975	By Delegates Storch, D. Evans, Zatezalo, Weld, Fluharty and Ferro: Relating to the assessment of oil and gas mineral interests	23					23
2977	By Delegates Storch, D. Evans, Gearheart, Howell, Zatezalo, Westfall, Fluharty, Ferro and Frich: Providing that rents and royalties from leases of the minerals under the state's rivers and streams shall be expended for road paving and maintenance	23	797				23, 797
2978	By Delegate Upson: Relating to inspection of vehicles and providing that defects in windshields and windows that do not obscure vision are not unsafe conditions	23					23
2979	By Delegates Fleischauer, Kurcaba, Guthrie and Pushkin: Clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates	23					23

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2981	By Delegate Eldridge: Relating to purchase of service credit following transfer to the State Teachers Retirement System	23					23
2984	By Delegates Storch, Westfall, Pethel, Gearheart, Rowan, D. Evans, Zatezalo and Fluharty: Creating a Silver Alert program for senior citizens	23					23
2986	By Delegate Reynolds: Increasing pay to teachers	23					23
2987	By Delegate Fast: Relating to mine safety	23					23
2988	By Delegates Storch, Anderson, Duke, A. Evans and Pethel: Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents	23					23
2989	By Delegates Storch, Ferro, A. Evans, Canterbury, Azinger, Kelly, Border, Westfall and Boggs: Requiring each judicial circuit to have a court-appointed special advocate program and each county to have a special advocate for children in abuse and neglect proceedings	23					23
2993	By Delegates Sobonya and Miller: Relating to pay on promotion of employees in the classified service	23					23
2994	By Delegates Moffatt, J. Nelson, Folk, Azinger and Faircloth: Prohibiting courts from using, implementing, referring to or incorporating a tenet of any body of religious sectarian law into any decision	23					23
2996	By Delegate Moffatt: Prohibiting public officials and employees from using public funds for self promotion	23	795				23, 795
3000	By Delegates Upson and Espinosa: Establishing a Hotel and Restaurant Renovation Tax Credit	23					23
3001	By Delegates Overington, Rowan and Butler: Requiring private clubs to be closed from two o'clock a.m. to seven o'clock a.m. on weekdays	23					23
3002	By Delegates Folk, Frich, Ihle, J. Nelson and Faircloth: Making all future federal and local statutes, ordinances, laws, orders and rules concerning firearms, firearm accessories, ammunition and their accouterments invalid and unenforceable	23					23
3004	By Delegates Sobonya, Miller, Rohrbach and Eldridge: Creating the West Virginia Addictions Treatment and Recovery Fund	23					23



Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3005	By Delegates Fleischauer, Pushkin, Guthrie, Lynch, Rowe, Skinner and Longstreth: Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling	23					23
3007	By Delegates Sobonya, Miller, Ihle and Border: Exempting from food related laws or rules for certain individually produced agricultural products	23					23
3010	By Delegates Fleischauer, Moye, Skinner, Manchin, Ferro, Lynch, Cooper and Butler: Modifying definitions related to the one-call system	23					23
3012	By Delegate Pushkin: Relating to the Herbert Henderson Office of Minority Affairs	23					23
3013	By Delegates Fleischauer, Manchin, Perdue, Pushkin, Guthrie, Fluharty and Skinner: Relating generally to horizontal well control standards	23					23
3015	By Delegate Fast: Enabling legislation for the "Nonprofit Youth Organization Tax Exemption Support Amendment" to Article X of the Constitution of the State of West Virginia	23					23
*3019	By Delegates Ireland, Overington, Foster, Fast, Lynch, Azinger, Shott, Hicks and Hanshaw: Requiring official business and records of the state and its political subdivisions be conducted in English (Chapter 172, Acts, 2016)	23	662, 1381		1381	833	23, 745, 790, 833, 1610, 1847
*4001	By Delegates Upson, Mr. Speaker (Mr. Armstead), Hamilton, Hill, Kurcaba, Weld, McCuskey, Rohrbach, Stansbury, Storch and Zatezalo: Relating to candidates or candidate committees for legislative office disclosing contributions	24	851	3226	3226	1203	24, 1059, 1093, 1143, 1203, 3226, 3228
*4002	By Delegates Howell, Anderson, Mr. Speaker (Mr. Armstead), Faircloth, Frich, Hanshaw, McCuskey, Rohrbach, Summers, Shott and Walters: Relating to rule making under the state Administrative Procedures Act	24	106	195, 232		232	24, 158, 195, 197, 212, 232, 233
4003	By Delegates E. Nelson, Shott, Hanshaw, Ireland, R. Smith, Storch, Phillips, B. White, McCuskey, Waxman and Summers: Expiring certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund	25					25
4004	By Delegates Arvon, Blair, Border, Cooper, Fast, Frich, Ireland, Kessinger, Romine, Rowan and Sobonya: Unborn Child Protection from Dismemberment Abortion Act	25					25

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4005	By Delegates Cowles, Duke, Foster, Gearheart, Miller, Overington, Shott, Walters, Waxman, Westfall and Householder: Repealing prevailing hourly rate of wages requirements (Chapter 39, Acts, 2016)	25	163		426, 718	291, 666	26, 214, 237, 261, 262, 290, 291, 539, 663, 666
4006	By Delegates Overington, Blair, Butler, Cowles, Gearheart, Hamrick, Householder, E. Nelson, Espinosa, Waxman and Zatezalo: West Virginia Workplace Freedom Act	26					26
*4007	By Delegates Rohrbach, Weld, Espinosa, Cooper, Butler, Waxman, Moffatt, Arvon, Cowles, Hill and Anderson: Relating generally to appointment of attorneys to assist the Attorney General (Chapter 27, Acts, 2016)	26	107	197, 1725	541, 1760	234, 1727	27, 197, 212, 233, 234, 610, 1723, 1725, 1727, 1884, 3689
4008	By Delegates Miller, Rohrbach, Summers, Sobonya, Espinosa, Cooper, Moffatt, Ambler, Waxman, Butler and Arvon: Establishing a wrongful conduct rule	27					27
*4009	By Delegates Statler, Ambler, Cooper, Ellington, D. Evans, Moffatt, Romine, Storch, Weld and Zatezalo: Letting Our Counties Act Locally Act (Chapter 51, Acts, 2016)	28	267, 1167	1409	3312	1408, 3359	267, 1210, 1293, 1334, 1408, 1409, 3312, 3359, 3705, 3735
4010	By Delegates Ellington, Summers, Householder, Rohrbach, Border, Westfall, Cooper, Ireland, Lane, Gearheart and D. Evans: Requiring drug screening and testing of applicants for the Temporary Assistance for Needy Families Program	68					69
4011	By Delegates Espinosa, Overington, Romine, Upson, Statler, E. Nelson, Fast, Ellington and Walters: Providing for the authorization and oversight of public charter schools	146					149
*4012	By Delegates O'Neal, Mr. Speaker (Mr. Armstead), Hanshaw, Moye, Fast, A. Evans, Azinger, Waxman, Romine, Rowan and Phillips: West Virginia Religious Freedom Restoration Act	251	448			649	251, 648, 649, 573, 601, 604, 1727
*4013	By Delegates Lane, Anderson, Blair, Hamrick, Ambler, D. Evans, Border, McCuskey, Householder, Ireland and Zatezalo: Requiring a person desiring to vote to present documentation identifying the voter (Chapter 96, Acts, 2016)	332	750	1007, 3016	3016, 3437, 3677	1042, 3465	333, 838, 1005, 1042, 3045, 3164, 3436, 3464, 3465, 3701, 3735

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4014	By Delegates Butler, Moffatt, Waxman, McGeehan, Espinosa, Kelly, Faircloth, Summers, Atkinson, Hamrick and Cowles: Preventing the State Board of Education from implementing common core academic standards and assessments	352	1174	1372, 1373, 1376, 1410, 3048, 3057, 3058	3048, 3675	1409, 3058	353, 1296, 1340, 1376, 1409, 1411, 3057, 3059, 3701, 3714
*4017	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution	48	2085				48, 2166, 2338, 2554, 2863
4018	By Delegates Stansbury, Bates, Campbell, Sobonya, Ellington, Rohrbach, B. White, Lane, McCuskey and Hanshaw: Establishing incentives for public schools to make their recreational facilities available for public use outside of school hours	61					61
4019	By Delegates Ireland, Cadle, Kelly, Zatezalo, Foster, Ambler, D. Evans, Perry, Longstreth, Phillips and Frich: Requiring official business and records of the state and its political subdivisions be conducted in English	62					62
4020	By Delegates Reynolds, Folk, Sponaugle, Hicks, McCuskey, Rodighiero, Hornbuckle, Phillips, Marcum, Boggs and Bates: School Consolidation Task Force	62					62
4021	By Delegates Trecost and Wagner: Limiting able-bodied adults without dependents receipt of SNAP benefits	62					62
4022	By Delegate Rowe: Providing a discount program for certain workers and students who purchase West Virginia EZ Pass transponders	62					63
4023	By Delegate Rowe: Increasing the excise tax on cigarettes and other tobacco products	63					63
4024	By Delegates Cooper, D. Evans, Ambler, Perry, Moye, Lynch, Kelly, Wagner, Statler, Westfall and Rowan: Prohibiting the use of the Smarter Balanced Assessment	69					69
4025	By Delegates Perry, Ambler, Cooper, D. Evans, Moye, Lynch, Romine, Rowan, Perdue, Morgan and Ferro: Requiring members of the State Board of Education to be physically present in state board meetings	69					69

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4026	By Delegates Perry, Morgan, Kessinger, Wagner, Kurcaba, Statler, Romine, Campbell, Fast, Rowe and Moye: Limiting terms of citizen members of the School Building Authority	69					70
4027	By Delegates Ambler, Perry, Cooper, D. Evans, Wagner, Trecost, Duke, Upson, Rowan, Romine and Moye: Increasing pay to teachers and service personnel	70					70
4028	By Delegates Perry, Moye, Ambler, Lynch, Romine, Rowan, Perdue, Morgan and Pethel: Relating to school calendar and school instructional days	70					70
4029	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to dedication of corporation net income tax proceeds to railways	70					70
4030	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act	70					71
*4031	By Delegates Frich, Sobonya, Howell, Moffatt, Hanshaw, McCuskey, Shott, Overington, Mr. Speaker (Mr. Armstead), Rowe and Fleischauer: Requiring agencies to respond to public comments received during the rule-making process	71	105	197		235	71, 197, 212, 234, 235
4032	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Self-Employment Assistance Act	71	1012				71, 1013
4033	By Delegates Ellington, Summers, Householder, Rohrbach, Stansbury, Waxman, Perdue and Rodighiero: Adding criminal penalties for the unauthorized practice of pharmacists care (Chapter 181, Acts, 2016)	66	66	3363	3363	158, 3370	66, 102, 127, 158, 3363, 3370, 3701, 3734
4034	By Delegates Ellington, Summers, Bates, Faircloth, Householder, Rohrbach, Sobonya, Stansbury and Frich: Relating to abuse-deterrent opioid analgesic drugs	79					79
*4035	By Delegates Stansbury, Householder, Ellington, Summers, Rohrbach, Weld, Miller, Hanshaw, Westfall, B. White and Perdue: Permitting pharmacists to furnish naloxone hydrochloride	79	159, 1444			1689	79, 139, 1605, 1671, 1689
4036	By Delegates Perry, Lynch, Cooper, Romine, Rowan, Duke, Perdue and Morgan: Restoring language that gives preference to currently employed certified professional educators when hiring athletic coaches	79					80

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4037	By Delegates Folk, McGeehan, Faircloth, Azinger, Wagner, Butler, Ihle, Canterbury, Hill and J. Nelson: Prohibiting the state from requiring persons with oil or gas rights connected to deep oil or gas wells to involuntarily integrate their interests	80					80
*4038	By Delegates Ellington, Summers, Bates, Faircloth, Householder, Rohrbach and Stansbury: Relating to insurance requirements for the refilling of topical eye medication (Chapter 133, Acts, 2016)	80	135	3084	3084	260, 3085	80, 198, 213, 237, 260, 3084, 3085, 3705, 3734
4039	By Delegates Kelly, Cooper, Wagner, Kurcaba, Azinger, Romine, Border, Hamrick, Atkinson, Trecost and Rohrbach: Increasing salaries for teachers	80					80
*4040	By Delegates Kelly, Rohrbach, Cooper, Frich, Sobonya, Border, Faircloth, Atkinson, Perdue, Perry and Waxman: Regulating step therapy protocols in health benefit plans (Chapter 135, Acts, 2016 * <b>Note:</b> It has been determined that Com. Sub. for H. B. 4040, originally styled as Chapter 135 was enrolled and signed by the Governor in an incorrect form. Therefore, the Governor not having received and signed a true and correct copy of the bill as passed by both houses, Com. Sub. for H. B. 4040 did not become law.)	81	799	3370	3370	1084, 3385	81, 1009, 1058, 1084, 3370, 3385, 3705, 3735
4041	By Delegates Folk, Sobonya, McGeehan, Faircloth, Kurcaba, Ihle, Azinger, R. Smith, Butler, J. Nelson and Moffatt: Limiting able-bodied adults without dependents receipt of SNAP benefits to three months in a thirty-six month period	81					81
4042	By Delegates Stansbury, Householder, Summers, Ellington, Rohrbach, Miller, Hanshaw, Westfall, B. White, Perdue and R. Smith: Granting judges the discretionary authority to depart from otherwise minimum sentencing requirements	81					81
4043	By Delegates Westfall, McCuskey, B. White, Frich, Waxman, Shott, Atkinson and Stansbury: Adjusting the risk-based capital trend test for life and health insurers	81	201				82, 202
4044	By Delegates Stansbury, Householder, Ellington, Summers, Rohrbach, Weld, Miller, Hanshaw, Westfall, B. White and Perdue: Ryan Brown Addiction Prevention and Recovery Fund Act	82	1075				82, 1075

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4045	By Delegates Hill, Blair, Hamrick, Faircloth, Ihle, Hartman, Atkinson, Howell, Moffatt, Ferro and Zatezalo: Providing that all hunting and fishing licenses are valid for one year from the date issued	82					82
*4046	By Delegates Sobonya, Frich and Moffatt: Relating to the promulgation of rules by the Department of Administration (Chapter 148, Acts, 2016)	82	162, 1478	3599, 3613	3598, 3675	1690, 3612	82, 162, 1605, 1671, 1689, 1690, 3598, 3611, 3614, 3705, 3735
4047	By Delegates Sobonya, Frich and Moffatt: Authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing	82					83
4048	By Delegates Sobonya, Frich and Moffatt: Consolidated Public Retirement Board, legislative rule relating to service credit for accrued and unused sick leave	83	162, 1478				83, 163
4049	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Air Quality, rule relating to standards of performance for new stationary sources	83	136				83, 137
4050	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Air Quality, rule relating to the control of air pollution from combustion of solid waste	83	136				83, 137
4051	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Air Quality, rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities	83	136				83, 137
4052	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Air Quality, rule relating to emission standards for hazardous air pollutants	83	136				84, 137
*4053	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Air Quality, rule relating to the control of annual nitrogen oxide emissions	84	136, 752	1058	3495	1085	84, 137, 838, 1007, 1058, 1084, 1085, 3496
4054	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Air Quality, rule relating to the control of ozone season nitrogen oxides emissions	84	136				84, 137
4055	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Air Quality, rule relating to the control of annual sulfur dioxide emissions	84	136				84, 137
4056	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Water and Waste Management, rule relating to surface mining reclamation	84	136				84, 137

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4057	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Water and Waste Management, rule relating to administrative proceedings and civil penalty assessment	84	136				85, 137
4058	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Water and Waste Management, rule relating to above ground storage tank fee assessments	85	216				85, 216
4059	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Water and Waste Management, rule relating to above ground storage tank administrative proceedings and civil penalty assessment	85	216				85, 216
*4060	By Delegates Sobonya, Frich and Moffatt: Relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety (Chapter 150, Acts, 2016)	85	129, 801	3496	3496	1085, 3500	85, 130, 1009, 1058, 1085, 1086, 3496, 3500, 3710, 3935
4061	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating fees for service	85	134				85, 135
4062	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to AIDS-related medical testing and confidentiality	86	134				86, 135
4063	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to Tuberculosis testing, control, treatment and commitment	86	134				86, 135
4064	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to child care licensing requirements	86	268				86, 268
4065	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to family child care facility licensing requirements	86	268				86, 268
4066	By Delegates Sobonya, Frich and Moffatt: Division of Labor, licensing of elevator mechanics and technicians and registration of apprentices	86	129				87, 130
4067	By Delegates Sobonya, Frich and Moffatt: Medical Imaging and Radiation Therapy Technology Board of Examiners, rule relating to the board	87	134				87, 135
4068	By Delegates Sobonya, Frich and Moffatt: Office of Miners' Health, Safety and Training, rule relating to substance abuse screening standards and procedures	87	216				87, 216, 1671
4069	By Delegates Sobonya, Frich and Moffatt: Division of Natural Resources, rule relating to general hunting	87	131				87, 132
4070	By Delegates Sobonya, Frich and Moffatt: Division of Natural Resources, rule relating to deer hunting	87	131				87, 130

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4071	By Delegates Sobonya, Frich and Moffatt: Division of Natural Resources, rule relating to wild boar hunting	87	131				87, 130
4072	By Delegates Sobonya, Frich and Moffatt: Division of Personnel, rule relating to the administrative rule of the West Virginia Division of Personnel	88	1478				88
4073	By Delegates Sobonya, Frich and Moffatt: Racing Commission, rule relating to thoroughbred racing	88	405				88, 406
4074	By Delegates Sobonya, Frich and Moffatt: Racing Commission, rule relating to pari-mutuel wagering	88	405				88, 406
4075	By Delegates Sobonya, Frich and Moffatt: Secretary of State, rule relating to absentee voting by military voters who are members of reserve units called to active duty	88					88
4076	By Delegates Sobonya, Frich and Moffatt: Secretary of State, rule relating to registration forms and receipts	88	132				88, 132
4077	By Delegates Sobonya, Frich and Moffatt: Secretary of State, rule relating to the elimination of precinct registration books	88					89
4078	By Delegates Sobonya, Frich and Moffatt: Department of Tax and Revenue, rule relating to an exchange of information	89	406				89, 407
4079	By Delegates Sobonya, Frich and Moffatt: Department of Veterans' Assistance, rule relating to the state home for veterans	89	293, 802				89, 293
*4080	By Delegates Sobonya, Frich and Moffatt: Department of Veterans' Assistance, rule relating to VA headstones or markers	89	161, 802		2793	1086	89, 161, 1009, 1059, 1086, 3696, 3715
4081	By Delegates Sobonya, Frich and Moffatt: Board of Accountancy, rule relating to Board rules and rules of professional conduct	89	241				90, 241
4082	By Delegates Sobonya, Frich and Moffatt: Office of Administrative Hearings, rule relating to Appeal Procedures	90					90
4083	By Delegates Sobonya, Frich and Moffatt: Department of Agriculture, rule relating to the inspection of nontraditional domesticated animals	90	131				90, 131
4084	By Delegates Sobonya, Frich and Moffatt: Department of Agriculture, rule relating to poultry litter and manure movement into primary poultry breeder rearing areas	90	130				90, 131
4085	By Delegates Sobonya, Frich and Moffatt: Department of Agriculture, rule relating to livestock care standards	90	130				90, 131
4086	By Delegates Sobonya, Frich and Moffatt: Department of Agriculture, rule relating to captive cervid farming	90	130				90, 131



Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4087	By Delegates Sobonya, Frich and Moffatt: Alcohol Beverage Control Commission to promulgate a legislative rule relating to distilleries and mini-distilleries	91					91
4088	By Delegates Sobonya, Frich and Moffatt: Alcohol Beverage Control Commission, rule relating to nonintoxicating beer licensing and operations procedures	91					91
4089	By Delegates Sobonya, Frich and Moffatt: State Conservation Committee, rule relating to the West Virginia Conservation Agency Financial Assistance Program	91	130				91, 131
4090	By Delegates Sobonya, Frich and Moffatt: Consolidated Public Retirement Board, rule relating to the Deputy Sheriff Retirement System	91	162, 1478				91, 163
4091	By Delegates Sobonya, Frich and Moffatt: Consolidated Public Retirement Board, rule relating to benefit determination and appeal	91	162, 1478				92, 163
4092	By Delegates Sobonya, Frich and Moffatt: Consolidated Public Retirement Board, rule relating to the Teachers' Defined Contribution System	92	309, 1478				92, 309
4093	By Delegates Sobonya, Frich and Moffatt: Consolidated Public Retirement Board, rule relating to the Teachers' Retirement System	92	309, 1478				92, 309
4094	By Delegates Sobonya, Frich and Moffatt: Consolidated Public Retirement Board, rule relating to refund, reinstatement, retroactive service, loan and correction of error interest factors	92	309, 1478				92, 309
4095	By Delegates Sobonya, Frich and Moffatt: Consolidated Public Retirement Board, rule relating to the West Virginia State Police	92	162, 1478				92, 163
4096	By Delegates Sobonya, Frich and Moffatt: Board of Examiners in Counseling, rule relating to licensing	92	402				93, 402
4097	By Delegates Sobonya, Frich and Moffatt: Board of Examiners in Counseling, rule relating to marriage and family license renewal and continuing professional education requirements	93	403				93, 403
4098	By Delegates Sobonya, Frich and Moffatt: Board of Examiners in Counseling, rule relating to licensed professional counselor license renewal and continuing professional education requirements	93	403				93, 403
4099	By Delegates Sobonya, Frich and Moffatt: Board of Examiners in Counseling, rule relating to marriage and family therapists licensing	93	402				93, 402
4100	By Delegates Sobonya, Frich and Moffatt: Board of Dental Examiners, rule relating to continuing education requirements	93	134				93, 135

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4101	By Delegates Sobonya, Frich and Moffatt: Board of Dental Examiners, rule relating to expanded duties of dental hygienists and dental assistants	93	134				93, 135
4102	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Oil and Gas, rule relating to horizontal well development	94	215				94, 216
4103	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Water and Waste Management, rule relating to requirements governing water quality standards	94	216				94, 216
4104	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Water and Waste Management, rule relating to above ground storage tanks	94	215				94, 216
4105	By Delegates Sobonya, Frich and Moffatt: State Election Commission, rule relating to the West Virginia Supreme Court of Appeals public campaign financing program	94	406				94, 406
4106	By Delegates Sobonya, Frich and Moffatt: State Board of Registration for Professional Engineers, rule relating to the examination, licensure and practice of professional engineers	95	162				95, 162
4107	By Delegates Sobonya, Frich and Moffatt: State Fire Commission, rule relating to the state building code	95	129, 801				95, 130
4108	By Delegates Sobonya, Frich and Moffatt: State Fire Commission, rule relating to standards for the certification of continuing education of municipal, county and other public sector building code officials, inspectors and plans examiners	95	129, 801				95, 130
4109	By Delegates Sobonya, Frich and Moffatt: Authorizing the Governor's Committee on Crime, Delinquency and Correction, rule relating to law enforcement training and certification standards	95					95
4110	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to farmers market vendors	95	266				95, 266
4111	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to the certification of opioid overdose prevention and treatment training programs	96	134				96, 135
4112	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to emergency medical services	96	308				96, 308
4113	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to infectious medical waste	96	134				96, 135
4114	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to West Virginia clearance for access; registry and employment screening	96	135				96, 135

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4115	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to chronic pain management licensure	96	308				97, 308
4116	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to neonatal abstinence centers	97	308				97
4117	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to family child care home registration requirements	97	268				96, 268
4118	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to W. Va. Works Program sanctions	97	204				97, 205
4119	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to qualifications for a restricted provisional license to practice as a social worker within the department	97	203				97, 204
4120	By Delegates Sobonya, Frich and Moffatt: Department of Health and Human Resources, rule relating to goals for foster children	98	203				98, 204
4121	By Delegates Sobonya, Frich and Moffatt: Division of Highways, rule relating to the state transportation infrastructure fund program	98	406				98, 407
4122	By Delegates Sobonya, Frich and Moffatt: Division of Labor, rule relating to Elevator Safety Act	98	129				98, 130
4123	By Delegates Sobonya, Frich and Moffatt: Division of Labor, rule relating to wage payment and collection	98	130				98, 130
4124	By Delegates Sobonya, Frich and Moffatt: Division of Labor, rule relating to minimum wage and maximum hours	98	130				98, 130
4125	By Delegates Sobonya, Frich and Moffatt: Board of Medicine, rule relating to the establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities	98	204				99, 205
4126	By Delegates Sobonya, Frich and Moffatt: Division of Natural Resources, rule relating to prohibitions when hunting and trapping	99					99
4127	By Delegates Sobonya, Frich and Moffatt: Division of Natural Resources, rule relating to elk restoration and management	99	132				99, 132
4128	By Delegates Sobonya, Frich and Moffatt: Nursing Home Administrators Licensing Board, rule relating to nursing home administrators	99	203				99, 204
4129	By Delegates Sobonya, Frich and Moffatt: Board of Pharmacy, rule relating to the licensure and practice of pharmacy	99	203				99, 204

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4130	By Delegates Sobonya, Frich and Moffatt: Board of Pharmacy, rule relating to the Uniform Controlled Substances Act	100	203			290	100, 204, 289, 290
4131	By Delegates Sobonya, Frich and Moffatt: Board of Pharmacy, rule relating to record keeping and automated data processing systems	100	203				100, 204
4132	By Delegates Sobonya, Frich and Moffatt: Board of Pharmacy, rule relating to the licensure of wholesale drug distributors, third-party logistics providers and manufacturers	100	204				100, 204
4133	By Delegates Sobonya and Moffatt: Property Valuation and Procedures Commission, rule relating to tax map sales	100	406				100, 407
4134	By Delegates Sobonya, Frich and Moffatt: Secretary of State, rule relating to the Freedom of Information Act database	100					100
4135	By Delegates Sobonya, Frich and Moffatt: Board of Social Work, rule relating to qualifications for the profession of social work	101					101
4136	By Delegates Sobonya, Frich and Moffatt: Board of Examiners for Speech-Language Pathology and Audiology, rule relating to the licensure of speech pathology and audiology	101	204				101, 204
4137	By Delegates Sobonya, Frich and Moffatt: Department of Tax and Revenue, rule relating to the payment of taxes by electronic funds transfer	101	406				101, 406
4138	By Delegates Sobonya, Frich and Moffatt: Department of Transportation, rule relating to rail fixed guideway systems state safety oversight	101	267				101, 267
4139	By Delegates Sobonya, Frich and Moffatt: WorkForce West Virginia, rule relating to the West Virginia Prevailing Wage Act	101					101
4140	By Delegates Sobonya, Frich and Moffatt: State Election Commission, rule relating to the regulation of campaign finance	102					102
4141	By Delegates Sobonya, Frich and Moffatt: Human Rights Commission, rule relating to the Pregnant Workers' Fairness Act	102	268				102, 268
4142	By Delegates Sobonya, Frich and Moffatt: Board of Examiners for Speech-Language Pathology and Audiology, rule relating to speech-language pathology and audiology assistants	102	269				102, 269
4143	By Delegates Sobonya, Frich and Moffatt: Ethics Commission, rule relating to the public use of names or likenesses	102	1478				102
4144	By Delegates Westfall, McCuskey, B. White, Frich, Waxman, Hamrick, Atkinson and Stansbury: Relating to risk based capital reporting for health organizations	120	202				120, 202

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4145	By Delegates Blair, Azinger, Butler, Cadle, Eldridge, Householder, Marcum, Overington, Phillips, Sobonya and Upson: Relating to carry or use of a handgun or deadly weapon (Chapter 252, Acts, 2016)	121	371	533, 1229, 1257, 1258, 1306	1229, 1306, 1874	533, 1790	122, 422, 443, 478, 535, 1435, 1788, 1790
*4146	By Delegates Ellington, Summers, Bates, Faircloth, Householder, Rohrbach, Sobonya, Stansbury, Eldridge, McCuskey and Frich: Providing insurance cover abuse-deterrent opioid analgesic drugs (Chapter 134, Acts, 2016)	122	587	716, 3085	3085	741, 3095	122, 202, 653, 716, 741, 3085, 3095, 3706, 3735
4147	By Delegates Rowan, Mr. Speaker (Mr. Armstead), Cowles, Perry, Duke, Miley, Hamilton, Espinosa, O'Neal, Anderson and E. Nelson: Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority	122				492	123, 652, 692, 540, 605
4148	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 (Chapter 236, Acts, 2016)	123	447	650	1076	649	123, 573, 604, 649, 650, 1222, 1407
4149	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	123					123
4150	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 (Chapter 10, Acts, 2016)	123	749		3678	1042	124, 838, 1007, 1042, 1043, 3696, 3734
4151	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Education (Chapter 11, Acts, 2016)	124	749		3678	1043	124, 838, 1007, 1043, 3696, 3734
4152	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Division of Environmental Protection – Protect Our Water Fund (Chapter 12, Acts, 2016)	124	841		3678	1143	124, 1009, 1093, 1143, 1144, 3696, 3734
4153	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, and the Department of Health and Human Resources, Division of Human Services	124					124

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4154	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation of public to the Department of Administration, Public Defender Services	125					125
4155	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 – West Virginia Birth-to-Three Fund, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund (Chapter 13, Acts, 2016)	125	842	3489	3489	1144, 3495	125, 1060, 1094, 1144, 1145, 3489, 3495, 3697, 3734
4156	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Transferring funds from the State Excess Lottery Revenue Fund, to the Department of Revenue, Lottery Commission, Distributions to Statutory Funds and Purposes	125					125
4157	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementing, amending, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways (Chapter 14, Acts, 2016)	126	845		1935	1145	126, 1060, 1094, 1145, 2791, 3016
*4158	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia – Workforce Investment Act (Chapter 15, Acts, 2016)	126	447		1076	651	126, 604, 605, 650, 651, 1222, 1407
4159	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Public Services Commission – Motor Carrier Division (Chapter 16, Acts, 2016)	126	749		1935	1044	126, 838, 1008, 1044, 1045, 2791, 3016
4160	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Revenue, Tax Division (Chapter 17, Acts, 2016)	126	842		1936	1145	127, 1060, 1094, 1145, 1146, 3012, 3734
4161	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to levies on classifications of property by the Board of Public Works (Chapter 227, Acts, 2016)	127	446		1159	651	127, 651, 652, 573, 605, 1320, 1407
4162	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expiring funds to the unappropriated surplus from the Department of Revenue, Insurance Commissioner	127					127

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4163	By Delegates Howell, Arvon, Moffatt, Westfall, McCuskey, Miller, Cadle, Walters, Zatezalo, Kelly and Ellington: Providing the authority and procedure for municipalities to give notice to, and publish the names of, entities delinquent in paying business and occupation taxes (Chapter 165, Acts, 2016)	149	266, 269	1701	1701	535	149, 267, 422, 444, 535, 1701, 1884, 2091
4164	By Delegates Howell, Frich, Storch, Arvon, Eldridge, Moffatt, Faircloth, Upson, Westfall, Phillips and Miller: Requiring the Department of Motor Vehicles to conduct drivers tests as a pilot program, at certain high schools	149					149
4165	By Delegates Howell, Frich, Storch, Arvon, Moffatt, Eldridge, Upson, Faircloth, Westfall, Phillips and Miller: Authorizing the Department of Motor Vehicles to issue certain vital records in the custody of the State Registrar	150					150
4166	By Delegates Howell, Frich, Storch, Arvon, Eldridge, Moffatt, Faircloth, Westfall, Miller, McCuskey and Cadle: Relating to health insurance coverage for prescribed medications	150					150
4167	By Delegates Cooper, D. Evans and Ambler: Permitting county boards of education to accumulate instructional days and use them when needed	151					151
*4168	By Delegates Howell, Frich, Storch, Arvon, Eldridge, Moffatt, Faircloth, Upson, Westfall, Phillips and Miller: Creating a special motor vehicle collector license plate	151	797, 1467	3395, 3397	3395	1690, 3398	151, 797, 1605, 1690, 1691, 3398, 3716
4169	By Delegates Frich, J. Nelson, Howell, Butler, Weld, Sobonya, Folk, Cowles, Overington, Marcum and McCuskey: Firearm Protection Act	151					151
4170	By Delegates Ambler, D. Evans, Cooper, Lynch, Trecost, Upson, Rowan, B. White, McCuskey, Eldridge and Stansbury: Removing restrictions for hunting or trapping on private lands on Sundays	151	265				152, 265
*4171	By Delegates Cooper, D. Evans, Ambler, Perry, Moye, Lynch, Kelly, Wagner, Rowan and R. Smith: Relating to the public school calendar	152	1103	1293, 1335	2176	1334	152, 1210, 1293, 1334, 1335, 2176, 3683, 3717
4172	By Delegates Kurcaba, Statler and Waxman: Creating a special fund named "the State Road Bond Fund"	152					152

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4173	By Delegates Miller, Hicks, Sobonya, Rohrbach, Perdue, McCuskey, Shott, Morgan, Skinner, Hornbuckle and Reynolds: Permitting judges to defer jury service for an individual for no more than twelve months after the date for which the person is summonsed	152					152
*4174	By Delegates Kurcaba, Statler, Weld, Fast, Kelly, Azinger, Waxman, Blair, Upson, Frich and Phillips: Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house (Chapter 250, Acts, 2016)	153	367, 722	1294, 3045, 3432	3045	880, 3436	153, 368, 792, 837, 880, 1293, 3048, 3163, 3164, 3193, 3432, 3436, 3706, 3735
*4175	By Delegates Kurcaba, Faircloth, Statler, Espinosa, McGeehan, Azinger, Upson, Kelly, Trecost and Ihle: Relating generally to home schooling (Chapter 93, Acts, 2016)	153	294	1178, 1180	1178	361, 1181	154, 324, 339, 361, 1182, 1395, 1788
*4176	By Delegates Stansbury, Howell, Householder, Ellington, Summers, Rohrbach, Weld, Miller, Hanshaw, Westfall and B. White: Permitting the Regional Jail and Correctional Facility Authority to participate in the addiction treatment pilot program (Chapter 225, Acts, 2016)	154	374, 1397	3304	3304	1622, 3311	154, 374, 1468, 1512, 1622, 3304, 3311, 3706, 3735
4177	By Delegates Kurcaba, Ellington, Faircloth, Hill, Atkinson, Ihle and Stansbury: Exempting drug rehabilitation facilities from certificate of need requirements	154					154
4178	By Delegates Moye, Perry, Rohrbach, Frich, Duke, Lynch and Rodighiero: Relating to sanctions for recipients of benefits from the Temporary Assistance for Needy Families Program	154					155
4179	By Delegates Kelly, Cooper, Faircloth, Atkinson, Perry, Waxman, Zatezalo, Howell, Ireland, Azinger and Romine: Removing televisions from definition of covered electronic items	155					155
4180	By Delegates Weld, Zatezalo, Stansbury, Rohrbach, Miller, Summers and Frich: Authorizing a family court judge to order substance abuse counseling of a child in emergency situations	155	1406				155, 1406
4181	By Delegate Deem: Increasing the excise tax on cigarettes and other tobacco products	155					155
4182	By Delegate Deem: Prorating additional tuition charges for students taking higher education credit hours per term beyond a certain number	155					155



Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4183	By Delegates Stansbury, Rohrbach, Perdue, R. Smith, Campbell, Bates, B. White, Weld, McCuskey, Westfall and Ellington: Relating generally to reporting opioid overdoses	155	1074, 1399			1623	155, 1074, 1468, 1512, 1623
4184	By Delegates Stansbury, Householder, Perdue, Phillips, J. Nelson, Ambler, B. White, Rohrbach, Westfall, R. Smith and Cooper: Establishing criminal penalties for the illegal taking of deer	156					156
4185	By Delegates Foster, Perdue and Waxman: Establishing the ratio of four pharmacy technicians to every one on-duty pharmacist operating in a pharmacy	156					156
*4186	By Delegates Cadle, Cooper, Foster, Ambler, Howell, Butler, Householder, Moffatt, R. Smith, Westfall and Hamrick: Relating to additional duties of the Public Service Commission (Chapter 163, Acts, 2016)	156	403	3399	3399	572, 3402	157, 444, 535, 571, 572, 3402, 3706, 3734
4187	By Delegates Kurcaba, Kelly, Statler, Weld, Azinger, Wagner, Campbell, Pushkin and Trecoast: Creating a special fund named "the Public Employee Health Insurance Fund"	157					157
*4188	By Delegates Hamrick, Ambler, Boggs, Cadle, Guthrie, Longstreth, Rohrbach and Gearheart: Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas	132	584			741	132, 653, 715, 742
4189	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expiring funds to the unappropriated balance in State Fund, General Revenue, from the Department of Revenue	157	239				158, 291, 302, 324, 339
4190	By Delegates Phillips, Reynolds, Marcum, Hartman, Walters, Sobonya, McCuskey, Eldridge, P. White, Weld and Bates: Prohibiting state agencies and departments from acting outside their statutory scopes of authority	184					184
4191	By Delegates Howell, Arvon, Moffatt, Phillips, Eldridge, Faircloth, Cadle, Walters, Ellington, Cooper and R. Smith: Taxation With Representation Act	184					184
4192	By Delegates Howell, Frich, Moffatt, Faircloth, Westfall, Phillips, Cadle, Walters, Zatezalo, Waxman and Kelly: Relating to regional Division of Motor Vehicle offices and self-service kiosks	185					185
4193	By Delegates Howell, Frich, Arvon, Moffatt, Faircloth, Westfall, Phillips, Miller, Cadle, Walters and Zatezalo: Creating an exception to allow aftermarket mufflers	185					185

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4194	By Delegates Howell, Storch, Frich, Arvon, Eldridge, Moffatt, Upson, Westfall, McCuskey, Miller and Cadle: Requiring each public high school to offer a course in computer science	185					185
4195	By Delegates Ireland, Longstreth, Cadle, Kelly, Zatezalo, D. Evans and Ambler: Relating to appraisal value of certain motor vehicles for purposes of ad valorem property taxes	185					186
*4196	By Delegates Howell, Frich, Arvon, Moffatt, Storch, Eldridge, Faircloth, Westfall, Phillips, Miller and Cadle: Relating to abandoned antique vehicles	186	1071, 1441			1691	186, 1071, 1605, 1671, 1691
*4197	By Delegates Kelly, Cooper, Faircloth, Atkinson, Weld, Frich, Blair, Waxman, Zatezalo, Howell and Ireland: Allowing required HIV and hepatitis testing for the protection of law- enforcement officers who may have been exposed	186	368, 842			1147	186, 369, 1060, 1094, 1146, 1147
4198	By Delegates Moye, Perry, Rohrbach, Frich, Cooper, Ambler, Duke, Sponaugle, Lynch and Rodighiero: Increasing the safety of school children who use school buses	187					187
4199	By Delegates Zatezalo, McGeehan, Moffatt and Howell: Relating to accessible county records	187					187
4200	By Delegates Gearheart, Householder, Ellington, Ambler, Cooper, Azinger, McGeehan, Wagner, Shott, Hamrick and Westfall: Eliminating courtesy patrol programs	187	267				187, 267
*4201	By Delegates Overington, Hanshaw, Blair, Shott, Statler, Sobonya, Summers, Weld, Kessinger, B. White and Fleischauer: Increasing the criminal penalties for participating in an animal fighting venture (Chapter 70, Acts, 2016)	187	1177	1376, 3615, 3618, 3619	3615	1411, 3619	188, 1296, 1376, 1377, 1411, 3615, 3620, 3701, 3735
4202	By Delegates Stansbury, Howell, Householder, Folk, Hill, Statler, Ihle, J. Nelson, Blair, Phillips and Foster: Establishing oversight and a database for seizures and forfeitures by law enforcement agencies	188					188
4203	By Delegates Westfall, B. White, Gearheart, Stansbury, Butler, Atkinson, Phillips, Weld and McCuskey: Providing a hunting license exemption for certain nonresident landowners	188					188

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4204	By Delegates Cadle, D. Evans, Cooper, Ambler, Moye, Foster, Butler, Gearheart, Householder, Moffatt and R. Smith: Relating to inspections of commercial motor vehicles, trailers, and semitrailers	188					189
4205	By Delegates Cowles, Howell, Faircloth, Perry, Lynch, McCuskey, Sobonya, Deem, Overington and Kessinger: Relating to disclaimers and exclusions of warranties in consumer transactions for goods	189					189
4206	By Mr. Speaker (Mr. Armstead), and Delegates Miley, Bates, Lane and Shott: Relating to grand juries	189					189
4207	By Mr. Speaker (Mr. Armstead), and Delegates Miley, Bates, Lane and Shott: Relating to the ability of the Commission on Special Investigations to obtain information	189					190
4208	By Mr. Speaker (Mr. Armstead), and Delegates Miley, Bates, Lane and Shott: Removing the requirement that the Joint Committee on Government and Finance approve expenses of the Commission on Special Investigations	190					190
*4209	By Delegates Ellington, Summers, Householder, Rohrbach, Stansbury, Campbell and Fleischauer: Relating generally to health care provider taxes (Chapter 238 Acts, 2016)	133	661		2063	833	134, 790, 833, 3012, 3734
4210	By Delegates Phillips, J. Nelson, Bates, R. Smith, Perry, Moye, P. White, Butler, Hicks and McCuskey: Relating to coal severance tax	190					190, 745
4211	By Delegates Sponaugle, Eldridge, Caputo, Fluharty, Lynch, Pushkin, Campbell, Shaffer, Longstreth, Ferro and Hicks: Prohibiting drilling units from being established without consent of all owners	190					190
4212	By Delegate J. Nelson: Regulating wood burning appliances is subject to the approval of the Legislature	190					191
*4213	By Delegates Storch, Faircloth, P. Smith and Ferro: Uniform Deployed Parents Custody and Visitation Act	191	750			1045	191, 838, 1008, 1045
4214	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Continuing the Office of Coalfield Community Development within the Department of Commerce	191					192
4215	By Delegates Kurcaba, Faircloth, Statler, Espinosa, Wagner, Weld, Rowan, McGeehan, Azinger, Hamrick and Upson: Removing the requirement that a home schooled student must acquire a general equivalency degree (GED) in order to qualify for a PROMISE scholarship	192					192

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4216	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Exempting community-based behavioral health facilities, programs or services from the certificate of need process	192					192
4217	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Reducing the distributions to the West Virginia Infrastructure Fund	192	845				192
*4218	By Delegates Miley and Cowles [By Request of the Executive]: Expanding the definition of “underground facility” in the One-Call System Act (Chapter 247, Acts, 2016)	192	269, 584		3678	742	192, 269, 653, 716, 742, 3701, 3734
4219	By Delegates Howell, Overington, Statler, Foster, Cadle, J. Nelson, D. Evans, R. Smith, Phillips, Arvon and Canterbury: Relating to vehicle inspection stations	193					193
4220	By Miley [By Request of the Executive]: Imposing the consumers sales and service tax and use tax on sales of telecommunications service and ancillary services	193					193
4221	By Delegates Stansbury, Householder, Ellington, Rohrbach, Weld, Miller, Hanshaw, B. White, Westfall, Campbell and Sobonya: Relating to the administration of an opioid antagonist	193	1075				193, 1075
4222	By Delegates Gearheart, Householder, Ellington, Fast and Ambler: Providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia Parkways Authority to the Division of Highways	193	342				194, 342
4223	By Delegates Trecost, Boggs, Guthrie, Longstreth, Hamrick and Lynch: Authorizing individuals and business concerns to purchase sponsorship relative to courtesy patrol vehicles in exchange for advertisement displays	206					206
4224	By Delegates Trecost, Longstreth, Shaffer, Eldridge, Ferro, Caputo and Kelly: Requiring school restroom facilities to have privacy walls	206					206
*4225	By Delegates Overington, Sobonya, Hanshaw, Gearheart, Cadle, Householder, Butler, Moffatt, Frich, Rowan and Kelly: Relating to patriotic displays at public buildings (Chapter 189, Acts, 2016)	206	1402		2063	1623	207, 1468, 1512, 1623, 1624, 3012, 3734
4226	By Delegates Trecost, Butler, Boggs, Wagner, Hamrick and Lynch: Authorizing appointees or employees of the Alcohol Beverage Control Commissioner to carry concealed handguns	207					207

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4227	By Delegates Howell, Arvon, Zatezalo, Border, Phillips, Hartman, Ihle, Cadle, Moffatt, Atkinson and Morgan: Relating to qualifications of members of the Real Estate Appraiser Licensing and Certification Board	207	239	320		320	207, 291, 302
*4228	By Delegates Cowles, B. White, Shott, Espinosa, E. Nelson, Howell, Upson, Trecost, Reynolds, Gearheart and Hamrick: Relating to transportation network companies (Chapter 159, Acts, 2016)	207	342, 585	1818, 1835, 1874	1818, 1874	743, 1835, 1875	208, 342, 653, 716, 718, 743, 744, 1836, 1875, 2183, 3734
4229	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Bureau of Senior Services	208					208
*4230	By Delegates Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, R. Smith, Hamrick and Morgan: Relating to qualifications of members of the Board of Registration For Professional Engineers	208	240			321	208, 291, 302, 321
4231	By Delegate Skinner: Updating the Uniform Common Interest Ownership Act	208					209
4232	By Delegate Trecost: Raising the consumer sales and service tax	209					209
4233	By Delegate Trecost: Reducing the age from eighteen years to sixteen years of persons permitted to register to vote	209					209
4234	By Delegates Hanshaw and Shott: Relating to consumer credit and protection	209					209
4235	By Delegate Shott: Relating to the publication requirements of the administration of estates (Chapter 109, Acts, 2016)	210	266	336, 1874	1874	336, 1875	210, 302, 324, 336, 1875, 2077, 3689
4236	By Delegates Hamilton, A. Evans, Romine, Wagner and Ambler: Relating to the classification of certain species	210	366				210, 366
*4237	By Delegates O'Neal, Arvon, Storch, Azinger, Butler, Hamrick, Kessinger, Rowan, P. Smith, Ferro and Longstreth: Supporting and Strengthening Families Act (Chapter 34, Acts, 2016)	210	1325	3228	3228	1451, 3237	210, 1380, 1418, 1451, 3228, 3237, 3701, 3735
*4238	By Delegates Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, R. Smith, Hamrick and Morgan: Relating to qualifications of members of the board of Professional Surveyors	210	240	322		322	210, 291, 302, 321, 322

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4239	By Delegates Marcum, Phillips, O'Neal, Bates, Arvon, Gearheart, Shott, Cooper, P. White, Ellington and Moye: Relating to construction of a modern highway from Pikeville, Kentucky to Beckley, West Virginia	211	581, 1438			1692	211, 581, 1605, 1671, 1691, 1692
*4240	By Delegates Marcum, Phillips, Hamilton, Hicks, Rodighiero, Westfall, Sobonya, R. Smith, Storch, Summers and Byrd: Relating to the Uniform Controlled Substances Act	211	806, 1396			1624	211, 806, 1468, 1512, 1624
*4241	By Delegates Howell, Arvon, Zatezalo, Border, Phillips, Hartman, Ihle, Cadle, Moffatt, Atkinson and Morgan: Relating to qualifications of members of the Real Estate Commission	211	241			323	211, 291, 302, 322, 323
4242	By Delegates Kurcaba, Butler, Wagner, Atkinson, Statler, Ellington, Azinger, Overington, Waxman, Householder and Cooper: Creating income tax credits against personal income tax for educational expenses incurred by parents for a child	212					212
4243	By Delegates Border, Ellington, Arvon, Kelly, Sobonya, Anderson, Deem and Ireland: Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds	212	307			388	212, 339, 388
*4244	By Delegates Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Shott, Flanigan, Waxman, Perry and B. White: Eliminating the need for a public hearing when no objection is filed on an application from an out of state state-chartered credit union to establish a branch in West Virginia (Chapter 58, Acts, 2016)	223	306, 343		1076	442	224, 306, 361, 399, 421, 441, 442, 1222, 1407
*4245	By Delegates Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Rowe, Flanigan, Waxman, Perry and B. White: Requiring the cashier or executive officer of a banking institution to provide shareholders with the institution's most recent year-end audited financial statement (Chapter 28, Acts, 2016)	224	305, 343		1076	443	224, 305, 399, 421, 442, 443, 1222, 1407
4246	By Delegates Overington, Householder, Faircloth, Blair and Folk: Changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library	224	1064, 1478		2176	1692	224, 1064, 1605, 1671, 1692, 1693, 3684, 3719
4247	By Delegates Marcum, Rodighiero, Eldridge, Phillips, P. White, Moye, Bates, Westfall, J. Nelson, Wagner and Frich: Relating to the Laurel Lake Wildlife Management Fund	224					225

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4248	By Delegates Rohrbach, Sobonya, Bates, Ellington, Householder, Miller, Perdue, Stansbury, Waxman, B. White and Frich: Relating to methadone regulation	225	1443			1625	226, 1513, 1624, 1625
4249	By Delegates Campbell, Wagner, Sobonya, Atkinson, Longstreth, Cooper, Perdue, Perry, Eldridge and Ellington: Creating the Commission to Accelerate Statewide Coordination of Mental Health Services for Children and Adolescents	226					226
4250	By Delegate Skinner: Prohibiting shifting future development costs onto existing public service district customers	226					226
4251	By Delegates Espinosa and Upson: Increasing the criminal penalties for participating in an animal fighting venture	226					226
4252	By Delegates Campbell, Longstreth, Eldridge, Trecost, Wagner, R. Smith, Zatezalo and Ihle: Relating to custodial orders in suits affecting the parent-child relationship	226					226
4253	By Delegates Caputo, Sponaule, Perdue, Manchin, Ferro, Trecost, Fluharty, Pethtel, Miley, Hamilton and Longstreth: Relating to mine subsidence insurance	227					227
4254	By Delegates Hamilton, Storch, Butler, Westfall, Guthrie, Pethtel and B. White: Relating generally to workers' compensation	227					227
4255	By Delegates Hamilton, A. Evans, Romine, Wagner, Ambler, Eldridge, Pethtel, Sponaule and Guthrie: Relating to the taking and registration of wildlife including electronic registration of beaver, otter and big game animals	227	367				227, 368
4256	By Delegates Faircloth, Storch, Ferro and P. Smith: Creating the Uniform Real Property Electronic Recording Act	227	1065				228, 1065
4257	By Delegates Fluharty, Hornbuckle, Sponaule, Guthrie, Bates, Pushkin, Ferro, Miley, Fleischauer, Byrd and Perdue: Prohibiting use of a person's credit history in certain insurance transactions	228					228
4258	By Delegates Byrd, Guthrie, Rowe, Rohrbach, Fluharty, Reynolds, Marcum, Shaffer, Fleischauer, P. Smith and Stansbury: Relating to substance abuse	228					229
4259	By Delegates Rohrbach, Stansbury, Bates, Byrd, Ellington, Householder, Miller, Perdue, Waxman and B. White: Relating to the regulation of vapor products	229	368				229, 368

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4260	By Delegates Shott, Howell, McCuskey, Marcum, Fast, Folk, Foster, Overington, Summers, Kessinger and Azinger: Providing private educational facilities authority to determine whether, and under what circumstances, to permit deadly weapons on school premises through written policies	229					230
*4261	By Delegates Shott, McCuskey, Cowles, O'Neal, Butler, Marcum, Shaffer, Sobonya, Folk, Overington and Azinger: Prohibiting the sale or transfer of student data to vendors and other profit making entities (Chapter 85, Acts, 2016)	230	404, 754	1045, 3412	3413	1046	230, 405, 838, 1008, 1045, 1046, 3413, 3706, 3734
4262	By Delegates J. Nelson, Arvon, Moffatt, Ihle, McGeehan, Blair, D. Evans, Miley, Phillips, Reynolds and P. White: Requiring that three parking spaces in the West Virginia Culture Center parking lot be designated for use by Purple Heart Medal recipients	230	655				230, 655
4263	By Delegates Pushkin, Campbell, Moffatt, Eldridge, Sponaugle, Byrd and Guthrie: Relating to the juvenile justice reform oversight committee	230					230
4264	By Delegates Skinner, Householder, Blair, Cowles, Overington, Marcum, Folk and Faircloth: Adding motor fuel to the list of products exempted from unfair trade practices	231					231
*4265	By Delegates Walters, Frich, Canterbury, McCuskey, Hanshaw, Skinner, Marcum and Perry: Relating to payment by the West Virginia Municipal Bond Commission or state sinking fund commission or the governing body issuing the bonds (Chapter 223, Acts, 2016)	231	424, 842	2895	2895	1147, 2905	231, 424, 1060, 1094, 1147, 2895, 2906, 3698, 3734
4266	By Delegates Cowles, B. White, Shott, Espinosa, E. Nelson, Howell, Upson, Trecost, Reynolds and Gearheart: Relating to transportation network companies	231					232
4267	By Delegates Fast, Howell, Rowan, Gearheart, Kurcaba and Azinger: Providing an exemption from regulation by the Public Service Commission for motor vehicles used exclusively in the transportation of roll-off solid waste containers	251					251
4268	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to dedication of severance tax proceeds to the West Virginia Infrastructure General Obligation Debt Service Fund	251	841				252
4269	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to public school finance	252					252



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4270	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Military Affairs and Public Safety	252					252
*4271	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Ending discretionary transfers to the Licensed Racetrack Modernization Fund	252				1625	253, 1482, 1513, 1625, 1626
4272	By Delegates Fast, Shaffer, Hanshaw, Kurcaba, McCuskey, Manchin and Skinner: Relating to Public Defender Services	253					253
4273	By Delegates Fast, Hill, Shaffer and Azinger: Requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers	253					253
4274	By Delegates Fast, Hill, Shaffer, Overington, Kurcaba, Kessinger and Border: Relating to gasoline and fuel excise tax	253					254
4275	By Delegates Fast, Hill, Shaffer, Azinger and Border: Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person	254					254
4276	By Delegates Fast, Shaffer, Kurcaba, Border and Azinger: Requiring all local special elections to be held on the days and hours of general, primary or state-wide elections	254					254
4277	By Delegates Fast, Gearheart, Shaffer and Kessinger: Repealing provision prohibiting employers from discriminating for use of tobacco products	254					254
4278	By Delegates Fast, Hill, Shaffer, Kurcaba and Azinger: Allowing a home improvement transaction to be performed under an oral contract	254	374				254, 374
*4279	By Delegates Hamilton, A. Evans, Romine, Wagner, Ambler, Eldridge, Pethtel, Sponaule and Guthrie: Relating to disposition of seized firearms (Chapter 251, Acts, 2016)	254	1330		1936	1499	254, 1423, 1465, 1498, 1499, 2791, 3016
4280	By Delegates Kelly, Cooper, Perry, Sobonya, Atkinson, Azinger, Romine, McGeehan, Trecoast, J. Nelson and Butler: Permitting persons who are twenty-one years of age or older to operate or be a passenger on a motorcycle without a helmet	255					255, 1495, 1507
4281	By Delegate Byrd: Providing that the statewide summative assessment only be administered in grades three through eight and once at the high school level	255					255

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4282	By Delegates Howell, Hamrick, Hill, Ihle, Hartman, Phillips, Moffatt, Atkinson, Faircloth, Morgan and Zatezalo: Reorganizing certain code provisions that organize the executive branch of state government	255	269				255, 270
4283	By Delegates Hamrick, Cadle, Ellington, Trecoast, Foster, Atkinson, Butler, Rowan, Storch, Westfall and Waxman: Removing restrictions for hunting or trapping on private lands on Sundays	255					256
4284	By Delegates Hamrick, Waxman, Storch, McCuskey, Westfall, Statler, Flanigan, P. Smith, Atkinson, Hill and Hanshaw: Relating to the issuance, expiration and renewal of driver's license	256					256
4285	By Delegates Hamrick, Trecoast, Waxman, Wagner, Atkinson, Butler, Statler, Rowan, Frich, Weld and Storch: Making it a misdemeanor for a person to impersonate a veteran	256					256
4286	By Delegates Westfall, Stansbury, McCuskey, B. White, Frich, Hamrick and Waxman: Relating to the scope and application of the Unfair Trade Practices Act	256					256
4287	By Delegates A. Evans, J. Nelson, Fleischauer, Rowan, Longstreth, Reynolds, Kelly, Ferro, Lynch, Ireland and Atkinson: Providing for the awarding of a West Virginia veterans' service pin and a West Virginia Service Cross and ribbon to qualifying West Virginia veterans	256					257
4288	By Delegates McGeehan, Hill, Faircloth, Ihle and J. Nelson: Save the Hospitals Act	280					280
4289	By Mr. Speaker (Mr. Armstead), and Delegates Miley, Bates, Lane and Shott: Relating to grand juries	280					280
4290	By Delegates Marcum and P. White: Relating to the Laurel Lake Wildlife Management Fund	280					281
*4291	By Delegates J. Nelson, Phillips, Moffatt, Espinosa, Westfall, Perdue, Upson, Lane, Moye, Mr. Speaker (Mr. Armstead) and Miley: Increasing penalties for teachers who commit sexual offenses against children	281	405, 662	790			281, 405, 745, 790, 834
4292	By Delegates Marcum, Phillips, Hamilton, Hicks, Rodighiero, Westfall, Sobonya, R. Smith, P. White, Moye and Byrd: Increasing criminal incarceration penalties for the transportation of controlled substances into the state	281					281
4293	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to the West Virginia Controlled Substances Monitoring Program database	281	1075				282, 1075

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4294	By Miley [By Request of the Executive]: Eliminating the consumers sales and service tax exemption on purchases of certain materials by a second party in construction or maintenance of a highways project	282					282
*4295	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to the School Innovation Zones Act (Chapter 92, Acts, 2016)	282	1102	3414	3413	1336, 3418	283, 1103, 1210, 1294, 1336, 3418, 3701, 3734
4296	By Delegates Rowan, Cooper, D. Evans, Moye, Perry, Ambler, Wagner, Fast, Duke, Campbell and Ferro: Permitting county boards of education to accumulate instructional days and use them when needed	283					283
4297	By Delegates Cadle, Foster, Border, Statler, McCuskey, Upson, Zatezalo, Blair, Stansbury, Hill and Kessinger: Increasing penalties for destruction or theft of election campaign advertising	283					283
4298	By Delegates Rohrbach, Sobonya, Miller, Reynolds, Campbell and Cooper: Changing the age effective date of children for whom county boards of education must provide kindergarten programs	283					283
4299	By Delegates J. Nelson, Phillips, Moffatt, R. Smith, McCuskey, Wagner, Bates, Eldridge, Stansbury, Arvon and Miley: Increasing the amount volunteer fire companies or paid fire departments may charge for reimbursement	283	366, 1320			1451	284, 366, 1380, 1419, 1451
4300	By Delegates Espinosa, Upson, Householder, Blair, Faircloth, Folk, Duke, Howell, McGeehan and Zatezalo: Relating to changes in distribution of net terminal income, excess net terminal income and excess lottery fund	284					284
*4301	By Delegates Espinosa, Westfall, Ambler, Cooper, D. Evans, Statler, Hamrick, Kurcaba, Rohrbach, Upson and Householder: Relating to a framework for initiating comprehensive transformation of school leadership (Chapter 87, Acts, 2016)	284	342, 1438		3678	1693	284, 342, 1606, 1671, 1693, 3702, 3735
4302	By Mr. Speaker (Mr. Armstead), and Delegates Bates, Miley, Lane and Shott: Relating to the Commission on Special Investigations	284					285

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4303	By Delegates Cooper, D. Evans, Ambler and Rowan: Providing a salary increase for special education teachers	285					285
4304	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to the allocation of premiums for employers and employees in the Public Employees Insurance Agency	285					285
4305	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Authorizing transportation network companies to operate in the state	285					286
4306	By Delegates Rowan, Border, Fast, Stansbury, Moye, Campbell, Overington, Romine, Hamilton, Perry and Phillips: Prohibiting persons who have committed crimes against the elderly from performing any court ordered public service involving the elderly	286	307				286, 307
*4307	By Delegates Summers, Mr. Speaker (Mr. Armstead), Blair, Azinger, Waxman, McGeehan, Overington, Ihle, Phillips and Eldridge: Clarifying that a firearm may be carried for self defense in state parks, state forests and state recreational areas	287	1173, 1474	3095	3095	1634, 3103	287, 1173, 1474, 1513, 1626, 1634, 3095, 3103, 3702, 3720
*4308	By Delegates Rowan, Border, Fast, Stansbury, Moye, Campbell, Overington, Romine, Duke, Phillips and Ferro: Barring persons who are convicted of certain criminal offenses from acquiring property from their victims	287	1011, 1442			1694	287, 1011, 1606, 1671, 1693, 1694
4309	By Delegates Rowan, Border, Fast, Stansbury, Moye, Campbell, Overington, Romine, Duke, Pethel and Ferro: Increasing criminal penalties for conviction of certain offenses of financial exploitation of an elderly person (Chapter 64, Acts, 2016)	287	307, 583	3269, 3276, 3277	3269, 3675	744, 3276	287, 307, 653, 718, 744, 3277, 3706, 3735
*4310	By Delegates O'Neal, Anderson, Espinosa, E. Nelson, Arvon, Bates, Fleischauer, Frich, Statler, Kurcaba and Miley: Relating to the West Virginia University Institute of Technology (Chapter 123, Acts, 2016)	287	846	1095, 1149, 2906	2906	1148, 2908	288, 1060, 1094, 1147, 1150, 2906, 2907, 2908, 3698, 3735
*4311	By Delegates Howell, Arvon, Blair, Phillips, Hartman, Ihle, Cadle, McGeehan, Moffatt, Atkinson and Morgan: Relating to qualifications of members of the Board of Landscape Architects	288	326			420	288, 362, 398, 419, 420

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4312	By Delegates Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, R. Smith, Hamrick and Morgan: Relating to qualifications of members of the Board of Accountancy	288					288
*4313	By Delegates Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, Moffatt, Atkinson and Morgan: Relating to qualifications of members of the Board of Architects	288	326			420	288, 362, 399, 420, 3734
*4314	By Delegates Rohrbach, Stansbury, Bates, Ellington, Householder, Miller, Perdue, Waxman and B. White: Prohibiting the sale of powdered or crystalline alcohol (Chapter 60, Acts, 2016)	289	369, 1436	3237	3237	1635, 3238	289, 369, 1468, 1513, 1634, 1635, 3227, 3238, 3702, 3734
4315	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to air-ambulance fees for emergency treatment or air transportation (Chapter 130, Acts, 2016)	289	306, 1069		3676	1452	289, 306, 1159, 1209, 1229, 1389, 1419, 1423, 1452, 3702, 4735
4316	By Delegates Espinosa, Ellington, Duke, Perry, Moye, Upson, Wagner, Ambler, Cooper, D. Evans and Kelly: Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification (Chapter 95, Acts, 2016)	289	341, 845		3678	1150	289, 341, 1060, 1096, 1150, 3702, 4735
*4317	By Delegates Foster, McGeehan, Butler, Ihle, Azinger, Fast, Moffatt, J. Nelson, Summers, Waxman and Miller: Limiting factors in parenting plans (Chapter 75, Acts, 2016)	299	1386	3282, 3283, 3465	3281	1499, 3283, 3465	300, 1423, 1465, 1499, 1500, 3282, 3284, 3465, 3466, 3706, 3735
4318	By Delegates Foster, McGeehan, Butler, Ihle, Azinger, Fast, Moffatt, J. Nelson, Waxman, Kessinger and Miller: Including consideration of the employment or working schedule of a parent as a factor in determining an allocation of custodial responsibility	300					300
*4319	By Delegates Weld, McGeehan, J. Nelson, Cooper, Ireland, Longstreth, Anderson and Fritch: Including in the definition of “veteran” active members of the Guard and Reserve in order to exempt them from fees charged by the Secretary of State	300	402, 843			1151	300, 402, 1060, 1096, 1150, 1151

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4321	By Delegates Foster, Cadle, McGeehan, Butler, Ihle, Azinger, Fast, Moffatt, J. Nelson, Waxman and Summers: Relating to tax credits for apprenticeship training in construction trades	300	747, 1327			1453	301, 747, 1380, 1419, 1453
*4322	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expanding the Learn and Earn Program (Chapter 124, Acts, 2016)	301	847		2063	1151	301, 1061, 1096, 1151, 3012, 3734
*4323	By Cowles and Delegate Miley [By Request of the Executive]: Relating to the reporting of emergency incidents by well operators and pipeline operators (Chapter 212, Acts, 2016)	301	366, 405, 659	791, 3103	3103	835, 3104	301, 366, 405, 745, 790, 791, 834, 835, 3103, 3104, 3706, 3735
4324	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Authorizing information sharing by Workforce West Virginia (Chapter 144, Acts, 2016)	301	1330		1936	1500	301,1423, 1465, 1500, 2791, 3016
4325	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Requiring promulgation of a rule to provide for payment of tuition by county boards of education to the Mountaineer Challenge Academy	302	404				302, 404, 1500
4326	By Delegates Hamrick and Waxman: Making special registration plates for volunteer fire fighters	315					315
4327	By Delegates Phillips, Marcum, Perdue, J. Nelson, Eldridge, Rodighiero, Rohrbach, Sobonya, Moffatt, Weld and O'Neal: Authorizing a special registration plate for elk	315					315
4328	By Delegates Storch, Fleischauer, Moore, Longstreth, P. White, Guthrie, Flanigan, Folk, Frich, Upson and Blair: Relating to the "Equal Pay Act of 2016"	315					316
4329	By Delegates McGeehan, Faircloth, Azinger, Folk, Ihle, J. Nelson, Moffatt and Butler: Right to keep and bear arms	316					317
*4330	By Delegates Cadle, Ihle, Butler, Weld, Ireland, Zatezalo, Azinger, Kelly, Anderson, Sobonya and Deem: Relating to make unlawful to take a fish, water animal or other aquatic organism from state waters to stock a commercial pond or lake (Chapter 171, Acts, 2016)	317	577, 1228		1936	1453	317, 577, 1380, 1419, 1453, 1454, 2790, 3734

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4331	By Delegates R. Smith, J. Nelson, Wagner, Stansbury, Hamilton, Cadle, Statler, Eldridge, Flanigan, Atkinson and Butler: Providing the Director of the Division of Natural Resources the authority to offer up to \$1,000 for information leading to the arrest and conviction of persons who have injured or killed game	317					317
4332	By Delegates Fleischauer, Statler, Shaffer, Kurcaba, McCuskey, Shott, Fast, Rowe, Skinner, Summers and Frich: Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage	317					317
4333	By Delegates Shott, Howell, Miller, Ellington, Gearheart, Hamrick, Cadle and Butler: Relating to assessment value of certain motor vehicles for purposes of ad valorem property taxes	318					318
4334	By Delegates Summers, Campbell, Miller, Sobonya, Faircloth, Bates, Westfall, Householder, Cooper and Fleischauer: Clarifying the requirements for a license to practice as an advanced practice registered nurse and expanding prescriptive authority (Chapter 175, Acts, 2016)	318	800, 1177	1420, 3239, 3259	3238	1455, 3262	319, 800, 1296, 1377, 1419, 1420, 1454, 1455, 3262, 3702, 3735
4335	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Authorizing a pharmacist or pharmacy intern to dispense, pursuant to a protocol, an opioid antagonist without a prescription	319					319
4336	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Decreasing appropriations to the Department of Health and Human Resources	319					319
4337	By Delegates Phillips, Marcum, Perdue, J. Nelson, Morgan, Cowles, O'Neal, Ellington, Westfall, Campbell and Perry: Requiring the General Services Division to provide former Legislators with access cards to the State Capitol building	319					320
4338	By Delegates Lane, Sobonya, Householder, Moffatt, McGeehan, Butler, Perdue, Fleischauer and Rodighiero: Relating to the state's Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver	333					333
*4339	By Delegates Cadle, Foster, Butler, Ihle, Lynch, Atkinson, R. Smith, Gearheart, Ireland, Howell and Storch: Relating to wildlife resources	333	796, 1228			1455	333, 796, 1380, 1420, 1455, 1456

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4340	By Delegates Howell, Foster, Canterbury, Summers, Waxman, Azinger, Rohrbach, Storch, Cadle, R. Smith and Perdue: Amending licensing requirements for an act which may be called Lynette’s Law (Chapter 176, Acts, 2016)	334	844	1096	2177	1151	334, 1061, 1096, 1151, 1152, 3684, 3735
4341	By Delegates Howell, Gearheart, Blair, Householder, Walters, O’Neal, Summers, Waxman, Azinger, Rohrbach and Cadle: West Virginia Monument and Memorial Protection Act of 2016	334					334
4342	By Delegates Rohrbach, Sobonya, Bates, Ellington, Miller, Perdue, Shott, Stansbury, Waxman and B. White: Relating to the purchase of scrap metal	334					334
4343	By Delegates Skinner, Storch, Miley, Campbell, Hamilton, Westfall, Walters, Moore, Flanigan and Shott: Youth Mental Health Protection Act	335					335
4344	By Delegates Rohrbach, Stansbury, Bates, Byrd, Perdue, Waxman and B. White: Establishing local needle exchange programs	335					335
4345	By Delegates Howell, Arvon, Blair, Phillips, Hill, Hartman, Ihle, Cadle, Stansbury, R. Smith and Morgan: Repealing the West Virginia Permitting and Licensing Information Act (Chapter 37, Acts, 2016)	335	1102, 1483		2177	1694	335, 1102, 1606, 1672, 1694, 3684, 3734
4346	By Delegates Hamilton, A. Evans, Romine, Wagner and Guthrie: Relating to bear hunting and offenses and penalties (Chapter 169, Acts, 2016)	335, 1329	368, 1383	1500	2775	1500, 2776	335, 368, 1423, 1465, 1500, 1501, 2776, 2777, 3689, 3734
4347	By Delegates Ellington, Summers, Faircloth, Rohrbach, Sobonya, Stansbury, Storch, Upson, B. White and Frich: Providing pregnant women priority to substance abuse treatment (Chapter 127, Acts, 2016)	336	587, 660		3678	835	336, 745, 791, 835, 3702, 3734
4348	By Delegates Frich, Canterbury, Ambler, Hamilton, Faircloth, Butler, McCuskey, Westfall, Trecost, Storch and Miller: Decreasing the basic compensation paid to members of the Legislature and salaries paid to other state officers by five percent	354					354
4349	By Delegates Hill, Statler, Stansbury, Kessinger, Duke, Espinosa, Shott, Faircloth, Upson and Blair: Increasing the penalties for overtaking and passing a school bus	354					354
4350	By Delegates Pushkin, Reynolds, Upson, McCuskey, Shott, Weld, Fleischauer, Guthrie, Byrd, Skinner and Marcum: Creating a domestic violence registry	354					354



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*4352	By Delegates E. Nelson, Ellington, Summers, Waxman and Lane: Relating to the selling of certain state owned health care facilities by the Secretary of the Department of Health and Human Resources	355	582, 1383	1465		1502	355, 582, 1423, 1465, 1501, 1502
4353	By Delegates Ellington, Summers, Stansbury and Rohrbach: Relating to testing for HIV and sexually transmitted diseases	355					356
4354	By Delegates Lane, Hamilton, Canterbury, Guthrie, Campbell, Hornbuckle, Sponaugle, Skinner, Byrd and Fluharty: Relating to notices of revocation of certificate of authority to conduct business	356					356
4355	By Delegates Ellington, Rohrbach, Sobonya and Stansbury: Requiring the Bureau of Medical Services to request certain waivers from the Center from Medicaid and Medicare Services	356					356
4356	By Delegates McGeehan and Sponaugle: Allowing a group of affiliated voters to become a recognized political party under certain criteria	356					357
4357	By Delegates McGeehan, Kurcaba, Folk, Azinger and Hamilton: Home Instruction Tax Relief Act	357					357
4358	By Delegates Statler, Kurcaba, Rohrbach, Sobonya, Summers, Ellington, Blair, Flanigan, Butler, Frich and Fleischauer: Relating to out of state physicians and surgeons traveling with sports teams within this state	357	1017, 1222	1377		1413	357, 1017, 1297, 1377, 1378, 1412, 1413
4359	By Delegates Miley, Trecost, Caputo, Boggs and Perdue: Requiring the issuance of a photo identification to persons employed as a security guard by a security guard firm	357	748				357, 838, 1008
*4360	By Delegates Shaffer, Sponaugle, Shott, Reynolds, Miley, Mr. Speaker (Mr. Armstead), Hanshaw and Weld: Increasing the criminal penalty for the unlawful practice of law (Chapter 177, Acts, 2016)	357	1019	2908, 2910	2908	1204, 2910	357, 1099, 1157, 1203, 1204, 2908, 2910, 3698, 3734

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4361	By Delegates Marcum, Phillips, J. Nelson, Frich, P. White, R. Smith, Westfall, Rodighiero, Hicks, Faircloth and Wagner: Requiring that senior status circuit judges only fill vacancies in districts or counties in which they were not previously elected	358					358
4362	By Delegates Kurcaba, Fleischauer, Statler, Householder, Espinosa, Overington, Weld, Summers, Blair, Byrd and Upson: Establishing a felony offense of strangulation (Chapter 61, Acts, 2016)	358	448	1875	1875	652, 1876	358, 605, 652, 573, 1877, 2077, 3689
4363	By Delegates Fleischauer, Moore, Morgan, Manchin, Longstreth, Caputo, Hornbuckle, P. White and Lynch: The Healthy and Safe Workplace Act	358					358
4364	By Delegates Skinner, McGeehan, Hamrick, Fluharty, Householder, Blair, Sponaule, Manchin, Miley, Byrd and Marcum: Internet Privacy Protection Act (Chapter 143, Acts, 2016)	358	1444	3392	3392	1694, 3395	359, 1606, 1672, 1694, 3395, 3706, 3735
*4365	By Delegates Ellington, Arvon, Bates, Cooper, Householder, Rohrbach, Stansbury, Summers and Waxman: Relating to the certificate of need process (Chapter 195, Acts, 2016)	359	425, 804	3104, 3138	3104	1337, 3139	360, 425, 1009, 1210, 1294, 1336, 1337, 3104, 3139, 3702, 3735
*4366	By Delegates Canterbury, E. Nelson, Frich, Westfall, Guthrie and Longstreth: Finding and declaring certain claims against the state and its agencies to be moral obligations of the state (Chapter 35, Acts, 2016)	380	843		1681	1152	380, 1061, 1096, 1152, 1153, 1778, 1788
4367	By Delegates Lane, Hamilton, Canterbury, Guthrie, Campbell, Hornbuckle, Reynolds, Sponaule, Skinner, Byrd and Fluharty: Relating to background checks for applicants for private investigator and security guard licensure	380					380
4368	By Delegates Marcum, Shott, Lane, Sobonya, Kessinger, P. White, Blair, Summers, R. Smith, Ireland and McCuskey: Allowing the use of bailiffs who are not law-enforcement officers	380					380
4369	By Delegates Hamilton, Romine, A. Evans, Canterbury, Ambler, Cooper, Hill, Sponaule, Campbell, Lynch and Wagner: Decreasing and ending the tax on timber	380	796				380, 796
4370	By Delegates Skinner, Fluharty, Reynolds, Blair, Kelly, Storch, Flanigan, Campbell, Ihle, Hartman and Perry: Prohibiting discrimination in public employment based upon sexual orientation	380					380

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4372	By Delegates Hicks, Frich, Reynolds, Marcum, Westfall, Rodighiero, Deem, R. Smith, J. Nelson and Eldridge: Creating tax credits for new and/or existing small businesses	382					382
4373	By Delegates Skinner, Campbell, Eldridge and Marcum: Prohibiting exposing a dog or cat that is a companion animal to extreme weather conditions that results in injury or death	382					382
4374	By Delegates Hicks and Fleischauer: Providing for security of private, employer-sponsored insurance and/or retirement plans	382					382
4375	By Delegate Westfall: Entering reciprocal agreements to recognize hunting, fishing and trapping licenses issued by other states	382					383
4376	By Delegates Westfall, McCuskey, B. White, Stansbury and Weld: Requiring automobile liability insurance providers must give a policyholder a ten day notice of an intent to cancel for nonpayment of premium	383					383
*4377	By Delegates Storch, Anderson, Trecost, Manchin, Fluharty, Zatezalo, Weld, D. Evans, Frich and Longstreth: Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days (Chapter 226, Acts, 2016)	383	582, 848		2064	1503	383, 582, 1061, 1097, 1153, 1485, 1502, 1503, 3012, 3734
4378	By Delegates Shott, Lane, McCuskey, Sobonya, Hanshaw, Miller, Arvon, Border and Kessinger: Relating to access to and receipt of certain information regarding a protected person by certain relatives of the protected person	383	662	791, 3501	3501	836, 3505	384, 745, 791, 792, 835, 836, 3501, 3505, 3706, 3721
4379	By Delegates Storch, A. Evans, Kessinger, Upson, Campbell, Ferro, Rohrbach, Bates, Romine, Reynolds and Fluharty: Allowing a voluntary donation of refunds for overpayment of fees to the Secretary of State's office to the West Virginia Children's Trust Fund	384					384
*4380	By Delegates Ellington, Summers, Rohrbach and Stansbury: Adding the spouse of an indigent person as a possible individual who may be liable for the funeral service expenses	384	799, 1326	1456		1457	384, 799, 1380, 1420, 1456, 1457

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4382	By Delegates Reynolds, Faircloth, Fluharty, Hicks, Moffatt, Folk, Skinner, Byrd, Phillips, Eldridge and Blackwell: Prohibiting fuel surcharges in certain instances	385					385
*4383	By Delegates Phillips, Reynolds, Marcum, Hamrick, Walters, Sobonya, P. White, Butler, McCuskey, Weld and Hanshaw: Making individuals responsible for the costs relating to the filing of excessive false complaints	385	1019	3139, 3160, 3162	3139	1204, 3162	385, 1019, 1099, 1158, 1204, 3139, 3142, 3160, 3163
4384	By Delegates Butler, Gearheart, Waxman, Summers, Miller, Perry, McGeehan, Hamrick, Kurcaba, Wagner and Cadle: Permitting students to opt out of taking certain academic assessments	385					385
4385	By Delegates Cadle, D. Evans, Cooper, Ambler, Moye, Perry, Fast, Kessinger, Campbell, Hartman and Waxman: Increasing the annual salary of employees of the Division of Corrections	385					385
4386	By Delegates Ellington, Rohrbach and Stansbury: Requiring the Department of Health and Human Resources to be notified of hearings involving criminal defendants to be placed in state inpatient mental health facilities	386	1018				386, 1018
4387	By Delegates J. Nelson, Moffatt, R. Smith, Ihle, McGeehan, Folk, Faircloth and Foster: Providing that any law-abiding person eighteen years of age or older may carry a concealed weapon within the boundaries of the state	386					386
*4388	By Delegates Rohrbach, Ellington, Householder, Bates, Byrd, Sobonya, Summers, Upson and B. White: Relating to stroke centers (Chapter 199, Acts, 2016)	386	1018	3284	3284	1205, 3286	386, 1158, 1204, 1205, 3284, 3286, 3706, 3735
4389	By Delegates Hamilton, A. Evans, Romine, Wagner, Ambler, Pethel, Sponaugle and Guthrie: Relating to crossbow hunting	386	577				387, 577
4390	By Delegates Rohrbach, Morgan, Trecost, Reynolds and Hornbuckle: Relating to the West Virginia Land Reuse Agency Authorization Act	387	1015				387, 1015

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4392	By Delegates Walters, Canterbury, Hanshaw, Skinner, Ireland, Gearheart, Fleischauer, Rowe and Storch: Establishing a special fund to be used for minor road repair within the county	387	1014				388, 422, 1015
4393	By Delegate Shott: Relating to enhanced penalties for use of a firearm during commission of a felony	373					444, 535
4394	By Delegates Hanshaw, Sponaugle, McCuskey, Skinner, Manchin, Marcum, Hicks, Miley, Fluharty and Shaffer: Uniform Electronic Legal Material Act	412					412
4395	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to the licensing and regulation of medication-assisted treatment programs for substance use disorders	412					413
4396	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Updating the West Virginia Workforce Investment Act to the West Virginia Workforce Innovation and Opportunity Act	413	577				414, 577
4397	By Delegates Deem, Kelly, Azinger, Border and Anderson: Exempting certain child care facilities from licensure, certification, approval and registration requirements	414					414
4398	By Delegates Skinner, Eldridge, Manchin, Campbell, Perry and Bates: Exempting residents honorably discharged from the Armed Forces from the requirement of obtaining a license to hunt, trap or fish	414					414
4399	By Delegates Skinner, Manchin, Bates, Perdue, Eldridge, Campbell and Guthrie: Permitting pharmacists to furnish naloxone hydrochloride in accordance with standardized procedures	414					414
4400	By Delegate Skinner: Revised Uniform Fiduciary Access to Digital Assets Act	415					415
4401	By Delegates Skinner, Hornbuckle, Manchin, Fleischauer, Pushkin, Byrd, Rowe and Reynolds: Providing that any person with a West Virginia driver's license or an official identification card is automatically registered to vote	415					415
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4404	By Delegates Skinner, Fleischauer, Fluharty, Walters, Flanigan, Moore, Rowe, Byrd, Pushkin, Perdue and Guthrie: Prohibiting discrimination based upon age or sexual orientation	416					416
4405	By Delegates McGeehan, Folk, Ihle, Faircloth, Azinger, Storch and Butler: West Virginia Educational Restoration Act	416					417
4406	By Delegates Householder, Miller, D. Evans, Boggs, Walters, Waxman, Guthrie, Longstreth, Reynolds, Frich and E. Nelson: Establishing by legislative rule a user fee for the maintenance of the enterprise resource system	373	848				374
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4408	By Delegates Westfall, McCuskey and Hamrick: Prohibiting certain civil actions against company adjusters	434	1015				434, 1016
4409	By Delegates Campbell, Perdue, Perry, Summers, Ellington, Fleischauer, Bates, Hartman, Rowan, Wagner and Rohrbach: Requiring in-service training programs in the use of the Heimlich maneuver and response to choking emergencies for all school personnel in pre-kindergarten, kindergarten and elementary schools	434	1227				435, 1227
4410	By Delegates Upson, Blair and Householder: Establishing an arborists program for inmates	435					435
4411	By Delegates R. Smith, J. Nelson, D. Evans, Rohrbach, Anderson, Hamrick, Ihle, Wagner and Stansbury: Relating to penalty for illegally taking native brook trout (Chapter 168, Acts, 2016)	435	796, 1228	2910	2910	1457, 2911	435, 796, 1380, 1421, 1457, 1458, 2911, 2912, 3698, 3734
4412	By Delegates Perdue, Shaffer, Perry, Pushkin, Guthrie, Campbell, Longstreth, Hicks, Fleischauer, Lynch and Bates: Assessing the health impact of any new, or modification to, rule proposed by the Secretary of the Department of Environmental Protection	435					435
4413	By Delegates Caputo, Longstreth, Manchin, Perry, Boggs, Byrd, Lynch, Perdue, Romine, Rowan and A. Evans: Relating to the use of drone surveillance of private citizens	435					436

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4415	By Delegates J. Nelson, Moffatt, R. Smith, Phillips, Wagner, Ihle, McGeehan, Folk, Faircloth, Marcum and Lane: Offsetting the shortfall of PEIA by reducing the compensation of all elected state officials and members of the state Board of Education	436					436
4416	By Delegates Cooper, Ambler, D. Evans and O'Neal: Expanding the authority of motor carrier inspectors	436					436
4417	By Delegates Shott, Hanshaw, Rowe, Marcum, Shaffer, Manchin, Summers, Kessinger, Ireland and Skinner: Increasing wages protected from garnishment (Chapter 42, Acts, 2016)	436	663		2177	836	436, 745, 792, 836, 3684, 3734
4418	By Delegate Duke: Requiring funding by the West Virginia Library Commission to local libraries be based on the population served by each respective library	437					437
4419	By Delegates Skinner, Eldridge, Manchin, Campbell, Perry and Bates: Exempting any veteran's primary residence from real property tax	437					437
4420	By Delegates Skinner, Eldridge, Perdue, Bates and Manchin: Requiring the listing of the ingredients contained in vapor products	437					437
4421	By Delegate Skinner: Providing tax breaks for employers assisting employees paying student loans	437					437
4422	By Delegate Skinner: Internet Service Provider Accountability Act	437					438
4423	By Delegate Skinner: Requiring various professionals who provide mental health-related services complete a minimum number of fifteen contact hours of course work in suicide assessment, treatment and management before that person may be issued a license	438					438
4424	By Delegates Weld, Eldridge, Ferro, Kessinger and Storch: Eliminating the need for law enforcement to obtain a court order prior to having access to inmate mail and phone recordings	438					438
4425	By Delegate Walters: Modifying the definition of "accrued benefit" by increasing the retirement benefit multiplier for certain EMSRS members	438					439
4426	By Delegates Ireland, Anderson, Zatezalo, D. Evans, Canterbury, R. Smith and Stalter: Horizontal Well Unitization and Landowner Protection Act of 2016	439					440

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4427	By Delegate Duke: Providing identification to qualified law-enforcement officers to allow them to carry firearms for self-defense under the federal Law-Enforcement Officers Safety Act, and clarifying that prosecuting attorneys and assistant prosecuting attorneys may carry firearms for self-defense	467					468
4428	By Delegates Householder, Faircloth, Rodighiero, Campbell, Perry and B. White: Clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified (Chapter 183, Acts, 2016)	468	1406		3675	1635	468, 1468, 1513, 1635, 1636, 3702, 3735
4429	By Delegates Howell, Rowan, A. Evans, Espinosa, Duke, Lane, Shott, Arvon, Stansbury, Blair and Cowles: Relating to events involving firearms and ammunition on former National Guard sites	468					468
4430	By Delegates Longstreth, Caputo, Manchin and Ferro: Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days	468					469
4431	By Delegates Fast, Kessinger and Perry: Relating to relocation or closure of state higher education institutions	469					469
4432	By Delegates Cowles, Ihle, O'Neal, Weld, Fleischauer, McCuskey and Pushkin: Clarifying procedures for removal of office of any person holding any county, school district or municipal office	469					469
*4433	By Delegates Weld, Zatezalo, Storch and McGeehan: Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees	469	1220		2064	1413	470, 1296, 1297, 1378, 1413, 3012
4434	By Delegates Faircloth, Ihle, Stansbury, Hill, Kurcaba, Statler and Frich: Relating to limitations on tax certificates	470					470
*4435	By Delegates R. Smith, Ireland, McCuskey and Marcum: Authorizing the Public Service Commission to approve expedited cost recovery of electric utility coal-fired boiler modernization and improvement projects (Chapter 214, Acts, 2016)	470	1225, 1482		3679	1695	470, 1225, 1606, 1672, 1695, 3702, 3734
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*4438	By Delegates Summers, Ellington, Rohrbach, Waxman, Stansbury, Blair and Hamrick: Relating to the involuntary examination of individuals experiencing a psychiatric emergency or mental illness	471	1018, 1472				471, 1018, 1513, 1636, 1681
4439	By Delegates J. Nelson, Householder, Phillips, R. Smith, Ihle, McGeehan, Folk, Faircloth, Butler, Marcum and Perdue: Providing a tax credit for persons receiving a concealed weapons permit	471					471
4440	By Delegates J. Nelson, Phillips, R. Smith, Eldridge, Moffatt, Kessinger, Arvon, O'Neal, Moore, B. White and Marcum: Relating to certain post-mining uses of lands subject to surface mining permits	471					472
4441	By Delegates Arvon, Kessinger, Stansbury, A. Evans, Bates, Kurcaba and Hamilton: Prohibiting the sale of paraphernalia designed or marketed for use with controlled substances	472	586				472, 586
4442	By Delegates Hill, Caputo, Manchin, Hamilton, Atkinson and Ihle: Exempting farm wineries from taxation for sales of wine to retail outlets	472					472
4443	By Delegates Sobonya, Rohrbach, J. Nelson, Miller, Border, Phillips, Hicks, Perry, Hornbuckle, Morgan and Perdue: Classifying the Marshall University Forensic Science Center as a criminal justice agency so that it can participate in the National Data Exchange	472					472
4444	By Delegates Guthrie, Perry, Kessinger, Pushkin, Byrd, McCuskey, Stansbury, Rowe and B. White: West Virginia Community Homesteading Act	473					473
*4445	By Delegates Hanshaw, Espinosa, Perry, Moye, Ambler, Cooper, D. Evans, Westfall and Ellington: Relating to the adoption of instructional educational resources	473	846	1097		1154	474, 1061, 1097, 1153, 1154
4446	By Delegates Ellington, Householder, Arvon, Atkinson, Bates, Cooper, Flanigan, Sobonya, Stansbury, Summers and Waxman: Increasing teacher salaries	474	1329				474
4447	By Delegates Espinosa, D. Evans, Perry, Anderson, Ferro and Duke: Granting a local school improvement council waiver for the purpose of increasing the compulsory school attendance age in Marshall County	474					474

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4449	By Delegates Waxman, Kurcaba, Folk, Hamrick, Foster, McCuskey, Summers, Ihle, Trecoast, Hanshaw and Kessinger: Creating the Compact for a Balanced Budget	563					564
4450	By Delegates Weld, Skinner, Manchin, Marcum, Hicks, Shaffer, Rowe, Sponaule, Byrd and McCuskey: West Virginia Court Reporter Act of 2016	564					565
4451	By Delegates Upson, Moore and Ihle: Relating to public service districts	565					565
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4453	By Delegates Sobonya, Miller, Rohrbach, Perdue, Morgan, Arvon, Hill, Espinosa, Hornbuckle and Ihle: Requiring the State Police to partner with the DNA and Digital Forensics sections of Marshall University Forensic Science Center	565					565
4454	By Delegates Upson, Espinosa, Border, Shott, Householder, O'Neal, Blair, McGeehan, Ihle, Kurcaba and Statler: Welfare Fraud Prevention Act	566					566
4455	By Delegates Upson, Blair, Householder, Lane, Ihle, Statler and Kurcaba: Prohibiting sex offender registrants from having Halloween related contact with children	566					566
4456	By Delegates Skinner and Manchin: Establishing the prosecuting attorney Modernization Act	566					566
4457	By Delegates Skinner, Manchin, Perry, Rowe, Pushkin, Campbell, Fluharty, Hornbuckle and Fleischauer: West Virginia Student Education Incentive Act	566					566
4458	By Delegates Skinner and Manchin: Increasing the criminal penalties for participating in an animal fighting venture	567					567
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4461	By Delegates Arvon, Duke, Espinosa, Howell, Hill, Blackwell and Border: Relating to School Building Authority School Major Improvement Fund eligibility (Chapter 94, Acts, 2016)	567	661, 1320		3679	1458	567, 661, 1380, 1458, 1459, 3703, 3734
4462	By Delegate Caputo: Placing penalty points on driver's licenses for using electronic communications devices while operating a motor vehicle	568					568
*4463	By Delegates Rohrbach, Sobonya, Waxman, Stansbury, Ellington, Summers, Kurcaba, Arvon, Perdue and Miller: Permitting the practice of telemedicine (Chapter 179, Acts, 2016)	568	1018, 1331		3679	1504	568, 1018, 1423, 1465, 1503, 1504, 3703, 3734
4464	By Delegates Westfall, Hartman, Walters and Morgan: Guaranteed Asset Protection Waiver Act	568					568
4465	By Delegates Duke, Espinosa, Westfall, Kelly and Rohrbach: Relating to salary equity among school systems	568	748, 1166				569, 748, 1210, 1229
*4466	By Delegates Espinosa, Statler, Duke, Westfall, Rowan, Ambler, Romine, Rohrbach, Kelly, Cooper and Kurcaba: Relating to public school support	569	1063, 1429			1636	570, 1063, 1468, 1514, 1636, 1637
*4467	By Delegates Espinosa, Statler, Duke, Westfall, Rowan, Rohrbach and Ambler: Including financial aid planning and completion of the Free Application for Federal Student Aid in secondary school instruction in personal finance	570	722	837		880	570, 792, 837, 880
4468	By Delegates Howell, Arvon, R. Smith, Blair, Hill, Moffatt, Hamrick, Faircloth, Hartman, Lynch and P. White: Requiring every state agency to submit a report to the Legislature containing a detailed inventory of all property	570					570
4469	By Delegates Marcum, Perry, P. White, Walters, Zatezalo, Byrd, Phillips, Ireland, Ferro, Boggs and Moye: Providing a free lunch to all employees in a school building	570					570
4470	By Delegates Rohrbach, Summers, Ellington, Waxman, Stansbury, Campbell, Longstreth, Arvon, Perdue and Miller: Expanding newborn testing to include Adrenoleukodystrophy	570	1017			1205	570, 1099, 1158, 1205

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4474	By Delegates McGeehan, Weld, Zatezalo and Storch: Continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans	595					595
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4476	By Delegates Foster, Overington, R. Smith, McGeehan, Folk, Waxman, Faircloth, Blair and McCuskey: West Virginia Contractor Licensing Act	596					596
4477	By Delegates Reynolds, McGeehan, Shaffer and Folk: Expanding the definition of political party	597					597
4478	By Delegate McGeehan: Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law	597					597
4479	By Delegates Perdue, Rodighiero, Hicks, Phillips, J. Nelson, Marcum, Westfall, Moye, Morgan and Wagner: Adding an annual annuity adjustment of one percent for eligible retirants or surviving spouses	597					597
*4480	By Delegates Walters, Perdue, J. Nelson, Rohrbach, Stansbury, Phillips, Bates, Ellington, Hanshaw, Frich and Campbell: The Ryan Brown Addiction Treatment Act	597	1074, 1400			1637	597, 1074, 1468, 1514, 1637
4481	By Delegates Folk, Faircloth, McGeehan, Householder, Blair and Duke: Requiring authorization from the Legislature before submitting an application for an MS-4 permit to the United States Environmental Protection Agency	598					598
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4484	By Delegates Ihle, Storch, Butler, Gearheart, McGeehan, Sobonya, Householder, Overington, McCuskey, Cadle and Summers: County Financial Transparency Act	599					599
4485	By Delegate Rowan: Deaf Children’s Bill of Rights Act	599					600
*4486	By Miley [By Request of the Executive]: Terminating the Behavioral Health Severance and Business Privilege Tax	600	1226, 1439				600, 1226, 1514, 1672, 1699
*4487	By Delegates Folk, Walters, Kurcaba and Marcum: Relating to state retirement systems (Chapter 218, Acts, 2016)	638	658, 1220		2794	1414	639, 658, 1296, 1297, 1378, 1414, 3696, 3734
4488	By Delegates Trecost, Waxman and Hamrick: Limiting audits of public libraries to a biennial schedule	639	800				639, 800
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4495	By Delegates Walters, McCuskey and Westfall: Allow a lender to charge and receive interest on a loan that is rescindable by the borrower, during the rescission period	641					641

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4496	By Delegate Eldridge: Permitting contractors to perform work on a construction project without having a contractor's license under certain circumstances	642					642
4497	By Delegates Cadle, Hamrick, Cooper, Ambler, Moye, Foster, D. Evans, Atkinson, Canterbury, Stansbury and Arvon: Dedicating consumer sales tax collected on sales of automobile parts to the State Road Fund	642					642
4498	By Delegates Howell, Westfall, B. White, Hamrick and Moffatt: Relating to certificates of title for certain total loss and abandoned or junked motor vehicles	642					642
4499	By Delegates O'Neal, Shott, Lane, Hanshaw, Overington, Sobonya, Azinger and Fast: Relating to certain persons who have been disqualified or excused from jury service	642	754			1046	643, 838, 1008, 1046
*4500	By Delegates Ireland, Anderson, R. Smith, Border, Miller, Ambler, Cooper, Zatezalo, Lynch and Eldridge: Oil and Gas Royalty Payment and Transparency Act of 2016	643	1072, 1439			1638	643, 1072, 1514, 1637, 1638
4501	By Delegates Phillips, Rodighiero, Hicks, J. Nelson, Eldridge, R. Smith, Azinger, Reynolds, Blackwell, Moye and Perry: Freezing assessments in counties with recent sharp decline in employment	643					643
*4502	By Delegates Lane, Miller and Sobonya: Allowing reciprocity agreements with contiguous states to establish regulations, licensing requirements and taxes for small businesses (Chapter 141, Acts, 2016)	644	1013, 1385	1466	2794	1504	644, 1013, 1423, 1466, 1504, 1505, 3696, 3735
4503	By Delegate Lane: Relating to substance abuse while pregnant	644	806				644, 806
4504	By Delegates Perdue, Hornbuckle, Hamilton, Hicks, Rohrbach, Morgan, Guthrie, Fleischauer and Skinner: Increasing the excise tax on bottled soft drinks, syrups and dry mixtures	644					644
*4505	By Delegate Skinner: Allowing powerball winners to remain anonymous	644	1387	1466, 1936	1505, 1936	1505, 1937	644, 1423, 1466, 1505, 1506, 1937, 2790, 3722
4506	By Delegate Trecost: Permitting reflective lighting on motorcycles	645					645
*4507	By Delegates Upson, J. Nelson, Cooper, Blair, Trecost, Householder, Espinosa and Frich: Providing an employer may grant preference in hiring to a veteran or disabled veteran (Chapter 105, Acts, 2016)	645	1014, 1401	3414	3413	1639, 3414	645, 1014, 1468, 1514, 1638, 3414, 3703, 3734

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4508	By Delegates McGeehan, Hamrick, Blair, Ihle and Folk: Prohibiting counties and municipalities from adopting ordinances or regulations that base restrictions on the breed of a dog	645	801				645, 801
4509	By Delegates Rowe, Skinner, Rohrbach, Perdue, Cadle, Ellington, Fleischauer, Morgan, Bates and Guthrie: Raising the legal age for purchase of tobacco and tobacco products	645					645
4510	By Delegates Howell, Hill, Arvon, Stansbury, Cadle, Ihle, Hamrick, Faircloth, R. Smith, Atkinson and Blair: Requiring a structural engineering inspection of any building prior to purchase by the state	645					646
4511	By Delegates Howell, Hill, Arvon, Stansbury, Cadle, Ihle, Hamrick, Faircloth, R. Smith, Atkinson and Blair: Limiting the authority of the Department of Administration’s purchase of real property until it has submitted a report to the Legislature	646	660				646, 660
4512	By Delegates J. Nelson, Phillips, Perdue, D. Evans, Cooper, Longstreth, Pushkin, McGeehan, Upson, Arvon and Lynch: Relating to registration for selective service	646					646
4513	By Delegates Howell, Hill, Arvon, Stansbury, Cadle, Ihle, Hamrick, Faircloth, R. Smith, Atkinson and Blair: Requiring a cost-benefit analysis to be performed before the state purchases certain real estate	646	660				646, 660
4514	By Delegates Eldridge, Skinner, Campbell, Hartman, Perry, Summers, Rohrbach, B. White, Storch, Blackwell and P. Smith: Reducing the number of pupils per school nurses	646					646
4515	By Delegates Campbell, Eldridge, Rowan, Romine, Boggs, Guthrie, Rohrbach, Lynch, Perry, Caputo and Skinner: Increasing the pet food registration fee	647					647
4516	By Delegates Howell, Hill, Arvon, Stansbury, Cadle, Ihle, Hamrick, Faircloth, R. Smith, Atkinson and Blair: Defining what constitutes capitol dome and capitol improvements	647					647
*4517	By Delegates Manchin, Shott, Shaffer, Byrd, Skinner, Caputo, Longstreth, Lane, McCuskey and Hanshaw: Limiting the ability of an agent under a power of attorney to take self-benefiting actions (Chapter 174, Acts, 2016)	647	1404		2794	1639	647, 1468, 1514, 1639, 3703, 3734

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4518	By Delegates Statler, Gearheart, R. Smith, Kurcaba, Faircloth, Wagner, Foster, Cadle, Atkinson and Ireland: Prohibiting the placement of the name or likeness of public officials on state road signs	647					647
*4519	By Delegates Hamilton, Campbell, Lynch, P. Smith, Pethtel, Marcum, A. Evans, Statler, Wagner, Moffatt and Frich: Allowing certain municipalities to elect to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System (Chapter 220, Acts, 2016)	648	658, 1221	2913	2794, 2913	1414, 2914	648, 658, 1296, 1297, 1378, 1414, 2913, 2914, 3698, 3735
*4520	By Delegates Hanshaw and Shott: Clarifying that certain hospitals have only one governing body whose meetings shall be open to the public (Chapter 200, Acts, 2016)	648	755		2064	1047	648, 838, 1008, 1047, 3012, 3734
*4521	By Delegates Cowles and Shott: Modifying the requirements that allow a child witness to testify by closed circuit television	686	802			1087	686, 1009, 1059, 1086, 1087
4522	By Delegates Statler, Kurcaba, Duke, Weld, Stansbury, Hill, Espinosa, Azinger, Pethtel and Blair: Relating to basic state aid to public education	686					687
4523	By Delegates Gearheart, Moore, Householder and Ellington: Permitting licensed limited video lottery retailers to have up to seven video lottery terminals	687					687
4524	By Delegates Ellington, Blair, Householder, E. Nelson, Ireland, Hamrick, D. Evans and Cooper: Permitting community and technical colleges and universities to charge students half the cost of a credit for every credit taken over the fifteenth hour	687					687
4525	By Delegates Folk, McGeehan, Shaffer, Marcum, Fast, Faircloth, Shott, E. Nelson, Hanshaw, Skinner and Manchin: Establishing new procedures for courts with criminal jurisdiction to suspend and revoke driver's licenses based on D.U.I.	687					689
4526	By Delegates Rohrbach, Stansbury, Faircloth, B. White, Waxman, Campbell, Summers and Ellington: Establishing an advisory council on rare diseases	689	1398				689, 1399
4527	By Delegates Manchin, Skinner, Caputo, Longstreth, Fluharty and Lynch: Reporting and disclosure requirements relating to election campaign contributions and spending	689					690



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Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4528	By Delegates Canterbury, Cooper, Lynch, A. Evans, Hamilton and Ambler: Permitting an all-volunteer fire department to consolidate with certain other fire departments while retaining their rights to receive funds	690	1015				690, 1015
4529	By Delegate Gearheart: Providing that the Division of Motor Vehicles may not stay a revocation for D.U.I. if the driver had a stay in place for a pending contested revocation	690					690
4530	By Delegates McCuskey, Westfall, Skinner and E. Nelson: Exempting taxicab companies whose drivers are independent contractors, from providing workers' compensation coverage for the drivers	691	1071				691, 1071
4531	By Delegates Rowe, Deem, Rohrbach, B. White, Faircloth, Guthrie, Miley, Perdue, Reynolds, Ellington and Bates: Requiring hospitals, or other similar institutions, to publish a cost list for the most commonly performed procedures that are billed	691					691
4532	By Delegate Skinner: Establishing a new class of property on utility right-of-ways and easements for taxation purposes	691					692
4533	By Delegates Weld, Stansbury and Kessinger: The Mental Health and Military Service Members Court Act	734					735
4534	By Delegates Walters, McCuskey, Hamilton, Upson, Storch, Manchin, Skinner, Espinosa, Shott, E. Nelson and Phillips: Allowing sale and serving of alcoholic liquors at 11:00 a.m. on Sundays	735					735
4535	By Delegates Rowe, Pushkin, McCuskey, B. White, Skinner, Sobonya, Fleischauer, Hornbuckle, Faircloth, Byrd and Guthrie: Extending the length of time for the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth	735					735
4536	By Delegates Phillips, Eldridge, Marcum, P. White, Rodighiero, O'Neal, Canterbury, B. White, Arvon, Kessinger and Perdue: Reducing the severance tax on coal to two percent of gross value; and creating a local government economic assistance fund	735					735
*4537	By Delegates Stansbury, Bates, Rohrbach, Perdue, Sobonya and Ellington: Relating to the regulation of chronic pain clinics (Chapter 201, Acts, 2016)	736	1018, 1445	3142	3142	1695, 3147	736, 1018, 1606, 1672, 1695, 3142, 3147, 3706, 3735
4538	By Delegates A. Evans, Rowan, Romine and Hamilton: Relating to cooperative extension workers	736					736

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4539	By Delegates A. Evans, Espinosa, Romine, Hamilton and Rowan: Permitting farm winery licensure as alternating wine proprietorships and permitting farm wineries to provide samples	736					736
*4540	By Delegates A. Evans, Hamilton, Kelly, Zatezalo, Romine, Wagner and Boggs: Removing prohibition of disposal of certain electronics in landfills (Chapter 108, Acts, 2016)	736	844	1154	1937	1154	736, 1061, 1097, 1154, 2790, 3016
4541	By Delegates Phillips, Folk, Stansbury, J. Nelson, Eldridge, Rodighiero, Sobonya, Householder, Upson and Zatezalo: Limiting the authority of municipalities to regulate the purchasing, possessing, transferring, owning, carrying, transporting, selling and storing of knives	776					776
*4542	By Delegates Canterbury and Ambler: Allowing persons with property within rural fire protection districts to opt out of fire protection coverage	776	1064, 1475			1640	776, 1015, 1475, 1514, 1639, 1640
4543	By Delegates McCuskey, Westfall and Frich: Relating to willful misrepresentation to gain benefits or payment under the Public Employees Insurance Act	776					777
4544	By Delegate Howell: Discontinuing the West Virginia Board of Landscape Architects and transferring its duties and authority to the Board of Registration for Professional Engineers	777					777
4545	By Delegate Howell: Relating to regulation of pharmacy benefits managers	777	1227				778, 1227
4546	By Delegates Howell, Arvon, Hill, Stansbury, Cadle, Ihle, Blair, Hamrick, Moffatt, Faircloth and R. Smith: Requiring all higher education institutions to use statewide contracts issued by the Purchasing Division	778					778
4547	By Delegates Walters, McCuskey, Westfall, Phillips, Zatezalo, Moore, P. White, Gearheart, Canterbury, Hanshaw and Howell: Providing for the merger of the purposes and provisions of the Volunteer Fire Departments Workers' Compensation Subsidy Program and the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund	778					778
4548	By Delegates Canterbury and Ambler: Disallowing municipalities not admitted to the Municipal Home Rule Pilot Program from participating in the Municipal Home Rule Pilot Program under certain circumstances	778					779
4549	By Delegates Kessinger, Perry, Arvon, Hill, Foster and Stansbury: Requiring that four members of the State Board of Education be elected on a nonpartisan basis	779					779

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4550	By Delegate Ireland: Relating to the disposition of funds due to unknown or unlocatable interest owners	779					779
4551	By Delegates McCuskey, Westfall and Frich: Clarifying that the plans established and administered by the Public Employees Insurance Agency are exempt from regulation by the Insurance Commissioner, unless specifically stated otherwise	779					779
4552	By Delegates Statler, Flanigan, Rohrbach and Kurcaba: Relating to purchasing requirements for the Division of Highways	780					780
4553	By Delegates Miller, Sobonya, Rohrbach, Hicks, Morgan, Perdue, Reynolds and Hornbuckle: Relating to the West Virginia Health Care Authority	780					780
*4554	By Delegates Ambler, Gearheart, Trecost, Hamrick, P. Smith, Ireland, Cooper and D. Evans: Allowing an increase of gross weight limitations on certain roads in Greenbrier County (Chapter 255, Acts, 2016)	780	1070, 1323	3147	3147	1459, 3150	781, 1071, 1380, 1421, 1459, 3148, 3150, 3706, 3735
4555	By Delegates Rowan, Border, Moye, Duke, Shaffer, Hamilton, Ferro, Pethel, Romine, Campbell and Overington: Establishing a cause of action against a person who commits an act of financial exploitation against an elderly person	781	1012				781, 1012
4556	By Delegates Skinner, Perdue, Fleischauer, Manchin, Sponaugle, Caputo, Longstreth, Hornbuckle and P. White: Relating to the PROMISE scholarship program	781					781
4557	By Delegates A. Evans, Romine, Rowan, Hamilton, Lynch, Ambler, Miller and Cooper: Removing the requirement that the West Virginia Rural Rehabilitation Loan Committee outsource the servicing of its loans	781					781
4558	By Delegates Frich, Shott, Arvon, P. Smith, Rowan, Sobonya, Miller, Border, Upton, Kessinger and Summers: Relating to victim notification and designation of additional individuals to receive notice of an offender's release (Chapter 249, Acts, 2016)	782	1176, 1322	3151	3151	1415, 3154	782, 1296, 1297, 1378, 1415, 3151, 3154, 3707, 3735
4559	By Delegates Kurcaba, Statler, Householder, McGeehan, Azinger, Overington, Ellington and Fast: Requiring the Commissioner of Highways to develop a statewide communications plan known as the Comprehensive Public Involvement Plan	782					782

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4560	By Delegates Kurcaba, Gearheart, Cowles, Flanigan, Statler, Upson, Householder, McGeehan, Azinger, Overington and Ellington: Requiring the Commissioner of Highways to develop a formula for allocating road funds among districts	782					783
*4561	By Delegates Kurcaba, Statler, Upson, Householder, McGeehan, Azinger, Overington, Ellington, Fast, Foster and Gearheart: Creating a special hiring process for West Virginia Division of Highways employees	783	1070, 1427	3154	3154	1640, 3156	783, 1071, 1468, 1515, 1640, 3155, 3156, 3707, 3723
4562	By Delegates Kurcaba, Statler, Upson, Householder, McGeehan, Azinger, Ellington, Fast, Overington, Foster and Gearheart: Relating to performance metrics for the West Virginia Division of Highways	783					783
4563	By Delegates Storch, Anderson, Boggs, Campbell, Ferro, Frich, Miller, R. Smith, Upson, Wagner and Waxman: Reauthorizing the Neighborhood Investment Program Act	784	1065				784, 1065
4564	By Delegates Miley, Guthrie, Bates, Rowe, Moye, Perdue, Fleischauer, Campbell, Blackwell, Perry and Skinner: Relating to the taxing certain tobacco products	784					784
4565	By Delegates McCuskey and Skinner: Allowing Class A Licensees to begin selling alcohol at ten o'clock a.m. on Sundays	784					785
*4566	By Delegates Espinosa, Duke, Statler and D. Evans: Relating to school personnel (Chapter 89, Acts, 2016)	785	1073, 1430	3626	3625	1641, 3626	786, 1073, 1469, 1515, 1640, 1641, 3625, 3627, 3707, 3735
4567	By Delegates Fleischauer, Perdue, Pushkin, Rowe, Morgan, Guthrie, Hornbuckle and Moore: Establishing an industrial water extraction fee	786					786
4568	By Delegate Skinner: Permitting the assessor to mail a notice advising the owner of a vehicle believed not to be properly registered in the state	786					786
4569	By Delegates Hamrick, Waxman, Statler, Ellington and Stansbury: Relating to appointment of, conduct of and training of poll watchers	786					787
4570	By Delegates Bates, Miley, Fluharty, Morgan, Shaffer, Guthrie, Manchin, Fleischauer, Hornbuckle, Perdue and Moore: Continuing certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund towards the State Road Fund upon satisfaction of debt	787					787

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4571	By Delegates Espinosa, Gearheart, Upson, Storch, Shott and E. Nelson: Creating a one-day special license for charitable events to sell nonintoxicating beer	787					787
4572	By Delegates Espinosa, Statler, Blackwell, D. Evans, Romine, Westfall, Stansbury and R. Smith: Excepting specialized contract instructors from the definition of teacher	787	1166	1294, 1295		1377	787, 1210, 1294, 1295, 1337
4573	By Delegates A. Evans, Hamilton, Kelly, Rowan, Zatezalo and Romine: Exempting the Department of Environmental Protection's construction or reclamation contracts from the review and approval requirements of the Division of Purchasing	787					788
4574	By Delegates Faircloth, Flanigan, Blair and Hill: Terminating the West Virginia Board of Accountancy	788					788
*4575	By Delegates McCuskey, Foster, Hanshaw, Sobonya and Frich: Creating criminal offenses relating to money laundering	823	1395	3472, 3477	3472	1642, 3478	823, 1469, 1515, 1641, 3472, 3478
*4576	By Delegates Sobonya, Weld, Azinger, Shott, Marcum, Byrd, Hicks, Fast, Rohrbach and Frich: Increasing the penalties for transporting controlled substances into the state	823	1020, 1395				824, 1021, 1469, 1515, 1642, 1643
*4577	By Delegates Overington, Folk, Kessinger, Shaffer, Azinger, Frich and Sobonya: Creating an additional penalty for use of a firearm in furtherance of a drug offense	824	1020, 1394			1643	824, 1021, 1469, 1516, 1643
4578	By Delegates Weld, Byrd, Sobonya, B. White, Foster, Moore, Hicks, Perdue and Frich: Creating a criminal offense of conspiracy to violate the drug laws	824	1020, 1398			1644	824, 1021, 1469, 1516, 1644
4579	By Delegates Lane, Summers, Hanshaw, Zatezalo, Storch, Manchin, Skinner, Miley, Sobonya, Fluharty and Byrd: Relating to voter registration list maintenance and the combined voter registration and driver licensing fund	824					825
4580	By Delegates R. Smith, Blair, Hill, Faircloth, Ihle and Atkinson: Terminating the State Board of Registration of Foresters	825	1065				825, 1065
4581	By Delegate Perry: Relating to ownership of real property housing BridgeValley Community and Technical College at the West Virginia Education, Research, and Technology Park	825					825
4582	By Delegate Perry: Relating to Bridge Valley Community and Technical College service facility fee assessments	825					825

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4583	By Delegates McCuskey, McGeehan, Moffatt, Blair, Foster, Fluharty, Weld, B. White and Storch: Relating to fantasy games	826					826
4584	By Delegate Upson: Prohibiting shifting future development costs onto existing public service district customers	826					826
4585	By Delegates Fluharty, Storch, McCuskey, Blair, Miley, Kessinger, Ferro, Hornbuckle, Reynolds, Byrd and Bates: Establishing the "Stay in State" tax credit	826					826
*4586	By Delegate Cowles: Ensuring that the interest of protected persons, incarcerated persons and unknown owners are protected in condemnation actions filed by the Division of Highways (Chapter 103, Acts, 2016)	826	1473		3679	1696	827, 1606, 1672, 1696, 3703, 3735
*4587	By Delegates Moffatt and Miller: Relating to violations associated with absent voters' ballots (Chapter 101, Acts, 2016)	827	1064, 1324	2777	2777, 3679	1460, 2778	827, 1064, 1325, 1380, 1421, 1459, 1460, 2778, 3689, 3734
4588	By Delegates Sobonya, Rohrbach, Stansbury, Waxman, Miller, Morgan, Reynolds, Hicks, Perdue and Hornbuckle: Requiring the West Virginia Secondary Schools Activities Commission adopt certain safety standards for youth lacrosse	827					827
4589	By Delegate Manchin: Reauthorizing, with amendment, the legislative rule contained in title twenty-eight, series two of the Code of State Rules relating to the Contractors Licensing Act	827					827
4590	By Delegate Walters: Relating to the requirements for making regulated consumer loans	827					828
4591	By Delegate Lane: Continuing the state's bundled service funding and reimbursement program for residential treatment of at-risk children	828					828
4592	By Delegates McGeehan, Ihle, Kelly and Folk: Relating to the hunting of coyotes	828					828
4593	By Delegates Cooper, Fleischauer, Manchin, Pushkin, Perdue, Moore, Campbell, Bates, Faircloth, Rodighiero and Skinner: Protecting consumers from surprise bills by health care providers	828					828
4594	By Delegates Howell, Sponaule, Cadle, Hartman, Morgan, Blair, Hamilton and Butler: Relating to predoctoral psychology internship qualifications (Chapter 186, Acts, 2016)	828	1016, 1101		3679	1337	829, 1017, 1210, 1295, 1337, 1338, 3703, 3735

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4595	By Delegates Perry, Campbell, Lynch, Reynolds, Folk, Moore, Kessinger, Cooper, Ambler, Perdue and Miller: Developing a county plan to use funds designated for the support of isolated schools	829					829
4596	By Delegate R. Smith: Creating a five-year tax credit for businesses locating on post-mine sites	829					829
4597	By Delegates Fleischauer, P. Smith, Shaffer, Caputo, Morgan, Lynch, Ferro, Faircloth, Moffatt, Pushkin and Eldridge: Expanding duties of Board of Barbers and Cosmetologists to permit students to perform acts of public service	829					830
4598	By Delegates Rowe, Pushkin, Sobonya, Miller, Hornbuckle, Moore, Perry, Fluharty, B. White, Guthrie and Fleischauer: Establishing the Minority Health Advisory Team; and authorizing a Community Health Equity Initiative Demonstration Project	830					830
4599	By Delegates Skinner, Fleischauer, Campbell, Guthrie, Fluharty, Miley, Manchin, Reynolds, P. White, Eldridge and Byrd: Extending the statute of limitations in personal actions for damages for victims of criminal actions	830					830
4600	By Delegates Skinner, Fleischauer, Perry, Guthrie, Miley, Manchin, Reynolds, P. White, Campbell, Eldridge and Byrd: Child Victims Act	830					830
4601	By Delegate Upson: Providing that the court allocate time equally between parents, unless equal custody is not consistent with the best interest of the child	831					831
4602	By Delegates Sobonya, Rohrbach, Miller, Border, D. Evans, Cooper, Ambler, Waxman, B. White, Statler and Summers: Increasing mandatory minimum sentences for trafficking drugs into the state	831					831
4603	By Delegates Walters and Frich: Replacing the word “unconscionable” with the word “fraudulent”, referring to conduct	831					831
*4604	By Delegates Householder, Mr. Speaker (Mr. Armstead), Kessinger, Upson, Shott, Folk and Lane: Relating to violations of the Ethics Act (Chapter 112, Acts, 2016)	831	849	3477	3478	1155, 3479	832, 1061, 1097, 1155, 3478, 3479, 3707, 3735
*4605	By Delegates Kessinger, Mr. Speaker (Mr. Armstead), Shott, Householder, Upson, Lane and Folk: Prohibiting contracting with a state agency unless business entity submits disclosure of interested parties	832	851		3390	1155	832, 1061, 1097, 1155, 1156, 3390, 3391

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4606	By Delegates Upson, Mr. Speaker (Mr. Armstead), Lane, Kessinger, Shott, Householder and Folk: Relating to the recusal of certain public officials from voting for appropriation of moneys to nonprofit entities	832			1206, 1207, 1208	1207	832, 1062, 1098, 1156, 1206, 1207, 1208
*4607	By Delegates Shott, Lane, Folk, Kessinger and Householder: Adding violations of law upon which a public servant's retirement plan may be forfeited	875	1012, 1223			1460	876, 1012, 1348, 1415, 1460
*4608	By Delegate Statler: Requiring the State Auditor to consider for payment a claim submitted by an electronically generated invoice	876	1428				876, 1469, 1644, 1696, 1738, 1739
4609	By Delegates Fleischauer, Shaffer, Pushkin, Morgan, Hicks, Rowe, Fluharty, Rodighiero, Perdue, Campbell and Longstreth: West Virginia Residential Furniture and Children's Products Flame Retardants Act	876					876
4610	By Delegates Folk, McGeehan, Faircloth, Walters, Perry, Azinger, Kelly, Wagner and Moye: Abolishing the West Virginia Council for Community and Technical College Education	876					877
4611	By Delegates Folk, McGeehan, Faircloth, Walters, Perry, Azinger, Kelly, Wagner, Westfall, Romine and Moye: Abolishing the West Virginia Higher Education Policy Commission	877					877
*4612	By Delegates E. Nelson, Mr. Speaker (Mr. Armstead), Gearheart, Hamrick, Householder, Anderson, Shott, Storch, Espinosa, Howell and Boggs: Relating generally to tax increment financing and economic opportunity development districts (Chapter 53, Acts, 2016)	877	1169	2914	2914	1416, 2916	878, 1210, 1295, 1338, 1415, 1416, 2914, 2916, 3698, 3734
4613	By Delegates Ireland, Anderson, Gearheart, Ambler, D. Evans, Border, Miller, Cooper, Hanshaw, Overington and Walters: Declaring rights-of-way held by the Division of Highways that are no longer publically travelled, or maintained, for five or more years, null and void	878					878
4614	By Delegates Walters, Perdue, Householder, Perry, Canterbury, Storch, Reynolds, O'Neal, Kurcaba, Folk and Howell: Relating to the medical loss ratio contained in any Medicaid managed care contract	878	1165				878, 1165
4615	By Delegates Moffatt and Ihle: Permitting municipalities to collect unpaid utility bills, trash, refuse, demolition, landfill fees or other fees	878					879



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4616	By Delegates Moffatt and Eldridge: Permitting county commissions the option of paying the salaries of county officials and their employees on a bi-weekly basis	879				1696	879, 1606, 1672, 1696, 1697
4617	By Delegates Espinosa and Duke: Authorizing legislative rules of the Higher Education Policy Commission regarding the Underwood-Smith Teacher Scholarship Program and Nursing Scholarship Program (Chapter 147, Acts, 2016)	879	1165		2064	1338	879, 1210, 1295, 1296, 1338, 3012, 3734
4618	By Delegates Sobonya, Ireland, Foster, Zatezalo, Fast, Rowe, Deem, Skinner, Folk, Manchin and Marcum: Relating to limitations on use of a public official's name or likeness (Chapter 113, Acts, 2016)	852	852, 1480	1098, 3480, 3488	3479, 3676	1157, 3488	852, 1062, 1098, 1156, 1157, 3479, 3489, 3703, 3735
4619	By Delegates Shott, Lane and Ellington: Transferring the Office of Emergency Medical Services from the Bureau for Public Health to the Department of Military Affairs and Public Safety	1032					1033
4620	By Delegates Rohrbach, Sobonya, Bates, Ellington, Householder, Miller, Perdue, Stansbury, Upson, Waxman and B. White: Prohibiting the production, manufacture or possession of fentanyl	1033	1406				1033, 1406
4621	By Delegates Walters and Frich: Defining unimpaired capital and unimpaired surplus	1033					1033
4622	By Delegates Upson, Espinosa, Householder, Duke, Howell, Folk, Blair, E. Nelson, Ellington, Storch and Trecoast: Relating to the sale of alcoholic beverages on Sundays by private licensees	1033					1033
4623	By Delegate Walters: Relating to limits on charges a secured lender may recover	1034					1034
4624	By Delegates Miller, Cowles, Border, D. Evans, Moffatt, Faircloth, McCuskey, Sobonya and Rohrbach: Relating to information technology projects under the Office of Technology	1034					1034
*4625	By Mr. Speaker (Mr. Armstead), and Delegates Sobonya, Kurcaba, Hanshaw, Overington, Hamrick, Kessinger, Gearheart and Shott: Redirecting certain racing and gaming revenues from greyhound development funds to the State Road Fund	1078				1646	1079, 1516, 1644, 1646
4626	By Delegate Cowles: Providing a safe harbor valuation for the measure of tax upon limestone and sandstone	1079					1079
4627	By Delegates Kessinger, Arvon, Hill, Foster, Stansbury, Blair, Fluharty, McCuskey, Summers, Hamrick and R. Smith: Creating a digital learning pilot project	1079					1079

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4628	By Delegates Kessinger, Perry, Arvon, Hill, Stansbury, Fluharty, McCuskey, Sobonya, Summers, Border and Hamrick: Requiring county boards of education to conduct regular structural inspections of school facilities and structures	1079					1079
4629	By Delegate Foster: Disqualifying a terminated employee from benefits for testing positive on a drug or alcohol test	1079	1440				1079
4630	By Delegates Lane and Shott: Prohibiting lobbyists and members of their immediate family from contributing funds, either directly or indirectly, to individuals running for election to either the executive or legislative branches of state government	1080					1080
4631	By Delegates Shaffer, Lynch, Ambler, P. White, Phillips, Westfall and Stansbury: Requiring a hunting blind which is used during firearm deer season to have at least one hundred square inches of fluorescent orange on top	1080					1080
4632	By Delegates Manchin, Skinner, Hamilton, Miley and P. Smith: Providing a six month term for the four new circuit judges	1080					1080
*4633	By Delegates Eldridge, Ambler, Skinner, P. White, Butler, J. Nelson, Phillips, Marcum, B. White, Storch and Summers: 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	1080	1403			1646	1081, 1469, 1516, 1646
4634	By Delegates Canterbury, Phillips, R. Smith, Householder, Kessinger, Arvon, Bates, Moye, J. Nelson, O'Neal and D. Evans: Coal Jobs and Revenue Stabilization Act	1081					1081
4635	By Delegate Rohrbach: Relating to a per-credit-hour tuition for community and technical colleges	1081					1081
*4636	By Delegate Shott: Increasing the penalties for violating the Whistle-blower Law	1081	1223	3263	3263	1416	1082, 1296, 1297, 1378, 1416, 3263
4637	By Delegates Rowe, Walters, Skinner, Bates, Guthrie and Manchin: Relating to requiring insurers of policies providing for payments on death of a named insured to review databases	1082					1082
4638	By Delegates Summers and Shott: Relating to truancy intervention	1082					1082
4639	By Delegates Ireland, Fast, Anderson, Zatezalo, R. Smith and Cadle: Establishing a method for the simple majority of mineral interest owners	1073	1072				1072, 1130

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4640	By Delegates J. Nelson, R. Smith, Phillips, Ihle, Butler, McGeehan, Blair, Sobonya, Foster and Frich: Providing a tax credit for a taxpayer educating a student in a private or home school	1130					1130
4641	By Delegates Walters, Hamilton, Householder and Westfall: Relating to the limitation of action that applies to an action to recover the unpaid balance due upon a contract made by a consumer for the purchase of personal property	1131					1131
4642	By Delegate Miley [By Request of the Executive]: Maintaining the solvency of the Unemployment Compensation Fund	1131					1131
4643	By Delegates Folk, McGeehan and Faircloth: Eliminating requirements that state provide for professional training and development of teachers	1131					1131
4644	By Delegates Miller, Border, D. Evans, Statler, Moffatt, McCuskey, Sobonya and Rohrbach: Relating to jury fees (Chapter 57, Acts, 2016)	1131	1400		1938	1647	1132, 1469, 1517, 1646, 1647, 2790, 3734
4645	By Delegates Rohrbach, Statler, Canterbury, Guthrie, Pushkin, Bates, Fleischauer and Rowe: West Virginia Earned Income Tax Credit	1132					1132
4646	By Delegate Skinner: Authorizing county process servers and court security personnel to carry dangerous and deadly weapons	1132					1132
4647	By Delegates Folk and McGeehan: Eliminating the requirement that proceedings against the State, a state agency or state officer be brought and prosecuted in the circuit court of Kanawha County	1132					1132
4648	By Delegates Skinner, Folk and McCuskey: Providing additional pay for public employees who reside in counties with the highest median home costs	1132					1132
4649	By Delegates Skinner, Fleischauer, Manchin, Eldridge, Sponaugle, Rowe, Moore, Byrd, Fluharty, Shaffer and Guthrie: Relating to limitations and suits	1133					1133
4650	By Delegates Folk and McGeehan: Relating to the venue for suits and other actions against the state	1133					1133
4651	By Delegates Howell, Arvon, Ihle, Hamrick, P. White and Stansbury: Relating to professional examination requirements for hearing-aid dealers and fitters (Chapter 187, Acts, 2016)	1133	1170		2777	1339	1133, 1210, 1296, 1338, 1339, 3684, 3735

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4652	By Delegates Howell, Cadle, Atkinson, R. Smith, Stansbury, Moffatt, P. White, Arvon, Foster, Hamrick and McGeehan: Relating to the creation of an intermediate contractor's license	1134	1177			1417	1134, 1296, 1297, 1378, 1416, 1417
4653	By Delegate Skimmer: Relating to spaying and neutering of companion animals	1134					1134
4654	By Delegates Summers, Campbell, Ellington, Householder and Rohrbach: Relating to the Executive Secretary of the Board of Registered Professional Nurses (Chapter 182, Acts, 2016)	1134		1938	1938	1647, 1938	1134, 1469, 1517, 1647, 1648, 1939, 2790, 3016
4655	By Delegates Walters and Perry: Prohibiting insurers, vision care plan or vision care discount plans from requiring vision care providers to provide discounts on noncovered services or materials (Chapter 138, Acts, 2016)	1134	1399, 1426	1517, 3402	3402	1648, 3410	1135, 1399, 1469, 1517, 1648, 1649, 3410, 3707, 3735
4656	By Delegates R. Smith, Cadle, P. White, Arvon, Hamrick and McGeehan: Granting the Finance Division within the Department of Administration supervisory control over the board of Accountancy	1135	1170				1136, 1210, 1229
4657	By Delegates R. Smith, Cadle, Arvon, Hamrick, Ihle, Stansbury, McGeehan, Weld, Fast and Kessinger: Prohibiting state agencies, boards and commissions from hiring lobbyists	1136					1136
4658	By Delegates Howell, Arvon, Ihle, Moffatt, Hill, Cadle, Hamrick, Lynch, Blair, P. White and R. Smith: Relating to the Board of Funeral Service Examiners	1136				1461	1136, 1380, 1421, 1460, 1461
*4659	By Delegate Ellington: Authorizing local health departments to bill health insurance plans for services (Chapter 194, Acts, 2016)	1136	1226, 1401	3411	3411	1650, 3412	1136, 1226, 1469, 1524, 1649, 1650, 3412, 3703, 3734
*4660	By Delegate Espinosa: Relating to the information required to be included in support of an application to the Public Service Commission for a certificate of convenience and necessity for a water, sewer and/or stormwater service project	1136	1427			1650	1137, 1469, 1524, 1650
4661	By Delegates Fleischauer, Perdue, Longstreth, Shaffer, Flanigan, Pushkin, Blackwell, Fluharty, Lynch, Guthrie and Rowe: Relating to child welfare	1137					1137
*4662	By Delegate Walters: Permitting the Superintendent of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers (Chapter 246, Acts, 2016)	1137	1440	3278	3278	1652, 3281	1138, 1440, 1524, 1651, 1652, 3281, 3707, 3735

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4663	By Delegates Miley, Bates, Campbell and Boggs: Establishing an on-call center for state residents to receive assistance with healthcare	1138					1138
4664	By Delegates Fleischauer, Pethel, Summers, Hamrick, Flanigan, Statler, Folk, Kurcaba, Miley, Storch and Fluharty: Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan	1138					1138
4665	By Delegates Hartman, Sponaugle, Campbell, Perry and Lynch: Creating a mandatory grace period for the payment of water and sewer bills	1138					1138
4666	By Delegates Upson, Stansbury, Blair, Householder, Espinosa and Hornbuckle: Ban-the-Box Act	1138					1138
4667	By Delegates Guthrie, Rowe, Westfall, McCuskey, B. White, Pushkin, Anderson, Byrd, Skinner and Bates: Creating a State Animal Abuse Registry	1139					1140
*4668	By Delegates Byrd, J. Nelson, Marcum, Phillips, Rowe, McCuskey, Stansbury, B. White, E. Nelson, Guthrie and Pushkin: Raising the allowable threshold of the coal severance tax revenue fund budgeted for personal services	1140	1226, 1482		3676	1697	1140, 1226, 1606, 1673, 1697, 3703, 3725
4669	By Delegates McGeehan, Faircloth, Folk, J. Nelson, Wagner, Azinger, Ihle and Hill: Redirecting certain funds of the West Virginia Department of Education	1140					1140
4670	By Delegates Rowe, Sobonya, Guthrie, Lynch, Pushkin, McCuskey, Byrd, Ellington, Rohrbach and Blackwell: Relating to designation of social workers in the Department of Health and Human Services to promote better student school attendance	1140					1140
4671	By Delegates Ellington and Householder: Relating to schedule three controlled substances	1140					1141
4672	By Delegate E. Nelson: Requiring the Public Employees Insurance Agency Finance Board factor in overtime pay received by employees to determine their premiums	1141					1141
*4673	By Delegates Anderson, Kelly, Border, A. Evans, Phillips, Wagner, Trecoast, R. Smith, Shaffer, Ireland and Miller: Providing for a crime for the theft, damage or release of deer from private game farms (Chapter 7, Acts, 2016)	1141	1402	2916, 2917, 2918	2916, 3676	1653, 2918	1141, 1470, 1525, 1652, 1653, 2916, 2918, 3703, 3734
4674	By Delegates Howell, R. Smith, Ihle, Hamrick and Pushkin: Relating to motor vehicle back-up lamps (Chapter 244, Acts, 2016)	1101	1101		1939	1339	1210, 1296, 1339, 3016

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4675	By Delegates McCuskey and Hanshaw: Requiring the election of prosecuting attorneys be on a nonpartisan basis	1184					1184
4676	By Delegates McCuskey and Hanshaw: Relating to the nonpartisan election of prosecuting attorneys generally	1184					1185
4677	By Delegates Moffatt, J. Nelson, Phillips, Eldridge, Butler, Gearheart, Frich, Faircloth, Rodighiero, Azinger and McGeehan: Providing accessible parking spaces for Purple Heart recipients	1185					1185
4678	By Delegate Sponaugle: Relating to penalties incurred from obstructing, fleeing from and making false statements to law-enforcement	1185					1185
4679	By Delegate Morgan: Increasing sales and use taxes by one percent	1186					1186
4680	By Delegates Flanigan, McGeehan, Folk, Wagner, Sponaugle, Eldridge, Skinner, Hornbuckle, Storch and Ihle: Creating a medical exemption to criminal laws against marijuana use and possession	1186					1186
4681	By Delegates Manchin, Miley, Morgan, Fleischauer, Reynolds, Caputo, Boggs, Perry, Perdue, Bates, Skinner and Sponaugle: Taxing attorneys legal service fees as service taxes	1186					1186
4682	By Delegates Skinner, Manchin, Westfall, McCuskey, Pushkin, Fleischauer, Byrd, Miley, Caputo, Longstreth and Sponaugle: The Agriculture and Tourism Incentive Act	1186					1186
4683	By Miley [By Request of the Executive]: West Virginia Second Chance Driver's License Act	1186					1187
4684	By Delegates Hanshaw, Fleischauer, Rowe and McCuskey: Authorizing local units of government to adopt local energy efficiency partnership programs	1187					1188
4685	By Delegates Ihle, Moffatt, Hamrick, R. Smith and Atkinson: Relating to professional and occupational board members	1188	1426			1653	1188, 1470, 1525, 1652, 1653
4686	By Delegates Butler, Waxman, Kelly, McGeehan, Frich, Faircloth, Azinger, Gearheart, Atkinson, R. Smith and J. Nelson: Prohibiting the State Board of Education from adopting new Common Core academic content standards	1188					1188
4687	By Delegates Sobonya, Miller, Rohrbach, Morgan, Hornbuckle, Espinosa, Hill, Waxman, Rowan, Hicks and Perdue: Relating to registration programs by the clerk of the county commission	1188					1189
4688	By Delegate Statler: Relating to basic state aid to public education	1189					1189

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4689	By Delegates Sobonya, Frich, Moffatt, Rohrbach, Miller, Walters, Householder, Cadle, Ihle and Espinosa: Establishing a specific valuation of managed timberland and timberland that is not managed timberland for ad valorem property tax purposes	1189					1189
4690	By Delegates Perry, Morgan, Moore, Hornbuckle, Moye and Eldridge: Providing a ten percent discount to West Virginia residents for lodging, camping and other recreational activities at state parks and forests	1189					1189
4691	By Delegates Manchin, Morgan, Fleischauer, Reynolds, Caputo, Boggs, Perry, Perdue, Bates, Skinner and Sponaugle: Establishing two new tax brackets for personal income tax	1189					1190
4692	By Delegates Arvon, Stansbury, Atkinson, Ihle, Moffatt, Faircloth and R. Smith: Relating to offenses and penalties for practicing osteopathic medicine without a license	1190					1190
4693	By Delegates Boggs and Westfall: Establishing a recovery fee for the rental of heavy equipment property	1190					1190
4694	By Delegate Rohrbach: Permitting nonprofessional personnel to be hired as athletic coaches in certain circumstances	1190					1190
4695	By Delegates Manchin, Morgan, Miley, Fleischauer, Reynolds, Boggs, Perry, Perdue, Bates, Skinner and Sponaugle: Establishing a temporary maximum contribution rate to the Public Employees Insurance Agency	1190					1190
4696	By Delegates Howell, Faircloth, Stansbury, R. Smith, Cadle, Arvon, Hartman, Hill, Atkinson and Ihle: Creating the unlicensed practice review board	1190	1426			1654	1191, 1470, 1526, 1653, 1654
4697	By Delegate Sobonya: Relating to the right of the Department of Health and Human Resources to subrogation for third-party liability settlements, by recipients who receive assistance under the Medicaid Program	1191					1191
4698	By Delegate Espinosa: Enabling applicants for a certificate of convenience and necessity for a water, sewer, and/or storm water project to file complete applications without incurring the expense of an engineer's preparation	1191					1192

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4699	By Delegates Fast, Howell, Butler, Walters, Cadle, Foster, Lynch, Boggs, Guthrie, Trecoast and Shaffer: Limiting supervision of laying of lines on state rights-of-way	1192					1192
4700	By Delegate Walters: Clarifying the prohibition of a magistrate assistant being a member of the immediate family of a magistrate	1192					1192
4701	By Delegates Perdue, Hamilton, Hornbuckle, Pushkin, Morgan, Fleischauer, Rowe, Guthrie, Trecoast and Moore: Providing funding of state programs through increased taxes on beer, wine and liquor	1192					1192
4702	By Delegate E. Nelson: Eliminating the hotel-motel tax on complementary hotel rooms	1192					1193
4703	By Delegates Perry, Rodighiero and Moye: Reclassifying Early Childhood Classroom Assistant Teacher I, II and III positions as Aide V, Aide VI and Aide VII positions	1193					1193
4704	By Delegate Rohrbach: Operating and maintaining a fully interoperable statewide network to facilitate public and private use of health care information in the state	1193					1194
4705	By Delegates Anderson, Boggs, Frich, Westfall, P. Smith, Canterbury, Hamilton, Miller and E. Nelson: Relating to adding an additional type of West Virginia source income of nonresident individual (Chapter 235, Acts, 2016)	1166	1166		2064	1340	1210, 1296, 1340, 3707, 3735
4706	By Delegates Cooper, Duke, Ellington, D. Evans, Rohrbach, Espinosa, Statler, Blackwell, Hicks, Hornbuckle and Perdue: Relating to county board regional meetings	1174	1174	1466		1506	1296, 1297, 1379, 1421, 1466, 1506
4707	By Delegate Folk: Abolishing the West Virginia Higher Education Policy Commission	1194					1194
4708	By Delegate Lane: Relating to additional duties for the Secretary of State relating to voter registration	1194					1194
4709	By Delegates Moffatt, Faircloth, J. Nelson, Foster, Eldridge and Morgan: Requiring the Auditor to train members of local instrumentalities of counties and municipalities in appropriate rules of order and the West Virginia Ethics Act	1195					1195



Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4710	By Delegate Lane: Eliminating the West Virginia Greyhound Breeding Development Fund and transferring that money and future money that would have gone to that fund one-half to the Public Employees Insurance Agency	1195					1195
4711	By Delegates Hill, Kessinger, Arvon, Upson and Blair: Allowing a mother breastfeeding a child to be excused from jury duty	1195					1195
4712	By Delegate Pushkin: Relating to permitted use and possession of marihuana	1195					1196
4713	By Delegates Bates, Ellington, Flanigan, Fleischauer and Campbell: Authorizing the medical use of cannabis based pharmaceutical products	1196					1196
4714	By Delegates Skinner, Guthrie, Moore, Fleischauer and Pushkin: Creating a board for review of officer-involved deaths	1196					1196
4715	By Delegates Hamrick and Folk: Exempting commercial airlines from obtaining licenses to serve liquor, beer or wine on flights	1196					1197
4716	By Delegates Miller and Sobonya: Requiring community corrections performance measurement standards for agencies responsible for supervising individuals placed on probation	1197					1197
4717	By Delegates Morgan and Sobonya: Relating to the sale of vehicles whose title is branded as total loss, salvage, or similar brand	1197					1197
4718	By Delegates Fast and Perry: Defining the term minor boundary adjustment	1197					1197
4719	By Delegates Moye, Hicks, Morgan, Perry and Ambler: Allowing employees with an NAPT certification to be eligible for transportation management positions	1197					1198
4720	By Delegates Perdue, Rodighiero, Fleischauer, Fluharty and Bates: Prohibiting the sale and consumption of powdered alcohol	1198					1198
4721	By Delegate Moffatt: Providing that individuals working in certain seasonal employment are not eligible for unemployment compensation benefits	1198					1198
4722	By Delegate Lane: Codifying the West Virginia Procedures Manual for the Education of Students with Exceptionalities	1198					1198
4723	By Mr. Speaker (Mr. Armstead), and Delegates O'Neal and Espinosa: Creating a program of instruction for students in workforce preparedness to be added to the curriculum of courses in secondary schools	1199					1199

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4724	By Folk, Overington, Zatezalo, Manchin, Moore, Sobonya, Kessinger, Foster, Summers, Azinger, and McGeehan: Relating to adding a requirement for the likelihood of imminent lawless action to the prerequisites for the crime of intimidation and retaliation (Chapter 69, Acts, 2016)	1443	1443	3418	3418	1698, 3423	1606, 1673, 1697, 1698, 3423, 3707, 3735
4725	By Delegates Lane, Hanshaw, McCuskey, Fleischauer, Azinger, Shaffer, Sobonya, Deem, Fluharty, Skinner, and Manchin: Relating to providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate and making certain clarifications (Chapter 102, Acts, 2016)	1323	1323	2918, 2919	2918, 3676	1461, 2919	1380, 1421, 1461, 1462, 2918, 2919, 3703, 3734
4726	By Delegates R. Smith, Ireland, Phillips, Caputo, Eldridge, Anderson, Boggs, D. Evans, Ambler, Lynch, Zatezalo, Upson, Cadle, P. White, McCuskey, and Storch: Relating to coal mining generally (Chapter 106, Acts, 2016)	1424	1424	1526, 1654, 2920	2920	1654, 3000	1470, 1526, 1654, 1656, 2920, 3000, 3698, 3735
4727	By Delegates Ellington, Summers, Lane, Householder, Sobonya, Hill, Faircloth, Perdue, Pushkin, and Longstreth: Relating to state plan amendments	1321	1321			1462	1381, 1421, 1422, 1462
4728	By Delegates Ellington, Summers, and Householder: Relating to schedule three controlled substances (Chapter 44, Acts, 2016)	1320	1320		3679	1698	1381, 1389, 1609, 1673, 1698, 3704, 3735
4730	By Delegates Espinosa, Hamrick, Kurcaba, Hicks, Ellington, Blackwell, Statler, and Rohrbach: Relating to requiring comprehensive drug awareness and prevention program in all public schools (Chapter 86, Acts, 2016)	1323	1323	3312	3312	1462, 3312	1381, 1422, 1462, 1463, 3312, 3707, 3735
4731	By Delegates Rohrbach, Cooper, Rowan, Hornbuckle, Perdue, Ambler, Hicks, Romine, D. Evans, Ellington, and Blackwell: Relating to performance metrics for the West Virginia Division of Highways	1323	1323			1463	1381, 1422, 1463
4732	By Delegates Howell, Arvon, Border, Moffatt, Ihle, Hill, Hamrick, Kurcaba, Statler, and Frich: Relating to requiring the Commissioner of Highways to develop a statewide communications plan known as the Comprehensive Public Involvement Plan	1321	1321			1463	1381, 1422, 1463

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4733	By Delegates Howell, Border, Moffatt, Hartman, Lynch, Caputo, Sponaugle, Eldridge, Ihle, Blair, and Kurcaba: Relating to mine subsidence insurance	1322	1322			1464	1381, 1422, 1464
4734	By Delegates McCuskey, Shott, Deem, Sobonya, Folk, Fast, Manchin, Moore, Fluharty, Fleischauer, and Caputo: Relating to mine subsidence insurance (Chapter 139, Acts, 2016)	1429	1429	3000	3000	1657, 3001	1470, 1604, 1656, 1657, 3000, 3001, 3698, 3735
4735	By Delegates McCuskey, Ireland, Shaffer, Kessinger, Sobonya, Summers, and Azinger: Relating to the definition of health care provider, and clarifying that speech-language pathologists and audiologists are two separate providers (Chapter 156, Acts, 2016)	1435	1435		1939	1657	1470, 1604, 1657, 2790, 3016
4736	By Delegates Sobonya, Deem, Kessinger, Zatezalo, Shott, Marcum, Fleischauer, Shaffer, and Fluharty: Relating to the pawn of gift cards	1470	1470				1606, 1673, 1681
4737	By Delegates Weld, Kessinger, Sobonya, Summers, Shott, Fast, McCuskey, Moore, Shaffer, Byrd, and Manchin: Relating to increased penalties for manufacturing or transportation of a controlled substance in the presence of a minor	1445	1445				1606, 1673, 1681
4738	By Delegates Hanshaw, McCuskey, Foster, Weld, Fast, Overington, Folk, Shaffer, Moore, Byrd, and Manchin: Relating to the offense of driving in an impaired state (Chapter 240, Acts, 2016)	1471	1471	3627	3627	1698, 3628	1606, 1673, 1698, 1699, 3627, 3628, 3707, 3735
4739	By Delegates Shott, Ireland, Kessinger, Sobonya, Foster, Zatezalo, Lane, Rowe, Westfall, Frich, B. and White: Unclaimed Life Insurance Benefits Act (Chapter 132, Acts, 2016)	1471	1471	1664, 2847, 2853	2847, 3676	1664, 2853	1604, 1657, 1663, 1664, 2847, 2855, 3704, 3735
4740	By Delegates Weld, Hanshaw, McCuskey, Fleischauer, Kessinger, Sobonya, Summers, Zatezalo, and J. Nelson: Permitting that current members of the National Guard or Reserves may be excused from jury duty (Chapter 56, Acts, 2016)	1475	1475	3264	3264	1699, 3265	1607, 1673, 1699, 3264, 3265, 3704, 3734
4741	By Delegates Anderson, Boggs, Butler, Frich, Hamilton, Householder, Miller, E. Nelson, Storch, Waxman, and Westfall: Expiring funds to the Division of Human Resources, Medical Services Trust Fund	2080	2080			2820	2166, 2768, 2795, 2820, 2821

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4742	By Delegates Anderson, Butler, Canterbury, Espinosa, Frich, Householder, Miller, Perry, Storch, Walters, and Waxman: Expiring funds to the Division of Human Resources, Medical Services Trust Fund from various accounts	2081	2081			2822	2166, 2768, 2770, 2795, 2821, 2822

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\*Denotes Committee Substitute

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Adopted By Senate	Adopted 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	11			30	12	11, 12
*2	By Delegates Rowan and Cowles: U.S. Army PV2 William Frederick Kump Memorial Bridge	51	578, 657		1306	738	51, 579, 738
*3	By Delegates Rowan and Cowles: North River Mills Historic Trace	53	1785, 1845	3156	3156	1891, 3157	53, 1787, 1889, 3156, 3157
4	By Delegate Rowan: CSA LTG Thomas J. "Stonewall" Jackson Bridge	60	1783, 1845		2794	1891	59, 1783, 1889
*5	By Delegates Ambler, Canterbury and Cowles: U.S. Army PV2 Eskridge A. Waggoner Memorial Bridge	66	220, 578	3157	3157	1199, 3157	66, 220, 579, 1200, 3157
6	By Delegates Phillips, Marcum, Eldridge, Moffatt and P. White: U.S. Army CPL F. Lee Noel Memorial Bridge	140					141
*7	By Delegates Miller, Morgan, Moffatt, Hornbuckle, Reynolds, Sobonya and Rohrbach: U.S. Army PFC Cecil Ray Ball Memorial Bridge	141	578		2091	1199	142, 579, 1200
8	By Delegates Westfall, McCuskey, B. White, Atkinson, Stansbury, Blair, Foster, Ihle, Butler and Storch: Harry Ripley Memorial Bridge	143	1783, 1845		2794	1891	144, 1782, 1889
9	By Delegates Kelly, Kessinger, Azinger, Statler, D. Evans, Zatezalo, Weld, McGeehan, Ireland, Border and J. Nelson: Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge	144					144
*10	By Delegates P. White, Phillips, Marcum and Eldridge: U.S. Marine Corps GySgt Lionel Collins Memorial Road	165	579		2091	1199	165, 581, 1200
11	By Delegates Campbell, Moye, Rowan, Espinosa, Wagner, Hornbuckle, P. White, Marcum, Phillips, Stansbury and Hamilton: World Autism Awareness Day	167	1845			1891	167, 1890
*12	By Delegates Campbell, Hartman, Sponaule, Espinosa, Wagner, P. White, Stansbury, Perry and Hamilton: Cheat Mountain Salamander as the State symbol of conservation	168	576, 1844	1891		1891	168, 576, 1890, 1891, 1892

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*13	By Delegates Cooper and Ambler: U.S. Army SPC 4 Everette R. Johnson Memorial Bridge	170	1390, 1845		2794	1891	170, 1391, 1890
*14	By Delegates Howell, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Border, Butler, Cadle, Cooper, Cowles, Duke, Ellington, Espinosa, D. Evans, Frich, Hamrick, Hanshaw, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, McGeehan, Miller, Moffatt, O'Neal, Overington, Rowan, Shott, R. Smith, Sobonya, Stansbury, Statler, Storch, Walters, Waxman and Zatezalo: Second Friday in July as West Virginia Collector Car Appreciation Day	171	580, 657		1306	738	171, 581, 738
*15	By Mr. Speaker (Mr. Armstead): U.S. Marine Corps PFC Clayton Andrew Craft Memorial Bridge	172	580		2092	1199	172, 581, 1200
*16	By Delegates Morgan, Perdue, Hornbuckle, Sobonya, Rohrbach, Miller, Reynolds and Hicks: U.S. Army PFC John Ira Pinkerman Memorial Bridge	174	2786, 3013			3016	174, 2788, 3016
*17	By Delegates Phillips, Marcum, Rodighiero and P. White: SGT Larry Joseph Whitt Bridge	175	580, 1164	3157, 3158	3158	1199, 3158	175, 581, 1200, 3158
*18	By Delegates Phillips, Marcum, Rodighiero and P. White: U.S. Air Force Staff Sergeant William Henry 'Bill' Whitman Memorial Highway	176	579, 1164		2092	1199	176, 579, 1200
*19	By Delegates Waxman, Trecost, Miley and Hamrick: H. Laban White Memorial Bridge	178	580, 657		1306	738	178, 581, 738
20	By Delegates Cooper, D. Evans, J. Nelson, Fleischauer, Longstreth, Rowan and Weld: Funding for the West Virginia National Guard	180	1014, 1845			1891	180, 1014, 1890
21	By Delegates Howell, Blair, Cowles, Duke, Espinosa, A. Evans, Faircloth, Fleischauer, Folk, Frich, Householder, Kurcaba, Flanigan, Overington, Rowan, Shaffer, Skinner, R. Smith, Statler and Upson: Study impact of reimbursing the State of Maryland for the use of its helicopter Maryland Trooper Five for runs into West Virginia	205					205

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*22	By Delegates B. White, Miller, Lane, Cowles, A. Evans, Kessinger, Shott, McCuskey, Sobonya, Stansbury, Byrd, Mr. Speaker (Mr. Armstead), Atkinson, Azinger, Blackwell, Blair, Deem, Ellington, Faircloth, Fleischauer, Folk, Hamrick, Householder, Ireland, Kelly, Kurcaba, McGeehan, E. Nelson, Overington, Pushkin, Rohrbach, Rowan, Rowe, Shaffer, P. Smith, R. Smith, Statler, Storch, Upson, Waxman, Weld, Westfall and Zatezalo: U. S. Army SGT Gary Lee DeBoard Memorial Intersection	217	2788, 3013			3016	217, 2788, 3016
23	By Delegates Marcum, Rodighiero, Phillips, P. White, Moffatt, Eldridge, Westfall and McGeehan: Ingram's Way	219					218
24	By Delegates Marcum, Phillips, Hamrick, P. White, J. Nelson, R. Smith, Arvon and Howell: Cpl. Ronald Duke Varney Memorial Bridge	242					242
25	By Delegates Howell, A. Evans, Rowan and R. Smith: Frosty the Snowman Day	243	3620			3624	243, 3624
*26	By Delegates Romine, Rowan, Pethtel and Hamilton: Corporal Gary Wayne Weekley Memorial Bridge	244	2789, 3014			3016	244, 2790, 3016
*27	By Delegates Hamrick, Trecost, Waxman and Miley: Michael Angiulli Memorial Bridge	245	2789, 3014			3016	245, 2790, 3016
28	By Delegates Miley, Waxman, Trecost, Lane, Hamrick and Caputo: U.S. Army CPL John Belcastro Bridge	310					310
29	By Delegates Manchin, Caputo and Longstreth: Harry C. "Buck" Markley Jr. Memorial Bridge	313	1783, 2086			2105	313, 1783, 2105
*30	By Delegates Hamilton, Lynch and P. Smith: U.S. Army PFC Everett Henry Woody Memorial Bridge	347	2786, 3014			3016	347, 2788, 3016
31	By Delegates Sponaugle, A. Evans, Romine, Hamilton, Hartman, Lynch and Campbell: Wilbur Lee Clayton Memorial Bridge	348					348
32	By Delegates Marcum, P. White, Hamrick, J. Nelson, O'Neal, Summers, Foster, Blair, Sobonya, Kessinger, R. Smith, Hicks, Atkinson, Bates, Butler, Byrd, Eldridge, A. Evans, Fast, Ferro, Folk, Frich, Hamilton, Ireland, Kelly, Kurcaba, McCuskey, Moffatt, Morgan, Moye, Phillips, Reynolds, Rodighiero, Romine, Rowan, Storch, Weld, Westfall and Zatezalo: Johnny Mack Bryant Memorial Bridge	351					351
*33	By Delegate Hamrick: U.S. Army Air Force S/SGT Harold 'Dean' Baker Memorial Bridge	429	2786, 3014			3016	429, 2788, 3016

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*34	By Delegate Miller: U.S. Marine Corps PFC Billy Joe Vickers Memorial Bridge	431	1391, 1845			1891	430, 1394, 1890
35	By Delegates Perdue, Marcum, Hicks, Rodighiero, Reynolds and Rohrbach: U.S. Army PVT Charles E. Ellis and U.S. Army PVT Ira V. Ellis Memorial Bridge	432					432
36	By Delegates Overington, Ambler, Anderson, Arvon, Atkinson, Azinger, Blair, Border, Butler, Cadle, Canterbury, Cooper, Deem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Flanigan, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hill, Householder, Howell, Ihle, Kelly, Kessinger, Kurcaba, Lane, McCuskey, Miller, Moffatt, Moye, E. Nelson, O'Neal, Perry, Phillips, Rohrbach, Romine, Rowan, Shott, R. Smith, Sobonya, Stansbury, Statler, Storch, Summers, Upson, Wagner, Walters, Waxman, Weld, Westfall, Ireland, Zatezalo and Shaffer: Applying for an Article V Amendments Convention to Propose a Constitutional Amendment	457	2184			3008	457, 2804, 3004, 3009
*37	By Delegates Westfall, Upson, Cadle, Ireland, Flanigan, Householder, Cooper, Foster, Lane, Howell and Weld: U.S. Army SGT Arthur George Roush Memorial Bridge	459	2787, 3014			3016	459, 2788, 3016
38	By Delegates Rodighiero, Phillips and Eldridge: Lando Adkins, Sr. Memorial Road	460					460
*39	By Delegates Phillips, Marcum, Rodighiero, Moffatt and Eldridge: US Army PFC Cornelius Vance Memorial Bridge	461	798, 3621			3624	461, 798, 3624
40	By Delegate Duke: Max G. Parkinson Memorial Bridge	464					464
41	By Delegate : U.S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge	465	798, 1164		2092	1200	465, 798, 1200
42	By Delegates Sponaugle, A. Evans, Campbell and Hartman: WVSP Tpr. Phillip S. Kesner Memorial Bridge	550	2785, 3014			3016	550, 2785, 3016
43	By Delegates Hartman, Sponaugle, Perry, Campbell, Longstreth and P. White: PVT Preston D. Vanscoy Memorial Bridge	552					551
44	By Delegates Perdue, Rohrbach and Hicks: US Navy Medic 3rd Roy Elmer "Moon" Bridge	553					553
45	By Delegates Eldridge, Phillips, Rodighiero, Moffatt, Morgan, Hornbuckle and Miller: U.S. Army PFC Cornelious Wiley Memorial Bridge	554					554
46	By Delegates Rohrbach, Perdue, Hicks and Reynolds: U.S. Army PFC Ernest D. Marcum Bridge	555					555



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47	By Delegates Rohrbach, Perdue, Reynolds and Hicks: U.S. Army SFC Jesse Muncy Memorial Bridge	556	1390, 1845			1891	557, 1390, 1890
48	By Delegates Hicks, Rohrbach, Perdue and Reynolds: Charles Edward Smith Memorial Bridge	560					560
49	By Delegates Campbell, Hartman, Sponaugle, Reynolds and Byrd: U.S. Navy BT2 Mark Edward Hutchison Memorial Bridge	561					561
50	By Delegates Eldridge, Marcum, Rodighiero and Phillips: Thomas Owen Perry Sr. Highway	591					591
*51	By Delegate Pethtel: U.S. Army PFC Danny Mire Stoneking Memorial Bridge	628	1392, 1845		2794	1891	627, 1394, 1890
52	By Delegates Marcum, P. White, Eldridge, Phillips, Hicks and Rodighiero: Requesting Division of Highways to build bridge on County Route 65/03 located near Tug Valley High School	630					630
53	By Delegates Rowe, B. White and Guthrie: Private Arlie Kenneth Graley Memorial Bridge	631					631
*54	By Delegates R. Smith, Shaffer, J. Nelson and Wagner: Byron 'Bray' Kelley Memorial Bridge	632	1391, 1845		2794	1891	632, 1391, 1890
55	By Delegates Eldridge, Phillips, P. White, Marcum, Moffatt, Morgan, Rodighiero and Miller: U.S. Army PFC Ray Freeman Meade Memorial Road	633					633
*56	By Delegates Statler, Stansbury, B. White, Kessinger, Rohrbach, Sobonya, Waxman, Hamrick, Summers, Ihle and Atkinson: U.S. Army CPL Robert Eugene Jackson Memorial Bridge	635	1392, 1845	3158	3158	1891, 3159	634, 1394, 1890, 3158, 3159
*57	By Delegates A. Evans, Kelly, Storch, Hamrick, Sobonya, Summers, Ellington, Overington, O'Neal, McGeehan and Azinger: U.S. Army PVT Leander Reel Memorial Bridge	675	1392, 1845	3159	3159	1891, 3159	675, 1394, 1890, 3159
58	By Delegate Rowan: Frenchburg Bridge	677					677
59	By Delegates Phillips, Eldridge, Rodighiero and P. White: John B. Short Memorial Bridge	678					678

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60	By Delegates Sobonya, Rohrbach, Waxman, Hamrick, B. White, Miller, Border, D. Evans, Ambler and Cooper: Requesting Joint Committee on Government and Finance study the state-level background check process for new employees and volunteers of caregiving businesses and facilities	679	1164			1200	679, 1200
61	By Delegates Phillips, Eldridge, Rodighiero and P. White: U.S. Army PFC Donald Ray Cochran Memorial Bridge	682					682
62	By Delegates Lynch, Hamilton, Eldridge, Perry, Campbell, Morgan, Moye, Fleischauer, Byrd, Shaffer and P. Smith: Webster County Veterans Highway	727					726
*63	By Delegates Phillips, P. White, Marcum, Rodighiero and Eldridge: U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark Memorial Bridge	727	1393, 3621			3624	727, 1394, 3624
64	By Delegates Eldridge, Phillips, Rodighiero, Moffatt, Reynolds, Miller, Morgan, Hornbuckle, P. White, Perry and Campbell: U.S. Army CPL George Browning Memorial Road	729					729
*65	By Delegates Eldridge, Phillips, Rodighiero, Moffatt, Reynolds, Miller, Morgan, Hornbuckle, P. White, Perry and Campbell: U.S. Army CPL Wilson B. Lambert, Jr. Memorial Road	731	2787, 3621			3624	730, 2787, 3624
*66	By Delegates Phillips, Marcum, P. White, Rodighiero and Eldridge: ISG Carl J. Crabtree Memorial Road	732	1393, 3621			3624	732, 1394, 3624
67	By Delegates Phillips, Rodighiero and Eldridge: Balentine Brothers Memorial Bridge	760					759

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68	By Delegates Howell, Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fluharty, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Moye, Mr. Speaker (Mr. Armstead), E. Nelson, J. Nelson, O'Neal, Overington, Perdue, Perry, Pethtel, Phillips, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shaffer, Skinner, P. Smith, R. Smith, Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, P. White and Zatezalo: Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy Duty Engines and Vehicles Phase 2	761	1164			1200	761, 1200
69	By Delegates Eldridge and Phillips: Betty Jo Delong Memorial Bridge	764					764
70	By Delegates Phillips, Marcum, Eldridge, Rodighiero and P. White: U.S. Air Force Staff Sgt Bethel Howard McNeely and U.S. Marine Staff Sgt Clyde Elmo Bryant Bridge	766					766
71	By Delegates Phillips, P. White, Marcum, Rodighiero and Eldridge: US Army PVT James Earl Pelfrey Memorial Bridge	768					768
*72	By Delegate Duke: Max G. Parkinson Memorial Bridge	769	1393, 1845	3159	3159	1891, 3160	770, 1394, 1890, 3160
73	By Delegate Canterbury: Study the funding methodology and process by which at risk children and their families receive treatment services	820					820
*74	By Delegates Caputo, Guthrie and Rowe: Arnold Miller Memorial Bridge	1024	1785, 2086			2105	1024, 1787, 2086, 2105
*75	By Delegates J. Nelson, R. Smith, Caputo, Moffatt and Wagner: U.S. Army SSG James C. Vickers and U.S. Marine Corps PFC Randall Carl Phelps Memorial Bridge	1026	2787, 3014			3016	1026, 2788, 3016
76	By Delegates Rodighiero, Phillips, Eldridge, Marcum and Hicks: U.S. Army 1LT Patricia Simon Bridge	1029					1029
*77	By Delegates Rodighiero, Marcum, Eldridge and Hicks: U.S. Army SGT Denver E. Short Memorial Bridge	1030	1786, 3621			3624	1030, 1787, 3624

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78	By Delegates Howell, Arvon, Atkinson, Blair, Cadle, Caputo, Faircloth, Ferro, Flanigan, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, J. Nelson, Pushkin, R. Smith, Sponaugle and Stansbury: Requesting the Joint Committee on Government and Finance study professional and occupational licensing boards	1066	1845			1891	1068, 1890
79	By Delegates Howell, Arvon, Atkinson, Blair, Cadle, Caputo, Faircloth, Ferro, Flanigan, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, J. Nelson, Pushkin, R. Smith, Sponaugle and Stansbury: Requesting the Joint Committee on Government and Finance study state agency websites	1067	2086			2105	1068, 2086, 2105
80	By Delegates Overington, Ambler, Anderson, Arvon, Atkinson, Azinger, Blair, Border, Butler, Cadle, Canterbury, Cooper, Ellington, Espinosa, D. Evans, Faircloth, Fast, Folk, Foster, Frich, Gearheart, Hill, Householder, Howell, Ihle, Ireland, Kessinger, Kurcaba, Marcum, McCuskey, McGeehan, Miller, Moffatt, E. Nelson, Phillips, Rohrbach, Rowan, R. Smith, Sobonya, Stansbury, Statler, Summers, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, Zatezalo, Hamrick and Shaffer: Calling on and applying to the United States Congress to call a convention of the states	1109					1109
81	By Delegates Eldridge, Phillips, Marcum, Rodighiero, Moffatt and J. Nelson: Hill Brothers Memorial Bridge	1111					1111
*82	By Delegate Rodighiero: U.S. Army SPC David H. Stamper Memorial Bridge	1114	1786, 3621			3624	1114, 1787, 3624
83	By Delegate Moffatt: U.S. Air Force SMSgt Billie E. 'Bunky' Hodge Bridge	1115					1115
84	By Delegate McGeehan: U.S. Marine Corps Cpl Mark Douglas Cool Memorial Bridge	1117	2785, 3014			3016	1117, 2785, 3016
*85	By Delegates J. Nelson, R. Smith, Wagner, Westfall, Moffatt, Atkinson and McCuskey: U.S. Navy MM2 Carl E. Keeney and U.S. Army PFC Carl M. Nicholas Memorial Bridge	1118	2788, 3014			3016	1118, 2788, 3016
86	By Delegates Waxman, Rohrbach, Hamrick, Border, Butler, Cadle, Ellington, Espinosa, A. Evans, Fast, Frich, Hamilton, Hill, Kessinger, Lane, Miller, Statler and B. White: Designating April 16, 2016 as World Voice Day	1120	1846			1891	1120, 1890

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87	By Delegates Eldridge, Storch, Moore, Fluharty, Lynch, Bates, Phillips, Marcum, Arvon, Hicks and Blackwell: Proclaiming and making the fiddle the official musical instrument of the State of West Virginia	1121	3621			3624	1121, 3624
88	By Delegates Lane, Hanshaw and Shaffer: Extending the Conference Committee relating to H. B. 2800, Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests.	1182			1211	1182	1182
89	By Delegates Moore, P. White, Gearheart, Ellington and Blackwell: Blue Demon Highway Bridge	1259					1259
*90	By Delegates Moore, P. White, Gearheart, Ellington and Blackwell: U.S. Army CPL Fon Mitchell Memorial Bridge	1261	1786, 2086			2105	1261, 1787, 2105
91	By Delegates Eldridge, J. Nelson, McGeehan, Phillips, Marcum, Moffatt, Miller, Rodighiero, Hornbuckle, Morgan and P. White: Deputy Sheriff Sgt. Justin Alan Thompson Memorial Highway	1263					1263
*92	By Delegate A. Evans: Captain John Bond and the West Virginia State Troops Memorial Bridge	1446	2789, 3014			3016	1446, 2790, 3016
93	By Delegates Howell, Arvon, Atkinson, Blair, Border, Cadle, Caputo, Faircloth, Hamrick, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, J. Nelson, Pushkin, R. Smith, Sponaule, Stansbury and P. White: Requesting the Joint Committee on Government and Finance study the motor vehicle code	1476	1476, 1846			1891	1890
94	By Delegates Howell, Arvon, Atkinson, Blair, Border, Cadle, Caputo, Faircloth, Hamrick, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, J. Nelson, Pushkin, R. Smith, Sponaule, Stansbury and P. White: Requesting the Joint Committee on Government and Finance study the holdings of public property by departments, agencies, commissions, bureaus and boards of the state	1477	1477, 1846			1891	1891
95	By Delegate Moffatt: SSGT Arthur N. McMellown Mem Bridge	1492					1492
96	By Delegates Ireland, R. Smith, McCuskey, Zatezalo and D. Evans: Requesting the Federal Energy Regulatory Commission (FERC) expedite the approval of six interstate natural gas pipeline projects in West Virginia.	1494	2086			2105	1493, 2105, 2105
97	By Delegate Mr. Speaker (Mr. Armstead): U.S. Army SPC 4 Thurman 'Duwayne' Young Memorial Road	1849					1849

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98	By Delegates Howell, Arvon, Ellington, Rohrbach, R. Smith, Walters, Householder, Shott, Espinosa, Miller and Storch: Study on lowering the state's overall sales and use tax rate	1850	3014			3016	1850, 3016
99	By Delegates Rowan, Romine, D. Evans, Miller, Walters, Canterbury, Duke, Shaffer, Lynch, Moye, Campbell, Ambler, Border, Deem, Fast, Ferro, Hamilton, Hartman, Hill, Kelly, Longstreth, Moore, Overington, Perry, Pethtel, Phillips, Rohrbach, B. White and Zatezalo: Requesting the Joint Committee on Government and Finance to study and review current law, procedure and public services intended to protect against senior citizen financial abuse	1958	3014			3016	1958, 3016
100	By Delegates Perdue and Hicks: Curtis 'Pap' and Millie 'Mammie' Asbury Bridge	1960					1960
101	By Delegates Ambler, Duke, D. Evans, Hamrick, Kelly, Rohrbach, Romine, Rowan, Wagner, Blackwell, Campbell, Hicks, Hornbuckle, Moye, Perdue, Perry, Rodighiero, Trecost, Espinosa and Moffatt: Requesting the Joint Committee on Government and Finance to conduct an interim study on the areas remaining from the January 3, 2012, Efficiency Audit of West Virginia's Primary and Secondary Education System	1945	1945, 2087			2106	1951, 2106
102	By Delegates Kurcaba, Ellington, Hicks, Romine, Trecost, Kelly, Hamrick, Espinosa, Rodighiero and Campbell: Requesting the Joint Committee on Government and Finance to conduct an interim study on the enrollment of students solely for participation in extracurricular activities	1946	1945, 2087			2106	1951, 2106
103	By Delegates Cooper, Ellington, D. Evans, Hamrick, Kelly, Kurcaba, Rowan, Campbell, Hicks, Moye, Rodighiero, Trecost and Espinosa: Requesting the Joint Committee on Government and Finance to conduct an interim study on the educational impact and budgetary and funding formula consequences of Education Savings Accounts	1948	1945, 2087			2106	1951, 2106

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104	By Delegates Ambler, Duke, D. Evans, Hamrick, Kelly, Rohrbach, Romine, Rowan, Wagner, Ellington, Campbell, Hicks, Hornbuckle, Moye, Perdue, Perry, Rodighiero, Cooper and Espinosa: Requesting that the Joint Committee on Government and Finance study the composition, qualifications, terms and duties of the State Board of Education	1949	1945, 2087			2106	1951, 2106
105	By Delegates Ambler, Duke, Ellington, D. Evans, Hamrick, Kurcaba, Rohrbach, Romine, Rowan, Wagner, Campbell, Hicks, Moye, Perry, Rodighiero, Trecost and Espinosa: Requesting the Joint Committee on Government and Finance study the composition and terms of the School Building Authority	1950	1945, 2087			2106	1951, 2106
106	By Delegates Waxman, Ellington, Summers, B. White, Stansbury, Atkinson and Campbell: Requesting the Joint Committee on Government and Finance to study direct primary care	2071	3014			3016	2071
107	By Delegates Ellington, Summers, Atkinson, Householder, Stansbury, B. White and Campbell: Requesting the Joint Committee on Government and Finance to study the civil commitment laws within West Virginia	2073	3014			3016	2073, 3016
108	By Delegates Ellington, Summers, Fleischauer and Campbell: Requesting the Joint Committee on Government and Finance to study and review surprise medical bills	2075	3015			3016	2075, 3016
109	By Delegates Westfall, Rodighiero, Espinosa, Hamrick, Rohrbach, Rowan, Ellington and Romine: Requesting the Joint Committee on Government and Finance conduct an interim study of the feasibility of public virtual online schools	2079	3015			3016	2079, 3016
111	By Delegates Rowan, Romine, Cooper, Wagner, Kelly, Perdue, Campbell, Moye, Perry, Duke, Ambler, Border, A. Evans, D. Evans, Ferro, Hartman, Moore, Overington and Shaffer: Requesting the Joint Committee on Government and Finance to study the issues, needs and challenges facing senior citizens	2101	3015			3016	2101, 3016
112	By Delegates Ambler, Blackwell, Campbell, Cooper, Duke, Ellington, Espinosa, D. Evans, Hamrick, Hicks, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Rodighiero, Rohrbach, Rowan, Statler, Trecost, Upson, Wagner and Westfall: Requesting study on interscholastic student athlete safety issues	2184	3015			3016	2184, 3016

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113	By Delegates Espinosa, Householder, Upson, McGeehan, Storch, Zatezalo and Guthrie: Requesting Joint Committee on Government and Finance to establish a select committee to study all aspects of the lottery	2186	3015			3016	2186, 3016
114	By Delegates Espinosa and Howell: Requesting the Joint Committee on Government and Finance to conduct an interim study on the best practices in technology procurement	2192	3015			3016	2192, 3016
115	By Delegates Skinner, Folk, Foster, McCuskey, Fleischauer, Manchin, Rowe and Shott: Requesting the Joint Committee on Government and Finance to study all versions of call for a constitutional convention	3002				3004	3002, 3004
116	By Delegate A. Evans: Requesting a study to provide a mechanism for decreasing corporate municipality limits	2795	3621			3624	2795, 3624
117	By Delegates Cooper, Ambler, Atkinson, Campbell, Espinosa, D. Evans, Kelly, Moye, Perdue, Rohrbach, Romine, Rowan, R. Smith and Wagner: Requesting a study of the Mountaineer Challenge Academy	2796	3621			3624	2796, 3624
118	By Delegates Morgan, Boggs, Canterbury, Caputo, Eldridge, A. Evans, Fleischauer, Fluharty, Guthrie, Hamilton, Hartman, Hornbuckle, Miley, Moore, Moye, Perdue, Pushkin, Reynolds, Romine, Rowe, Skinner, Stansbury, Storch, Trecost, Walters and P. White: Requesting a study how best to implement work and job-training requirements for recipients of SNAP	2798	3621			3624	2798, 3624
119	By Delegate Canterbury: Requesting to study mechanism to allow nonresidents of a municipality to opt out of fire protection coverage by the municipality	3059	3621			3624	3059, 3624
120	By Delegate Canterbury: Requesting to study potential improvements to pensions for retired teachers and public employees	3060	3621			3624	3060, 3624
121	By Delegate Phillips: Requesting to study creating a mechanism for more frequent assessment procedures for County Commissions to reevaluate and appraise properties in areas that have been affected by a severe economic downturn	3062	3621			3624	3062, 3624
122	By Delegate Mr. Speaker (Mr. Armstead): Expressing the Legislature's support for continued research by the medical community to find a cure for Multiple System Atrophy	3063	3622			3624	3063, 3624



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123	By Delegates A. Evans, Hamilton and Eldridge: Requesting to study the impact of providing for the issuance of a home-based micro-processing permit for use by farmer’s market vendors	3064	3622			3624	3064, 3624
124	By Delegates A. Evans, Hamilton and Eldridge: Requesting to study the impact to expand the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp	3065	3622			3624	3065, 3624
125	By Delegates Perdue, Ambler, Bates, Byrd, Ellington, D. Evans, Flanigan, Fleischauer, Hicks, Manchin, Marcum, Morgan, Moye, Pushkin, Rodighiero, Skinner, R. Smith and P. White: Requesting Congressional Representatives of the State of WV to ask the federal government to reinstitute the Compassionate Investigational New Drug Program	3067	3622			3624	3067, 3624
126	By Delegates Summers, Fleischauer, Campbell, Ellington, Lane, Kurcaba, Cooper, Householder, Moore, Hornbuckle and Longstreth: Requesting study on the health care work force in the state of West Virginia	3068	3622			3624	3068, 3624



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2	By Delegates Romine, Walters and Rowan: Super-Majority Required for Passage of Tax Bill Amendment	11					11
3	By Delegate Lane: Homestead Exemption Increase Amendment	11					11
4	By Delegates Caputo, Manchin and Longstreth: The “Homestead Exemption Increase Amendment	11					11
5	By Delegates Rodighiero, Hicks, Perdue, Marcum, Reynolds, Eldridge and Moye: The “Homestead Exemption Increase Amendment”	11					11
8	By Delegates Overington, Walters, Deem, Gearheart, Householder, Sobonya, Moffatt, Cadle, Foster, Frich and Blair: The “Initiative, Referendum and Recall Amendment”	11					11
9	By Delegates Overington, Walters, Householder, Moffatt, Butler, Frich, Gearheart, Blair, Deem, Phillips and Foster: The Super-Majority Required for Passage of Tax Bill Amendment	11					11
10	By Delegates Overington, Walters, Householder, Kelly, Foster, Gearheart, Upson, Deem, Phillips and Shott: Prohibiting the Governmental Taking of Private Property for Private Use Amendment	11					11
12	By Delegates Sponaugle, Longstreth, Hartman, Marcum, Hicks, Byrd, Hamilton, Perdue, Guthrie and Phillips: The Right to Hunt and Fish in West Virginia Amendment	11					11
13	By Delegates Overington, Householder, Moffatt, Espinosa, Upson, Frich, Phillips, Perdue, Hanshaw, Border and Miller: The Homestead Exemption Increase Amendment	11					11
14	By Delegates Hamrick, Sobonya, Miller, Butler, Rohrbach and J. Nelson: The School Board Election Amendment	11					11
16	By Delegates Kurcaba, Hill, Faircloth, Wagner and Ihle: The Term Limitations Amendment	11					11
18	By Delegates Reynolds, Pushkin, Perry, Hornbuckle, Campbell, Byrd, Rohrbach and Bates: The Removal of Governor’s veto power for education spending in budget and appropriations	11					11

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Adopted By Senate	Adopted By House	OTHER PROCEEDINGS
20	By Delegates Reynolds, Moffatt, Rodighiero, Hicks, Lynch, Trecost and Bates: Term Limitation Amendment	11					11
21	By Delegate Rodighiero: The Citizens' Redistricting Commission Amendment	11					11
22	By Delegates Hamilton, O'Neal, Hanshaw, Kessinger, Blair, Weld, Foster, Hill, Ireland, Campbell and Marcum: The Right to Hunt, Fish and Harvest Wildlife Amendment	11					11
23	By Delegates Sponaugle, Perdue, Hornbuckle, Marcum, Pushkin, Lynch, Hartman, Phillips and Campbell: The Volunteer Emergency Service Personnel Property Tax Exemption Amendment	11					11
24	By Delegates Sponaugle, Perdue, Fluharty, Hornbuckle, Trecost, Marcum, Pushkin, Byrd and Lynch: The Veteran's Property Tax Exemption Amendment	11					11
25	By Delegate Cowles: The Disabled Veteran Exemption from Ad Valorem Property Taxation Amendment	11					11
27	Delegates Stansbury, Householder, Summers, Ellington, Perdue, Phillips, J. Nelson, Ambler, B. White, Rohrbach and Westfall: Right to hunt, fish and harvest wildlife	78					78
28	By Delegate Deem: Relating to the creation of a Citizens Redistricting Commission to redistrict Senate.	145					146
29	By Delegates Campbell, Cooper, Ferro, Kurcaba, Perry, Morgan, Pethel, Kessinger, Statler, Wagner and Romine: Reducing the length of terms for members of the West Virginia Board of Education	146					146
30	By Delegate Foster: Exemption from ad valorem taxation of manufacturing inventory and equipment	183					183
31	By Delegates Howell, Mr. Speaker (Armstead), Espinosa, Stansbury, Frich, Butler, Cadle, Blair, Cooper, Hamrick and Waxman: Property Tax Limitation and Homestead Exemption Amendment of 1982	183					183
32	By Delegates Deem and Overington: Redistricting of Senate, House of Delegates and Congressional Districts	247					247
33	By Delegates Sobonya, Moffatt, Miller, Frich, Rohrbach, Butler, Cowles, Householder, Kurcaba and Summers: Supervision of Free Schools	247					247

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35	By Delegates Shaffer, R. Smith, Lynch, P. Smith, Blackwell, Faircloth, Byrd and Ireland: Senior Citizen Homestead Valuation Amendment	279					279
36	By Delegates Ferro, Lynch, Pethel, Fluharty, Hamilton, Skinner, Storch, Caputo, Hartman and Perry: The Simple Majority Levy Approval Amendment	315					315
37	By Delegates Marcum, Phillips, Sobonya, McCuskey, Westfall, Storch, Frich, Reynolds, Rohrbach, Shott and Householder: Senators and Delegates Term Limit Amendment	332					332
38	By Delegate Bates: Term Limits for Senators and Delegates in the West Virginia Legislature	380					380
39	By Delegates Bates, Lane and Pushkin: State Apportionment Commission	380					380
40	By Delegates J. Nelson, Householder, Phillips, R. Smith, Ihle, McGeehan, Folk, Faircloth and Marcum: Constitutional Officers Term Limit Amendment	592					592
41	By Delegates Rohrbach, Statler, B. White, Stansbury, Kurcaba, Arvon and Perdue: West Virginia Infrastructure Improvement and Industrial Development Amendment of 2016	592					593
42	By Delegates Lane, Shott, Householder, E. Nelson, Howell, Cowles, Sobonya, O'Neal and Canterbury: Legislative Review of Judiciary Budget Amendment	636					636
43	By Delegates Lane, Sobonya, Miller, Espinosa and Duke: Citizens' Education Accountability Amendment	771					771
44	By Delegates Skinner, Caputo, Fluharty, Lynch, Miley, Manchin, Reynolds, Boggs, Moore, P. White and Guthrie: Requirement of two thirds of Members of Legislature to override Governor's Veto Amendment	771					771
45	By Delegates Skinner, Caputo, Fluharty, Lynch, Miley, Manchin, Reynolds, Boggs, Moore, P. White and Guthrie: Requirement of two thirds of Members of Legislature to override Governor's Veto Amendment	822					823
46	By Delegate Moffatt: Redistricting Amendment	1127					1127

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47	By Delegate Trecost: Term Limits for Senators and Delegates in the West Virginia Legislature and county commissioners	1264					1264

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Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Adopted By House	OTHER PROCEEDINGS
1	By Mr. Speaker (Mr. Armstead): Authorizing the appointment of employees for this, the Second Regular Session of the 82 <sup>nd</sup> Legislature, 2016	13			19	13, 19
2	By Mr. Speaker (Mr. Armstead): Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates	20			21	20, 21
3	By Mr. Speaker (Mr. Armstead): Creating a Select Committee on Prevention and Treatment of Substance Abuse	21			22	21, 22
4	By Delegates O'Neal, Cooper, Moyer, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blackwell, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, E. Nelson, J. Nelson, Overington, Perdue, Perry, Pethtel, Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shaffer, Shott, Skinner, P. Smith, R. Smith, Sobonya, Sponaule, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, P. White and Zatezalo: Memorializing the life of the Honorable Arnold W. Ryan	74			77	74, 76
5	By Delegates Howell, Arvon, Atkinson, Cadle, Canterbury, Fast, Folk, Foster, Gearheart, Hamrick, Ihle, Ireland, Kessinger, Flanigan, Overington, Phillips, Wagner, Waxman and Zatezalo: Expressing concern of the House of Delegates to the growth of the federal government's power over the individual states of the United States	3620			3624	3620
6	By Delegates Howell, A. Evans, Rowan and R. Smith: Honoring the town of Piedmont's 160th anniversary	247	1846		1891	247, 1899

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Adopted By House	OTHER PROCEEDINGS
7	By Delegates Sobonya, Arvon, Azinger, Rohrbach, Deem, Duke, Espinosa, A. Evans, Faircloth, Fast, Fleischauer, Folk, Frich, Hamilton, Hamrick, Hicks, Hill, Howell, Ihle, Kelly, Kessinger, Marcum, McCuskey, Moffatt, Morgan, Moye, Pushkin, Rodighiero, Romine, Rowan, Rowe, Shaffer, P. Smith, Stansbury, Statler, Storch, Waxman, Weld, Westfall, Zatezalo, Mr. Speaker (Mr. Armstead) and Blackwell: Designating that the month of April be proclaimed as Sarcoidosis Awareness Month beginning in 2016	250	657		736	249, 736
8	By Mr. Speaker (Mr. Armstead): Authorizing the Committee on Rules to arrange a Special Calendar and providing for making public the vote on certain questions in connection with the preparation thereof	593	658	737	737	593, 737
9	By Delegates Ellington, Summers, Upson, Householder, Ihle, Espinosa, Hill, Stansbury, Campbell, Perdue, Atkinson, Bates, Blair, Butler, Duke, Eldridge, Foster, Ireland, Manchin, Perry, Phillips, Skinner, R. Smith, Sobonya and Statler: Recognizing March as self-care month in West Virginia	636	1846		1891	636, 1889
10	By Delegates McCuskey, Westfall, Weld, B. White, Stansbury, E. Nelson and Byrd: Creating support services and programs for childhood cancer patients and families	772	1846		1891	772, 1889
11	By Delegates Stansbury, Phillips, Hamilton, R. Smith, Cadle, B. White, Ambler, Summers, J. Nelson, Perdue and Statler: Enhancing hunting, fishing, recreational shooting and other outdoor recreational opportunities as well as strengthen conservation efforts nationwide	773	1846		1891	773, 1889
13	By Delegates Border, Miller, D. Evans, Anderson, Azinger, Kelly, Deem, Sobonya, Butler, Waxman and Kessinger: Designating that March 2016 be proclaimed as Healthy Bodies Healthy Spirits Month	1127	1846		1891	1127, 1889
14	By Delegates Perdue, Bates, Eldridge, Ferro, Gearheart, Guthrie, Hornbuckle, Lynch, Marcum, Moore, Morgan, Reynolds and Rodighiero: Memorializing the Armenian Genocide of 1915 through 1923 and Proclaiming April 24 as a Day of Remembrance	1128				1128
15	By Delegates Perdue, Boggs, Butler, Byrd, Eldridge, Fleischauer, Guthrie, Hicks, Manchin, Marcum, J. Nelson, Pushkin, Rodighiero, Skinner and Westfall: Self Injury Awareness Day	1182	1846		1891	1182, 1889
17	By Delegates Miley, Mr. Speaker (Mr. Armstead), Cowles, Perdue, E. Nelson, Bates, Storch, Rowe, Hamilton, Pushkin, A. Evans, Fluharty, Romine, Pethtel, Hornbuckle and Sponaugle: Reaffirming the sister-state relationship between the State of West Virginia and Taiwan	1618			1619	1618



Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Adopted By House	OTHER PROCEEDINGS
18	<p>By Delegates Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blackwell, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, Faircloth, Fast, Ferro, Flanigan, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Moye, Mr. Speaker (Mr. Armstead), E. Nelson, J. Nelson, O'Neal, Overington, Perdue, Perry, D. Evans, Lynch, Pethtel, Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shaffer, Shott, Skinner, P. Smith, R. Smith, Sobonya, Sponaule, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, P. White and Zatezalo:</p> <p>Honoring and memorializing the life of Phyllis J. Rutledge</p>	1880			1882	1882
19	<p>By Delegates Shott, Lane, Stansbury, Miley, Caputo, Pushkin, Campbell, P. Smith, Manchin, Weld, McCuskey, Hanshaw, Fleischauer and Overington:</p> <p>Drug Court Day in West Virginia</p>	1962	2086			1962, 2104, 2105
20	<p>By Delegates Miley, Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blackwell, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Flanigan, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miller, Moffatt, Moore, Morgan, Moye, Mr. Speaker (Mr. Armstead), E. Nelson, J. Nelson, O'Neal, Overington, Perdue, Perry, Pethtel, Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shaffer, Shott, Skinner, P. Smith, R. Smith, Sobonya, Sponaule, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, P. White and Zatezalo:</p> <p>Honoring and memorializing the life of Frank "Chunki" Angotti who served for four years in the West Virginia Legislature</p>	2816			2819	2819



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Number	SPONSOR AND SYNOPSIS	Communicated to House	Reported From Committee	Amended	Passed House	OTHER PROCEEDINGS
1	By Senators Cole (Mr. President), Blair, Boso, Ferns, Gaunch, Trump, Carmichael, Sypolt and Takubo: Establishing WV Workplace Freedom Act (Chapter 142, Acts, 2016)	217, 449	327	389, 417	417, 686	217, 362, 388, 398, 417, 418, 684, 686
*6	By Senators Ferns, Carmichael, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair, Karnes and Sypolt: Requiring drug screening and testing of applicants for TANF program (Chapter 125, Acts, 2016)	588, 2779	660, 1843	2107	2106	589, 600, 1913, 1987, 1998, 2106, 3698, 3734
*7	By Senators Leonhardt, Carmichael, Ashley, Stollings, Trump and Blair: Establishing wrongful conduct rule prohibiting recovery of damages in certain circumstances (Chapter 3, Acts, 2016)	671, 1307	804	1087, 1200, 1307	1200	671, 1009, 1048, 1087, 1141, 1200, 1201, 1405, 1722
*10	By Senators Sypolt, Ferns, Gaunch, Karnes, Leonhardt, Trump, Walters, Boley, Boso, Takubo and Blair: Creating Unborn Child Protection from Dismemberment Abortion Act (Chapter 196, Acts, 2016)	853, 2337	1224, 1329	1497	1497, 2338	854, 1224, 1423, 1464, 1496, 1498, 1719, 2336, 2338
**12	By Senator Leonhardt: Relating to County Local Powers Act	1848				1849
*13	By Senators Carmichael, Boso, Gaunch, Leonhardt, Trump, Walters, Blair, Takubo, Miller and Unger: Increasing penalties for overtaking and passing stopped school buses (Chapter 243, Acts, 2016)	276, 1887, 3427	1611	744, 854	788	344, 718, 744, 745, 788, 1069, 1407
*14	By Senators Trump, Boso, Ferns, Leonhardt, Takubo and Blair: Limiting successor corporation asbestos-related liabilities (Chapter 5, Acts, 2016)	327, 1160	804	1048	1083	327, 1009, 1048, 1082, 1083, 1405, 1722
15	By Senators Boso and Gaunch: Adopting learned intermediary doctrine as defense to civil action due to inadequate warnings or instructions (Chapter 4, Acts, 2016)	344, 854	611	744, 854	788	344, 718, 744, 745, 788, 1069, 1407
**16	By Senators Ashley, Plymale, Williams, Miller, Stollings and Unger: Providing tax credit for providing broadband service to unserved areas	854				854
*25	By Senators Karnes, Leonhardt and Blair: Providing selection procedure for state delegates to Article V convention	1704				1705
**27	By Senators Kirkendoll, Miller and Gaunch: Permitting county commissions hire outside attorneys for collection of taxes through courts (Chapter 50, Acts, 2016)	345, 1887	1674	1792	1791	345, 1700, 1743, 1791, 1792, 2180, 3689

Num ber	SPONSOR AND SYNOPSIS	Commu- nicated to House	Reported From Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
29	By Senator Palumbo: Tolling statute of limitations in certain cases (Chapter 2, Acts, 2016)	450, 1939	1716	1802	1853	450, 1716, 1756, 1802, 1852, 1853, 3012, 3734
32	By Senators Palumbo, Beach and Miller: Relating to withdrawal of candidates for office and filling vacancies (Chapter 99, Acts, 2016)	276, 455	344	421, 440	440	277, 399, 421, 440, 441, 575, 724
*39	By Senators Stollings and Gaunch: Regulating off-road motorcycles within Hatfield- McCoy Recreation Area (Chapter 8, Acts, 2016)	589	1783, 1840		1966	589, 1784, 1871, 1893, 1966, 1968, 3684, 3734
*40	By Senator Stollings: Changing definition of facilities eligible for funding assistance from Courthouse Facilities Improvement Authority	426				426
*43	By Senators Williams, Beach, Blair, Leonhardt and Miller: Clarifying means of posting to prohibit hunting or trespassing (Chapter 59, Acts, 2016)	589, 2779	1721, 1842	2002	2107	589, 1721, 1913, 1999, 2002, 2107, 3699, 3734
**47	By Senator Ferns: Rewriting licensing requirements for practice of medicine and surgery and podiatry (Chapter 178, Acts, 2016)	1612, 2779	1785	1893	1966	1613, 1785, 1871, 1893, 1966, 3699, 3734
54	By Senator Sypolt: Altering how tax is collected on homeowners' associations (Chapter 232, Acts, 2016)	1076, 2885	1952	2128, 2133	2194	1077, 2061, 2128, 2133, 2193, 2194, 3704, 3734
*68	By Senators Ferns and Takubo: Disallowing Health Care Authority to conduct rate review and set rates for hospitals (Chapter 202, Acts, 2016)	455, 1940	1226	1803, 1805, 1940	1854, 1940	455, 1379, 1389, 1781, 1803, 1853, 1854, 1940, 3687, 3735
*73	By Senators Yost and Miller: Creating felony crime of knowingly leaving scene of crash resulting in serious bodily injury	724				724
94	By Senator Walters: Designating State Police Superintendent as administrator and enforcer of motor vehicle inspection program (Chapter 245, Acts, 2016)	1381	1783, 1840		1967	1382, 1783, 1871, 1894, 1967, 3684, 3733
*102	By Senators Trump, Boso and Gaunch: Conforming to federal Law-Enforcement Officers Safety Act	277, 1941	1674	1744	1793	277, 1700, 1744, 1792, 1793, 3012, 3726
*104	By Senators Plymale, Woelfel and Stollings: Classifying Marshall University Forensic Science Center as a criminal justice agency (Chapter 211, Acts, 2016)	1705, 2177	1783	1894, 1967	1967	1705, 1871, 1894, 1968, 3699, 3734
*105	By Senators Trump and Gaunch: Creating Tim Tebow Act allowing nonpublic school student participate in SSAC member school athletics	854				855
*106	By Senator Trump: Waiver of warranty on sale of used manufactured home under certain circumstances	1432				1432

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107	By Senator Trump: Uniform Interstate Depositions and Discovery Act (Chapter 173, Acts, 2016)	295, 3573	1957	2804	2804, 3573	295, 2164, 2209, 2804, 2805, 3573, 3707, 3734
*109	By Senator Trump: Repealing code provisions related to certain reports by trustees for property	426				426
**116	By Senators Kessler and Beach: Increasing number of limited video lottery terminals allowed at retail location	1485				1485
123	By Senator Stollings: Treatment for sexually transmitted diseases (Chapter 198, Acts, 2016)	407, 806	582	693, 738	738	407, 652, 692, 738, 739, 1069, 1407
*146	By Senators Plymale and Unger: Establishing instruction standards for early childhood education (Chapter 90, Acts, 2016)	327, 1211	748	1048, 1212	1083, 1212	328, 837, 880, 1048, 1058, 1083, 1084, 1212, 1213, 1405, 1722
147	By Senators Romano, Snyder and Facemire: Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft	807				807
*150	By Senator Maynard: Authorizing Department of Transportation promulgate legislative rules (Chapter 151, Acts, 2016)	345, 1160	755	880	1034	345, 837, 880, 885, 1034, 1035, 1405, 1722
*157	By Senator Maynard: Authorizing Department of Revenue to promulgate legislative rules	295, 3629	1956	2210, 2214, 2218, 2219, 2805, 3165	2805, 3631	296, 2164, 2210, 2219, 2805, 2808, 3192, 3629, 3631, 3697, 3727
*159	By Senator Maynard: Authorizing promulgation of legislative rules by miscellaneous boards and commissions	450, 3574	2088	2219, 2233, 2234, 2808, 3574	2808, 3594	452, 2164, 2219, 2234, 2808, 2812, 3595, 3697, 3728
*195	By Senator Maynard: Authorizing DHHR to promulgate legislative rules (Chapter 149, Acts, 2016)	296, 2779	1844	2020, 2108	2108	298, 1913, 2002, 2020, 2108, 2111, 3699, 3735
*202	By Senator Maynard: Authorizing Department of Commerce promulgate legislative rules (Chapter 153, Acts, 2016)	328, 2885	1943	2141, 2194	2194	329, 2061, 2123, 2141, 2194, 2196, 3697, 3735
*216	By Senator Maynard: Authorizing Human Rights Commission promulgate legislative rule relating to Pregnant Workers' Fairness Act	329				329

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*252	By Senator Trump: Amending Wiretapping and Electronic Surveillance Act to exclude from protection oral communications	1307				1307
*254	By Senator Trump: Not allowing county park commissions to prohibit firearms in facilities	407, 1888	1612	1748	1793	408, 1700, 1748, 1793, 1794, 2180, 3711
**259	By Senators Blair, Karnes and Snyder: Amending Unfair Trade Practices Act (Chapter 217, Acts, 2016)	1104, 2885	1720, 1943	2141	2197	1104, 1720, 2061, 2141, 2142, 2196, 2197, 3704, 3734
261	By Senator Blair: Bringing state code relating to daylight saving time in conformity with federal code (Chapter 74, Acts, 2016)	408	583		739	408, 652, 715, 739, 1069, 1407
*262	By Senator Blair: Eliminating need for law enforcement to obtain court order prior to having access to inmate mail and phone recordings (Chapter 46, Acts, 2016)	309, 3677	1956	2235, 2813	2813	310, 2164, 2235, 2239, 2812, 2813, 3707, 3734
*263	By Senators Blair and Snyder: Allowing travel and other expense reimbursement for members of Municipal Home Rule Board	164	1778			164, 1778
*265	By Senators Blair and Snyder: Allowing library volunteers necessary access to user records (Chapter 208, Acts, 2016)	453, 2779	1675	1968, 2779	1969, 2780	453, 1700, 1749, 1794, 1841, 1968, 1969, 2780, 3697, 3734
*267	By Senator Blair: Modifying removal procedure for certain county, school district and municipal officers (Chapter 209, Acts, 2016)	855, 3192	1938, 1957	2249, 3192	2814, 3193	855, 1839, 2164, 2239, 2251, 2813, 2814, 3192, 3193, 3708, 3734
*268	By Senator Blair: Abolishing Council of Finance and Administration	408	583			408, 583
*269	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Budget Bill	2554, 3573		2555	2815	2554, 2555, 2768, 2795, 2814, 2816, 3574, 3620
*270	By Senator Gaunch: Repealing code relating to insurance policies (Chapter 38, Acts, 2016)	453	1885, 2087		2823	453, 1886, 2164, 2251, 2822, 2823, 3704, 3734
271	By Senators Ferns and Gaunch: Regulating practice of accountancy (Chapter 184, Acts, 2016)	375, 1941	1674	1749, 1794	1795	375, 1700, 1749, 1794, 1795, 3012, 3733
*272	By Senators Blair, Gaunch, Plymale and Romano: Allowing investigators from Attorney General's office to carry concealed weapons	807, 3500	2179	2863, 3071, 3500	3072, 3501	807, 2771, 2863, 3070, 3072, 3500, 3501, 3708, 3729

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Number	SPONSOR AND SYNOPSIS	Communicated to House	Reported From Committee	Amended	Passed House	OTHER PROCEEDINGS
*274	By Senator Walters: Relating to increasing civil jurisdictional amount in magistrate courts (Chapter 55, Acts, 2016)	1308, 1941	1612	1715	1795	1308, 1700, 1750, 1795, 1796, 3012, 3733
*278	By Senators Ferns, Takubo, Walters, Stollings and Palumbo: Clarifying physicians' mutual insurance company is not state or quasi-state actor (Chapter 136, Acts, 2016)	540	1885, 2181		3073	541, 1886, 2771, 2866, 3072, 3073, 3708, 3734
*283	By Senator Ferns: Creating crime when fire is caused by operation of clandestine drug laboratory (Chapter 45, Acts, 2016)	855, 1888, 3424	1611	1750, 1796, 3424	1796, 3427	855, 1700, 1750, 1796, 1797, 1888, 2065, 2772, 3424, 3426, 3427, 3708, 3734
*287	By Senators Boso and Trump: Creating West Virginia Safer Workplaces Act	1613				1613
*288	By Senators Trump, Blair, Takubo, Walters, Romano and Palumbo: Creating one-day special license for charitable events to sell nonintoxicating beer	346				346
*290	By Senator Trump: Assignment of wages by employers and payment by payroll card	310				310
*291	By Senators Trump and Plymale: Law enforcement use of unmanned aircraft systems	1308	2070	2259, 2823	2824	1308, 2164, 2251, 2257, 2823, 2825
*293	By Senators Walters, Boso and Sypolt: Neighborhood Investment Program Act (Chapter 81, Acts, 2016)	1077, 3677	2078	2258, 2826	2825	1077, 2164, 2257, 2258, 2825, 2826, 3708, 3735
*298	By Senator Walters: Allowing restaurants, private clubs and wineries sell alcoholic beverages on Sundays (Chapter 48, Acts, 2016)	807, 3193	1840, 2079	2280, 3193	2827, 3194	807, 1840, 2164, 2258, 2280, 2826, 2827, 3193, 3194, 3708, 3735
299	By Senators Plymale, Laird and Miller: Creating Library Facilities Improvement Fund	756	1715			756, 1715
**303	By Senators Blair, Walters, Boso, Gaunch, Maynard, Palumbo, Snyder and Woelfel: Providing for 5-day resident fishing license (Chapter 170, Acts, 2016)	1614	1717		1854	1644, 1756, 1806, 1854, 3013, 3733
306	By Senator Blair: Permitting sale of county or district property online (Chapter 49, Acts, 2016)	409, 3078	1778, 1838	1895, 3078	1970, 3079	409, 1778, 1847, 1871, 1894, 1969, 1970, 3078, 3079, 3708, 3734
*309	By Senator Blair: Relating to child-care center licensing and exempting county parks and recreation from licensure (Chapter 31, Acts, 2016)	589	748		1035	589, 837, 885, 1035, 1320, 1722

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311	By Senators Snyder, Romano, Gaunch, Kessler and Blair: Allowing permanent exception for mortgage modification or refinancing loan under federal Making Home Affordable Program (Chapter 157, Acts, 2016)	277, 3194	424, 1952	2142, 2198, 3195	2198, 3195	278, 424, 2061, 2142, 2145, 2198, 2199, 3195, 3708, 3735
*313	By Senators Boso, Miller, Romano, Mullins, Facemire and Takubo: Relating to school calendar and allowing unused accrued instructional time count toward 180-day requirement	1077				1077
**315	By Senators Walters, Ashley, Beach, Boley, Boso, Gaunch, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Snyder, Stollings, Sypolt, Takubo, Trump, Williams and Blair: Providing for construction of statewide fiber optic broadband infrastructure network	1022				1023
323	By Senators Trump, Kessler, Woelfel, Palumbo, Romano and Williams: Correcting statute subsection designations regarding trespassing on property (Chapter 66, Acts, 2016)	278	1787		1970	278, 1872, 1895, 1970, 3699, 3734
*326	By Senators Trump, Kessler, Woelfel, Palumbo, Romano and Plymale: Repeal and recodify law relating to contributing to delinquency of minor child (Chapter 32, Acts, 2016)	455, 2781	1842	2021, 2112	2112	456, 1913, 2021, 2023, 2112, 2113, 3699, 3734
*328	By Senators Gaunch, Ashley, Carmichael, Facemire, Karnes, Kirkendoll, Leonhardt, Stollings, Takubo, Walters, Plymale, Unger, Blair, Prezioso, Williams and Romano: Creating West Virginia Veterans Program Fund	757				757
329	By Senators Trump, Kessler, Woelfel, Palumbo, Romano, Plymale, Stollings and Unger: Eliminating sunset provision for commission to study residential placement of children (Chapter 30, Acts, 2016)	346	721, 1787		1971	346, 721, 1872, 1895, 1970, 1971, 3699, 3734
*330	By Senators Gaunch and Boso: Requiring automobile liability insurers provide 10 days' notice of intent to cancel due to nonpayment of premium (Chapter 131, Acts, 2016)	453, 2781	656, 1841	2023, 2113	2113	453, 656, 1913, 2023, 2027, 2113, 2114, 3699, 3734
333	By Senators Karnes and Leonhardt: Taking and registering of wildlife (Chapter 167, Acts, 2016)	375, 2780	1721, 1843	2027, 2780	2114, 2781	375, 721, 1913, 2027, 2031, 2114, 2115, 2781, 3708, 3734
334	By Senator Karnes: Identifying coyote as fur-bearing animal and woodchuck as game animal (Chapter 166, Acts, 2016)	375, 2178	1720, 1839	1895	1971	375, 1720, 1820, 1895, 1971, 3688, 3734
336	By Senators Karnes and Leonhardt: Relating to crossbow hunting	376	1721			376, 1176, 1721



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*337	By Senators Stollings, Boso, Hall, Kessler, Kirkendoll, Palumbo, Plymale, Prezioso, Snyder, Walters, Woelfel and Gaunch: Creating 5-year tax credit for businesses on post-mine sites	1706	1817			1706, 1847, 2104
*338	By Senators Trump, Kessler, Woelfel, Palumbo, Romano, Stollings, Plymale and Yost: Compiling and maintaining Central State Mental Health Registry (Chapter 207, Acts, 2016)	338, 2782	721, 1842	2031	2115	339, 721, 1913, 2031, 2115, 3699, 3734
*339	By Senators Trump, Kessler, Woelfel, Palumbo, Romano, Plymale and Yost: Establishing Judicial Compensation Commission (Chapter 54, Acts, 2016)	1160, 3677	2077	2285, 2827	2827	1161, 2078, 2165, 2280, 2285, 2827, 2828, 3708, 3735
341	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Expiring funds from Insurance Commissioner, Examination Revolving Fund and Insurance Commission Fund to State Fund, General Revenue (Chapter 18, Acts, 2016)	672	1070		1264	672, 1158, 1208, 1264, 1265, 1610, 1722
*342	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Decreasing appropriations from State Fund, General Revenue, to DHHR, Division of Human Services and Bureau of Senior Services (Chapter 19, Acts, 2016)	298	371		475	298, 422, 443, 475, 609, 724
*343	By Senators Cole (Mr. President), Hall, Kessler and Trump: Authorizing prosecuting attorneys designate law-enforcement officers and investigators as custodians of records	376, 2178	1781	1895, 1972	1972	376, 1781, 1872, 1895, 1971, 1973, 2178
*344	By Senators Cole (Mr. President), Hall, Kessler and Trump: Clarifying composition and chairmanship of Commission on Special Investigations	1614				1614
345	By Senator Hall: Relating to parking on state-owned or leased property (Chapter 116, Acts, 2016)	590, 3677	1837, 2078		2829	590, 2165, 2286, 2828, 2829, 3708, 3735
346	By Senators Hall and Prezioso: Updating projects managed by Project Management Office (Chapter 115, Acts, 2016)	590	1836		1973	590, 1872, 1897, 1973, 3684, 3733
349	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Updating meaning of federal adjusted gross income (Chapter 234, Acts, 2016)	590, 2178	1836		1974	590, 1872, 1897, 1973, 1974, 3684, 3733
351	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Dedicating severance tax proceeds (Chapter 129, Acts, 2016)	855	1071		1265	856, 1158, 1208, 1265, 1266, 1610, 1722

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352	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Dedicating corporation net income tax proceeds to railways (Chapter 237, Acts, 2016)	1104, 2885	1610	1798	1798	1105, 1700, 1751, 1797, 1798, 3704, 3734
357	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund (Chapter 20, Acts, 2016)	298	371		476	298, 422, 443, 475, 476, 609, 724
360	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation to Division of Human Services (Chapter 21, Acts, 2016)	298	371		476	299, 422, 443, 476, 477, 609, 724
*361	By Senators Gaunch, Boso, Mullins, Palumbo, Walters, Williams and Prezioso: Prohibiting persons who have committed crimes against elderly from performing community service involving elderly (Chapter 62, Acts, 2016)	456, 3677	2078	2286	2829	456, 2165, 2286, 2287, 2829, 3709, 3735
*363	By Senator Walters: Creating exemption for autocycles	1682				1682
364	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation expiring funds to General Revenue (Chapter 22, Acts, 2016)	299			360	299, 323, 337, 338, 360, 361, 425
*369	By Senators Sypolt, Boso, Plymale, Prezioso and Williams: Reducing legislative education reporting requirements (Chapter 88, Acts, 2016)	409, 1161	748	885, 1036, 1161	1037	412, 837, 885, 1036, 1037, 1040, 1405, 1722
*376	By Senators Trump, Palumbo, Gaunch, Williams, Beach, Yost, Miller and Maynard: Expanding authority of Secretary of State and State Police (Chapter 185, Acts, 2016)	1308, 2782	1717	1807, 2782	1855, 2783	1309, 1756, 1806, 1854, 1855, 2783, 3697, 3734
*378	By Senators Trump, Carmichael, Williams, Ashley, Gaunch, Leonhardt, Palumbo, Romano, Miller, Boso, Stollings, Sypolt, Blair and Plymale: Relating to truancy intervention	672, 3564	2079	2830, 2837, 2838	2838	672, 2165, 2287, 2829, 2839, 3196, 3564, 3572
379	By Senators Trump, Palumbo, Gaunch, Williams, Beach, Yost and Miller: Relating to candidate filing fees (Chapter 98, Acts, 2016)	347	1612		1799	347, 1700, 1751, 1798, 1799, 2180, 3016
384	By Senators Takubo and Stollings: Requiring Bureau for Medical Services seek federal waiver for 30-day waiting period for tubal ligation (Chapter 126, Acts, 2016)	1615	1779, 1883		2199	1615, 1779, 2145, 2199, 3704, 3734

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385	By Senator Trump: Allowing defendants 180 days to identify nonparties wholly or partially at fault in civil actions	453				454
**387	By Senator Karnes: Shared animal ownership agreements to consume raw milk (Chapter 6, Acts, 2016)	454	1017		1202	454, 1099, 1157, 1201, 1202, 1405, 1722
398	By Senators Trump, Palumbo, Gaunch, Williams, Beach, Yost and Miller: Revocation of certificate of authority to conduct business	1682				1682
*399	By Senators Karnes, Miller, Plymale, Stollings, Boso, Prezioso, Williams, Leonhardt and Unger: Establishing personal and corporate income tax credits for farmers donating edible agricultural products	1615				1615
*400	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reducing amount of sales tax proceeds dedicated to School Major Improvement Fund (Chapter 233, Acts, 2016)	1023	1836		1975	1023, 1872, 1897, 1974, 1975, 3684, 3734
403	By Senators Leonhardt and Williams: Relating to cooperative extension workers	757				757
*404	By Senators Ferns, Plymale, Stollings and Prezioso: Removing prohibition on billing persons for testing for HIV and sexually transmitted diseases (Chapter 197, Acts, 2016)	758, 3423	1675, 2180	2866, 3074, 3423	3074, 3424	758, 1676, 2771, 2866, 3074, 3423, 3424, 3709, 3735
*411	By Senators Walters, Laird, Kessler, Miller, Facemire, Romano and Gaunch: Creating Second Chance for Employment Act	1486				1486, 1964
415	By Senator Ashley: Lengthening maximum term of negotiable certificates of deposit municipal funds can hold (Chapter 164, Acts, 2016)	455	657, 1836		1975	455, 657, 1872, 1897, 1975, 3688, 3734
416	By Senators Takubo, Trump, Blair and Kessler: Allowing terminally ill patients access to investigational products (Chapter 206, Acts, 2016)	1309, 2783	1842	2116, 2121	2122	1309, 1913, 2031, 2016, 2121, 2122, 3699, 3734
419	By Senator Kessler [By Request of the Executive]: Relating to termination of Workers' Compensation Debt Reduction Act (Chapter 253, Acts, 2016)	673, 1433	1074	1270, 1332	1332	673, 1158, 1208, 1209, 1269, 1293, 1331, 1333, 1437, 1612
*420	By Senator Kessler [By Request of the Executive]: Increasing tax rate on cigarette and tobacco products	1213				1213
*421	By Senator Kessler [By Request of the Executive]: Terminating behavioral health severance and business privilege tax (Chapter 229, Acts, 2016)	1486, 1760		1665, 1688	1688	1487, 1665, 1688, 1689, 1951, 2091
423	By Senators Hall, Boso and Plymale: Providing for disposition of unclaimed and unredeemed savings bond	808				808

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*424	By Senators Boso, Blair, Karnes, Kessler, Kirkendoll, Leonhardt, Miller, Mullins, Snyder, Stollings, Sypolt, Takubo, Unger, Walters, Williams, Woelfel, Gaunch and Ferns: Allowing fire departments assess fees	1023				1023
426	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Continuing Office of Coalfield Community Development (Chapter 79, Acts, 2016)	591	1721, 1840		1976	591, 1722, 1872, 1897, 1975, 1976, 3688, 3734
427	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Transferring funds from State Excess Lottery Fund to Department of Revenue (Chapter 23, Acts, 2016)	1941	2180		3075	1941, 2772, 2876, 3075, 3734
*429	By Senators Ashley and Gaunch: Adopting two National Association of Insurance Commissioners' models to protect enrollees and general public and permit greater oversight (Chapter 137, Acts, 2016)	724	1016, 1844		2122	725, 1016, 1913, 2031, 2122, 3699, 3734
431	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Authorizing pharmacists and pharmacy interns dispense opioid antagonists (Chapter 205, Acts, 2016)	1105, 3677	1957	2287	2840	1105, 2165, 2287, 2290, 2839, 2840, 3709, 3735
*434	By Senators Karnes and Takubo: Allowing home-based micro-processed foods sold at farmers markets	1078				1078
435	By Senators Leonhardt, Walters, Williams, Miller, Trump, Woelfel, Unger and Plymale: Allowing farm winery enter alternating wine proprietorship agreements with farm owners	1615	1716			1615, 1716
*436	By Senators Kirkendoll, Boley, Mullins and Walters: Defining adequate shelter for dogs and cats	856				856
437	By Senator Blair: Updating and clarifying code relating to rules governing mixed martial arts	673 1941	1717	1808, 1941	1855, 1942	673, 1756, 1807, 1855, 1856, 1942, 1965, 3709, 3730
438	By Senator Ferns: Requiring DHHR be present at judicial proceedings	1309				1309
439	By Senators Hall and Plymale: Eliminating requirement that budget director approve requisitions for personal services payment under certain circumstances (Chapter 118, Acts, 2016)	856	1836		1976	856, 1872, 1898, 1976, 3688, 3734
449	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation from State Fund, General Revenue to Department of Administration, Public Defender Services (Chapter 24, Acts, 2016)	673	1070		1266	674, 1158, 1209, 1266, 1610, 1722
450	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation from State Fund, General Revenue to DHHR, Division of Health (Chapter 25, Acts, 2016)	674	1070		1267	674, 1158, 1209, 1266, 1267, 1610, 1722

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451	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation from State Fund, General Revenue to Department of Military Affairs and Public Safety (Chapter 26, Acts, 2016)	674	1070		1267	674, 1159, 1209, 1276, 1268, 1610, 1722
*454	By Senator Kessler [By Request of the Executive]: Licensing and regulating medication-assisted treatment programs for substance use disorders (Chapter 192, Acts, 2016)	1706, 3505	2074	2840, 3506	2840, 3563	1708, 2165, 2840, 2842, 3196, 3266, 3505, 3563, 3709, 3735
455	By Senators Walters and Boso: Allowing person to be both limited video lottery operator and retailer	1487				1487
459	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Requiring county board of education to pay tuition to Mountaineer Challenge Academy (Chapter 84, Acts, 2016)	758	1675, 1952		2199	759, 1675, 2061, 2145, 2199, 3704, 3734
461	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Updating WV Workforce Investment Act to WV Workforce Innovation and Opportunity Act (Chapter 80, Acts, 2016)	1487	1839		1977	1487, 1872, 1898, 1976, 1977, 3699, 3734
462	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reducing deposit of excess lottery proceeds into WV Infrastructure Fund (Chapter 128, Acts, 2016)	856, 1382	1071	1268	1268	856, 1158, 1209, 1268, 1269, 1610, 1722
*465	By Senators Carmichael, Gaunch, Maynard, Karnes, Sypolt and Walters: Allowing professional employer insure certain risks through pure insurance captive (Chapter 140, Acts, 2016)	725, 3595	2181	2876, 3076, 3595	3076, 3596	726, 2772, 2876, 3075, 3076, 3595, 3596, 3709, 3735
*468	By Senators Gaunch and Ashley: Allowing lender charge and receive interest on rescindable loan during rescission period (Chapter 43, Acts, 2016)	1487, 2886	1884, 1945	2200	2200	1488, 1885, 2061, 2145, 2199, 2200, 3704, 3734
469	By Senators Williams and Sypolt: Clarifying what personal funds are exempt from levy following judgment (Chapter 154, Acts, 2016)	726, 2179	1782	1989, 1977	1977	726, 1872, 1898, 1977, 1978, 3684, 3734
*474	By Senators Boso, Ashley, Facemire, Miller, Snyder, Takubo, Trump and Plymale: Exempting DEP construction and reclamation contracts from review and approval (Chapter 114, Acts, 2016)	1310	1839		1978	1310, 1872, 1901, 1978, 3265, 3266, 3688, 3734
476	By Senators Beach, Plymale and Kessler: Relating to driving restrictions in school zones (Chapter 242, Acts, 2016)	1382, 2886	1611	1752, 2886	1799, 2887	1382, 1700, 1752, 1799, 2887, 3697, 3734
478	By Senators Walters and Palumbo: Authorizing licensees who sell growlers to offer samples	1161	1779, 2179			1162, 1779, 2179
*481	By Senator Walters: Authorizing distillery operators to offer liquor for purchase and consumption on premises	1161				1161

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483	By Senators Sypolt, Boley, Plymale and Ferns: Marshall County and Wyoming County LSIC waiver (Chapter 91, Acts, 2016)	759, 1943	1675	1755, 1800	1800	759, 1700, 1755, 1799, 1800, 1801, 3013, 3734
*484	By Senators Romano, Leonhardt, Plymale and Kessler: Relating to reemployment rights of military personnel (Chapter 104, Acts, 2016)	1682	1844		2122	1682, 1913, 2031, 2122, 3700, 3734
*485	By Senators Karnes, Maynard, Plymale and Boso: Establishing regional recreation authorities and areas	1214				1214
488	By Senators Takubo, Stollings and Plymale: Requiring WV Secondary School Activities Commission manage hypertrophic cardiomyopathy	1105				1105
*493	By Senator Trump: Allowing creation of self-settled spendthrift trusts (Chapter 111, Acts, 2016)	809	1944		2201	809, 2061, 2145, 2200, 2201, 3704, 3734
494	By Senators Beach and Plymale: Creating Legislative Oversight Commission on Department of Transportation Accountability (Chapter 145, Acts, 2016)	1683	1838	1901, 1979	1978	1638, 1847, 1873, 1901, 1978, 1979, 2091, 3700, 3735
*500	By Senator Hall: Authorizing Superintendent of State Police hold training classes to use West Virginia Automated Police Network (Chapter 210, Acts, 2016)	1162,	1717		1856	1162, 1756, 1814, 1856, 3013, 3734
*501	By Senator Trump: Relating to trusts	726	1886			726, 1886
*504	By Senators Ashley, Laird, Maynard, Miller, Romano, Walters and Plymale: Relating to confidentiality of juvenile records (Chapter 33, Acts, 2016)	857, 3677	1957	2290, 2842	2842	857, 2165, 2290, 2296, 2842, 2843, 3709, 3735
505	By Senator Hall: Exempting certain uses of field gas from motor fuel excise taxes (Chapter 231, Acts, 2016)	1162,28 87	1953	2145, 2146, 2201	2201	1162, 2061, 2145, 2201, 3704, 3734
507	By Senators Carmichael, Blair, Gaunch, Plymale, Prezioso and Trump: Exempting motor vehicles engaged in nonemergency transport of Medicaid recipients from PSC permit requirements (Chapter 162, Acts, 2016)	857	1716	2147	1856	857, 1756, 1814, 1856, 1857, 2147, 3013, 3734
*508	By Senators Ferns, Kirkendoll, Carmichael, Mullins and Palumbo: Relating to civil claims for private nuisance	1214				1215
509	By Senators Carmichael and Blair: Removing 10-day requirement Division of Labor has to inspect amusement rides and attractions (Chapter 9, Acts, 2016)	675, 1310,18 15	844	1092,11 42,1816	1142,18 17	675, 1059, 1092, 1141, 1142, 1310, 1382, 1722, 1816, 1817, 1818, 2180, 3734
*510	By Senators Walters, Plymale, Trump, Boso, Ashley, Hall, Unger, Kessler, Woelfel, Blair and Ferns: Establishing Adult Drug Court Participation Fund	809				809

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*511	By Senators Ashley, Plymale, Hall, Trump, Boso, Kessler and Unger: Establishing Court Advanced Technology Subscription Fund	809				809
515	By Senators Hall, Walters and Plymale: Authorizing payment of certain claims against state (Chapter 36, Acts, 2016)	857	1836		1980	858, 1893, 1907, 1980, 2791, 3734
516	By Senators Leonhardt and Woelfel: Relating to registration for selective service (Chapter 160, Acts, 2016)	810	1715, 1883		2202	810, 1715, 2061, 2147, 2201, 2202, 3704, 3734
*517	By Senators Gaunch and Trump: Clarifying PEIA plans that are exempt from regulation by Insurance Commissioner (Chapter 191, Acts, 2016)	759	1886, 1958		2844	759, 1886, 2165, 2843, 2844, 3704, 3734
*520	By Senators Gaunch, Trump, Ashley, Prezioso and Blair: Allowing PEIA ability to recover benefits or claims obtained through fraud (Chapter 190, Acts, 2016)	1162, 2783	1782	2123	2123	1163, 1873, 1907, 1980, 2123, 3700, 3734
*524	By Senator Blair: Rewriting Board of Barbers and Cosmetologists article (Chapter 188, Acts, 2016)	759, 3079	1838	1908, 3079	2103, 3081	760, 1847, 1873, 1907, 1981, 2103, 3079, 3081, 3709, 3735
*525	By Senators Gaunch, Hall, Trump, Ashley, Mullins, Plymale, Prezioso and Stollings: Relating to WV Insurance Guaranty Association Act	1433	1885			1433, 1885
*529	By Senators Ferns, Blair, Carmichael, Palumbo, Stollings, Trump and Woelfel: Making certain sport and educational fantasy games lawful	1024				1024
*534	By Senators Trump, Kessler, Palumbo, Romano, Walters, Woelfel, Stollings, Plymale and Blair: Relating to procedures for driver's license suspension and revocation in criminal proceedings	1708				1710
538	By Senator Blair: Relating to salaries of appointed officers fixed by Governor	1433				1434
*539	By Senator Carmichael: Relating to condemnation proceedings	1710	2078			1710, 2165, 2209
*542	By Senators Ferns, Carmichael and Gaunch: Admissibility of certain evidence in civil action on use or nonuse of safety belt	1488				1488
*545	By Senator Boso: Relating to asbestos abatement on oil and gas pipelines (Chapter 204, Acts, 2016)	1683	1882		2202	1683, 2061, 2147, 2202, 2203, 3709, 3735
552	By Senators Miller, Beach, Carmichael, Williams, Woelfel, Blair and Plymale: Eliminating requirement sheriff pay jury costs to State Treasury	1106	1737			1106, 1873, 1910, 1981
553	By Senator Trump: Merging purposes and provisions of Volunteer Fire Department Workers' Compensation Subsidy Program and Fund	1106				1106

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*555	By Senators Carmichael, Gaunch and Plymale: Providing for 3-cent tax increase on sale of fuel when cost is less than \$2 per gallon	1710				1711
558	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Maintaining solvency of Unemployment Compensation Fund (Chapter 248, Acts, 2016)	760	1400, 2086		1620	760, 1467, 1506, 1620, 1719, 1788
563	By Senators Gaunch, Blair, Leonhardt, Plymale and Walters: Increasing retirement benefit multiplier for WV Emergency Medical Services Retirement System members (Chapter 221, Acts, 2016)	1711	1958		2844	1711, 2165, 2296, 2844, 3705, 3735
*565	By Senators Boso and Walters: Allowing well pad and road construction for oil and gas activities	1215				1215
*567	By Senators Boso, Ashley, Blair, Gaunch, Kirkendoll, Maynard, Miller, Mullins, Romano, Williams, Stollings, Plymale and Ferns: Providing protection against property crimes committed against coal mines, railroads, utilities and other industrial facilities (Chapter 65, Acts, 2016)	1683, 3677		2297	2845	1684, 2165, 2297, 2845, 3709, 3735
573	By Senator Blair: Prohibiting municipal annexation which would result in unincorporated territory within municipality	1106, 2784, 2888	1778, 1956	1910	1982	1106, 1778, 1873, 1910, 1981, 1982, 2784, 2888
*575	By Senator Blair: Requiring leases for state office space provide landlord or owner be responsible for cleaning or janitorial services (Chapter 117, Acts, 2016)	1310	1837		2124	1311, 1873, 1910, 1982, 2123, 2124, 3700, 3734
578	By Senators Boso, Ashley, Blair, Gaunch, Karnes, Kirkendoll, Maynard, Miller, Mullins, Romano, Williams, Stollings and Plymale: Protecting utility workers from crimes against person (Chapter 63, Acts, 2016)	1488, 3678		2882, 3078	3077	1489, 2772, 2882, 3076, 3077, 3078, 3708, 3735
579	By Senators Plymale and Prezioso: Eliminating WV Port Authority	1107				1107
*581	By Senators Maynard, Ashley, Laird, Kessler, Palumbo, Woelfel, Romano and Stollings: Eliminating sunset provision terminating pilot domestic violence court program (Chapter 76, Acts, 2016)	1163	1787		1982	1163, 1873, 1910, 1982, 3700, 3734
*582	By Senators Plymale and Woelfel: Providing refundable tax credit for motor fuel sold for use or consumed in railroad diesel locomotives (Chapter 230, Acts, Regular Session 2016)	1107, 1888	1610	1801	1801	1107, 1700, 1756, 1801, 1802, 1952, 3684
583	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams: Repealing certain obsolete legislative rules by Department of Administration	510				510



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584	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams: Repealing certain obsolete legislative rules by DEP	811				812
585	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams: Repealing certain obsolete legislative rules by DHHR	813				814
586	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams: Repealing certain obsolete legislative rules by Department of Military Affairs and Public Safety	814				815
587	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams: Repealing certain obsolete legislative rules by Department of Revenue	815				816
588	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams: Repealing certain obsolete legislative rules by Department of Transportation (Chapter 152, Acts, 2016)	816		2297, 2846	2846	817, 2165, 2297, 2299, 2845, 2847, 3697
589	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams: Repealing certain obsolete legislative rules by miscellaneous agencies and boards	817				819
590	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams: Repealing certain obsolete legislative rules by Department of Commerce	819				820
*591	By Senators Trump, Gaunch, Walters, Ashley, Snyder, Beach, Takubo, Maynard, Kessler, Palumbo, Blair, Miller, Williams, Kirkendoll, Woelfel, Romano, Mullins, Unger, Laird, Sypolt, Stollings and Plymale: Relating to voter registration list maintenance and combined voter registration and driver licensing fund (Chapter 97, Acts, 2016)	1215, 2888	1779	1862, 1871, 1983, 2888	1983, 2889	1215, 1779, 1814, 1862, 1892, 1893, 1982, 2890, 3698, 3734
*592	By Senator Hall: Relating to pipeline safety (Chapter 216, Acts, 2016)	1311	1784		1985	1311, 1840, 1873, 1911, 1985, 3684, 3734

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*593	By Senator Carmichael: Clarifying disqualification from unemployment benefits	1434				1434
*594	By Senators Prezioso, Plymale and Gaunch: Requiring State Auditor consider for payment claim submitted by electronically generated invoice (Chapter 119, Acts, 2016)	1616			1738	1616, 1699, 1738, 1952
*595	By Senators Gaunch, Blair, Boso, Carmichael, Kirkendoll, Maynard, Prezioso, Stollings, Walters, Plymale and Williams: Relating to retirement credit for members of WV National Guard (Chapter 219, Acts, 2016)	1489	1952		2203	1489, 2061, 2147, 2203, 3705, 3735
*597	By Senators Ferns and Plymale: Relating generally to Health Care Authority (Chapter 203, Acts, 2016)	1107, 2784	1398, 1953	1507, 1509, 1858, 2032, 2125, 3286	1858, 2124, 3266	1109, 1467, 1507, 1609, 1841, 1857, 1860, 1861, 1862, 2032, 2046, 2056, 2124, 2127, 2784, 2785, 2890, 3193, 3286, 3303, 3304, 3697, 3734
*599	By Senators Hall, Carmichael, Prezioso and Plymale: Relating generally to Uniform Unclaimed Property Act	1711	1944		2856, 3303	1711, 2061, 2147, 2153, 2203, 2204, 2855, 2856, 3303, 3705, 3731
*601	By Senator Boso: Relating to exception from jurisdiction of PSC for materials recovery facilities or mixed waste processing facilities (Chapter 213, Acts, 2016)	1711, 3678, 3692	1841	2310,23 11,3693	2856, 3694	1712, 1913, 2046, 2153, 2154, 2299, 2311, 2856, 2857, 3688, 3692, 3693, 3694, 3695, 3735
*602	By Senator Trump: Relating to Patient Injury Compensation Fund (Chapter 155, Acts, 2016)	1728	2070	2312, 2857	2857	1729, 2071, 2165, 2311, 2312, 2857, 2859, 3710, 3735
613	By Senators Gaunch, Ashley and Plymale: Defining total capital for purposes of calculating state-chartered bank's lending limit (Chapter 29, Acts, 2016)	1434	1884, 1944		2204	1434, 1885, 2062, 2154, 2204, 2205, 3705, 3734
*614	By Senators Gaunch and Ashley: Conforming statute with court interpretation by replacing "unconscionable" with "fraudulent" when referring to conduct (Chapter 41, Acts, 2016)	1684	1943		2205	1684, 2062, 2154, 2205, 3705, 3735
618	By Senators Carmichael, Hall and Unger: Allowing Economic Development Authority to make loans to certain whitewater outfitters (Chapter 82, Acts, 2016)	1616, 3677	2181	2770	2860	1616, 2181, 2182, 2188, 2312, 2313, 2770, 2771, 2859, 2860, 3710, 3735

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*619	By Senators Blair, Carmichael, Cline, Gaunch, Karnes, Mullins and Trump: 2016 Regulatory Reform Act (Chapter 146, Acts, 2016)	1489, 3467	2085	2313, 3467	2860, 3472	1490, 2166, 2313, 2321, 2860, 2861, 3467, 3472, 3708, 3735
*621	By Senators Palumbo, Ashley, Gaunch, Karnes, Mullins, Walters and Ferns: Exempting taxicab companies with independent contract drivers from providing workers' compensation coverage (Chapter 254, Acts, 2016)	1311, 3196	1784	2327, 2861, 3197, 3198, 3466	2861, 3197, 3466	1311, 1784, 1955, 2166, 2321, 2327, 2861, 3197, 3198, 3466, 3467, 3710, 3735
*622	By Senators Walters, Blair, Mullins, Takubo and Carmichael: Composition of PEIA Finance Board	1712	1837			1712, 1873, 1911, 1985, 2127, 2205, 2209
*625	By Senators Trump, Kessler, Unger, Walters, Prezioso and Facemire: Revising exceptions from FOIA provided for in Aboveground Storage Tank Act (Chapter 193, Acts, 2016)	1712, 2890	1884	2206	2206	1712, 2062, 2154, 2205, 2206, 3710, 3735
626	By Senators Takubo, Mullins, Stollings and Plymale: Requiring DHHR secretary seek waiver within Supplemental Nutrition Assistance Program limiting purchases under WIC program	1616				1617
627	By Senators Takubo, Maynard, Mullins, Stollings, Trump and Plymale: Permitting physician to decline prescribing controlled substance (Chapter 180, Acts, 2016)	1490, 2785	1676, 1782	2127	2127	1490, 1676, 1873, 1912, 2056, 2060, 2127, 3700, 3734
*628	By Senators Takubo, Mullins, Stollings, Plymale and Unger: Permitting treating physician direct palliative or emergent treatment for patients	1684	1780			1685, 1780, 1814, 1841
*631	By Senator Walters: Authorizing higher education boards of governors develop retirement and incentive packages	1712				1712
*634	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Creating William R. Laird IV Second Chance Driver's License Act (Chapter 161, Acts, 2016)	1491, 3198	1838, 1883	2154, 2206, 3198	2206, 3200	1492, 1838, 2062, 2154, 2206, 2208, 3200, 3710, 3734
*637	By Senators Trump and Gaunch: Creating WV Uniform Fiduciary Access to Digital Assets Act of 2016	1617				1617
*641	By Senator Hall: Relating to dog and horse racing and lottery	1685				1686
*643	By Senator Blair: Requiring individuals receiving unemployment compensation seek seasonal employment	1713				1713
644	By Senator Blair: Authorizing counties to offer license plates customized to county	1713				1713

Number	SPONSOR AND SYNOPSIS	Communicated to House	Reported From Committee	Amended	Passed House	OTHER PROCEEDINGS
*647	By Senators Blair and Williams: Exempting certain complimentary hotel rooms from occupancy tax	1713				1713
648	By Senator Blair: Allowing local authorities permit flashing traffic signals during low traffic times (Chapter 239, Acts, 2016)	1686	1837		1986	1686, 1873, 1912, 1986, 3689, 3734
656	By Senators Laird, Stollings, Unger, Miller and Palumbo: Creating Upper Kanawha Valley Resiliency and Revitalization Program (Chapter 78, Acts, 2016)	1686	1837		1986	1686, 1873, 1912, 1986, 3689, 3734
657	By Senator Blair: Relating to damages for medical monitoring	1713				1714
658	By Senators Gaunch, Carmichael, Stollings, Ferns, Takubo, Prezioso, Plymale, Unger, Leonhardt and Romano: Allowing licensed professionals donate time to care of indigent and needy in clinical setting	1687	1780		1893	1687, 1780, 1814, 1871, 1893, 3688, 3732
669	By Senators Boley, Plymale and Blair: Requiring proficiency in civics as condition for high school or GED diploma	1714				1714
*677	By Senators Takubo, Ashley, Gaunch, Maynard and Walters: Relating to tuition rates set by higher education institutional governing boards	1714				1714
678	By Senator Walters: Relating to ownership and use of conduit providing telephone service (Chapter 215, Acts, 2016)	1714	1840		1987	1715, 1874, 1912, 1986, 1987, 3689, 3734
*686	By Senators Maynard, Carmichael, Gaunch, Karnes, Takubo, Walters and Blair: Authorizing local governing authorities hold sanctioned motor vehicle races on roads, streets or airports under their jurisdiction (Chapter 158, Acts, 2016)	1729, 3677	1958	2327, 2334, 2862	2861	1729, 2166, 2327, 2334, 2861, 2863, 3710, 3735
*691	By Senator Boso: Modifying certain air pollution standards (Chapter 107, Acts, 2016)	1687, 2890	1882		2208	1687, 2062, 2164, 2208, 2209, 3705
701	By Senators Trump, Ferns, Gaunch, Kirkendoll, Beach, Ashley, Karnes, Leonhardt, Romano, Palumbo, Williams, Cline, Snyder, Maynard and Carmichael: Relating generally to resort area districts	1729				1730
702	By Senators Trump, Ferns, Gaunch, Kirkendoll, Beach, Ashley, Karnes, Leonhardt, Romano, Palumbo, Williams, Cline, Snyder, Maynard and Carmichael: Allowing title of real estate to pass to individuals entitled to sale proceeds if executor fails to do so within 5 years of closing estate (Chapter 110, Acts, 2016)	1730, 3410	2070	2334, 3410	2863, 3411	1730, 2166, 2334, 2336, 2863, 3411, 3710, 3735

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703	By Senators Trump, Ferns, Gaunch, Kirkendoll, Beach, Ashley, Karnes, Leonhardt, Romano, Palumbo, Williams, Cline, Snyder, Maynard and Carmichael: Relating to deposit of overpayment of certain fees into Children's Trust Fund	1730				1730
705	By Senators Hall, Blair, Boso, Mullins, Sypolt and Takubo: Reducing coal severance tax to 3 percent over two years	1731				1731



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Number	SPONSOR AND SYNOPSIS	Communica- ted to House	Reported From Com- mittee	Amended	Adopted By House	OTHER PROCEEDINGS
1	By Senators Cole (Mr. President), Gaunch, Karnes, Trump and Leonhardt: Urging Congress propose regulation freedom amendment	2065	3013			2065
2	By Senators Leonhardt, Boley, Ashley, Facemire, Sypolt, Yost, Beach, Boso, Ferns, Miller, Palumbo, Plymale, Romano, Takubo, Unger, Williams, Prezioso and Blair: Urging Congress provide funding for WV National Guard	329	3622		3622	329, 3624
3	By Senators Stollings, Kirkendoll, Miller and Plymale: Julian, Earl and Edward Hill Brothers Memorial Bridge	611	3622		3622	611, 3624
5	By Senators Beach, Facemire, Kessler, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel, Yost, Laird, Leonhardt and Gaunch: Coach Bill Stewart Exit	427	1168		1199	427, 1200
6	By Senators Stollings, Kirkendoll and Plymale: USMC PFC Marshall Lee King Memorial Bridge	614	3622		3622	611, 3624
*7	By Senators Beach, Kessler, Kirkendoll, Leonhardt, Prezioso, Unger, Williams, Plymale, Palumbo, Stollings, Blair and Romano: Rosie the Riveters Memorial Bridge	1760	3622		3622	1760
8	By Senators Maynard, Plymale and Stollings: US Army PFC Ernest D. Marcum Bridge	615	3622		3622	611, 3624
9	By Senators Maynard, Stollings and Plymale: US Army First Sergeant Jesse T. McPeake Memorial Road	616	3622		3622	611, 3624
10	By Senators Karnes, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, Leonhardt, Maynard, Mullins and Trump: Urging Congress call convention to amend Constitution of United States	1216				1216
11	By Senators Stollings and Plymale: US Marine Corps Sergeant Gerald Leslie Perry Memorial Bridge	617	3622		3622	611, 3624
12	By Senators Maynard, Yost, Stollings, Leonhardt, Plymale, Miller and Woelfel: Wayne County Veterans Memorial Highway	619	3623		3622	611, 3624

Number	SPONSOR AND SYNOPSIS	Communica- ted to House	Reported From Com- mittee	Amended	Adopted By House	OTHER PROCEEDINGS
13	By Senators Palumbo, Walters, Plymale, Stollings, Williams and Unger: Tom Williams Family Bridge	620	3623		3622	611, 3624
14	By Senators Maynard, Stollings and Plymale: US Marine Corps PFC Billy Joe Vickers Memorial Bridge	621	3623		3622	611, 3624
15	By Senators Maynard, Stollings, Woelfel and Plymale: US Army SFC Jesse Muncy Memorial Bridge	623	3623		3622	611, 3624
16	By Senators Romano, Facemire, Williams and Stollings: US Army CPL John Belcastro Bridge	377	657		738	377, 738
*17	By Senators Maynard, Plymale and Stollings: US Army Sergeant Charles Edward Smith Memorial Bridge	626	3623		3622	611, 3624
*18	By Senators Williams, Sypolt and Plymale: Wilbur Lee Clayton Memorial Bridge	858	2087		2104	858, 2104, 2105
19	By Senators Stollings, Plymale and Unger: Rev. Rexford Montgomery Workman Memorial Bridge	860	3623		3622	858, 3624
*20	By Senators Ashley, Stollings and Plymale: US Army CPL Troy Matthews Memorial Bridge	861	1186		1199	858, 1200
21	By Senators Ashley, Stollings and Plymale: US Army S/SGT Delmer R. Jones Memorial Bridge	863	1846		1891	858, 1889
22	By Senators Stollings, Woelfel, Plymale and Maynard: Trautwein Family Bridge	864	3623		3622	858, 3624
23	By Senators Kirkendoll, Stollings, Unger and Plymale: Johnny Mack Bryant Memorial Bridge	865	1846		1891	858, 1889
24	By Senators Mullins, Stollings, Unger and Plymale: US Army PFC Arland W. Hatcher Memorial Bridge	866	3623		3622	858, 3624
25	By Senators Kirkendoll, Stollings, Plymale and Unger: US Army PFC Cornelius Vance Memorial Bridge	868	1846		1891	858, 1889
26	By Senators Maynard, Stollings and Plymale: Charles Edward Ellis and Ira Virgil Ellis Memorial Bridge	870	3623		3622	858, 3624
*27	By Senators Walters, Stollings and Plymale: Herman Daner Rogers Memorial Bridge	871	3015		3016	856, 3016
28	By Senators Kirkendoll, Unger, Plymale and Stollings: US Marine Corps CPL Ronald "Duke" Varney Memorial Bridge	872	1846		1891	856, 1889



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Number	SPONSOR AND SYNOPSIS	Communica- ted to House	Reported From Com- mittee	Amended	Adopted By House	OTHER PROCEEDINGS
29	By Senators Carmichael, Hall, Ashley, Stollings and Plymale: US Army SSG Landon Clair Ray and US Army SPC4 Garry Dwight Haynes Memorial Bridge	874	1846		1891	858, 1889
30	By Senators Stollings, Plymale and Kirkendoll: Lester W. and Ida C. Ellis Memorial Bridge	1311	3623		3622	1311, 3624
31	By Senators Kirkendoll, Stollings, Plymale and Kessler: US Air Force Staff Sgt Bethel Howard McNeely and US Marine Staff Sgt Clyde Elmo Bryant Bridge	1314	1846		1891	1314, 1889
32	By Senators Leonhardt and Stollings: CW2 Robert D. Taylor Memorial Bridge	1316	3015		3016	1316
*33	By Senators Snyder, Boso and Stollings: Requesting WV Infrastructure and Jobs Development Council study and report on consolidation regarding public water and sewer utilities	1218	2087		2104	1218, 2104, 2105
36	By Senators Ferns and Plymale: US Army SPC5 Joseph Richard "Rick" Schafer Memorial Bridge	1318	3015		3016	1318, 3016
*37	By Senators Stollings, Plymale, Unger and Maynard: US Army PFC Willie Paul Wilson bridge	1762	3623		3622	1760, 3624
38	By Senators Plymale, Woelfel, Stollings, Maynard and Facemire: Army PFC Denver Holly Memorial Bridge	1764	3623		3622	1760, 3624
39	By Senators Miller, Plymale, Laird and Unger: Clifford Family Memorial Bridge	1765	3015		3016	1760, 3016
41	By Senators Stollings and Plymale: US Army SGT Philip Ray Casto Memorial Bridge	1767	3623		3622	1760, 3624
42	By Senators Kirkendoll, Stollings and Plymale: US Navy LCDR Helen Elizabeth Peck Memorial Bridge	1769	1847		1891	1760, 1889
44	By Senators Laird, Stollings, Unger and Plymale: US Marine Corps SGT Mike Plasha Memorial Bridge	1771	2087		2105	1760, 2105
45	By Senators Hall, Stollings, Unger and Plymale: US Army SGT Deforest Lee Talbert Memorial Bridge	1774	3015		3016	1760, 3016
47	By Senators Kirkendoll, Stollings, Unger and Plymale: WV State Police SGT Harold E. Dailey Bridge	1776	2087		2105	1760, 2105
*53	By Senators Prezioso, Williams, Stollings and Plymale: Harry C. "Buck" Markley, Jr. Memorial Bridge	2092	3623		3622	2092, 3624

Number	SPONSOR AND SYNOPSIS	Communica- ted to House	Reported From Com- mittee	Amended	Adopted By House	OTHER PROCEEDINGS
54	By Senators Williams, Stollings and Plymale: Union Army CPT John Bond Memorial Bridge	2093	3623		3622	2093, 3624
*55	By Senators Maynard, Stollings and Plymale: Dewey "Duke" Maynard Memorial Road	2095	3623		3622	2095, 3624
56	By Senators Williams, Sypolt, Stollings, Ashley, Unger and Plymale: Judge Ronald G. Pearson Bridge	2097	3623		3622	2097, 3624
59	By Senators Miller, Laird, Stollings, Unger and Plymale: US Army SPC 4 Everette R. Johnson Memorial Bridge	2099	3624		3622	2099, 3624
64	By Senators Cole (Mr. President), Carmichael, Trump and Cline: Requesting DOH study 2015 performance audit and report to Joint Committee on Government and Finance any action taken as result of audit	2086	3015		3016	2086, 3016

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Number	SPONSOR AND SYNOPSIS	Comm- nicated to House	Reported From Com- mittee	Amended	Adopted By House	OTHER PROCEEDINGS
*1	By Senator Leonhardt: County Economic Development Amendment	1687				1688
*14	By Senators Karnes, Leonhardt, Blair, Cline, Maynard, Sypolt, Beach, Laird, Miller, Williams and Woelfel: Right to Farm and Ranch Amendment	1731	1886, 2183			2795



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*101	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution	3741	3768	4028, 4053	4053	4032, 4273	3741, 3770, 3781, 4028, 4029, 4031, 4032, 4053, 4273, 44278, 4281, 4282, 4283
102	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation	3741					3742
103	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Increasing tax on cigarettes	3742					3742
104	By Delegate Lane: Redirecting certain racing and gaming revenues from greyhound development and racing funds to the State Road Fund	3749					3750
*105	By Delegate Lane: Ending transfers to the Licensed Racetrack Modernization Fund, closing the Licensed Racetrack Modernization Fund and the Historic Resort Hotel Modernization Fund, and transferring remaining funds to the General Revenue Fund	3750	3755			3780	3750, 3756, 3768, 3770, 3779, 3781
106	By Delegates E. Nelson, Butler, Frich, Canterbury, Gearheart, Miller, O'Neal, Walters, Waxman and Westfall: Reducing the distributions to the West Virginia Infrastructure Fund	3754	3753				3753, 3759, 3767, 3769, 3781
107	By Delegate Lane: Relating to a moratorium on state vehicle purchases	3761					3761
108	By Delegate Lane: Eliminating the Department of Education and the Arts as a department under the executive branch of government	3761					3762
109	By Delegate Lane: Relating to public school finance	3762					3762
110	By Delegates Lane and Folk: Prohibiting the use of the Smarter Balanced Assessment or PARCC as a statewide assessment program	3763					3763
111	By Delegate Lane: Privatizing the Courtesy Patrol Program	3763					3763

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
112	By Delegate Lane: Abolishing the regional educational service agencies (RESAs)	3764					3765
113	By Delegates Lane and Folk: Abolishing the West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education	3765					3765
114	By Delegates Pushkin, Folk, McGeehan, Flanigan, Fluharty and Hornbuckle: Decriminalizing and permitting personal use, growth and possession of certain amounts of marihuana by persons over the age of twenty-one	3765					3766, 4038
115	By Delegates Folk, McGeehan, Ihle, Moffatt and Faircloth: Exempting the first \$20,000 of income from adjusted gross income for the purpose of determining personal income tax liability	3766					3766
*116	By Mr. Speaker (Mr. Armstead) [By Request of the Executive]: Authorizing the Governor to direct payment of certain state debt (Chapter 9, Acts, First Extraordinary Session, 2016)	4036	4047, 4289	4537	4537	4291, 4539	4036, 4047, 4290, 4291, 4537, 4539, 4572, 4578
*117	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating generally to the promulgation of administrative rules by the Department of Environmental Protection (Chapter 5, Acts, First Extraordinary Session, 2016)	4039	4043		4247	4052	4042, 4046, 4051, 4052, 4278, 4280
118	By Delegates Fast, Summers, Overington, Folk, Shott, McCuskey, Ireland, Kessinger, Sobonya, Deem and Foster: Department of Environmental Protection, Air Quality, rule relating to standards of performance for new stationary sources (45 CSR 16) (Chapter 6, Acts, First Extraordinary Session, 2016)	4049			4274	4050	4049, 4050, 4051, 4278, 4280
119	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education	4051					4051
120	By Mr. Speaker (Mr. Armstead) [By Request of the Executive]: Reducing the distributions to the West Virginia Infrastructure Fund	4292					4292
121	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Budget Bill, making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution	4292					4292

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122	By Delegates Moffatt, Azinger, Rowe, Blackwell, Zatezalo, Butler and Frich: Reinstating the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund	4548					4548
123	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Establishing a special revenue fund called the Public Employees Insurance Agency Financial Stability Fund (Chapter 8, Acts, First Extraordinary Session, 2016)	4548			4565	4564	4549, 4556, 4559, 4572, 4578
127	By Delegates Marcum, Rodighiero, Eldridge, Lynch, Hicks, Guthrie, Moore, Boggs, Ferro, Caputo and Pushkin: Increasing personal income tax rates for taxpayers earning income over a certain amount	4549					4549
128	By Delegates Mr. Speaker (Mr. Armstead) and Miley: Extending the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund (Chapter 12, Acts, First Extraordinary Session, 2016)	4549		4561	4565	4560, 4564	4549, 4559, 4560, 4561, 4563, 4564, 4572, 4578





**FIRST EXTRAORDINARY SESSION, 2016**

\*Denotes Committee Substitute

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted By Senate	Adopted By House	OTHER PROCEEDINGS
1	Mr. Speaker (Mr. Armstead): Providing for an adjournment of the Legislature until June 12, 2016	4274			4275	4275	4274, 4275



**FIRST EXTRAORDINARY SESSION, 2016**

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Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Adopted By Senate	Adopted By House	OTHER PROCEEDINGS
1	By Delegates Hamrick, Howell, Walters, Arvon and Waxman: Taxpayer's Bill of Rights	4540					4540



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Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Adopted By House	OTHER PROCEEDINGS
2	By Mr. Speaker (Mr. Armstead): Authorizing the Committee on Rules to arrange a Special Calendar and providing for making public the vote on certain questions in connection with the preparation thereof	4285			4286	4285, 4286



**FIRST EXTRAORDINARY SESSION, 2016**

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Number	SPONSOR AND SYNOPSIS	Communicated to House	Reported From Committee	Amended	Adopted By House	OTHER PROCEEDINGS
1002	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Expiring funds from various accounts to unappropriated balance in State Fund, General Revenue (Chapter 1, Acts, 1 <sup>st</sup> Extraordinary Session 2016)	3748, 4035	3756	3757, 3758, 3773, 3777	3777	3748, 3768, 3770, 3777, 3778, 4043, 4567
*1005	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Increasing tax rate on cigarettes and tobacco products	3750		3757		3751, 3754, 3766, 3767
1010	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation from State Fund, General Revenue to Department of Education, State Board of Education (Chapter 2, Acts, 1 <sup>st</sup> Extraordinary Session 2016)	4553			4555	4554, 4556, 4572, 4578
1011	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reducing distributions to WV Infrastructure Fund (Chapter 4, Acts 1 <sup>st</sup> Extraordinary Session 2016)	4284	4291		4296	4284, 4292, 4295, 4296, 4571, 4578
1012	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Increasing tax rate on cigarettes and other tobacco products (Chapter 10, Acts, 1 <sup>st</sup> Extraordinary Session 2016)	4284, 4537	4291	4296, 4301	4301	4284, 4292, 4296, 4300, 4302, 4571, 4578
1013	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Budget Bill (Chapter 3, Acts, 1 <sup>st</sup> Extraordinary Session 2016)	4285, 4551	4293	4302, 4519, 4530, 4551	4532, 4553	4285, 4293, 4302, 4531, 4532, 4533, 4551, 4553, 4572, 4573
1015	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to participation in Motor Vehicle Alcohol Test and Lock Program (Chapter 11, Acts, 1 <sup>st</sup> Extraordinary Session 2016)	4541			4542	4541, 4542, 4543, 4572, 4578
1017	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Authorizing miscellaneous agencies and boards to promulgate legislative rules (Chapter 7, Acts, 1 <sup>st</sup> Extraordinary Session 2016)	4543			4547	4547, 4548, 4572, 4578





**SECOND EXTRAORDINARY SESSION, 2016**

\*Denotes Committee Substitute

Number	SPONSOR AND SYNOPSIS	Introduced	Reported From Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
201	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplemental appropriation expiring funds from the aforesaid accounts to the unappropriated surplus balance of the State Fund, General Revenue (Chapter 1, Acts, Second Extraordinary Session, 2016)	4586			4589	4588	4586, 4587, 4588, 4591



**TOPICAL INDEX TO ALL HOUSE BILLS  
INTRODUCED****REGULAR SESSION, 2016**

**(This index is arranged by subject with the bill number given. For proceedings on these bills, see Tabular Indexes to House Bills, page 4629)**

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**Bill  
Number****ACTIONS, SUITS AND LIENS:**

- 4008. Establishing a wrongful conduct rule
- 4252. Relating to custodial orders in suits affecting the parent-child relationship
- 4539. Permitting farm winery licensure as alternating wine proprietorships and permitting farm wineries to provide samples
- 4555. Establishing a cause of action against a person who commits an act of financial exploitation against an elderly person
- 4599. Extending the statute of limitations in personal actions for damages for victims of criminal actions
- 4600. Child Victims Act
- 4641. Relating to the limitation of action that applies to an action to recover the unpaid balance due upon a contract made by a consumer for the purchase of personal property
- 4649. Relating to limitations and suits

**AGRICULTURE:**

- 2448. Permitting the sale of raw milk
- 2449. Permitting co-owners of cows to receive raw milk from those cows
- 2529. Requiring the Commissioner of Agriculture to develop a pilot program for the cultivation of marijuana to be sold in states where sales are legal
- 2807. Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp
- 2966. Relating to the Senior Farmers' Market Nutrition Program
- 3007. Exempting from food related laws or rules for certain individually produced agricultural products
- 4203. Providing a hunting license exemption for certain nonresident landowners
- 4351. Transferring the Cedar Lakes Camp and Conference Center from the West Virginia Board of Education to the Department of Agriculture
- 4515. Increasing the pet food registration fee
- 4538. Relating to cooperative extension workers

- 4557. Removing the requirement that the West Virginia Rural Rehabilitation Loan Committee outsource the servicing of its loans
- 4625. Redirecting certain racing and gaming revenues from greyhound development funds to the State Road Fund
- 4653. Relating to spaying and neutering of companion animals
- 4673. Providing for a crime for the theft, damage or release of deer from private game farms
- 4712. Relating to permitted use and possession of marihuana

**ALCOHOLIC LIQUORS AND BEERS:**

- 2069. Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors
- 2466. Exempting valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events
- 2479. Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs
- 2633. Funding for substance abuse services through increased taxes on beer, wine and liquor
- 2756. Authorizing appointees or employees of the Alcohol Beverage Control Commissioner to carry concealed handguns
- 2803. Relating to the sale of alcohol by licensed manufacturers
- 2804. Relating to the sale of alcoholic beverages on Sundays by private licensees
- 2937. Designating 5 million dollars per year for 4 years from beer, wine, and liquor tax revenue to the Fight Substance Abuse Fund
- 4332. Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage
- 4442. Exempting farm wineries from taxation for sales of wine to retail outlets
- 4534. Allowing sale and serving of alcoholic liquors at 11:00 a.m. on Sundays
- 4539. Permitting farm winery licensure as alternating wine proprietorships and permitting farm wineries to provide samples
- 4565. Allowing Class A Licensees to begin selling alcohol at ten o'clock a.m. on Sundays
- 4571. Creating a one-day special license for charitable events to sell nonintoxicating beer
- 4576. Increasing the penalties for transporting controlled substances into the state
- 4622. Relating to the sale of alcoholic beverages on Sundays by private licensees
- 4715. Exempting commercial airlines from obtaining licenses to serve liquor, beer or wine on flights
- 4720. Prohibiting the sale and consumption of powdered alcohol

**APPROPRIATIONS:**

- 4149. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services

- 4150. Making a supplementary appropriation to the Department of Health and Human Resources
- 4151. Making a supplementary appropriation to the Department of Education
- 4152. Making a supplementary appropriation to the Division of Environmental Protection – Protect Our Water Fund
- 4153. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, and the Department of Health and Human Resources, Division of Human Services
- 4154. Making a supplementary appropriation of public to the Department of Administration, Public Defender Services
- 4155. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund
- 4156. Transferring funds from the State Excess Lottery Revenue Fund, to the Department of Revenue, Lottery Commission, Distributions to Statutory Funds and Purposes
- 4157. Supplementing, amending, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways
- 4158. Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia – Workforce Investment Act
- 4159. Making a supplementary appropriation to the Public Services Commission – Motor Carrier Division
- 4160. Making a supplementary appropriation to the Department of Revenue, Tax Division
- 4162. Expiring funds to the unappropriated surplus from the Department of Revenue, Insurance Commissioner
- 4189. Expiring funds to the unappropriated balance in State Fund, General Revenue, from the Department of Revenue
- 4229. Making a supplementary appropriation to the Bureau of Senior Services
- 4270. Making a supplementary appropriation to the Department of Military Affairs and Public Safety
- 4336. Decreasing appropriations to the Department of Health and Human Resources
- 4608. Requiring the State Auditor to consider for payment a claim submitted by an electronically generated invoice

**BANKING AND FINANCE:**

- 2379. Simplifying the process by which a bank may adjust the hours of operation for branch offices
- 2398. Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance

- 4244. Eliminating the need for a public hearing when no objection is filed on an application from an out of state state-chartered credit union to establish a branch in West Virginia
- 4245. Requiring the cashier or executive officer of a banking institution to provide shareholders with the institution's most recent year-end audited financial statement
- 4495. Allow a lender to charge and receive interest on a loan that is rescindable by the borrower, during the rescission period
- 4623. Relating to limits on charges a secured lender may recover

**BOARDS AND COMMISSIONS:**

- 2082. Requiring county boards of education to employ a certified library media specialist in each county school
- 2096. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers
- 2202. Relating to more equitable disbursement of funds to county boards
- 2267. Authorizing a county school board to adopt a policy that allows an inspirational message
- 2512. Requiring the consent of the Public Service Commission before an electric utility subject to this chapter may retire or permanently shut-down an electric generating plant
- 2561. Requiring the Commissioner of Highways to contract with private providers or contractors for necessary emergency maintenance operations
- 2577. Consolidating purchasing by county boards of education
- 2739. Requiring regional airport authority board members to include persons of area expertise
- 2836. Requiring the clerk of a county commission to maintain a county ordinance book
- 2849. Creating the West Virginia Sentencing Commission
- 2970. Authorizing county commissions and municipalities to cooperate and enter into agreements removing or demolishing dwellings or buildings unfit for human habitation
- 4025. Requiring members of the State Board of Education to be physically present in state board meetings
- 4026. Limiting terms of citizen members of the School Building Authority
- 4185. Establishing the ratio of four pharmacy technicians to everyone on-duty pharmacist operating in a pharmacy 4227. Relating to qualifications of members of the Real Estate Appraiser Licensing and Certification Board
- 4230. Relating to qualifications of members of the Board of Registration for Professional Engineers
- 4238. Relating to qualifications of members of the board of Professional Surveyors
- 4241. Relating to qualifications of members of the Real Estate Commission
- 4311. Relating to qualifications of members of the Board of Landscape Architects
- 4312. Relating to qualifications of members of the Board of Accountancy

- 4313. Relating to qualifications of members of the Board of Architects
- 4340. Amending licensing requirements for an act which may be called Lynette's Law
- 4526. Establishing an advisory council on rare diseases
- 4544. Discontinuing the West Virginia Board of Landscape Architects and transferring its duties and authority to the Board of Registration for Professional Engineers
- 4574. Terminating the West Virginia Board of Accountancy
- 4580. Terminating the State Board of Registration of Foresters
- 4598. Establishing the Minority Health Advisory Team; and authorizing a Community Health Equity Initiative Demonstration Project
- 4654. Relating to the Executive Secretary of the Board of Registered Professional Nurses
- 4656. Granting the Finance Division within the Department of Administration supervisory control over the board of Accountancy
- 4657. Prohibiting state agencies, boards and commissions from hiring lobbyists
- 4658. Relating to the Board of Funeral Service Examiners
- 4709. Requiring the Auditor to train members of local instrumentalities of counties and municipalities in appropriate rules of order and the West Virginia Ethics Act

**BONDS:**

- 2193. Providing the Parkways Authority with the power to issue \$500 million worth of bonds
- 2194. Relating to the School Building Authority

**CLAIMS:**

- 4366. Finding and declaring certain claims against the state and its agencies to be moral obligations of the state
- 4647. Eliminating the requirement that proceedings against the State, a state agency or state officer be brought and prosecuted in the circuit court of Kanawha County

**COMPACTS:**

- 2028. Relating generally to purchasing
- 2041. Establishing requirements for prior review of all privatization proposals
- 2054. Relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances
- 2199. Relating to the surcharge on fire and casualty insurance policies
- 2223. Including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in the definitions of "primary mortgage loan" and "subordinate mortgage loan"

- 2241. Relating to licenses for the business of currency exchange, transportation or transmission
- 2561. Requiring the Commissioner of Highways to contract with private providers or contractors for necessary emergency maintenance operations
- 2579. Allowing a tax deduction for all prepaid tuition contracts or college savings plan
- 2697. Allowing a home improvement transaction to be performed under an oral contract
- 4375. Entering reciprocal agreements to recognize hunting, fishing and trapping licenses issued by other states
- 4449. Creating the Compact for a Balanced Budget

**CONSTITUTIONAL AMENDMENTS:**

- 4419. Exempting any veteran's primary residence from real property tax
- 4650. Relating to the venue for suits and other actions against the state

**CONSTITUTIONAL OFFICERS:**

- 4007. Relating generally to appointment of attorneys to assist the Attorney General

**CONSUMER PROTECTION:**

- 2063. Prohibiting the use of a credit score in casualty insurance rate filings
- 2551. Prohibiting internet service providers from advertising or offering to provide high speed internet service that is not at least ten megabytes per second
- 2552. Permitting utility consumers to use the consumer protection laws when concerning billing issues are in question
- 2660. Relating to health insurance exchange navigators and nonnavigator assisters
- 2661. Providing for the protection and privacy of persons seeking health insurance assisted by navigators and nonnavigator assisters under the federal Affordable Care Act
- 4205. Relating to disclaimers and exclusions of warranties in consumer transactions for goods
- 4234. Relating to consumer credit and protection
- 4278. Allowing a home improvement transaction to be performed under an oral contract
- 4382. Prohibiting fuel surcharges in certain instances
- 4417. Increasing wages protected from garnishment
- 4420. Requiring the listing of the ingredients contained in vapor products
- 4422. Internet Service Provider Accountability Act
- 4448. Clarifying that communication by a lender or debt collector which is allowed under the West Virginia Consumer Credit and Protection Act, likewise does not violate the provisions of the West Virginia Computer Crime and Abuse Act
- 4531. Requiring hospitals, or other similar institutions, to publish a cost list for the most commonly performed procedures that are billed



- 4589. Reauthorizing, with amendment, the legislative rule contained in title twenty-eight, series two of the Code of State Rules relating to the Contractors Licensing Act
- 4590. Relating to the requirements for making regulated consumer loans
- 4593. Protecting consumers from surprise bills by health care providers
- 4603. Replacing the word “unconscionable” with the word “fraudulent”, referring to conduct
- 4609. West Virginia Residential Furniture and Children’s Products Flame Retardants Act
- 4649. Relating to limitations and suits

**CORPORATIONS:**

- 2050. Relating generally to the accountability of a corporation’s political activities
- 2444. Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals
- 2490. Establishing a tax credit for new businesses that locate in the state
- 4502. Allowing reciprocity agreements with contiguous states to establish regulations, licensing requirements and taxes for small businesses
- 4621. Defining unimpaired capital and unimpaired surplus

**CORRECTIONS:**

- 2137. Changing the way counties pay for regional jail inmates
- 2191. Work/Incarceration Prison pilot program
- 2245. Relating to salary increase for Regional Jail Authority employees
- 2254. Allowing the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority to establish a work program
- 2375. Providing civil service status for certain employees of the Regional Jail and Correctional Facility Authority
- 2396. Changing the way that the costs of incarcerating inmates in regional jails is collected
- 2406. Changing the way the cost of incarcerating inmates in regional jails is collected
- 2456. Changing the way that the cost of incarcerating inmates in regional jails is collected
- 2473. Relating to the excise tax on the privilege of transferring real property and using the tax to reimburse counties for regional jail fees
- 2482. Authorizing immediate discharge and transportation to a regional jail for aggressive and violent behavior of persons committed to state hospitals
- 2731. Increasing salaries and creating longevity pay increases for all employees of the Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services
- 2869. Making the Department of Corrections and the Division of Health, and their respective workplaces, subject to the Occupational Safety and Health Act

- 2928. Allowing inmates to perform the community service of providing upkeep to cemeteries
- 4385. Increasing the annual salary of employees of the Division of Corrections
- 4410. Establishing an arborists program for inmates
- 4424. Eliminating the need for law enforcement to obtain a court order prior to having access to inmate mail and phone recordings
- 4633. 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
- 4716. Requiring community corrections performance measurement standards for agencies responsible for supervising individuals placed on probation

**COUNTIES:**

- 2683. Adding an additional magistrate court deputy clerk position for Lewis County
- 2711. Providing for a scratch-off game to fund a drug treatment facility on post-mine land in Mingo and Logan Counties
- 2801. Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas
- 2847. Permitting sheriffs to hire outside attorneys to assist with collection of taxes
- 2865. Providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years
- 2904. Requiring the clerk of a county commission to maintain a county ordinance book
- 2906. Relating to county budget stabilization funds
- 2969. Requiring that a county itemize and publish all activity related to budget stabilization funds
- 4009. Letting Our Counties Act Locally Act
- 4019. Requiring official business and records of the state and its political subdivisions be conducted in English
- 4199. Relating to accessible county records
- 4256. Creating the Uniform Real Property Electronic Recording Act
- 4275. Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person
- 4299. Increasing the amount volunteer fire companies or paid fire departments may charge for reimbursement
- 4383. Making individuals responsible for the costs relating to the filing of excessive false complaints
- 4418. Requiring funding by the West Virginia Library Commission to local libraries be based on the population served by each respective library
- 4430. Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days
- 4451. Relating to public service districts

- 4472. Relating to the rule-making authority of local boards of health
- 4481. Requiring authorization from the Legislature before submitting an application for an MS-4 permit to the United States Environmental Protection Agency
- 4484. County Financial Transparency Act
- 4488. Limiting audits of public libraries to a biennial schedule
- 4501. Freezing assessments in counties with recent sharp decline in employment
- 4508. Prohibiting counties and municipalities from adopting ordinances or regulations that base restrictions on the breed of a dog
- 4528. Permitting an all-volunteer fire department to consolidate with certain other fire departments while retaining their rights to receive funds
- 4587. Relating to violations associated with absent voters' ballots
- 4612. Relating generally to tax increment financing and economic opportunity development districts
- 4616. Permitting county commissions the option of paying the salaries of county officials and their employees on a bi-weekly basis
- 4664. Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan
- 4667. Creating a State Animal Abuse Registry
- 4687. Relating to registration programs by the clerk of the county commission
- 4709. Requiring the Auditor to train members of local instrumentalities of counties and municipalities in appropriate rules of order and the West Virginia Ethics Act

**COUNTY OFFICIALS:**

- 2577. Consolidating purchasing by county boards of education
- 4432. Clarifying procedures for removal of office of any person holding any county, school district or municipal office
- 4456. Establishing the prosecuting attorney Modernization Act
- 4646. Authorizing county process servers and court security personnel to carry dangerous and deadly weapons
- 4675. Requiring the election of prosecuting attorneys be on a nonpartisan basis

**COURTS:**

- 2369. Creating an additional magistrate court deputy clerk position for Marion County
- 2380. Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test
- 2494. Creating a provisional plea process in criminal cases
- 2584. Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment
- 2600. Fair Trial Act
- 2683. Adding an additional magistrate court deputy clerk position for Lewis County
- 2703. Permitting in absentia parole hearings in certain instances

- 2721. Specifying who receives notice of parole hearings via regular or certified mail
- 2781. Allowing a medical power of attorney representative or surrogate to waive the incapacitated person's right to a trial by jury
- 2795. Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order
- 2862. Adding additional magistrate court deputy clerks
- 2938. Requiring the West Virginia Supreme Court of Appeals to maintain a searchable, criminal database containing copies of all arrests and convictions by all the courts in the state
- 2955. Increasing the hourly rate for attorneys providing Public Defender Services for in court and out of court work
- 2989. Requiring each judicial circuit to have a court-appointed special advocate program and each county to have a special advocate for children in abuse and neglect proceedings
- 2994. Prohibiting courts from using, implementing, referring to or incorporating a tenet of any body of religious sectarian law into any decision
- 4042. Granting judges the discretionary authority to depart from otherwise minimum sentencing requirements
- 4173. Permitting judges to defer jury service for an individual for no more than twelve months after the date for which the person is summonsed
- 4206. Relating to grand juries
- 4272. Relating to Public Defender Services
- 4361. Requiring that senior status circuit judges only fill vacancies in districts or counties in which they were not previously elected
- 4368. Allowing the use of bailiffs who are not law-enforcement officers
- 4450. West Virginia Court Reporter Act of 2016
- 4533. The Mental Health and Military Service Members Court Act
- 4579. Relating to voter registration list maintenance and the combined voter registration and driver licensing fund
- 4632. Providing a six-month term for the four new circuit judges
- 4644. Relating to jury fees
- 4711. Allowing a mother breastfeeding a child to be excused from jury duty
- 4716. Requiring community corrections performance measurement standards for agencies responsible for supervising individuals placed on probation

**CRIME:**

- 2081. Including journalists as a protected profession within the definition of crimes of violence against certain categories of workers
- 2130. Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties
- 2251. Making it a criminal offense to disturb the peace

- 2252. Relating to replacing the present crime of burglary with the crime of home invasion
- 2255. Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing
- 2366. Relating generally to the solicitation of minors
- 2402. Creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated
- 2427. Increasing penalties for destruction or theft of election campaign advertising
- 2554. Relating to protection of utility workers from crimes against the person
- 2605. Removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor
- 2868. Making it a felony to knowingly housing drug traffickers
- 2942. Modifying the definition of child abuse or neglect to exclude accidental injury
- 2963. Expanding the definition of kidnapping
- 4176. Permitting the Regional Jail and Correctional Facility Authority to participate in the addiction treatment pilot program
- 4178. Relating to sanctions for recipients of benefits from the Temporary Assistance for Needy Families Program
- 4201. Increasing the criminal penalties for participating in an animal fighting venture
- 4240. Relating to the Uniform Controlled Substances Act
- 4251. Increasing the criminal penalties for participating in an animal fighting venture
- 4254. Relating generally to workers' compensation
- 4258. Relating to substance abuse
- 4260. Providing private educational facilities authority to determine whether, and under what circumstances, to permit deadly weapons on school premises through written policies
- 4285. Making it a misdemeanor for a person to impersonate a veteran
- 4291. Increasing penalties for teachers who commit sexual offenses against children
- 4292. Increasing criminal incarceration penalties for the transportation of controlled substances into the state
- 4293. Relating to the West Virginia Controlled Substances Monitoring Program database
- 4297. Increasing penalties for destruction or theft of election campaign advertising
- 4306. Prohibiting persons who have committed crimes against the elderly from performing any court ordered public service involving the elderly
- 4309. Increasing criminal penalties for conviction of certain offenses of financial exploitation of an elderly person
- 4314. Prohibiting the sale of powdered or crystalline alcohol
- 4342. Relating to the purchase of scrap metal
- 4350. Creating a domestic violence registry
- 4362. Establishing a felony offense of strangulation

- 4373. Prohibiting exposing a dog or cat that is a companion animal to extreme weather conditions that results in injury or death
- 4413. Relating to the use of drone surveillance of private citizens
- 4448. Clarifying that communication by a lender or debt collector which is allowed under the West Virginia Consumer Credit and Protection Act, likewise does not violate the provisions of the West Virginia Computer Crime and Abuse Act
- 4453. Requiring the State Police to partner with the DNA and Digital Forensics sections of Marshall University Forensic Science Center
- 4455. Prohibiting sex offender registrants from having Halloween related contact with children
- 4458. Increasing the criminal penalties for participating in an animal fighting venture
- 4478. Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law
- 4489. Relating generally to human trafficking
- 4503. Relating to substance abuse while pregnant
- 4525. Establishing new procedures for courts with criminal jurisdiction to suspend and revoke driver's licenses based on D.U.I.
- 4558. Relating to victim notification and designation of additional individuals to receive notice of an offender's release
- 4575. Creating criminal offenses relating to money laundering
- 4577. Creating an additional penalty for use of a firearm in furtherance of a drug offense
- 4578. Creating a criminal offense of conspiracy to violate the drug laws
- 4587. Relating to violations associated with absent voters' ballots
- 4602. Increasing mandatory minimum sentences for trafficking drugs into the state
- 4620. Prohibiting the production, manufacture or possession of fentanyl
- 4667. Creating a State Animal Abuse Registry
- 4671. Relating to schedule three controlled substances
- 4673. Providing for a crime for the theft, damage or release of deer from private game farms
- 4678. Relating to penalties incurred from obstructing, fleeing from and making false statements to law- enforcement
- 4712. Relating to permitted use and possession of marihuana

**DOMESTIC RELATIONS:**

- 2040. Adding domestic violence and fraud to the list of crimes for which conviction would bar a person from holding public office
- 2251. Making it a criminal offense to disturb the peace
- 2258. "Parents' Bill of Rights"
- 2264. Establishing a bill of rights for foster parents
- 2460. Relating to the effect of adoption on grandparent visitation rights

- 2520. Relating to domestic violence victims' eligibility for unemployment compensation benefits
- 4180. Authorizing a family court judge to order substance abuse counseling of a child in emergency situations
- 4213. Uniform Deployed Parents Custody and Visitation Act
- 4237. Supporting and Strengthening Families Act
- 4317. Limiting factors in parenting plans
- 4318. Including consideration of the employment or working schedule of a parent as a factor in determining an allocation of custodial responsibility
- 4459. Requiring the amount of child support to be paid is effective from the date the petition for the modification was filed
- 4601. Providing that the court allocate time equally between parents, unless equal custody is not consistent with the best interest of the child

**ECONOMIC DEVELOPMENT:**

- 2176. Creating a tax credit for certain businesses that locate within a twenty-mile radius of a Hatfield-McCoy recreation area trail head
- 2531. Good Jobs Internet Reporting Act
- 2580. Creating the Economic Fairness Act of 2015
- 2936. Relating to the West Virginia Economic Development Authority
- 4214. Continuing the Office of Coalfield Community Development within the Department of Commerce
- 4324. Authorizing information sharing by Workforce West Virginia
- 4396. Updating the West Virginia Workforce Investment Act to the West Virginia Workforce Innovation and Opportunity Act
- 4440. Relating to certain post-mining uses of lands subject to surface mining permits
- 4444. West Virginia Community Homesteading Act
- 4682. The Agriculture and Tourism Incentive Act

**EDUCATION (HIGHER):**

- 2412. Relating to disclosure of sex offender registration to public and private elementary and secondary schools and institutions of higher education
- 2446. Permitting the possession of firearms on the grounds of higher education institutions by all persons with valid licenses
- 2594. Requiring that all higher education institutions in the state award credit to transfer students for similar courses completed at a different institution
- 2617. Lengthening the residency requirement necessary to be eligible for the PROMISE Scholarship
- 2622. Relating to deductions from personal income tax for contributions to state-administered prepaid college tuition contracts or college savings plans
- 2954. Expanding the promise scholarship to technical and community college students

- 4182. Prorating additional tuition charges for students taking higher education credit hours per term beyond a certain number
- 4261. Prohibiting the sale or transfer of student data to vendors and other profit making entities
- 4310. Relating to the West Virginia University Institute of Technology
- 4322. Expanding the Learn and Earn Program
- 429. Relating to events involving firearms and ammunition on former National Guard sites
- 4431. Relating to relocation or closure of state higher education institutions
- 4443. Classifying the Marshall University Forensic Science Center as a criminal justice agency so that it can participate in the National Data Exchange
- 4524. Permitting community and technical colleges and universities to charge students half the cost of a credit for every credit taken over the fifteenth hour
- 4556. Relating to the PROMISE scholarship program
- 4581. Relating to ownership of real property housing BridgeValley Community and Technical College at the West Virginia Education, Research, and Technology Park
- 4582. Relating to Bridge Valley Community and Technical College service facility fee assessments
- 4610. Abolishing the West Virginia Council for Community and Technical College Education
- 4611. Abolishing the West Virginia Higher Education Policy Commission
- 4617. Authorizing legislative rules of the Higher Education Policy Commission regarding the Underwood-Smith Teacher Scholarship Program and Nursing Scholarship Program
- 4635. Relating to a per-credit-hour tuition for community and technical colleges
- 4707. Abolishing the West Virginia Higher Education Policy Commission

**EDUCATION (K12):**

- 4011. Providing for the authorization and oversight of public charter schools
- 4014. Preventing the State Board of Education from implementing common core academic standards and assessments
- 4018. Establishing incentives for public schools to make their recreational facilities available for public use outside of school hours
- 4020. School Consolidation Task Force
- 4024. Prohibiting the use of the Smarter Balanced Assessment
- 4025. Requiring members of the State Board of Education to be physically present in state board meetings
- 4026. Limiting terms of citizen members of the School Building Authority
- 4027. Increasing pay to teachers and service personnel
- 4028. Relating to school calendar and school instructional days
- 4036. Restoring language that gives preference to currently employed certified professional educators when hiring athletic coaches
- 4039. Increasing salaries for teachers



- 4147. Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority
- 4167. Permitting county boards of education to accumulate instructional days and use them when needed
- 4171. Relating to the public school calendar
- 4175. Relating generally to home schooling
- 4194. Requiring each public high school to offer a course in computer science
- 4215. Removing the requirement that a home schooled student must acquire a general equivalency degree (GED) in order to qualify for a PROMISE scholarship
- 4224. Requiring school restroom facilities to have privacy walls
- 4242. Creating income tax credits against personal income tax for educational expenses incurred by parents for a child
- 4260. Providing private educational facilities authority to determine whether, and under what circumstances, to permit deadly weapons on school premises through written policies
- 4261. Prohibiting the sale or transfer of student data to vendors and other profit making entities
- 4269. Relating to public school finance
- 4281. Providing that the statewide summative assessment only be administered in grades three through eight and once at the high school level
- 4291. Increasing penalties for teachers who commit sexual offenses against children
- 4295. Relating to the School Innovation Zones Act
- 4296. Permitting county boards of education to accumulate instructional days and use them when needed
- 4298. Changing the age effective date of children for whom county boards of education must provide kindergarten programs
- 4301. Relating to a framework for initiating comprehensive transformation of school leadership
- 4303. Providing a salary increase for special education teachers
- 4316. Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification
- 4325. Requiring promulgation of a rule to provide for payment of tuition by county boards of education to the Mountaineer Challenge Academy
- 4351. Transferring the Cedar Lakes Camp and Conference Center from the West Virginia Board of Education to the Department of Agriculture
- 4384. Permitting students to opt out of taking certain academic assessments
- 4397. Exempting certain child care facilities from licensure, certification, approval and registration requirements
- 4403. Relating to school calendar
- 4405. West Virginia Educational Restoration Act
- 4409. Requiring in-service training programs in the use of the Heimlich maneuver and response to choking emergencies for all school personnel in pre-kindergarten, kindergarten and elementary schools

- 4432. Clarifying procedures for removal of office of any person holding any county, school district or municipal office
- 4445. Relating to the adoption of instructional educational resources
- 4446. Increasing teacher salaries
- 4447. Granting a local school improvement council waiver for the purpose of increasing the compulsory school attendance age in Marshall County
- 4461. Relating to School Building Authority School Major Improvement Fund eligibility
- 4465. Relating to salary equity among school systems
- 4466. Relating to public school support
- 4467. Including financial aid planning and completion of the Free Application for Federal Student Aid in secondary school instruction in personal finance
- 4469. Providing a free lunch to all employees in a school building
- 4482. Relating to excused absences for personal illness from school
- 4492. Establishing a mandatory course of instruction in firearm safety for high school students
- 4514. Reducing the number of pupils per school nurses
- 4522. Relating to basic state aid to public education
- 4535. Extending the length of time for the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth
- 4549. Requiring that four members of the State Board of Education be elected on a nonpartisan basis
- 4566. Relating to school personnel
- 4572. Excepting specialized contract instructors from the definition of teacher
- 4588. Requiring the West Virginia Secondary Schools Activities Commission adopt certain safety standards for youth lacrosse
- 4595. Developing a county plan to use funds designated for the support of isolated schools
- 4627. Creating a digital learning pilot project
- 4628. Requiring county boards of education to conduct regular structural inspections of school facilities and structures
- 4638. Relating to truancy intervention
- 4640. Providing a tax credit for a taxpayer educating a student in a private or home school
- 4643. Eliminating requirements that state provide for professional training and development of teachers
- 4669. Redirecting certain funds of the West Virginia Department of Education
- 4670. Relating to designation of social workers in the Department of Health and Human Services to promote better student school attendance
- 4686. Prohibiting the State Board of Education from adopting new Common Core academic content standards
- 4688. Relating to basic state aid to public education
- 4694. Permitting nonprofessional personnel to be hired as athletic coaches in certain circumstances

- 4703. Reclassifying Early Childhood Classroom Assistant Teacher I, II and III positions as Aide V, Aide VI and Aide VII positions
- 4719. Allowing employees with an NAPT certification to be eligible for transportation management positions
- 4722. Codifying the West Virginia Procedures Manual for the Education of Students with Exceptionalities
- 4723. Creating a program of instruction for students in workforce preparedness to be added to the curriculum of courses in secondary schools

**ELECTIONS:**

- 2404. Adding domestic violence and fraud to the list of crimes for which conviction would bar a person from holding public office
- 2247. Prohibiting a chief deputy sheriff from engaging in certain political activities
- 2465. Authorizing the election of and specifying qualifications for nonappointed members of the West Virginia Board of Education
- 2483. Requiring the three commissioners of the Public Service Commission be elected from the three congressional districts for six-year terms
- 2588. Relating to the filing of financial statements with the Secretary of State
- 2602. Requiring a voter to present an identifying document issued by the State of West Virginia or a United States military identification card that contains the name, address and a photograph of the person desiring to vote
- 2624. Relating to voter registration photo cards
- 2628. Changing the date of filing announcements of candidacies
- 2694. Requiring all local special elections to be held on the days and hours of general or primary elections
- 2788. Providing school days to register and transport students to vote
- 2808. Providing that members of the House of Delegates in districts having more than one delegate be elected from numbered divisions
- 4013. Requiring a person desiring to vote to present documentation identifying the voter
- 4233. Reducing the age from eighteen years to sixteen years of persons permitted to register to vote
- 4276. Requiring all local special elections to be held on the days and hours of general, primary or state-wide elections
- 4356. Allowing a group of affiliated voters to become a recognized political party under certain criteria
- 4381. Requiring campaign finance statements by all candidates for circuit or family court judge to be filed with the Secretary of State
- 4401. Providing that any person with a West Virginia driver's license or an official identification card is automatically registered to vote
- 4477. Expanding the definition of political party
- 4493. Relating to voter registration in conjunction with issuance, renewal or change of address of driver license

- 4499. Relating to certain persons who have been disqualified or excused from jury service
- 4527. Reporting and disclosure requirements relating to election campaign contributions and spending
- 4569. Relating to appointment of, conduct of and training of poll watchers
- 4579. Relating to voter registration list maintenance and the combined voter registration and driver licensing fund
- 4587. Relating to violations associated with absent voters' ballots
- 4675. Requiring the election of prosecuting attorneys be on a nonpartisan basis
- 4676. Relating to the nonpartisan election of prosecuting attorneys generally
- 4687. Relating to registration programs by the clerk of the county commission
- 4708. Relating to additional duties for the Secretary of State relating to voter registration

**ENERGY:**

- 2062. Establishing the Legislative Oversight Commission on Energy Workers Safety
- 3005. Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling
- 3013. Relating generally to horizontal well control standards
- 4210. Relating to coal severance tax
- 4440. Relating to certain post-mining uses of lands subject to surface mining permits
- 4634. Coal Jobs and Revenue Stabilization Act
- 4684. Authorizing local units of government to adopt local energy efficiency partnership programs

**ENVIRONMENT:**

- 4179. Removing televisions from definition of covered electronic items
- 4212. Regulating wood burning appliances is subject to the approval of the Legislature
- 4540. Removing prohibition of disposal of certain electronics in landfills
- 4573. Exempting the Department of Environmental Protection's construction or reclamation contracts from the review and approval requirements of the Division of Purchasing

**ESTATES AND TRUSTS:**

- 4235. Relating to the publication requirements of the administration of estates
- 4308. Barring persons who are convicted of certain criminal offenses from acquiring property from their victims
- 4378. Relating to access to and receipt of certain information regarding a protected person by certain relatives of the protected person
- 4400. Revised Uniform Fiduciary Access to Digital Assets Act

**ETHICS:**

- 2028. Relating generally to purchasing
- 2050. Relating generally to the accountability of a corporation's political activities
- 2235. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 4001. Relating to candidates or candidate committees for legislative office disclosing contributions
- 4604. Relating to violations of the Ethics Act
- 4606. Relating to the recusal of certain public officials from voting for appropriation of moneys to nonprofit entities
- 4657. Prohibiting state agencies, boards and commissions from hiring lobbyists

**FINANCE AND ADMINISTRATION:**

- 2101. Eliminating obsolete government entities
- 2121. Establishing a policy for formal recognition of Indian tribes
- 2129. Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years
- 2206. Repealing the requirement of paying prevailing hourly rate of wages for construction of public improvements
- 2235. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 2393. Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card
- 2452. Requiring reports to the Governor from state agencies to be made available electronically via the internet
- 2514. Creating a Bureau of Actuarial Services within the office of the Legislative Auditor
- 2839. Eliminating late fees charged by the Secretary of State
- 4225. Relating to patriotic displays at public buildings
- 4262. Requiring that three parking spaces in the West Virginia Culture Center parking lot be designated for use by Purple Heart Medal recipients
- 4282. Reorganizing certain code provisions that organize the executive branch of state government
- 4341. West Virginia Monument and Memorial Protection Act of 2016
- 4345. Repealing the West Virginia Permitting and Licensing Information Act
- 4371. Abolishing the Council of Finance and Administration
- 4379. Allowing a voluntary donation of refunds for overpayment of fees to the Secretary of State's office to the West Virginia Children's Trust Fund
- 4414. Requiring disclosure of accounts by members of the Board of Public Works to the Legislature
- 4468. Requiring every state agency to submit a report to the Legislature containing a detailed inventory of all property

- 4510. Requiring a structural engineering inspection of any building prior to purchase by the state
- 4511. Limiting the authority of the Department of Administration's purchase of real property until it has submitted a report to the Legislature
- 4513. Requiring a cost-benefit analysis to be performed before the state purchases certain real estate
- 4516. Defining what constitutes capitol dome and capitol improvements
- 4546. Requiring all higher education institutions to use statewide contracts issued by the Purchasing Division
- 4605. Prohibiting contracting with a state agency unless business entity submits disclosure of interested parties
- 4624. Relating to information technology projects under the Office of Technology
- 4656. Granting the Finance Division within the Department of Administration supervisory control over the board of Accountancy
- 4657. Prohibiting state agencies, boards and commissions from hiring lobbyists

**GOVERNOR -- BILLS REQUESTED BY:**

- 2009. Allowing State Police, police, sheriffs and fire and emergency service personnel to possess naloxone or other approved opioid antagonist
- 4017. Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution
- 4030. Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act
- 4032. Self-Employment Assistance Act
- 4149. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services
- 4150. Making a supplementary appropriation to the Department of Health and Human Resources
- 4151. Making a supplementary appropriation to the Department of Education
- 4152. Making a supplementary appropriation to the Division of Environmental Protection – Protect Our Water Fund
- 4153. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, and the Department of Health and Human Resources, Division of Human Services
- 4154. Making a supplementary appropriation of public to the Department of Administration, Public Defender Services
- 4155. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund
- 4156. Transferring funds from the State Excess Lottery Revenue Fund, to the Department of Revenue, Lottery Commission, Distributions to Statutory Funds and Purposes

- 4157. Supplementing, amending, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways
- 4158. Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia – Workforce Investment Act
- 4159. Making a supplementary appropriation to the Public Services Commission – Motor Carrier Division
- 4160. Making a supplementary appropriation to the Department of Revenue, Tax Division
- 4214. Continuing the Office of Coalfield Community Development within the Department of Commerce
- 4216. Exempting community-based behavioral health facilities, programs or services from the certificate of need process
- 4217. Reducing the distributions to the West Virginia Infrastructure Fund
- 4220. Imposing the consumers sales and service tax and use tax on sales of telecommunications service and ancillary services
- 4229. Making a supplementary appropriation to the Bureau of Senior Services
- 4268. Relating to dedication of severance tax proceeds to the West Virginia Infrastructure General Obligation Debt Service Fund
- 4269. Relating to public school finance
- 4270. Making a supplementary appropriation to the Department of Military Affairs and Public Safety
- 4271. Ending discretionary transfers to the Licensed Racetrack Modernization Fund
- 4293. Relating to the West Virginia Controlled Substances Monitoring Program database
- 4295. Relating to the School Innovation Zones Act
- 4304. Relating to the allocation of premiums for employers and employees in the Public Employees Insurance Agency
- 4305. Authorizing transportation network companies to operate in the state
- 4315. Relating to air-ambulance fees for emergency treatment or air transportation
- 4322. Expanding the Learn and Earn Program
- 4323. Relating to the reporting of emergency incidents by well operators and pipeline operators
- 4324. Authorizing information sharing by Workforce West Virginia
- 4325. Requiring promulgation of a rule to provide for payment of tuition by county boards of education to the Mountaineer Challenge Academy
- 4335. Authorizing a pharmacist or pharmacy intern to dispense, pursuant to a protocol, an opioid antagonist without a prescription
- 4683. West Virginia Second Chance Driver’s License Act

**HEALTH:**

- 2009. Allowing State Police, police, sheriffs and fire and emergency service personnel to possess naloxone or other approved opioid antagonist

2026. Allowing terminally ill patients to have access to investigational products that have not been approved by the federal food and drug administration
2269. Requiring rules of the Department of Environmental Protection, Department of Health and Human Resources, Division of Natural Resources and Department of Commerce be no more stringent than corresponding federal laws
2373. Prohibiting the establishment of new methadone treatment programs and clinics; providing exceptions
2390. Relating to public health
2393. Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card
2397. Prohibiting the establishment of methadone treatment programs and clinics in this state; providing exceptions
2511. Health Care Sharing Ministries Freedom to Share Act
2711. Providing for a scratch-off game to fund a drug treatment facility on post-mine land in Mingo and Logan Counties
2825. Requiring the Department of Health and Human Resources to review rates it pays to care providers and to increase direct care rates
2869. Making the Department of Corrections and the Division of Health, and their respective workplaces, subject to the Occupational Safety and Health Act
2920. Vesting the Public Employees Insurance Agency with the authority to negotiate and executing all health care and ancillary contracts for the Medicaid program
2924. Directing the Health Care Authority to establish a council to investigate and recommend to the authority pricing guides for pharmaceuticals that exclude advertising costs
4004. Unborn Child Protection from Dismemberment Abortion Act
4034. Relating to abuse-deterrent opioid analgesic drugs
4035. Permitting pharmacists to furnish naloxone hydrochloride
4038. Relating to insurance requirements for the refilling of topical eye medication
4166. Relating to health insurance coverage for prescribed medications
4177. Exempting drug rehabilitation facilities from certificate of need requirements
4183. Relating generally to reporting opioid overdoses
4221. Relating to the administration of an opioid antagonist
4243. Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds
4248. Relating to methadone regulation
4249. Creating the Commission to Accelerate Statewide Coordination of Mental Health Services for Children and Adolescents
4259. Relating to the regulation of vapor products
4335. Authorizing a pharmacist or pharmacy intern to dispense, pursuant to a protocol, an opioid antagonist without a prescription
4344. Establishing local needle exchange programs
4353. Relating to testing for HIV and sexually transmitted diseases



- 4358. Relating to out of state physicians and surgeons traveling with sports teams within this state
- 4365. Relating to the certificate of need process
- 4380. Adding the spouse of an indigent person as a possible individual who may be liable for the funeral service expenses
- 4386. Requiring the Department of Health and Human Resources to be notified of hearings involving criminal defendants to be placed in state inpatient mental health facilities
- 4388. Relating to stroke centers
- 4395. Relating to the licensing and regulation of medication-assisted treatment programs for substance use disorders
- 4399. Permitting pharmacists to furnish naloxone hydrochloride in accordance with standardized procedures
- 4412. Assessing the health impact of any new, or modification to, rule proposed by the Secretary of the Department of Environmental Protection
- 4423. Requiring various professionals who provide mental health-related services complete a minimum number of fifteen contact hours of course work in suicide assessment, treatment and management before that person may be issued a license
- 4425. Modifying the definition of “accrued benefit” by increasing the retirement benefit multiplier for certain EMSRS members
- 4438. Relating to the involuntary examination of individuals experiencing a psychiatric emergency or mental illness
- 4441. Prohibiting the sale of paraphernalia designed or marketed for use with controlled substances
- 4463. Permitting the practice of telemedicine
- 4470. Expanding newborn testing to include Adrenoleukodystrophy
- 4471. Clarifying the powers and duties of the Commissioner of Public Health as it relates to administration of local boards of health
- 4472. Relating to the rule-making authority of local boards of health
- 4475. Removing the certificate of need exemption for an ambulatory health care facility located in the same zip code as certain hospitals
- 4480. The Ryan Brown Addiction Treatment Act
- 4509. Raising the legal age for purchase of tobacco and tobacco products
- 4520. Clarifying that certain hospitals have only one governing body whose meetings shall be open to the public
- 4526. Establishing an advisory council on rare diseases
- 4531. Requiring hospitals, or other similar institutions, to publish a cost list for the most commonly performed procedures that are billed
- 4533. The Mental Health and Military Service Members Court Act
- 4537. Relating to the regulation of chronic pain clinics
- 4545. Relating to regulation of pharmacy benefits managers
- 4553. Relating to the West Virginia Health Care Authority

- 4659. Authorizing local health departments to bill health insurance plans for services
- 4663. Establishing an on-call center for state residents to receive assistance with healthcare
- 4680. Creating a medical exemption to criminal laws against marijuana use and possession
- 4704. Operating and maintaining a fully interoperable statewide network to facilitate public and private use of health care information in the state
- 4713. Authorizing the medical use of cannabis based pharmaceutical products

**HUMAN RIGHTS:**

- 4004. Unborn Child Protection from Dismemberment Abortion Act
- 4012. West Virginia Religious Freedom Restoration Act
- 4275. Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person
- 4328. Relating to the "Equal Pay Act of 2016"
- 4343. Youth Mental Health Protection Act
- 4363. The Healthy and Safe Workplace Act
- 4404. Prohibiting discrimination based upon age or sexual orientation
- 4485. Deaf Children's Bill of Rights Act

**HUMAN SERVICES:**

- 2147. Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested attorneys in the circuit
- 2203. Redefining the parameters for the offense of human trafficking
- 2436. Increasing the number of child protective service workers
- 2553. Relating to human trafficking
- 2724. Requiring benefit access devices to benefits provided by the Department of Human Services, to have a photograph of the person to whom a device was issued
- 4010. Requiring drug screening and testing of applicants for the Temporary Assistance for Needy Families Program
- 4021. Limiting able-bodied adults without dependents receipt of SNAP benefits
- 4041. Limiting able-bodied adults without dependents receipt of SNAP benefits to three months in a thirty-six month period
- 4044. Ryan Brown Addiction Prevention and Recovery Fund Act
- 4178. Relating to sanctions for recipients of benefits from the Temporary Assistance for Needy Families Program
- 4216. Exempting community-based behavioral health facilities, programs or services from the certificate of need process
- 4338. Relating to the state's Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver
- 4347. Providing pregnant women priority to substance abuse treatment

- 4352. Relating to the selling of certain state owned health care facilities by the Secretary of the Department of Health and Human Resources
- 4355. Requiring the Bureau of Medical Services to request certain waivers from the Center from Medicaid and Medicare Services
- 4454. Welfare Fraud Prevention Act
- 4535. Extending the length of time for the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth
- 4591. Continuing the state's bundled service funding and reimbursement program for residential treatment of at-risk children
- 4614. Relating to the medical loss ratio contained in any Medicaid managed care contract
- 4661. Relating to child welfare
- 4697. Relating to the right of the Department of Health and Human Resources to subrogation for third-party liability settlements, by recipients who receive assistance under the Medicaid Program

**INSURANCE:**

- 2063. Prohibiting the use of a credit score in casualty insurance rate filings
- 2096. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers
- 4023. Increasing the excise tax on cigarettes and other tobacco products
- 4040. Regulating step therapy protocols in health benefit plans
- 4043. Adjusting the risk-based capital trend test for life and health insurers
- 4144. Relating to risk based capital reporting for health organizations
- 4166. Relating to health insurance coverage for prescribed medications
- 4253. Relating to mine subsidence insurance
- 4254. Relating generally to workers' compensation
- 4257. Prohibiting use of a person's credit history in certain insurance transactions
- 4286. Relating to the scope and application of the Unfair Trade Practices Act
- 4315. Relating to air-ambulance fees for emergency treatment or air transportation
- 4332. Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage
- 4376. Requiring automobile liability insurance providers must give a policyholder a ten-day notice of an intent to cancel for nonpayment of premium
- 4408. Prohibiting certain civil actions against company adjusters
- 4464. Guaranteed Asset Protection Waiver Act
- 4543. Relating to willful misrepresentation to gain benefits or payment under the Public Employees Insurance Act
- 4547. Providing for the merger of the purposes and provisions of the Volunteer Fire Departments Workers' Compensation Subsidy Program and the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund
- 4551. Clarifying that the plans established and administered by the Public Employees Insurance Agency are exempt from regulation by the Insurance Commissioner, unless specifically stated otherwise

- 4637. Relating to requiring insurers of policies providing for payments on death of a named insured to review databases
- 4655. Prohibiting insurers, vision care plan or vision care discount plans from requiring vision care providers to provide discounts on noncovered services or materials
- 4695. Establishing a temporary maximum contribution rate to the Public Employees Insurance Agency

**JUVENILES:**

- 2048. Relating to juvenile proceedings
- 2173. Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act
- 2255. Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing
- 2257. Establishing a bill of rights for children in foster care
- 2258. "Parents' Bill of Rights"
- 2264. Establishing a bill of rights for foster parents
- 2366. Relating generally to the solicitation of minors
- 2403. Relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children's Health Insurance Program
- 2429. Requiring a convicted sex offender who volunteers for an organization whose volunteers have contact with minors to inform that organization of his or her conviction
- 2436. Increasing the number of child protective service workers
- 2455. Requiring health care providers to release unemancipated minor's medical records for drug testing to a parent or legal guardian without written consent from minor
- 2460. Relating to the effect of adoption on grandparent visitation rights
- 2501. Prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility
- 2556. Providing medical and religious exemptions from mandatory immunizations for school children
- 2715. Making it illegal to transport a minor across state lines to obtain an abortion without written consent of both parents
- 2842. Establishing a four-year pilot program to have social workers in public schools, from prekindergarten through the elementary school
- 2989. Requiring each judicial circuit to have a court-appointed special advocate program and each county to have a special advocate for children in abuse and neglect proceedings
- 4180. Authorizing a family court judge to order substance abuse counseling of a child in emergency situations
- 4237. Supporting and Strengthening Families Act

- 4249. Creating the Commission to Accelerate Statewide Coordination of Mental Health Services for Children and Adolescents
- 4263. Relating to the juvenile justice reform oversight committee
- 4521. Modifying the requirements that allow a child witness to testify by closed circuit television
- 4661. Relating to child welfare

**LABOR:**

- 2041. Establishing requirements for prior review of all privatization proposals
- 2052. Relating to the labor-management relations act for the private sector
- 2096. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers
- 2643. Establishing the West Virginia Right to Work Law
- 4005. Repealing prevailing hourly rate of wages requirements
- 4006. West Virginia Workplace Freedom Act
- 4268. Relating to dedication of severance tax proceeds to the West Virginia Infrastructure General Obligation Debt Service Fund
- 4277. Repealing provision prohibiting employers from discriminating for use of tobacco products
- 4364. Internet Privacy Protection Act
- 4374. Providing for security of private, employer-sponsored insurance and/or retirement plans
- 4490. Relating to requirements by which an employee can authorize deductions from his or her wages
- 4496. Permitting contractors to perform work on a construction project without having a contractor's license under certain circumstances
- 4538. Relating to cooperative extension workers
- 4589. Reauthorizing, with amendment, the legislative rule contained in title twenty-eight, series two of the Code of State Rules relating to the Contractors Licensing Act
- 4666. Ban-the-Box Act

**LEGAL GAMING:**

- 4217. Reducing the distributions to the West Virginia Infrastructure Fund
- 4271. Ending discretionary transfers to the Licensed Racetrack Modernization Fund
- 4300. Relating to changes in distribution of net terminal income, excess net terminal income and excess lottery fund
- 4505. Allowing powerball winners to remain anonymous
- 4523. Permitting licensed limited video lottery retailers to have up to seven video lottery terminals
- 4583. Relating to fantasy games
- 4702. Eliminating the hotel-motel tax on complementary hotel rooms
- 4710. Eliminating the West Virginia Greyhound Breeding Development Fund and transferring that money and future money that would have gone to that fund one-half to the Public Employees Insurance Agency

**LEGISLATURE:**

- 2129. Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years
- 2222. Relating to certain members of the Legislature and certain service by members of the Legislature
- 2235. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 2424. Providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America
- 2747. Prohibiting the expenditures for meals and beverages for members of the Legislature and their staff by lobbyists
- 4001. Relating to candidates or candidate committees for legislative office disclosing contributions
- 4207. Relating to the ability of the Commission on Special Investigations to obtain information
- 4208. Removing the requirement that the Joint Committee on Government and Finance approve expenses of the Commission on Special Investigations
- 4289. Relating to grand juries
- 4302. Relating to the Commission on Special Investigations
- 4337. Requiring the General Services Division to provide former Legislators with access cards to the State Capitol building
- 4348. Decreasing the basic compensation paid to members of the Legislature and salaries paid to other state officers by five percent
- 4407. Allowing certain officers to bring firearms into the legislative chambers if they have a concealed weapons permit
- 4630. Prohibiting lobbyists and members of their immediate family from contributing funds, either directly or indirectly, to individuals running for election to either the executive or legislative branches of state government
- 4657. Prohibiting state agencies, boards and commissions from hiring lobbyists

**LOCAL AND SPECIAL LAWS:**

- 4246. Changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library
- 4554. Allowing an increase of gross weight limitations on certain roads in Greenbrier County

**MAGISTRATES:**

- 2265. Increasing the minimum number of magisterial districts in a county
- 4700. Clarifying the prohibition of a magistrate assistant being a member of the immediate family of a magistrate

**MILITARY AND VETERANS:**

- 4284. Relating to the issuance, expiration and renewal of driver's license
- 4285. Making it a misdemeanor for a person to impersonate a veteran
- 4287. Providing for the awarding of a West Virginia veterans' service pin and a West Virginia Service Cross and ribbon to qualifying West Virginia veterans
- 4319. Including in the definition of "veteran" active members of the Guard and Reserve in order to exempt them from fees charged by the Secretary of State
- 4398. Exempting residents honorably discharged from the Armed Forces from the requirement of obtaining a license to hunt, trap or fish
- 4419. Exempting any veteran's primary residence from real property tax
- 4507. Providing an employer may grant preference in hiring to a veteran or disabled veteran
- 4677. Providing accessible parking spaces for Purple Heart recipients

**MOTOR VEHICLES:**

- 2171. Relating to rules governing the operation of motorboats on lakes
- 2196. Authorizing the Division of Motor Vehicles to issue special Hatfield-McCoy Trail license plates
- 2225. Relating to roof-mounted off-road light bar lighting devices
- 2380. Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test
- 2401. Authorizing the issuance of special "In God We Trust" motor vehicle registration plates
- 2405. Providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage
- 2548. Authorizing incorporated Class IV municipalities to enforce speed limits by use of any device designed to measure and indicate or record speed by means of microwaves or reflected light
- 2569. Relating to the Dealer Recovery Program
- 2638. Exempting motor vehicles from personal property tax
- 2665. Relating to participation in Motor Vehicle Alcohol Test and Lock Program
- 2693. Relating to commercial motor carriers
- 2967. Providing that the appraised value of an antique motor vehicle is a maximum of \$3,000 for purposes of ad valorem property taxes
- 2978. Relating to inspection of vehicles and providing that defects in windshields and windows that do not obscure vision are not unsafe conditions
- 4164. Requiring the Department of Motor Vehicles to conduct drivers tests as a pilot program, at certain high schools
- 4165. Authorizing the Department of Motor Vehicles to issue certain vital records in the custody of the State Registrar
- 4168. Creating a special motor vehicle collector license plate
- 4192. Relating to regional Division of Motor Vehicle offices and self-service kiosks
- 4193. Creating an exception to allow aftermarket mufflers
- 4196. Relating to abandoned antique vehicles

- 4198. Increasing the safety of school children who use school buses
- 4204. Relating to inspections of commercial motor vehicles, trailers, and semitrailers
- 4284. Relating to the issuance, expiration and renewal of driver's license
- 4305. Authorizing transportation network companies to operate in the state
- 4320. Creating a period for reduced payments of traffic violations
- 4326. Making special registration plates for volunteer fire fighters
- 4327. Authorizing a special registration plate for elk
- 4333. Relating to assessment value of certain motor vehicles for purposes of ad valorem property taxes
- 4349. Increasing the penalties for overtaking and passing a school bus
- 4401. Providing that any person with a West Virginia driver's license or an official identification card is automatically registered to vote
- 4452. Exempting Class X vehicles from the tax provisions of this section
- 4462. Placing penalty points on driver's licenses for using electronic communications devices while operating a motor vehicle
- 4491. Relating to unattended motor vehicles
- 4493. Relating to voter registration in conjunction with issuance, renewal or change of address of driver license
- 4498. Relating to certificates of title for certain total loss and abandoned or junked motor vehicles
- 4506. Permitting reflective lighting on motorcycles
- 4512. Relating to registration for selective service
- 4529. Providing that the Division of Motor Vehicles may not stay a revocation for D.U.I. if the driver had a stay in place for a pending contested revocation
- 4568. Permitting the assessor to mail a notice advising the owner of a vehicle believed not to be properly registered in the state
- 4579. Relating to voter registration list maintenance and the combined voter registration and driver licensing fund
- 4662. Permitting the Superintendent of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers
- 4683. West Virginia Second Chance Driver's License Act
- 4717. Relating to the sale of vehicles whose title is branded as total loss, salvage, or similar brand

**MUNICIPALITIES:**

- 2070. Providing meetings and conference rights for members of municipal fire departments
- 2384. Removing prohibition of municipalities that are participating in the Municipal Home Rule Pilot Program to pass ordinances, acts, rules or regulations pertaining to municipal pension plans
- 2548. Authorizing incorporated Class IV municipalities to enforce speed limits by use of any device designed to measure and indicate or record speed by means of microwaves or reflected light



- 2801. Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas
- 2913. Terminating the Municipal Home Rule Pilot Program and Municipal Home Rule Board
- 2970. Authorizing county commissions and municipalities to cooperate and enter into agreements removing or demolishing dwellings or buildings unfit for human habitation
- 4019. Requiring official business and records of the state and its political subdivisions be conducted in English
- 4265. Relating to payment by the West Virginia Municipal Bond Commission or state sinking fund commission or the governing body issuing the bonds
- 4390. Relating to the West Virginia Land Reuse Agency Authorization Act
- 4430. Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days
- 4432. Clarifying procedures for removal of office of any person holding any county, school district or municipal office
- 4472. Relating to the rule-making authority of local boards of health
- 4483. City Financial Transparency Act
- 4508. Prohibiting counties and municipalities from adopting ordinances or regulations that base restrictions on the breed of a dog
- 4541. Limiting the authority of municipalities to regulate the purchasing, possessing, transferring, owning, carrying, transporting, selling and storing of knives
- 4542. Allowing persons with property within rural fire protection districts to opt out of fire protection coverage
- 4548. Disallowing municipalities not admitted to the Municipal Home Rule Pilot Program from participating in the Municipal Home Rule Pilot Program under certain circumstances
- 4615. Permitting municipalities to collect unpaid utility bills, trash, refuse, demolition, landfill fees or other fees
- 4664. Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan
- 4718. Defining the term minor boundary adjustment

**NATURAL RESOURCES:**

- 2018. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents
- 2067. Relating to pension benefits exempt from state income taxation
- 2071. Providing an increase in compensation for natural resources police officers
- 2072. Increasing compensation for conservation officers
- 2144. Permitting crossbow hunting
- 2269. Requiring rules of the Department of Environmental Protection, Department of Health and Human Resources, Division of Natural Resources and Department of Commerce be no more stringent than corresponding federal laws

2529. Requiring the Commissioner of Agriculture to develop a pilot program for the cultivation of marijuana to be sold in states where sales are legal
2585. Requiring leaseholders of mineral interests to notify the owners of the minerals when there is an assignment of the lease to another party
2590. Providing that residents sixty-five years of age or older are not required to have a license to hunt, trap or fish
2845. Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement
2890. Streamlining the process of abandoned mineral interests
2977. Providing that rents and royalties from leases of the minerals under the state's rivers and streams shall be expended for road paving and maintenance
4037. Prohibiting the state from requiring persons with oil or gas rights connected to deep oil or gas wells to involuntarily integrate their interests
4045. Providing that all hunting and fishing licenses are valid for one year from the date issued
4170. Removing restrictions for hunting or trapping on private lands on Sundays
4184. Establishing criminal penalties for the illegal taking of deer
4211. Prohibiting drilling units from being established without consent of all owners
4218. Expanding the definition of "underground facility" in the One-Call System Act
4236. Relating to the classification of certain species
4247. Relating to the Laurel Lake Wildlife Management Fund
4255. Relating to the taking and registration of wildlife including electronic registration of beaver, otter and big game animals
4279. Relating to disposition of seized firearms
4283. Removing restrictions for hunting or trapping on private lands on Sundays
4290. Relating to the Laurel Lake Wildlife Management Fund
4330. Relating to make unlawful to take a fish, water animal or other aquatic organism from state waters to stock a commercial pond or lake
4331. Providing the Director of the Division of Natural Resources the authority to offer up to \$1,000 for information leading to the arrest and conviction of persons who have injured or killed game
4339. Relating to wildlife resources
4346. Relating to bear hunting and offenses and penalties
4375. Entering reciprocal agreements to recognize hunting, fishing and trapping licenses issued by other states
4389. Relating to crossbow hunting
4398. Exempting residents honorably discharged from the Armed Forces from the requirement of obtaining a license to hunt, trap or fish
4411. Relating to penalty for illegally taking native brook trout
4426. Horizontal Well Unitization and Landowner Protection Act of 2016

- 4500. Oil and Gas Royalty Payment and Transparency Act of 2016
- 4536. Reducing the severance tax on coal to two percent of gross value; and creating a local government economic assistance fund
- 4567. Establishing an industrial water extraction fee
- 4631. Requiring a hunting blind which is used during firearm deer season to have at least one hundred square inches of fluorescent orange on top
- 4690. Providing a ten percent discount to West Virginia residents for lodging, camping and other recreational activities at state parks and forests

**PROFESSIONS AND OCCUPATIONS:**

- 2081. Including journalists as a protected profession within the definition of crimes of violence against certain categories of workers
- 2151. Making the West Virginia state teacher of the year an ex officio, nonvoting member of the West Virginia Board of Education
- 2163. Increasing salaries for school service personnel
- 2164. Providing pay increases for teachers and counselors
- 2195. Making changes to the definition of electrical contractor
- 2378. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 2454. Adding pharmacist and pharmacy to the definition of “health care provider” as used in the Medical Professional Liability Act
- 2475. Relating to the requirements for and scope of practice for registered veterinary technicians
- 2528. Providing scholarships for certain former coal miners
- 2554. Relating to protection of utility workers from crimes against the person
- 2584. Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment
- 2643. Establishing the West Virginia Right to Work Law
- 2777. Relating to licensing of barbers, cosmetologists, and hairstylists, and revising the membership requirements of the Board of Barbers and Cosmetologists
- 2794. Making changes to the definition of contractor for purposes of the West Virginia Contractor Licensing Act
- 2841. Allowing a person to be both a limited video lottery operator and retailer
- 2843. Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses
- 2862. Adding additional magistrate court deputy clerks
- 2900. Exempting certified professional estimator services from consumer sales and service tax
- 4334. Clarifying the requirements for a license to practice as an advanced practice registered nurse and expanding prescriptive authority
- 4359. Requiring the issuance of a photo identification to persons employed as a security guard by a security guard firm

- 4360. Increasing the criminal penalty for the unlawful practice of law
- 4367. Relating to background checks for applicants for private investigator and security guard licensure
- 4399. Permitting pharmacists to furnish naloxone hydrochloride in accordance with standardized procedures
- 4428. Clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified
- 4450. West Virginia Court Reporter Act of 2016
- 4460. Changing qualifications for membership on the Board of Registration of Foresters
- 4476. West Virginia Contractor Licensing Act
- 4594. Relating to predoctoral psychology internship qualifications
- 4597. Expanding duties of Board of Barbers and Cosmetologists to permit students to perform acts of public service
- 4651. Relating to professional examination requirements for hearing-aid dealers and fitters
- 4652. Relating to the creation of an intermediate contractor's license
- 4685. Relating to professional and occupational board members
- 4692. Relating to offenses and penalties for practicing osteopathic medicine without a license
- 4696. Creating the unlicensed practice review board
- 4703. Reclassifying Early Childhood Classroom Assistant Teacher I, II and III positions as Aide V, Aide VI and Aide VII positions

**PUBLIC SAFETY:**

- 2555. Forfeiture Reporting Act
- 2813. Issuing a special "Family of an Officer Killed in the Line of Duty" license plate
- 4145. Relating to carry or use of a handgun or deadly weapon
- 4169. Firearm Protection Act
- 4174. Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house
- 4197. Allowing required HIV and hepatitis testing for the protection of law-enforcement officers who may have been exposed
- 4219. Relating to vehicle inspection stations
- 4231. Updating the Uniform Common Interest Ownership Act
- 4280. Permitting persons who are twenty-one years of age or older to operate or be a passenger on a motorcycle without a helmet
- 4307. Clarifying that a firearm may be carried for self defense in state parks, state forests and state recreational areas
- 4323. Relating to the reporting of emergency incidents by well operators and pipeline operators

- 4329. Right to keep and bear arms
- 4387. Providing that any law-abiding person eighteen years of age or older may carry a concealed weapon within the boundaries of the state
- 4427. Providing identification to qualified law-enforcement officers to allow them to carry firearms for self-defense under the federal Law-Enforcement Officers Safety Act, and clarifying that prosecuting attorneys and assistant prosecuting attorneys may carry firearms for self-defense
- 4436. Permitting probation officers to carry deadly weapons on school buses and property
- 4453. Requiring the State Police to partner with the DNA and Digital Forensics sections of Marshall University Forensic Science Center
- 4528. Permitting an all-volunteer fire department to consolidate with certain other fire departments while retaining their rights to receive funds
- 4542. Allowing persons with property within rural fire protection districts to opt out of fire protection coverage
- 4558. Relating to victim notification and designation of additional individuals to receive notice of an offender's release
- 4592. Relating to the hunting of coyotes
- 4609. West Virginia Residential Furniture and Children's Products Flame Retardants Act
- 4619. Transferring the Office of Emergency Medical Services from the Bureau for Public Health to the Department of Military Affairs and Public Safety
- 4662. Permitting the Superintendent of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers
- 4714. Creating a board for review of officer-involved deaths

**PUBLIC SERVICE COMMISSION:**

- 2238. Relating to appointment of Public Service Commissioners
- 2483. Requiring the three commissioners of the Public Service Commission be elected from the three congressional districts for six-year terms
- 4416. Expanding the authority of motor carrier inspectors
- 4435. Authorizing the Public Service Commission to approve expedited cost recovery of electric utility coal-fired boiler modernization and improvement projects
- 4451. Relating to public service districts
- 4584. Prohibiting shifting future development costs onto existing public service district customers
- 4660. Relating to the information required to be included in support of an application to the Public Service Commission for a certificate of convenience and necessity for a water, sewer and/or stormwater service project
- 4665. Creating a mandatory grace period for the payment of water and sewer bills
- 4698. Enabling applicants for a certificate of convenience and necessity for a water, sewer, and/or storm water project to file complete applications without incurring the expense of an engineer's preparation

4699. Limiting supervision of laying of lines on state rights-of-way

**REAL AND PERSONAL PROPERTY:**

2076. Allowing quarterly payment of real and personal property taxes
2223. Including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in the definitions of “primary mortgage loan” and “subordinate mortgage loan”
2225. Relating to roof-mounted off-road light bar lighting devices
2519. Creating the Uniform Real Property Electronic Recording Act
2638. Exempting motor vehicles from personal property tax
2750. Abolishing the adverse possession of land
2826. Requiring the Commissioner of the Division of Highways to approve points of access to and from state highways to real property used or to be used for commercial, industrial or mercantile purposes; “Sarah Nott’s Law”
4202. Establishing oversight and a database for seizures and forfeitures by law enforcement agencies
4256. Creating the Uniform Real Property Electronic Recording Act
4473. Clarifying that when the presumption of abandonment arises with respect to a life insurance policy or annuity payable upon proof of death
4501. Freezing assessments in counties with recent sharp decline in employment
4532. Establishing a new class of property on utility right-of-ways and easements for taxation purposes
4550. Relating to the disposition of funds due to unknown or unlocatable interest owners
4586. Ensuring that the interest of protected persons, incarcerated persons and unknown owners are protected in condemnation actions filed by the Division of Highways

**RECORDS AND PAPERS:**

4278. Allowing a home improvement transaction to be performed under an oral contract
4391. Issuing identification documents to homeless individuals residing at homeless shelters
4394. Uniform Electronic Legal Material Act
4402. E-mail Privacy Act
4517. Limiting the ability of an agent under a power of attorney to take self-benefiting actions

**RETIREMENT:**

2067. Relating to pension benefits exempt from state income taxation
2113. Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System

- 2222. Relating to certain members of the Legislature and certain service by members of the Legislature
- 2253. Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income
- 2389. Granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase
- 2459. Requiring state agencies to issue photographic identification cards to qualified retired law-enforcement officers
- 2560. Relating to disqualification for public retirement plan benefits when a participant is determined to have rendered less than honorable service
- 2597. Exempting all monetary benefits derived from military retirement from personal income tax obligations
- 2656. Establishing a retired teachers instant lottery scratch-off game
- 2791. Increasing benefits of retired state personnel and retired teachers
- 2812. Clarifying use of subsistence allowance in determining compensation for purposes of calculating pension benefits for natural resources police officers
- 2981. Relating to purchase of service credit following transfer to the State Teachers Retirement System
- 4187. Creating a special fund named “the Public Employee Health Insurance Fund”
- 4425. Modifying the definition of “accrued benefit” by increasing the retirement benefit multiplier for certain EMSRS members
- 4479. Adding an annual annuity adjustment of one percent for eligible retirants or surviving spouses
- 4487. Relating to state retirement systems
- 4519. Allowing certain municipalities to elect to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System
- 4607. Adding violations of law upon which a public servant’s retirement plan may be forfeited

**ROADS AND TRANSPORTATION:**

- 4022. Providing a discount program for certain workers and students who purchase West Virginia EZ Pass transponders
- 4172. Creating a special fund named “the State Road Bond Fund”
- 4200. Eliminating courtesy patrol programs
- 4222. Providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia Parkways Authority to the Division of Highways
- 4223. Authorizing individuals and business concerns to purchase sponsorship relative to courtesy patrol vehicles in exchange for advertisement displays
- 4228. Relating to transportation network companies
- 4273. Requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers
- 4392. Establishing a special fund to be used for minor road repair within the county
- 4410. Establishing an arborists program for inmates

- 4462. Placing penalty points on driver's licenses for using electronic communications devices while operating a motor vehicle
- 4497. Dedicating consumer sales tax collected on sales of automobile parts to the State Road Fund
- 4518. Prohibiting the placement of the name or likeness of public officials on state road signs
- 4552. Relating to purchasing requirements for the Division of Highways
- 4559. Requiring the Commissioner of Highways to develop a statewide communications plan known as the Comprehensive Public Involvement Plan
- 4560. Requiring the Commissioner of Highways to develop a formula for allocating road funds among districts
- 4562. Relating to performance metrics for the West Virginia Division of Highways
- 4586. Ensuring that the interest of protected persons, incarcerated persons and unknown owners are protected in condemnation actions filed by the Division of Highways
- 4613. Declaring rights-of-way held by the Division of Highways that are no longer publically travelled, or maintained, for five or more years, null and void

**RULES:**

- 4002. Relating to rule making under the state Administrative Procedures Act
- 4031. Requiring agencies to respond to public comments received during the rule-making process
- 4046. Relating to the promulgation of rules by the Department of Administration
- 4047. Authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing
- 4048. Consolidated Public Retirement Board, legislative rule relating to service credit for accrued and unused sick leave
- 4049. Department of Environmental Protection, Air Quality, rule relating to standards of performance for new stationary sources
- 4050. Department of Environmental Protection, Air Quality, rule relating to the control of air pollution from combustion of solid waste
- 4051. Department of Environmental Protection, Air Quality, rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities
- 4052. Department of Environmental Protection, Air Quality, rule relating to emission standards for hazardous air pollutants
- 4053. Department of Environmental Protection, Air Quality, rule relating to the control of annual nitrogen oxide emissions
- 4054. Department of Environmental Protection, Air Quality, rule relating to the control of ozone season nitrogen oxides emissions
- 4055. Department of Environmental Protection, Air Quality, rule relating to the control of annual sulfur dioxide emissions
- 4056. Department of Environmental Protection, Water and Waste Management, rule relating to surface mining reclamation



- 4057. Department of Environmental Protection, Water and Waste Management, rule relating to administrative proceedings and civil penalty assessment
- 4058. Department of Environmental Protection, Water and Waste Management, rule relating to above ground storage tank fee assessments
- 4059. Department of Environmental Protection, Water and Waste Management, rule relating to above ground storage tank administrative proceedings and civil penalty assessment
- 4060. Relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety
- 4061. Department of Health and Human Resources, rule relating fees for service
- 4062. Department of Health and Human Resources, rule relating to AIDS-related medical testing and confidentiality
- 4063. Department of Health and Human Resources, rule relating to Tuberculosis testing, control, treatment and commitment
- 4064. Department of Health and Human Resources, rule relating to child care licensing requirements
- 4065. Department of Health and Human Resources, rule relating to family child care facility licensing requirements
- 4066. Division of Labor, licensing of elevator mechanics and technicians and registration of apprentices
- 4067. Medical Imaging and Radiation Therapy Technology Board of Examiners, rule relating to the board
- 4068. Office of Miners' Health, Safety and Training, rule relating to substance abuse screening standards and procedures
- 4069. Division of Natural Resources, rule relating to general hunting
- 4070. Division of Natural Resources, rule relating to deer hunting
- 4071. Division of Natural Resources, rule relating to wild boar hunting
- 4072. Division of Personnel, rule relating to the administrative rule of the West Virginia Division of Personnel
- 4073. Racing Commission, rule relating to thoroughbred racing
- 4074. Racing Commission, rule relating to pari-mutuel wagering
- 4075. Secretary of State, rule relating to absentee voting by military voters who are members of reserve units called to active duty
- 4076. Secretary of State, rule relating to registration forms and receipts
- 4077. Secretary of State, rule relating to the elimination of precinct registration books
- 4078. Department of Tax and Revenue, rule relating to an exchange of information
- 4079. Department of Veterans' Assistance, rule relating to the state home for veterans
- 4080. Department of Veterans' Assistance, rule relating to VA headstones or markers
- 4081. Board of Accountancy, rule relating to Board rules and rules of professional conduct
- 4082. Office of Administrative Hearings, rule relating to Appeal Procedures

- 4083. Department of Agriculture, rule relating to the inspection of nontraditional domesticated animals
- 4084. Department of Agriculture, rule relating to poultry litter and manure movement into primary poultry breeder rearing areas
- 4085. Department of Agriculture, rule relating to livestock care standards
- 4086. Department of Agriculture, rule relating to captive cervid farming
- 4087. Alcohol Beverage Control Commission to promulgate a legislative rule relating to distilleries and mini- distilleries
- 4088. Alcohol Beverage Control Commission, rule relating to nonintoxicating beer licensing and operations procedures
- 4089. State Conservation Committee, rule relating to the West Virginia Conservation Agency Financial Assistance Program
- 4090. Consolidated Public Retirement Board, rule relating to the Deputy Sheriff Retirement System
- 4091. Consolidated Public Retirement Board, rule relating to benefit determination and appeal
- 4092. Consolidated Public Retirement Board, rule relating to the Teachers' Defined Contribution System
- 4093. Consolidated Public Retirement Board, rule relating to the Teachers' Retirement System
- 4094. Consolidated Public Retirement Board, rule relating to refund, reinstatement, retroactive service, loan and correction of error interest factors
- 4095. Consolidated Public Retirement Board, rule relating to the West Virginia State Police
- 4096. Board of Examiners in Counseling, rule relating to licensing
- 4097. Board of Examiners in Counseling, rule relating to marriage and family license renewal and continuing professional education requirements
- 4098. Board of Examiners in Counseling, rule relating to licensed professional counselor license renewal and continuing professional education requirements
- 4099. Board of Examiners in Counseling, rule relating to marriage and family therapists licensing
- 4100. Board of Dental Examiners, rule relating to continuing education requirements
- 4101. Board of Dental Examiners, rule relating to expanded duties of dental hygienists and dental assistants
- 4102. Department of Environmental Protection, Oil and Gas, rule relating to horizontal well development
- 4103. Department of Environmental Protection, Water and Waste Management, rule relating to requirements governing water quality standards
- 4104. Department of Environmental Protection, Water and Waste Management, rule relating to above ground storage tanks
- 4105. State Election Commission, rule relating to the West Virginia Supreme Court of Appeals public campaign financing program

- 4106. State Board of Registration for Professional Engineers, rule relating to the examination, licensure and practice of professional engineers
- 4107. State Fire Commission, rule relating to the state building code
- 4108. State Fire Commission, rule relating to standards for the certification of continuing education of municipal, county and other public sector building code officials, inspectors and plans examiners
- 4109. Authorizing the Governor's Committee on Crime, Delinquency and Correction, rule relating to law enforcement training and certification standards
- 4110. Department of Health and Human Resources, rule relating to farmers market vendors
- 4111. Department of Health and Human Resources, rule relating to the certification of opioid overdose prevention and treatment training programs
- 4112. Department of Health and Human Resources, rule relating to emergency medical services
- 4113. Department of Health and Human Resources, rule relating to infectious medical waste
- 4114. Department of Health and Human Resources, rule relating to West Virginia clearance for access; registry and employment screening
- 4115. Department of Health and Human Resources, rule relating to chronic pain management licensure
- 4116. Department of Health and Human Resources, rule relating to neonatal abstinence centers
- 4117. Department of Health and Human Resources, rule relating to family child care home registration requirements
- 4118. Department of Health and Human Resources, rule relating to W. Va. Works Program sanctions
- 4119. Department of Health and Human Resources, rule relating to qualifications for a restricted provisional license to practice as a social worker within the department
- 4120. Department of Health and Human Resources, rule relating to goals for foster children
- 4121. Division of Highways, rule relating to the state transportation infrastructure fund program
- 4122. Division of Labor, rule relating to Elevator Safety Act
- 4123. Division of Labor, rule relating to wage payment and collection
- 4124. Division of Labor, rule relating to minimum wage and maximum hours
- 4125. Board of Medicine, rule relating to the establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities
- 4126. Division of Natural Resources, rule relating to prohibitions when hunting and trapping
- 4127. Division of Natural Resources, rule relating to elk restoration and management

- 4128. Nursing Home Administrators Licensing Board, rule relating to nursing home administrators
- 4129. Board of Pharmacy, rule relating to the licensure and practice of pharmacy
- 4130. Board of Pharmacy, rule relating to the Uniform Controlled Substances Act
- 4131. Board of Pharmacy, rule relating to record keeping and automated data processing systems
- 4132. Board of Pharmacy, rule relating to the licensure of wholesale drug distributors, third-party logistics providers and manufacturers
- 4133. Property Valuation and Procedures Commission, rule relating to tax map sales
- 4134. Secretary of State, rule relating to the Freedom of Information Act database
- 4135. Board of Social Work, rule relating to qualifications for the profession of social work
- 4136. Board of Examiners for Speech-Language Pathology and Audiology, rule relating to the licensure of speech pathology and audiology
- 4137. Department of Tax and Revenue, rule relating to the payment of taxes by electronic funds transfer
- 4138. Department of Transportation, rule relating to rail fixed guideway systems state safety oversight
- 4139. WorkForce West Virginia, rule relating to the West Virginia Prevailing Wage Act
- 4140. State Election Commission, rule relating to the regulation of campaign finance
- 4141. Human Rights Commission, rule relating to the Pregnant Workers' Fairness Act
- 4142. Board of Examiners for Speech-Language Pathology and Audiology, rule relating to speech-language pathology and audiology assistants
- 4143. Ethics Commission, rule relating to the public use of names or likenesses
- 4190. Prohibiting state agencies and departments from acting outside their statutory scopes of authority

**SALARIES:**

- 2032. Increasing salary increments paid to principals and assistant principals
- 2043. Granting all public employees a \$1,000 per year permanent pay increase
- 2057. Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers
- 2066. Increasing the amount of annual and incremental salary increases for eligible state employees
- 2069. Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors
- 2071. Providing an increase in compensation for natural resources police officers
- 2072. Increasing compensation for conservation officers

- 2075. Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service
- 2197. Removing the compensation caps entirely for secretary-clerks and case coordinators
- 4092. Consolidated Public Retirement Board, rule relating to the Teachers' Defined Contribution System
- 4385. Increasing the annual salary of employees of the Division of Corrections
- 4415. Offsetting the shortfall of PEIA by reducing the compensation of all elected state officials and members of the state Board of Education
- 4465. Relating to salary equity among school systems

**SENIOR CITIZENS:**

- 2039. Raising the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled
- 2204. Eliminating the motor fuels tax on heating oil for residential use by eligible seniors
- 2404. Providing one-time supplements to all annuitants when they reach the age of seventy
- 2463. Increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled
- 2590. Providing that residents sixty-five years of age or older are not required to have a license to hunt, trap or fish 2984. Creating a Silver Alert program for senior citizens

**STATE PERSONNEL:**

- 4187. Creating a special fund named "the Public Employee Health Insurance Fund"
- 4226. Authorizing appointees or employees of the Alcohol Beverage Control Commissioner to carry concealed handguns
- 4304. Relating to the allocation of premiums for employers and employees in the Public Employees Insurance Agency
- 4370. Prohibiting discrimination in public employment based upon sexual orientation
- 4487. Relating to state retirement systems
- 4561. Creating a special hiring process for West Virginia Division of Highways employees
- 4607. Adding violations of law upon which a public servant's retirement plan may be forfeited
- 4636. Increasing the penalties for violating the Whistle-blower Law
- 4648. Providing additional pay for public employees who reside in counties with the highest median home costs
- 4672. Requiring the Public Employees Insurance Agency Finance Board factor in overtime pay received by employees to determine their premiums

4695. Establishing a temporary maximum contribution rate to the Public Employees Insurance Agency

**TAXATION:**

2080. Reallocating and dedicating up to \$30 million to the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin
2104. Terminating the Tax Commissioner's authority to issue business licenses to sell paraphernalia for use with controlled substances
2127. Relating to corporation net income tax for manufacturers of medical devices
2165. Creating a tax credit for certain businesses with more than twenty-five employees that relocate to reclaimed mountaintop removal land
2167. Providing a \$500 tax credit to volunteer firefighters
2249. Requiring the assessor of each county to, within three months of a deed filing in the county clerk's office of each county, prepare a new property tax ticket
2253. Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income
2394. Repealing the additional tax on the privilege of severing coal
2400. Relating to quarterly payment of real and personal property taxes
2407. Reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin
2463. Increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled
2490. Establishing a tax credit for new businesses that locate in the state
2498. Allowing taxpayers to make partial payments of real and personal property taxes
2522. Exempting State Teachers Retirement System pension benefits from West Virginia personal income taxation
2570. Relating to a tax deduction allowed for capital expenditures from the corporate net income tax
2599. Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax
2622. Relating to deductions from personal income tax for contributions to state-administered prepaid college tuition contracts or college savings plans
2630. Creating the West Virginia Earned Income Tax Credit
2639. Abolishing the Personal Income Tax
2647. Allowing an employer to extend workers' compensation insurance coverage to an employee engaged in volunteer fire fighting and allowing employers a tax credit
2649. Exempting social security benefits from personal income tax
2675. Reducing certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund
2687. Relating to personal income taxes

- 2695. Relating to gasoline and fuel excise tax
- 2704. West Virginia Consumer Sales and Service Use tax
- 2709. Exempting a percentage of social security benefits from personal income tax
- 2713. Providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid
- 2821. Implementing a surcharge on licensed exotic entertainment facilities and adult bookstores to provide funding for rape information and prevention services and rape crisis centers
- 2823. Eliminating the street and interurban and electric railways tax
- 2832. Reducing the motor fuel excise tax
- 2838. Relating to the reproduction, distribution and sale of tax maps
- 2847. Permitting sheriffs to hire outside attorneys to assist with collection of taxes
- 2870. Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school
- 2900. Exempting certified professional estimator services from consumer sales and service tax
- 2903. Providing a tax credit for first time home buyers
- 2917. Establishing a Hotel and Restaurant Renovation Tax Credit
- 2953. Increasing the excise tax on cigarettes and other tobacco products
- 2967. Providing that the appraised value of an antique motor vehicle is a maximum of \$3,000 for purposes of ad valorem property taxes
- 2988. Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents
- 3000. Establishing a Hotel and Restaurant Renovation Tax Credit
- 3015. Enabling legislation for the "Nonprofit Youth Organization Tax Exemption Support Amendment" to Article X of the Constitution of the State of West Virginia
- 4003. Expiring certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund
- 4023. Increasing the excise tax on cigarettes and other tobacco products
- 4029. Relating to dedication of corporation net income tax proceeds to railways
- 4030. Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act
- 4148. Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act
- 4161. Relating to levies on classifications of property by the Board of Public Works
- 4163. Providing the authority and procedure for municipalities to give notice to, and publish the names of, entities delinquent in paying business and occupation taxes
- 4181. Increasing the excise tax on cigarettes and other tobacco products
- 4191. Taxation With Representation Act
- 4195. Relating to appraisal value of certain motor vehicles for purposes of ad valorem property taxes

- 4220. Imposing the consumers sales and service tax and use tax on sales of telecommunications service and ancillary services
- 4232. Raising the consumer sales and service tax
- 4274. Relating to gasoline and fuel excise tax
- 4288. Save the Hospitals Act
- 4294. Eliminating the consumers sales and service tax exemption on purchases of certain materials by a second party in construction or maintenance of a highways project
- 4321. Relating to tax credits for apprenticeship training in construction trades
- 4333. Relating to assessment value of certain motor vehicles for purposes of ad valorem property taxes
- 4357. Home Instruction Tax Relief Act
- 4369. Decreasing and ending the tax on timber
- 4372. Creating tax credits for new and/or existing small businesses
- 4377. Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days
- 4419. Exempting any veteran's primary residence from real property tax
- 4421. Providing tax breaks for employers assisting employees paying student loans
- 4433. Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees
- 4434. Relating to limitations on tax certificates
- 4437. Creating tax credits for small businesses
- 4439. Providing a tax credit for persons receiving a concealed weapons permit
- 4442. Exempting farm wineries from taxation for sales of wine to retail outlets
- 4457. West Virginia Student Education Incentive Act
- 4474. Continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans
- 4486. Terminating the Behavioral Health Severance and Business Privilege Tax
- 4494. Increasing the tax rate on cigarettes and tobacco products
- 4497. Dedicating consumer sales tax collected on sales of automobile parts to the State Road Fund
- 4501. Freezing assessments in counties with recent sharp decline in employment
- 4504. Increasing the excise tax on bottled soft drinks, syrups and dry mixtures
- 4532. Establishing a new class of property on utility right-of-ways and easements for taxation purposes
- 4536. Reducing the severance tax on coal to two percent of gross value; and creating a local government economic assistance fund
- 4563. Reauthorizing the Neighborhood Investment Program Act
- 4564. Relating to the taxing certain tobacco products
- 4567. Establishing an industrial water extraction fee
- 4570. Continuing certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund towards the State Road Fund upon satisfaction of debt



- 4585. Establishing the "Stay in State" tax credit
- 4596. Creating a five-year tax credit for businesses locating on post-mine sites
- 4626. Providing a safe harbor valuation for the measure of tax upon limestone and sandstone
- 4634. Coal Jobs and Revenue Stabilization Act
- 4645. West Virginia Earned Income Tax Credit
- 4668. Raising the allowable threshold of the coal severance tax revenue fund budgeted for personal services
- 4679. Increasing sales and use taxes by one percent
- 4681. Taxing attorneys legal service fees as service taxes
- 4682. The Agriculture and Tourism Incentive Act
- 4689. Establishing a specific valuation of managed timberland and timberland that is not managed timberland for ad valorem property tax purposes
- 4691. Establishing two new tax brackets for personal income tax
- 4693. Establishing a recovery fee for the rental of heavy equipment property
- 4701. Providing funding of state programs through increased taxes on beer, wine and liquor

**UNEMPLOYMENT COMPENSATION:**

- 2520. Relating to domestic violence victims' eligibility for unemployment compensation benefits
- 4032. Self-Employment Assistance Act
- 4041. Limiting able-bodied adults without dependents receipt of SNAP benefits to three months in a thirty-six month period
- 4629. Disqualifying a terminated employee from benefits for testing positive on a drug or alcohol test
- 4642. Maintaining the solvency of the Unemployment Compensation Fund
- 4721. Providing that individuals working in certain seasonal employment are not eligible for unemployment compensation benefits

**UNIFORM LAWS:**

- 4354. Relating to notices of revocation of certificate of authority to conduct business
- 4394. Uniform Electronic Legal Material Act
- 4400. Revised Uniform Fiduciary Access to Digital Assets Act

**UTILITIES:**

- 2512. Requiring the consent of the Public Service Commission before an electric utility subject to this chapter may retire or permanently shut-down an electric generating plant
- 2552. Permitting utility consumers to use the consumer protection laws when concerning billing issues are in question
- 2554. Relating to protection of utility workers from crimes against the person

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- 2802. Relating to public sewage services
- 4634. Coal Jobs and Revenue Stabilization Act

**WORKERS COMPENSATION:**

- 2426. Relating to the Volunteer Fire Departments Workers' Compensation Subsidy Program and the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund
- 4530. Exempting taxicab companies whose drivers are independent contractors, from providing workers' compensation coverage for the drivers

**DISPOSITION OF BILLS ENACTED**

The first column gives the number of the bill and the second column gives the chapter assigned to it.

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House Bills = 4 Digits

Senate Bills = 2, 3 Digits

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23.....	427	55.....	274	87.....	4301
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25.....	450	57.....	4644	89.....	4566
26.....	451	58.....	4244	90.....	146
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114.....	474	145.....	494	176.....	4340
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116.....	345	147.....	4617	178.....	47
117.....	575	148.....	4046	179.....	4463
118.....	439	149.....	195	180.....	627
119.....	594	150.....	4060	181.....	4033
120.....	4351	151.....	150	182.....	4654
121.....	2852	152.....	588	183.....	4428
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194.....	4659	216.....	592	238.....	4209
195.....	4365	217.....	259	239.....	648
196.....	10	218.....	4487	240.....	4738
197.....	404	219.....	595	241.....	2665
198.....	123	220.....	4519	242.....	476
199.....	4388	221.....	563	243.....	13
200.....	4520	222.....	2826	244.....	4674
201.....	4537	223.....	4265	245.....	94
202.....	68	224.....	2615	246.....	4662
203.....	597	225.....	4176	247.....	4218
204.....	545	226.....	4377	248.....	558
205.....	431	227.....	4161	249.....	4558
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**First Extraordinary Session, 2016**

House Bills = 3 Digits

Senate Bills = 4 Digits

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**Second Extraordinary Session, 2016**

House Bills = 3 Digits

Senate Bills = 4 Digits

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**Second Extraordinary Session, 2016****HOUSE BILLS**

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## APPENDIX

### DECLINE OF THE COAL INDUSTRY AND PROTECTION OF THE SECOND AMENDMENT

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#### REMARKS

of

**HON. RUPERT PHILLIPS, JR.**

*January 13, 2016*

DELEGATE PHILLIPS. Thank you, Mr. Speaker. I just want to make a few comments. First of all, I welcome everybody back. Last session I sat right here with my little iPhone in my hand and I said, "Reality...I talked about the mines, the coal, Alpha was over \$100 a share, Arch over \$90 a share. A few years prior to that, or, I am sorry...at that time Arch was down to 91 cents, Alpha down to 94 cents. As you know, this past Monday Arch filed bankruptcy. Alpha filed bankruptcy earlier last year back in the summer. Synergy has filed. Patriot has filed. There are other companies getting ready to file. Rock Springs development down in Wayne County. I am a salesman in the coal industry. If you all had been here long enough, you probably have ate my food. I like to cook. There's 450 men that worked at that mine. I fed them numerous times at their annual retraining. I looked at them eye to eye. There is over 60 million tons of recoverable coal left in the ground right now. The mine was over 25 miles underground. I have been under that mine. I have walked those belt lines with those men. Now today, well last month let me say, I went down to look at a motor to purchase and it broke my heart to see that parking lot plumb full of equipment. They pulled everything out. Ladies and gentlemen, that mine will not be gone back into. It is heart breaking. You go in there and you listen to the few guys that is there just trying to ship the stuff out. It is remarkable. Earlier that day I was down in Wise County, Virginia, looking at some motors at Alpha's equipment depot. Over 115 miners sitting on this field, over 134 buggies, over 100 scoops, over 100 panners on this piece of property. Why? They shipped it out because they couldn't afford to sit the equipment here hoping and praying that the coal market would come back. They are down there trying to save what little they can. It is heartbreaking.

Since Obama has been in office, over 411 coal-fired power plants have shut down. The Gazette said the other day that there are 68 mines in West Virginia. Not many years ago, we had over 400 in West Virginia. The 68 is wrong, that might be 68 active permits; there is less than 34 coal mines producing coal in this state right now and I think our budget, I know the forecast is probably 350 shortfall, million shortfall. I think you are going to have a little bit more than that before it comes. He said last night, I didn't listen to it, I don't want to listen to him, imagine that...global warming and everything. I am sorry it is not there. There some other stuff in there hidden. Hopefully in 50 years we will find out what it is. I won't be here, but anyway, a friend of mine told me, "Rupie, the train has left the station." Ladies and gentlemen, when that train leaves I am going to make sure it's got a load of coal in it. It is not leaving empty. Then on the other side of things, you know there's two things dear to my heart and that is coal and guns. Again, he tries to grab our guns. Well I tell you what, for those of you that don't support guns, come and see me. I've got a sticker to go on your bumper so you can let everybody know that you don't support guns because by God, I do. When I leave here today, I am going to go down to "Two Doors Biscuit" and get a biscuit.

#### ARMY STAFF SGT.

**MATTHEW MCCLINTOCK**

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#### REMARKS

of

**HON. SCOTT CADLE**

*January 15, 2016*

DELEGATE CADLE. Yeah, Mr. Speaker, I thank you. In our local newspaper, the Point Pleasant Register, we lost a soldier in Afghanistan whose grandparents live in Point Pleasant and his name was Matthew McClintock. He was 30 years old and had a baby. He lived in Florida and I am sure that there are people in Mason County that are not having a real good day. This happened the fifth, so it is kind of late getting here, but anyway, could we have a little bit of silence for the soldier's family?

**CSX RAILROAD CLOSURE**

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REMARKS

of

**HON. MATTHEW ROHRBACH**

*January 19, 2016*

DELEGATE ROHRBACH. Thank you, Mr. Speaker. I rise today to give the members of this body some bad news about something that happened in Huntington. I think it ought to be a lesson and a message for all of us. I don't know if you saw, it's reported by the media. We lost 120 jobs yesterday in Huntington. CSX railroad shutdown the Huntington Division ... dissolved it. I'm going to give you a little history about what the Huntington Division was: It was founded by Collis P. Huntington himself, railroad got to Huntington in 1873. They have continuously transacted business on the spot that they vacated yesterday for 143 years. I want to repeat that again, 143 years. It is one of the longest standing businesses in continuous operation in this state and I am going to challenge you that this speaks to the fact, that folks, our state is getting away from us. They had ten divisions in the CSX system. They closed one, dissolved it. This didn't happen to nine other divisions. The railroad that was founded by the founder of Huntington, Collis P. Huntington. He explored the New River Gorge in little boats to see if we could even get the railroad from Virginia to Huntington, picked Huntington as his terminus, designed the city. There is a statute of Collis P. Huntington that stood in front of that building for 100 years. It was commissioned by Gutzon Borglum; you may remember him, the fella that did Mount Rushmore. This was the fiber of our city and I would challenge you, it is the fiber of this state and this is probably collateral damage from the war on coal and we have certainly seen a lot of that around this state and we are going to see more of it unfortunately, but this speaks also to the poor business climate. They could have selected other divisions to close. They didn't do it. They selected Collis P. Huntington's own section of that railroad to close because of the poor climate in our business. So, as we go about our business the next 50 some days, I want us to remember the 120 people that lost their jobs yesterday and the fact that one of the, if not the longest operating business in this state in one continuous spot, chose to leave this

state yesterday. I think that had better give this body reason for grave concern, because, friends, our state is getting away from us. Thank you, Mr. Speaker.

**S. B. 6**

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REMARKS

of

**HON. DON PERDUE**

*January 21, 2016*

DELEGATE PERDUE. Thank you, Mr. Speaker. I wish the good gentleman would quit maligning Tudor's Biscuits. Ladies and gentlemen, these brief remarks are going to be confined to present Senate Bill 6 and it is coming over. Try as I may, it is difficult to stomach the implications and the misinformation surrounding the drug test for welfare recipients bill that had received bipartisan support. The myth is that poor people become addicted more often than anyone else. The greater myth is that our state DHHR says we have the resources and available facilities to effectively treat the supposed 390 people we might uncover. I would note that if anyone swallows that line we probably need to drug test them. Recovery from long-term substance abuse requires long-term treatment and I am not talking about mere substitution of one addictive element for another. We don't have the capacity at this state to effectively treat, repeat, effectively treat the thousands of people we have now who aren't poor, aren't on welfare, who don't present outward signs of drug abuse. Pray tell how are we to prioritize 390 beds are available programs for those we discover? The fact is that the only criteria, the only criteria needed to open the door for drug testing, is that you be poor, out of work and because it is TANF, seeking employment or the training needed to get a job. The fact is that the subject polls well to an uninformed public. It polls well. The fact is that democracy's most sacred principle that all men and women shall be treated equally under the law, it is being usurped by a poll and driven by political expediency. Of course we should offer assistance to those who need it. Of course we need to do all in our power to reduce the scourge of substance abuse, but we can't simply put the blame on poverty, declare victory and go home to a community that's still rotting from within. For more than a decade now, I have seen our state's



leaders deny the obvious because it costs too much. This bill seeks to keep the blinders on and react to what we feel rather than what we know. If the Fourth Amendment stands for one, it stands for all. If it fails for one no matter his or her circumstances, it fails for all. Declaring that one class must be quarantined because all classes have a disease is a failure of justice in the face of calamity, the one thing this state and this country stood guard against for more than 200 years. We simply have got to be bigger and more principled than that. Thank you.

**AMENDMENT TO  
COM. SUB. FOR H. B. 4002 OFFERED  
BY DELEGATE FLEISCHAUER**

REMARKS

of

**HON. BARBARA FLEISCHAUER**

*January 21, 2016*

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker, and I do want to thank the chair and the gentleman from Clay and also the Clerk's staff for allowing me to put this amendment in. It got in a little bit late, there was miscommunication between me and staff and I appreciate the opportunity to debate this because I do think it is an important debate. I do not believe that this amendment turns the bill on its head and I don't think it is inconsistent with the prior amendment. I do want every rule looked at. I think it is a good exercise to have every rule looked at every five years and this amendment won't stop that. All this amendment does is say that we have to act. We have to either say the rule should be amended, the rule should be eliminated or the rule should be continued. That is the only thing that this amendment would do. I don't think it is harmful. I think it ensures that we don't lose federal funding or that we don't lose a rule through inadvertence and I urge adoption. And I do very much appreciate the courtesy that has been shown me and the working-together spirit, but I do think this process would be better and more likely to be constitutional if we require the legislature to act every five years and it will also prompt each one of us, before we vote, to say "are these the rules that we should continue, are these the rules that we should reject?" So, I urge passage of the amendment. Thank you, Mr. Speaker.

**H. B. 4239**

REMARKS

of

**HON. JUSTIN MARCUM**

*January 25, 2016*

DELEGATE MARCUM. Thank you, Mr. Speaker. Ladies and gentlemen, I rise today in regards to H. B. 4239. I left on your desk a letter from the Speaker of the Kentucky House today. If you would turn to me and look at that, this is something that we have been working on for a couple of years. I have talked to the Speaker about it. I have talked to everyone involved with this bill here in our chambers. This runs through Mingo, McDowell, Mercer, Wyoming, all the southern counties in southern West Virginia. Well, this is the beginning project to establish a four-lane, a modern four-lane highway from the Mountain Parkway in Prestonsburg, Kentucky to Beckley, West Virginia. What this will do is, it will bring jobs to southern West Virginia. We have seen the decline in the coal industry due to the attacks from Obama and Washington, but here is one chance we have to see Washington help us. Ladies and gentlemen, this letter from Greg Stumbo, the Speaker of the House in Kentucky, clearly tells you that Speaker John Boehner at the time, who is no longer the Speaker we know, but we also have what I think is important, Hal Rogers. For many people don't know that Hal Rogers is the Chairman of the Appropriations Committee in Congress, a very powerful position. We need money. Here is our chance. Here is our chance to get money to build this highway to diversify the economy of southern West Virginia to put laid off coal miners back to work. Here is our chance, ladies and gentlemen, H. B. 4239 and you will see the sponsors of that bill shows a very powerful message in my opinion. It shows how we want this done. We want to see this happen. This bill has no fiscal note on it. This bill's simply asking the Department of Highways to develop a plan, map it out, show us what it is going to cost. Let's do our part. Let's run H. B. 4239 and do our part. Let's show the State of Kentucky and Hal Rogers and even Senator Rand Paul that we are serious about this highway. It is going to help them; it is going to help us. Ladies and gentlemen, I have worked on this bill for a while. I have been dealing with this for a couple of years now trying to get something to happen. Let's start a

development in the coalfields of West Virginia, the southern part of the state. You know we have got to stop the north/south divide here in Charleston. Coal has powered this state for 80, 90, 100 years; it is time for you guys to help us when we are struggling. So, I encourage everybody to help the coal industry, put coal miners back to work on this project. Let's get them where they are not moving out of state to find work. Let's put them back to work on this project real quick. We have also worked on this project with Senator Joe Manchin, Shelley Moore Capito and both of them have issued support in this. We have support in Washington to get the funding. More importantly, Mitch McConnell has even come out in support of our plan. Ladies and gentlemen, this is a bipartisan effort to make West Virginia better, to open up the southern part of the state. So while Washington, under Obama, has destroyed the coal industry and put coal miners out of work, we have a chance here to help diversify, save our coal jobs, bring our coal miners back to West Virginia, and let's put them to work on this project. Again, Mr. Speaker, I ask that your leadership run this bill and let's get to work and help southern West Virginia. Thank you, ladies and gentlemen.

**BOONE COUNTY  
COAL MINING LAYOFFS**

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REMARKS

of

**HON. J. NELSON**

*January 26, 2016*

DELEGATE J. NELSON. Thank you, Mr. Speaker, members of the legislature. Yesterday down in my district, in particular where my father works, about a little over 800 coal miners were given a WARN notice that they have 60 days, that if something doesn't change that they are going to be laid off. Eight hundred fifty...that is a huge, huge amount of taxpayers that are wondering how they are going to put food on the table, how they are going to make ends meet. That is a huge burden on everybody. We are going to have to figure out how to make up for the loss in tax revenue because of that. I think that this makes the third or fourth layoff, I am starting to lose count, for my dad in the past four years. It is almost like clockwork and it is getting to the point that people are not even surprised anymore when they get these notices. It is just

becoming a common thing that, well, I got another layoff notice today. When I went underground to work in the mines I had a college degree and my wife was pregnant with my son Elijah and the mines was paying good money, a lot more than I could make with my degree, and I went underground for opportunity. When I went underground, I didn't know if I was going to stay there forever but it was a really good job and it opened a lot of doors for me. Back when I first went underground, if you could show up and pass a drug test and you would show up to work, you had a job. You cannot convince me that four years, five years later, that it is just complete and total free market that drug our coal industry down into oblivion. You cannot tell me that just four years later we can go from that amount of employment to nothing. How much money a year do we give out in foreign aid to other countries? And now that southern Appalachia, in particular southern West Virginia, is struggling, the Federal Government comes in to our state, just a few weeks ago, and says, "Hey, maybe there is \$140 million of aid coming" and then a few weeks later, "Just kidding, you are not getting anything."

The people where I am from, as far back as I can remember, have provided a means to power the entire country and now that the agenda has changed ... we are turning into a third world country ourselves. Maybe we should be the ones requesting foreign aid. From this floor of this legislature, I am going to call out our congressional delegation ... every single one of them. They have the power of the purse. They can give us fair regulation. They can cut the budget until they give us fair regulation, but they just haven't done it. Politically, I understand that is not very expedient, not very popular anywhere else besides Appalachia, where we are feeling it. I have served with some of the best and brightest all over the world. Some of the brightest people in the world, pilots....And they have asked me why do you care about this resource...because they are from California, they are from other places and all they hear is the rhetoric. They don't hear about the people, the human side of the coal industry, about what is happening here in southern West Virginia. We are turning into a third world country. You know something else? This body can do more. We have done a lot over the past two years. We have repealed cap and trade. We have ran H. B. 2004 saying that compliance with clean power plant is going to be

our responsibility. We are going to have some say in it. But there is a thing called the Tenth Amendment. There is a thing in the Constitution saying any power not specifically given to the Federal Government is left to us and we could run that legislation. Yeah, it would probably go to the courts, but when I look at my dad, when I look at everybody else around, to me it is worth it. I don't mind getting beat in a fight and I am not scared to fight anybody. What I don't like doing is fighting with my hands tied behind my back and that is what has happened to the coal miners down where we are from. There is no free market in that. Give us a fair shot. We are going to continue powering this country. Work with us. I don't know that this video would even get to them, but, Mr. President, if you happen to see it, I will take you around. I will show you all of southern West Virginia. I will go with you if you want to see it first-hand what it is causing. Thank you for your time.

#### DECLINE OF COAL PRODUCTION

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REMARKS  
of  
MEMBERS  
*January 26, 2016*

DELEGATE R. SMITH. Thank you, Mr. Speaker. This also is in regards to what happened yesterday. There was 871 coal miners yesterday, like my colleague said, from Raleigh and Boone County received their WARN notices. Those mines produced 2.6 million tons of coal last year. Today is January 26 of 2016 and since January 1 of 2016 we are just talking not even a month yet, 26 days, 125 coal miners in Ohio County, 125 coal miners in Marshall County, 107 coal miners in Harrison County, 82 miners in Marion County, 106 miners in Mon County, 80 miners in Logan County, 146 coal miners in Kanawha County, 508 coal miners in Raleigh County, 363 coal miners in Boone County and 250 miners in Wyoming County in 26 days. That is almost 2000 coal miners in 26 days has lost their job. I agree, a lot of it we can't do anything about. It is the leadership we have in our country right now that has declared war. I know a lot of people say it is not a war, trickle-down economics or whatever, but I don't care what you say, it is a war. What I am saying, if this was a gambling industry, if we was talking slot machines, dog tracks, horse racing, we would be screaming bloody murder. We would be coming up with bills to try to help

the state with or to help these people with this industry. Basically, we are not doing anything but feeling sorry. We are not talking one or two counties. There is no doubt that southern West Virginia has been hit the hardest. I mean if we go through the whole year, we are talking thousands of jobs. I think in the last four years is around 13,000 jobs. There is going to be a lot of talk you know. West Virginia has 5% severance tax, the highest in the country. We are in a budget crisis. We are probably not going to be able to do a whole lot about that, but the one thing that is coming up is the 56 cents a ton Workers' Comp severance tax that we put on the coal industry, which does not go to the general fund. This was a deal made with your coal companies and everybody says, "Big greedy coal companies." Guys...members, it is not about the coal companies. These are individuals. These are workers. These are people that's losing their jobs. It is paying state income tax. It is buying gasoline, buying groceries. They need our help.

I am fortunate. I am going on my 37th year as a coal miner and I am still working. How much longer? I don't know, none of us know, but all I ask is, when it comes time to repeal this 56 cents ton on coal, once the Workers' Comp is paid off, let's not...I know what is going to happen...it is a political year ... let's give it to the senior citizens, let's give it to the veterans, let's give it to this group, that group. We are going to play political road. It happens every year, every election year. All I ask is, when we think about this, there's bills out there to take care of this. Is it going to save the coal industry? No, it is not going to save it. Is it going to help people work, keep their jobs? It could very easily because in this, today's market, contracts are lost to out-of-state companies for 10-15 cents a ton, 20 cents a ton, sometimes even five cents a ton. We are at a disadvantage to start out with and like I said there is not a whole lot we can do about that, but this is one thing we can do to give our coal industry just a little bit of relief and I am not talking to give the coal companies relief, I am talking to give our fellow coal miners some relief. If this helps, we have got to do it. Like I said, I feel, I would like for everyone to keep these people in their prayers because they have families and it is not something, there's not people that is asking for a whole lot, just an opportunity to work for a living, raise their families. You know most of them don't even want to get involved in politics. Whether they realize it or not, they are involved in politics a whole lot more than what they

realize. So, I just ask, as a body, we do what is right and try to give them some sort of relief before it is too late because once it is gone...You know we talked about this last year and we begged last year about the 56 cents a ton. Could it have saved these jobs? More than likely it would have saved some of them because it would have made us compatible, competitive with our bidding on...because we are bidding with contracts from the Illinois basin that has no severance tax. Pennsylvania has no severance tax. It is a global market and I am telling you we are putting our coal miners in this state at a huge disadvantage at a time when our industry is in dire straits. Thank you, Mr. Speaker.

DELEGATE ARVON. Thank you, Mr. Speaker. Josh, I appreciate you standing up. I believe most of the miners laid off yesterday...I think almost 100 were in Josh and my districts, all up and down Coal River, and my heart just breaks. My heart breaks for the miners, their families, but it breaks for our communities. I live in Beckley. My husband is a physician and we are struggling. This is a trickle-down effect to everyone. This doesn't just affect just the miners and their families. It affects every business in Coal River, every business in Beckley, every doctor, every lawyer, every small business owner. We have already seen slow business. People don't have money to come to the doctor. They don't have money to go to the store. They don't have money to hire an attorney if they need it. This is going to affect every single person in our state and we are in crisis mode, truly in crisis mode. I wake up every morning praying for something ... something new to come into our area. We need to fight for coal. We need to fight for other jobs to come in to the state and we need to do it quickly. We do have a bill along the lines of something Josh was mentioning, H. B. 2119 Intrastate Coal and Use Act, which uses the Tenth Amendment to put our miners back to work, so that is in the system. I would encourage everyone to take a look at that bill and maybe get on board with that. This is the time to do bold things for our state and for our people. We are going to continue to lose population. All on my Facebook last night, all I saw was people talking about moving. We are going to continue losing more and more population which is going to hurt us financially more and more. So, we are in crisis mode. We have got to do something. We have got to do something now and I'm on board to do that. Thank you, Mr. Speaker.

**PASSAGE OF H. B. 4005**

**REMARKS  
of  
MEMBERS**

*January 27, 2016*

DELEGATE HOUSEHOLDER. Thank you, Mr. Speaker. Ladies and gentlemen, the passage of this bill is doing the right thing for the West Virginia taxpayer. Today you may hear emotional arguments for this bill, but every one of these arguments are false. This past summer we went about three months without a prevailing wage rate and guess what? None of the opponent's arguments came true. All of these arguments are trying to convince you to have doubt that what you are doing is right. I'm here to tell you that you are doing the right thing for the West Virginia taxpayer. This bill will save the taxpayers money by allowing competition to exist with a market wage and not a mandated wage. This bill will allow more state construction projects, more schools to be built and more water and sewer plants and, of course, more workers employed. It will allow more money to be funneled into education, health, social service and public safety programs, but most of all this bill treats the taxpayer fairly and it does what they have been asking us to do, spend their hard earned money wisely. You see, today is a day of redemption for the taxpayer. No longer will our taxpayers be held hostage by big labor. No longer will our West Virginia taxpayers have to pay for an artificial wage rate set by unelected government bureaucrats who cater to big labor. You see, today is that day that you will decide to stand for the taxpayer or to stand with the union bosses. Now, I hope all of you here today are as committed as I am to making sure the taxpayer's hard-earned money is spent wisely. The voters are demanding bold action and the taxpayers are asking you to stop this war on the taxpayer. Every dollar spent by state government is one that comes from the pocket of the taxpayer. Under this new leadership in the West Virginia House and Senate, we are going to be good stewards of the taxpayer's hard-earned money. Let's give the taxpayer a reason to celebrate today, and I urge your support for this repeal bill.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. I honestly thank you today for allowing what could be a lengthy debate on the passage of

this repeal bill. Some of us who serve on your Committee on Government Organization, due to some confusion of when the bill was moved, either way, no matter what the cause was, debate was cut short on that committee and a few of us I'm sure have a few things that we would like to add to the debate on this repeal, but, first, I just want to take a moment to remind everyone how we got to this point. How we arrived here today to possibly repeal the prevailing wage law in West Virginia. I guess an alternate title could be how we spent our summer vacation or what we did during interim meetings. Last year when this very same legislation, a total repeal to prevailing wage, was introduced, we made the wise choice, what I feel was the wise choice, to take a step back, and we agreed to a compromise before we acted rashly and rushed in to a poorly planned policy to pick the pockets of the folks who built our schools, folks that built our bridges, folks that built a beautiful ball park in the district that I represent, folks that are currently working or remodeling our Civic Center here in Charleston. Before we take money from them, we agreed to step back and we agreed to a compromise. Now, personally, I voted against the compromise. I didn't like it. I am guessing a few of the folks that voted for the compromise, now, they don't like it and that's why we are here today talking about repealing it. So, in my opinion, when both parties walk away from a compromise they don't really like it, not really feeling that they got what they want, that usually means it is a pretty good compromise. I didn't like it, you didn't like it, but we are not agreeing to it today. We charge WorkForce West Virginia. It was WorkForce West Virginia that we charged with the task of calculating a new prevailing wage and they did their job. They sent out 4,998 surveys. They received 3,722 of them back from employers, that is over 70%, to compile the information that they were asked to compile. They also factored in numbers from the Bureau of Labor Statistics that included information on residential jobs that obviously pay less. So, when they came back and reported their findings and some of us didn't like the outcome, then they were then awarded for their effort by being referred to as the Communist Politburo on statewide radio by the Majority Leader in the Senate and, on our behalf, emails were then subpoenaed in effort to discredit those that calculated the wage. Basically because we didn't like the message we attacked the messenger. I want to know, did the subpoena for those emails yield? What did we find out? What was in the emails that were subpoenaed?

Absolutely nothing, or we would have heard about it. There was no there, there. There was no smoking gun. There was no communication. They weren't working on behalf of union bosses. They are simply numbers people who did their job. We didn't like the result that we got, so now we are going to go back on our deal. So, here we are now. We are backing out of a compromise just a few months after it actually went into effect before we can even determine, before we can determine how well or how much it will actually save the taxpayers before we wipe out the tax base that is joining us today in this gallery. That is the way I see it. Like the gentleman from Marion stated earlier, these are taxpayers too.

Yesterday I heard impassioned remarks from my colleagues in regards to possible layoffs, 850 layoffs possibly in the southern coal fields of West Virginia. I applaud those members for pouring out their heart and speaking so well for working people whose voices often fall on deaf ears in this building, and they are absolutely correct. When working people don't get to work and when they stop taking home a paycheck, the whole state suffers. When working people have less money, they spend less money and it has a ripple effect across the entire state. That is less people shopping in our stores. That is less people that could eat at our restaurants, less people buying cars. That hurts taxpayers because they are taxpayers, too and, yes, that is Keynesian economics. When less people have money, less people can spend money and it hurts everybody. So, should we continue to double down on our misery here in West Virginia until we run every working West Virginian out of the state? I urge rejection of this complete repeal and I am not going to take up too much of your time, too much more of your time, but we all got these letters. I got stacks and stacks of letters urging us not to act on this repeal. I am going to read one because I believe you got these letters, too, and I hope you took the time to read them. This is from Mr. Chuck Moore, is the Vice President of BBL Carlton, "As a business owner I am writing to ask you to carefully consider the negative effect repeal of our state prevailing wage law would have on companies like mine. Our company works hard to provide a cost-effective service to our customers, but bidding public projects is especially challenging. Without the prevailing wage law, we will find it much harder to compete than on private work. That is because on public work our reputation for doing quality work on time and with a budget really counts for nothing.

Our competitors will not come from this area but from outside the region and likely import their workers, contractors and supplies. All we ask is a level playing field to compete on. Instead of savings, we believe there will be great losses to our state in both taxes and lost wages. Businesses like ours will find it hard to get contracts while our competitors from outside the region who rely on low wage and perhaps illegal labor will get the jobs. You will be sending our tax dollars out of the state for no savings. That is not a very good deal. Before you make drastic changes that would hurt my business and our state, I urge you to consider the many local suppliers and vendors a company like ours uses and the impact we have on the local economy.” That is from the vice president of BBL Carlton. I believe that is the contractor who is doing the work currently on the Civic Center here in Charleston. I am not going to read every one of these letters. I would like to. I have read all these letters. I am not going to read them to you. Like I said, I hope that each and every one of us has taken the time to look over these letters. A lot of them come from workers who live in the district that I represent. A lot of them come from contractors. Most of them come from business owners, some from union contractors, some from non-union contractors, some might be from Democrats. A lot of them are probably from Republicans. Some of them are from my district. Most of them are from your districts. I urge you that we stick to the compromise and vote no against the repeal of prevailing wage.

DELEGATE MANCHIN. Thank you, Mr. Speaker. This is certainly a sad day in this chamber and for the State of West Virginia because, in my opinion, this is a continuation of the war on working families that began in this chamber last year. I am not going to talk today about the weakening of safety laws that occurred. I am not going to talk about taking away people’s access to courts. I am not going to talk about encouraging employers to ignore safety regulations passed by the government. I am just going to talk today about the effect on our middle class because to me the most important thing that has been going on in this country and in this state over the last decade or twenty years is the disintegration of the working middle class. So, I want to step back just as my colleague from the 37th did and go a little further, maybe backwards, because I have been here a little longer than he has. I used to sit over on that side in the majority over there and we heard consistently year after

year about how the computation of prevailing was all wrong. How it was way out of whack. Everything was absolutely wrong. In committee meetings we brought in the Department of Labor Secretary and we would ask him, well how did you compute this? ... and, “Well, we send out these surveys and this is the information that we get back from all the contractors.” Yep, the other side, in the minority. That can’t be right. It’s all wrong. It’s all wrong. So, last year the minority became the majority and what did they do? They started out they want a repeal. Well then they decided, well, we will at least have a study on prevailing wage and guess what? In this study they kicked out all the collective bargaining agreements, which they claimed was what skewed all the results. Well, those were all kicked out. They hired other people to do it. They didn’t let the Department of Labor do it this time and guess what? They found out prevailing wage was right about what the prevailing wage had been. A few of them were a little higher in areas. A few of them were a little lower in areas. That is what the results were of that study. At the same time course, they attempted to do some study, I guess. I think what’s been made clear by the Minority Leader, is that they did not actually study the effects on those contracts under \$500,000, which they perhaps claim millions of dollars were saved on. Obviously, that data was never presented but they did compare a few other projects and when you took out the soft costs and you took out the excavation costs, which vary from project to project and you looked solely at square footage cost, there was maybe \$1.60 difference on \$160 some dollars per square foot, less than 1% difference, at best. Now, if you looked at the other studies that we have been provided with and you compare us as a state in our public building projects such as elementary schools, secondary schools and universities and you compare that to non-prevailing wage states such as Virginia and North Carolina, the studies actually show that our costs are less than or at least not significantly different than those states. So, you know the benefits, I mean, we are talking about a bill here...the sole object behind this bill is that working people in the State of West Virginia are being paid too much for their work and therefore and that means that we are paying too much. Well, there is no evidence that we are paying too much. There is no evidence that they are being paid too much and yet we are continuing on this course this year to repeal this bill. I have trouble understanding when we have the letters from our local contractors that my

good friend from the 37th showed us and all of us have received those, when we have our working people who are here in this state, when we have evidence before us that this will drive down wages but won't reduce cost of projects. When we have evidence before us that there is a 50% greater likelihood that somebody is going to be killed on a public works project than after we pass this bill, we still continue to proceed forward with this bill. The only thing that I can figure out is that, if the wages go down and the cost is the same, somebody else is just making bigger profit. Well, it isn't the working people. It is not working West Virginians who are making that bigger profit. I urge you to vote against this bill. I know that this bill is going to pass. I can only look forward to the day perhaps when I can return to this chamber and we can reinstate this bill.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. I rise in opposition to this bill and the reasons why. I have many reasons why, but I am a little bit perplexed because I think all of us here, every time we go out and we talk to people, we want to bring high paying jobs to West Virginia. We don't want people to have to feel like they have to work at a fast food place or they have to work at Walmart, but we want to have high paying jobs that is going to attract people to want to come to our state. So, I am a little confused why we are taking money away from people who have a decent wage of being paid. If every one of us, all 100 members of us here in this House, if someone came up to you and said I am going to pass a bill or I am passing a policy where you work and as of six months from now you are getting a 20-40% pay cut, and we are just doing that because you know what? We don't think you're very valuable right now. We think that you are only worth X amount of dollars, and you know I challenge a lot of us. You know we have people that entertain us that make millions of dollars every single year. So, we think people who entertain us are way more valuable than the people who are out keeping our state, building our schools and keeping our economy going. I have a really hard problem with that and I would ask that you think of the people who are in your neighborhood, think of the people who have built this country, who have built this state, and to think about how many people will be losing their houses? Are we going to get ready for that data or are we not going to collect that data? How many people are going to lose their house? How many people are probably, maybe going to lose a vehicle? How many of their kids are going to go

and do without? How many may not be able to go to college because guess what? Mom or dad or both are now going to be making 20, 30, 40% less money? I just really have a hard time with it because we really want to create jobs that are high-paying in West Virginia, but today we are going to take away jobs that are a decent wage. I have a hard time with that. I will not support this.

DELEGATE DEEM. Dear Mr. Speaker, would the gentleman from Mineral yield for a question? I mentioned the other day how this thing evolved. First of all, the Labor Commissioner with advice of working people set a standard for wages being paid throughout the state and in the Wikipedia, the encyclopedia's Internet dictionary, in there, it defines prevailing wage as union wage. I don't know if that is true or not, but that is the way it is, if you looked it up. Now I understand then that the legislature passed an Act defining who was going to get the data, taking it out from under the Labor Commissioner's jurisdiction and giving it to Marshall and WVU business schools to come up with a reasonable number. Well, they came up with the same numbers we had. It still was union wages, so they threw it back to them again and they came back with the same thing. Now why are these people wanting to do another study when you know it will be just like it is now? Am I correct in that analogy that the Labor Commissioner now has full jurisdiction over setting prevailing wage?

DELEGATE HOWELL. No sir the WorkForce West Virginia has that jurisdiction now.

DELEGATE DEEM. Well, it was the Labor Commissioner.

DELEGATE HOWELL. It was, correct.

DELEGATE DEEM. Do you think that this bill will, if it is passed, necessarily cut wages?

DELEGATE HOWELL. No, sir.

DELEGATE DEEM. I agree with you. You know what, I guess the most important thing, next to my wife, is a job. You know there really...if you don't have a job you don't have anything and we are not here talking about union wages. We are talking about a job and there are a lot of...there are a lot of people would do anything to have a job and they are not going to

be complacent about not going to work. They want to work and they want a job and I take there is nothing more, I will say again, nothing more important to a man or a woman than having a job and that is what this is all about. Thank you.

DELEGATE GUTHRIE. Thank you, Mr. Speaker. Ladies and gentlemen, I can't support this bill either. We walked in here this year, \$120 million in debt on PEIA payments that we can't make. We walked in here, \$350 million in the red on General Revenue. We walked in here with our investment portfolio being about 5% lighter than it was last year and we are talking about taking money out of the pockets of hard working union laborers for why? Why would you? Everyone said it, probably said it better than I can say it. Yesterday we heard heart-wrenching, heart-felt testimony and remarks from the Lady from the District 31, the Gentleman from the 23rd, the Gentleman from the 53rd about WARN notices and how many coal jobs we are losing. Now I share that concern. Kanawha County, or at least the part of Kanawha County that I represent, does an awful lot of coal mining, and the folks that I represent are worried every single day about a WARN notice. And so, I ask you, does it make any common sense to repeal a law that we don't need to repeal, that is going to reduce wages for other West Virginians in a time when we have economic difficulties that we need to be addressing? We are missing the point here. The point is, we need to be dealing with problems that we have got, not the problems that you want to correct because you don't like unions. That is what this is all about. The Gentleman from the 64th said it best, "union bosses," if I hear that one more time, "union bosses", that is called contempt prior to investigation. Unions made this country a middle class that could afford to buy homes with people that could go to college and now all of a sudden that's somehow not popular. Let's pile on. We've got coal miners that are worried about losing their jobs and now we are talking to the union trade people and we are saying we are going to cut your salary, too. Who do you think is going to be left in West Virginia when we get through with them? When you get through with them? So, you go back to Raleigh, to Boone, go back to your counties and you look your contractors in the eye and say, "I piled on today. I voted against you. I voted against you because I don't think you are worth it." We've got real problems that we need to solve. Financial structures that have got to be resolved, and you are telling these taxpayers their tax dollars aren't

good enough. You want them to share the pain. These are wages that are set, that we can depend on just like we can depend on the federal salaries of the workers at the FBI or any other government facility, and you want to take that away? Why? Why? These people have families. Just like you have a family, and if somebody walked up to you and said they were going to cut your salary by 20%, do you expect that the galleries would be empty? Do you? This is one of the saddest days I have ever spent in this chamber. I think every one of us should really reconsider and defeat this bill because if you don't defeat this bill you are saying that the people up there are not good enough, they are not bright enough, and their value is of no concern to you. Thank you.

DELEGATE IHLE. Thank you Mr. Speaker. You know I think it's real easy for all of us to come down here and get caught up in the theatrics of all the things that go on. Speaking only for myself, you know that temptation is certainly there, but that is not why I am here. I got a reminder of that this past weekend in Ravenswood. We had a power outage and I had to travel a few miles to pick up some supplies. When I got out of my car I was immediately met by a few acquaintances who wanted very much to discuss my position on this bill along with some others. They wanted to know, why do you want to cut our wages? Why do you want to do this? So, we had a long discussion, a very heated discussion about why each of us felt the way we did about this bill. Although neither of us was moved from our positions, we both came to a better understanding of each other. Strangely enough, as I prepared to head out, I get in my car and my battery is dead and so guess who I turned to, to help me out of a jam, but the people I just had this heated discussion with. So, I reflected upon that a lot after the fact, and I thought, would I go to Charleston to cut the wages of the people who helped me out of a jam, the people who live in my town and community and work there? Would I go do that? No, I would not. I don't believe at all that is what I am doing. I don't believe that a bit. I believe that, with my vote today, I am representing working people, because all of us who work are taxpayers. In our discussion I was asked, why is it that you feel you have the expertise? Have you ever worked a day in construction? No I haven't. I am a guy in a suit, but I am a taxpayer. And so I do have an interest in this bill just like all of us do, just like all taxpayers, just like the guests in the gallery,



just like those listening at home, just like those working their regular job today. The fact is that every dollar that we spend here at the state government comes from my pocket, the pockets of the folks in the gallery, the pockets of all workers and so, it is our duty here to represent all of them in the best, most efficient way that we can, and the fact remains that this bill applies only to one industry. That is the construction industry, and within that industry it applies only to those paid for with public funds. I have already heard a really good explanation of why we are broke and I agree, we are. That is why we have to look under every rock to do what we can to do right by the taxpayers, all taxpayers, and do I think this is going to be a cure-all that is going to solve all our problems? No, but it is one log in the fire that we have got to try. I was discussing today with some folks from a couple of the unions about the bill and listening to their position, sharing my perspective. The comment was made to me that you can't get any lower than a rat and I agree we can't, but that is where we are right now as a state, both in terms of our budget and in terms of our economy. So, we do have to act and we do have to act with urgency and we do need to act now.

Another point that was made, you know, and it has been made all throughout this process, workers from out of state or immigrants or illegal immigrants. I wasn't here when this body passed the West Virginia Jobs Act, but I know about it a little bit. I am far from an expert. I can read. I do know that for our construction projects over \$500,000 the companies have the 75% local workers. That doesn't go away with us passing this bill. That is still there. Another fact we have heard about the letters today and even though I am going to be honest with you, the other side of most of those letters, I did read them, because I feel that's my job. It is my job to read. It is my job to listen. It is my job to consider every point of view that is presented to me and use that information along with my best reasoning to come to my decision. One thing I noticed in those letters is that I did not get one letter from someone out of state asking me to support the repeal of the prevailing wage. And I would think that if folks were wanting to come from out of state to come in here and take our jobs that certainly, at least one of them, would be bothering to lobby me to vote for the bill so they could have what they wanted, but they didn't. In fact, I did get a few letters from folks out of state who opposed to repeal the prevailing wage. So, I

want to keep that in mind too. Another concern I have heard is, you know, if we...can't go by the free market principles that apply in every other industry because we have the competitive bidding laws in this state and the assumption is that that's going to drive down prices and wages because we take the lowest bid. Well, if any of the folks have any concerns about our competitive bidding laws in this state, I will sit down with any who care and take a look at those and see where we can find agreement.

Now, I am just one guy. I am not a powerful guy. I am not a committee chair, but I am willing to have that conversation. I have not heard anything about that. All I have heard is "no." Now we are desperate. We are broke. "No" is not good enough. We have to have solutions. I have repeated many times and I am sure made you all sick, my other job I am a mayor, at least for a few more months, and in that gig it's all on your shoulders. You have to have solutions. That is what we do, and whether it be our mayors, our county commissions, you know, your water plants, your sewer plants, all across the state they are impacted by this bill, too. So, the amount of work that our mayors, our county commissions will be able to do will be increased if we pass this bill. But you know what? At the same time, I don't want to take away the rights of my fellow mayor, another colleague, to decide what's best for their community. So my understanding of this bill is that, if those folks decide that they want to pay the prevailing wage, they can do that. We don't take that away. That authority is still there.

One other thing I have heard is that even some conservative Republicans who are in the business oppose the repeal of prevailing wage and so, how radical must we be if this is what we want to do? Well, I would say in a lot of cases those folks have a vested interest in keeping their business protected because the prevailing wage bill is not just about wages, at least not for me. It is about the regulatory burden that comes with it and that adds cost to a businessman. Now a big business, a big contractor, they have got people, regular staff that they can vote to the regulatory tasks of the paperwork and the things that come along with complying with prevailing wage requirements. The small guy doesn't have that luxury. Just trying to make do, make do with lower overhead, doesn't have that luxury. So, actually in many of those cases, including some conservative Republicans, it is possible that it is in their interest for us to keep prevailing wage

because it discourages competition. We need to make sure everyone has a chance at projects offered by the government. We shouldn't discriminate, and by repealing prevailing wage we are actually opening that up to more who are interested. So, if I could sum up this all in one thing, it is about the taxpayer. It is about all workers, and if we are here for working people we will make the best, most responsible decision for the wages paid and the money taken out from the paychecks of all workers, and we can only be responsible to all of them if we adopt the same free market principles that apply in literally every other industry. So, for all of those reasons, I encourage support of the bill. Thank you.

DELEGATE CAPUTO. Thank you, Mr. Speaker. You know this is probably one of the saddest days of my 20-year career here as well. As the gentlelady from Kanawha eluded to, I never thought I would see the day that we would be debating an issue that is going to take money out of the pockets of working West Virginians. The Gentleman from the 64th said we can't act on emotion. Don't believe the emotions that you are hearing. When someone is trying to take your livelihood and reduce your standard of living, it is hard not to act on emotion. He talked about the labor bosses. Well, maybe he is referring to me because I have devoted my entire life to working for the men and women in the United Mine Workers of America, but this debate is not about me. It is not about international presidents of labor unions. It is about the people in these galleries. It is about the people in your neighborhoods. When I look around today, I see West Virginia. I see people that I am proud to call my friends, my neighbors, my brothers and sisters. I see common folk, Mr. Speaker, common folk who work hard every day. I see Boy Scout leaders and Girl Scout leaders. I see Little League coaches. I see Midget Football coaches. I see leaders of their churches. I see volunteers of our communities. I see West Virginians who come down here today to take part in the process because they are concerned about what is going to happen to their livelihood. I see people who just want a better life for their children. They want to have healthcare for. They want to educate them. They want a nice house with a picket fence. They don't need fancy homes, fancy boats, fancy cars. They work every day to provide for their families. How can it not be emotional? They want to stay in West Virginia. They want their kids to stay in West Virginia, but today we are

going to take a vote that could take money from their pockets to change their way of life.

You know I find it kind of funny, I walk through the halls of this grand Capitol today and I seen what appeared to be increased security. I assure you, ladies and gentlemen, you are as safe here today as you are in your living room. These are the greatest people West Virginia has to offer. We don't need Capitol security guarding the doors and roaming the halls like these are thugs. They are West Virginians. They are West Virginians. They care about their community and they care about their state. This thing has been fast tracked like any bill I have seen in 20 years, unlike any bill I have seen in 20 years and I just don't know how we can move so quickly on something that is going to affect so many. The minority party tried to slow this down, yes we did, because we want facts. We want numbers that no one has ever been able to provide to us that says this is going to save West Virginia money. Now, I heard someone over there, I think it was the chairman, saying he don't think it will affect your wages. Well, what else is it going to affect? It don't talk about building materials. It don't talk about site preparation. It don't talk about heavy equipment costs. It talks about your wages. So, if we are going to save the taxpayer money, it is going to be through reducing your wages and anybody that thinks anything different must live in a cave because that is who it affects. Now I know what some of my friends across the aisle are saying, "There's Caputo tooting his labor horn again." "Always there for the unions." I am not ashamed of that. I am not ashamed of taking care of the working men and women of this great state. But I also want to tell you, in my 20-year career here, I have cast thousands of votes for business, thousands of votes for business when leaders of the business community came here and said we got to have this; we got to have that. Some of the things I didn't like, but I did them. Some of the things I voted against cause I felt strongly one way or another, but if someone wants to accuse me of being anti-business, I suggest you check the thousands of votes I have cast in the last 20 years. Now I am not going to roll over to every demand every time they run in here and say this will open the door for West Virginia; jobs will rush in. Well, I have been waiting 20 years and I haven't seen the door open yet, so obviously a lot of those things haven't worked. But what I do know, what I do know in this debate, I have received literally hundreds of emails, hundreds of

handwritten letters. Many, many phone calls from businesses, businesses across this state who are very concerned, who think that this will impact them greatly. There was an ad in the Gazette and it says repeal is a real bad deal and I don't see no labor bosses on this ad. I don't see no unions on this ad. I see a lot of companies that has been doing business in West Virginia for a long, long time. They are concerned. I have never seen a piece of legislation that businesses dislike so bad, that we ran in 20 years, I have never seen that. I don't know what is driving this train. Businesses hate it. Workers hate it. Who likes it? Who is it going to benefit? It is a question you have to answer for yourself. But you know we all campaigned a year or so ago and we knocked on doors and we gave speeches and were at the bean dinners. We all said one thing, regardless of what party we are from, we want to make life better for West Virginia. We want to make life better for you and your family. I bet you not one of us said vote for me cause I want to go to Charleston to cut your wages. Vote for me because I want you to have a way of life that is less than you have now. Not one of us said that. Now my question is, when we go out on the campaign trail this year, what are we going to say? We will say, I want you to send me back to Charleston. But what did you do for me? Well I cut your wages. Well why would I send you back to Charleston if you cut my wages? Well send me back so I can cut them some more. I mean it is insane. Not one of us ever said anything about lowering your standard of living on a campaign trail, we only talked about raising it. But today we are going to cast a vote to decide what that is going to be. You know, I look up in these galleries and I see quality craftsmen and craftswomen. The best in the business. Skilled, trained, drug-free, the best in the business. We should be proud to help them. We shouldn't be sitting here trying to hurt them. We should be trying to help them. They are concerned about out-of-state companies coming into this state making low-ball bids on projects on schools that we are going to be sending our kids to and them losing their livelihoods and maybe their company is going out of business. That is why they are here. Ladies and gentlemen, this is what democracy looks like. This is what democracy looks like. We are here to represent the people of West Virginia and make a better way of life for them. I urge a strong no, a strong no on this repeal, and I said before and I am going to say it again, I came to the legislature to try to raise all boats not just the yachts. Vote no, ladies and gentlemen.

DELEGATE SKINNER. Thank you, Mr. Speaker. I rise in opposition. I noticed at the beginning, and I look at the gentleman from Marion because he called it like it is, that we don't have pithy title for this bill. There is no freedom, etcetera, etcetera, that was able to be inserted, but I have a suggestion, call it the Paycheck Reduction Act of 2016, the Paycheck Reduction Act of 2016, and the gentleman from Berkeley suggests that the credit should be given to the leadership for it. I will leave that to him. The gentleman from Berkeley suggested that not one argument today would be true. The one thing that we know that will happen is that wages will be reduced in West Virginia. We know that. Now for someone to suggest otherwise, they must have a study that hasn't been shared. A year ago, a year ago if you can remember, I asked the gentleman from Mineral what were the studies in Gov. Org. that suggested this was a good idea? Where was the data? What was going to happen? The answer was we didn't look at any. Here we are a year later and the only thing that we really know is that wages are going to be reduced. There is a fundamental issue here that we are not really talking about. That is political agenda versus morality. We are talking about the State of West Virginia effectively as an employer. The people who work for West Virginia, what kind of wages do we want to pay them? Right? I am a small business owner. I write paychecks. I go through these thoughts about what does it take to retain qualified people in my business? How much do they need to be paid? How much should they get bonuses? What kind of benefits they should get? I don't think it is wrong for us in West Virginia to say that the people who work for us can actually make a wage that puts them in the middle class. It is hard enough. I don't think that we should consider that the people who are working for us should get paid the least. You should be able to have a decent life and that is the morality of this that we are deciding, that the people who work for us are the people who should get paid the least. Well let me tell you about the free market. Last year we did a little car dealer bill and we set some rates for the car dealers. We got in there and said the State of West Virginia thinks it is so important that car dealers must make so much money that we are going to tell you what the mark-up has to be on warranty work. Huh...that is kind of like a prevailing wage for car dealers. So, let me tell you, if you want a good deal, guys and ladies, be a car dealer in West Virginia because we will be there for you. But if you want to work in the

road, if you want to get up and sweat through the hot summer sun, if you want to be out there in the freezing temperatures you are on your own.

DELEGATE PETHTEL. Thank you very much, Mr. Speaker. I rise in opposition to House Bill 4005 for several reasons on a personal level. I was a teacher for 40 years and I was very active in the education association. I am going to put all of those personal reasons aside today and tell you that the main reason that I am speaking in opposition to this bill today is that I know of very few people in the Fifth District, which I am so privileged to represent, who really want this bill. I know that my base of support for 24 years, the people that have helped elect me twelve times, labor and education employees, do not want this bill. I know that the contractors, who do business in the Fifth District, don't want this bill. I know that the small businesses in the towns that I represent don't want this bill because those business people want their customers, which are made up of both union and non-union customers, to make as much money as they can and have a high standard of living because that is good for everyone. I also believe that having a prevailing wage levels the playing field for all contractors. Some people have actually stopped me on the street and said, "Are they going to pass repealing the prevailing wage?" Then they say, "Are they going to pass Right to Work?" I tell them yes, but not on my vote. Then they say, "Why do they want to do that?" I said because they have the majority and they have the right to set the agenda and then sometimes they say, "Well you know what does that mean?" and I said, "Well, it is all about elections and there are rewards and consequences" and then I explain to them what that means, but I won't go into that here today, but I know, ladies and gentlemen, that way over 90% of the people who have actually contacted me from the Fifth District are opposed to this bill and I feel in order for me to represent them properly and represent my constituents I must vote and I will vote against this bill.

DELEGATE MILEY. Thank you, Mr. Speaker. It is very difficult to go this late in the game and not repeat what some of my colleagues already said. That is not my nature and I will try to avoid that as much as I can, but one thing I haven't heard mentioned is the history what amounts to the prevailing wage at the federal level. It is called the Davis-Bacon Act. Davis-Bacon were a House of Representative member

and a U.S. Senator, both of whom were Republican, and the president who signed that bill into law was Herbert Hoover, a Republican. The purpose of that law was to protect local workers because we were in the middle of a depression and everyone was scrambling for work, and if you didn't put some controls on the wages there would be a rush to the bottom of workers from other areas coming into your community and being willing to work for pennies, and as a matter of policy, they decided we want to prop up our local workers, and then many states passed that because many states I believe have the same attitude of a desire to protect their local workers and, to date, it has done a good job of that. I don't quite understand why we want to come here and vote to eliminate a wage that is the prevailing wage in the local economy and claim that we are going to save the taxpayers money, because the only way we are going to save the taxpayers money is if we reduce their wages, because that is the only factor in these contracts or projects that can be manipulated. It is the rate of wages. Materials aren't going to be manipulated, nothing significant, anyway. I mean, you are not going to bring in truckloads and truckloads of blocks and timber and wood from multiple states away. The one factor that could be manipulated the most is the rate of wages and that is the risk of what eliminating prevailing wage will do and there is a high risk of that occurring.

I am a little bit surprised that we have gone back and forth here from various comments that we are committed to saving taxpayer money and at the same time it won't reduce wages. I think the delegate from Jefferson brought it up. I don't know where else the savings can come. So at least let's have the honest argument and discussion about where those savings are going to come. They are going to come from wages or there is not going to be any savings, and then you can't go back home and tell the taxpayers that we saved them any money. The erosion of those wages, I would suggest to you, won't happen overnight. We may not even see them six months from now, maybe not even a year from now or two years from now. But the reason contractors as well as employees who work on these projects are opposed to this bill is because it is only a matter of time before contractors from outside the state, who have employees who are willing to work for minimal wages, will come in and start bidding on these projects. Let me explain why you can expect that to happen, and everyone

wants to allude to immigrants, legal or otherwise. I don't care if they come from Europe, Asia, Mexico or South American, the working conditions in those countries are horrible; the rate of pay is horrible. So, they come here to the greatest country on Earth to make as good of living as they possibly can. So, when, they are making \$25, a day they are willing to come here and work for minimum wage at \$8.75 an hour and what does that do? It drives all the wages down. Now I do think it is an honest debate to have, to decide if any purported savings to the taxpayers should offset the reduction in wages. With all due respect to the workers here, I think that is an honest debate we should have. But we could only have that honest debate if we have honest data, which we don't have, because what the data shows is that the costs of construction projects don't go down. To my friend from Wood, your focus seems to have been on the wages we pay the employees. I think the focus should be on the overall costs of these projects because if we effectively eliminate the prevailing wage, driving wages down and the costs of the overall project don't go down, where is the savings? Where did the money go? I don't think our own state contractors believe it will be in their pocket; otherwise we wouldn't have gotten so many pieces of communication from them. Believe me, if our contractors who own these businesses thought it was a windfall for them, which could be another philosophical debate as to whether we want to prop up and help local in-state contractors, if they thought it was going to be a windfall for them we would not have gotten those letters. But these are business owners. These aren't the ones who get the benefit of prevailing wage. These are business owners who are opposed to this bill. They see it and I would submit many of them might very well be Republican who wouldn't ordinarily agree with many positions that the Democratic Party takes, but on this issue they do. These are pretty sharp, shrewd individuals. They know what is going to happen. It is not a secret. We aren't the first state to eliminate prevailing wage. There has been other states before us. They see what is going to happen.

Now, you know there has been some talk about this shouldn't be or I guess if you are opposed to this bill your arguments are all emotional. I don't think any of my arguments have been emotional. References to union bosses, maybe war on workers, I mean everybody uses emotional, pithy catch phrases so it gets in the

paper and gets in the media, but not just at this moment but at every time I have stood on this House floor on this issue, I have only asked for the data. I have only asked for the data and no data has been provided that would suggest these savings. None. We heard months ago that once we eliminate prevailing wage we were going to be able to build five schools for the price of three. That is an emotional argument with no data to support that, but in fact the data has been that that is absolutely, unequivocally not true. That was raised in the meeting we had in November. The Gentleman from the 58th was in attendance and not one of the members of that committee who supports eliminating prevailing wage argued otherwise, and in fact the one gentleman, who is a State senator who always likes to make that argument, sat on his hands and sat quiet because that is simply not true. So, the only point that I have tried to make throughout this whole process leading up to this point and time is, if we are going to choose to reduce wages and there is no debate at all, no logical debate, I will make it logical, not emotional. There is no logical argument that one can make that we are not going to reduce wages because otherwise you cannot honestly stand up and say there is going to be any savings. So, if we are going to choose, and again it is an honest debate and discussion, to have to lower wages, why would we not choose to know whether there is going to be any cost savings on projects and that is what we attempted to do? Now following all of us on this side of the aisle speaking, I am sure there will be references to various data. There is only one speaker that came before the Government Organization Committee. A guy fairly knowledgeable on the construction industry. Now I guess some might want to attack his credibility as representing primarily union workers, but he provided data. He knows how to read the data. He knows how to read the architectural specifications that I have in front of me, and the data clearly revealed no meaningful cost savings: \$1.66 difference per square foot on one project and the one that was cheaper by that \$1.66 per square foot was larger. We talked about the economies of scale, but I think that most people can understand it is fairly common sense, and the other non-prevailing wage job during this period over the last six months or so was 40 cents cheaper. So, we are saving maybe tens of thousands of dollars, to the taxpayer, but we are foregoing hundreds of thousands of dollars and I can't verify the numbers that were provided by the Gentleman from the 55th, but we are foregoing significantly more than the 110-115

thousand dollars in savings on those, comparing those, projects in lost wages and lost benefits. There is not much doubt about that.

Now some people want to talk about a free market. A free market is when I, as a private citizen, am looking to build a house, a building, an office, whatever, and I solicit bids and I get one bid from the delegate from Kanawha, the esteemed Finance Chair, and it is \$100,000 to build the house I want but the crew he has working for him is a little sketchy-looking and I don't think he has much experience, and his reputation that precedes him is one of not being a very competent contractor, and then I get a bid from the gentleman from Braxton for the same house, same plan, that costs \$150,000, but he has a sterling reputation. He has employees that he employs consistently, year over year over year and he has a sterling resume and past history building houses. The free market dictates I can choose. I can choose which contractor I want. I don't have to take the low bidder, but in government contracts, subject to the preference or treatment to in-state workers, the government has to take the low bidder. That is not free market. That is just not free market when you are required to take the low bidder. So, it is also not free market economics that makes much sense to me when the Gentleman from the 58th said that we want to do this so it brings a lot of workers in here and we have an abundant supply of workers and that is going to make the wages go up. No, supply and demand doesn't work that way. The greater the supply, you tend to have lower demand. Lower demand, the lower the cost. I don't know that we have an employment availability issue. We have an issue in our state of people not...who are already here that are not working. I don't think we have an issue of needing more people to come into our state to work. I don't think reducing or eliminating the prevailing wage is going to cause any more projects to be built than what otherwise need to be built currently. The needs are what they are. We either need a school or sewer project or we don't, currently and in the future, without regard to whether we have a prevailing wage rate.

So, I am going to vote...obviously I am going to vote against this bill and ask that you do the same because it is just shocking to me that one of the problems I think we have here in our state is that when we want to fix...and I believe we all, I hope we all, have an honest, are making an honest effort to fixing problems that we

individually and collectively think need to be fixed in our state. But it is just shocking to me that, time after time, after time we turn on each other and we turn on our own and we take things away, things away from the people in West Virginia and I believe it is because sometimes we have this attitude that in West Virginia, you know, we are not worthy and we are only deserving of second best, and I reject that notion and I am going to reject this bill for whatever value my one vote has in voting red. I think it is the wrong message we are sending to the State of West Virginia, to our citizens. I think it is the wrong vote. I think it is the wrong position. We had a study done based upon last year's legislation. We got survey results like never before and that is after both the gentlemen from West Virginia University and Marshall and WorkForce said they are going to conduct a survey, and only if it reaches a certain level will it have any validity because there was skepticism about prior surveys and the likelihood of getting an acceptable level of response to this survey. Well they did. They did. There is the facts. Those are the facts. No one has attacked the facts, but they just didn't like the facts, so here we are. So, I think we are doing a...I know we are ... tremendous disservice to the folks in our state who work these prevailing wage jobs, and let me also add one final thing. I tend to think of a lot of things as I am closing. There is an impression I think that many of the workers who work on these jobs are union employees. In many, if not most cases, that might not very well be the case, but that is not always the case. In fact, many of the union employees are probably going to get paid pursuant to a collective bargaining agreement that's reached, so prevailing wage wouldn't even really be an issue, but there are a lot of non-union employees who are also affected by the elimination of the prevailing wage as we see those rates and wages go down, because that is what will happen. I hope that...I hope we vote this bill down and the Senate doesn't have to see it, but if we vote this bill out and the Senate sees it, I hope the senators on both sides of the aisle continue with our quest to have a true impartial economic study done to see what the impact will be on our taxpayers and our wage earners. If it is proven that we have saved the taxpayers a ton of money, then we...all of us can go back to whomever we are speaking before and say I voted to eliminate it because I save you, John Doe, who doesn't do construction work X amount of dollars on average on your annual

taxes. Or we can say, well yes, I could have voted to support a bill that would have saved you ten or 25 dollars on your annual taxes, but I chose to maintain the prevailing wage because I wanted our local construction workers to make a decent living and as much money as they possibly can. Unlike many, I don't resent anyone else's success, individually or corporately, I don't. I revel in other people's success in life. I just want it for everybody. I just don't think we should want it for certain people and not others. I want it for the coal miners. I want it for the construction workers. I want it for the executives of these businesses, because I do believe that when anyone in our communities are successful it ensures to the benefit of our communities and then our state. So, for that reason, Mr. Speaker, I appreciate the opportunity you have given to me to speak, both now and a little while ago, when we were arguing with the Gentleman from the 55th's motion for the economic impact study, but I ask and urge every member, every one of my colleagues here, to vote against the repeal of the prevailing wage.

DELEGATE WALTERS. Thank you, Mr. Speaker. I rise today to support the bill and I just want to share a story with you. Six or seven years ago, a tragedy happened in the community that I represent. The Sissonville Volunteer Fire Department burnt to the ground. Now it was a volunteer fire department. The community had built it. The community had put equipment into it. It was a first responder fire department, which is very important because it goes out and saves people and gets them off the roads and responds very quickly. The Sissonville Volunteer Fire Department had insurance policy on that building and, as any local community will do, the community rallied around that volunteer fire department to raise money to help them rebuild the fire department. They had about a million dollars coming from insurance to replace the building that they had, and the equipment they had was going to cost them somewhere in the neighborhood \$1.4 to \$1.6 million. So, the ladies' auxiliary went out, worked hard, did bake sales. They went out to the community businesses to raise money, and the community businesses opened up to give money to that replacement of the building and yes, the Members from the District, and there were three of us at that time, we asked the state to chip in a little bit of money. The state chipped in about \$100,000 out of \$1.4 to \$1.6 million. The bids were held and they

could build a two-story volunteer fire department for that amount of money and replace their equipment and it would be totally complete. The state stepped in, Department of Labor, I believe, and said, "no you got \$100,000 of state money. You have to build this because we gave you state money under prevailing wage law." Here we are six years later, six years later and that building to this day is not complete. The upstairs floor is not complete even though they had a bid to complete the whole project.

Let me tell you what else we had. We had people that had volunteered to do the footers. We had people that had volunteered to do the drywall work. We had people, probably from people in the gallery from that area, who had volunteered to help. So, what did we do as Members? We came down here and we brought a bill forward that asked this. In a disaster that involves a volunteer fire department, please exempt them from the prevailing wage law. Passed the bill out of Judiciary, came right down to the Speaker's office who is now the Minority Leader, and it was never put on the agenda and never brought to this floor. So, that is just a little story about a little volunteer fire department, and it probably doesn't mean a lot to anyone, but it meant a lot to my community, and in our town meetings they brought up the fact time and time again how they raised private money, how they volunteered to work to help this get done, and they couldn't do it because of a ruling of a state official. Thank you very much. I urge passage of this bill.

DELEGATE SHAFFER. Thank you very much, Mr. Speaker. Fellow delegates, I am new at this. I come down to Charleston because Delegate Williams resigned. I believe this year they had to fill at least five or six vacancies because of delegates resigning. There are some real tough decisions to be made. Since I have been down here I have made friends on this side of the aisle. I have made a lot of friends on the other side of the aisle. I have stood back here at the prayer caucus and prayed with people from both sides. You know, these are rough decisions, but we have to do what is right for West Virginia. Since I have been down here I have been asked three different times, and the individuals that's in this room that has asked me this, "Steve, why are you a Democrat, because you have almost all Republican beliefs?" I replied to that that I believe in unions. I believe that if it wasn't for

the unions we would all be working for minimum wage.

I was a construction worker 23 years in the coal mines and got injured. I turned down disability, put myself through college and law school. My heart goes out when I hear about coal miners losing their jobs, but you know this vote comes down to two issues. Everybody says we are going to create jobs. Well, you know this past summer the Delegate from the 53rd and I had an opportunity to meet with individuals at HopeMont State Hospital. We have had opportunities to meet with people from the Department of Highways. I have also said and listened on the radio to the Department of Corrections. All three of those are state agencies. All three of them were run between a 28% and greater loss of manpower because they don't pay enough. I sat and listened to them up at Hopemont State Hospital and talk about trying to get people there for the jobs and we paid \$10-\$12 an hour and we cannot get people to work for those jobs. I listened to the delegate talk about the roofer making \$27 an hour and how we can hire two or three people for that amount of money. If people don't want to work, they are not going to work for these \$10, \$12, \$13 an hour jobs. If prevailing wage applies to a job, there has to be drug testing. That was one of the issues at Hopemont State Hospital was brought up about drug testing. I said why don't we drug-test people on welfare. Then, that way, people will go off welfare and take the jobs for \$10 or \$12 an hour. I was told by a couple of my comrades that is not a very popular subject to talk about. It doesn't do any good to create these low-paying jobs. We have people up here. I have been one of them. Worked on construction for a few years before my dad told me to go to the coal mines in 1975. I was 21 years old but I listened to him. We need to listen to people. The other issue is taxpayer money. On that issue, I want to talk a little bit about Preston County. Preston County used to have about ten high schools. In the early 1970s they started consolidation. What county in here has not been hit by consolidation? You know the powers to be did not go out after all the little high schools at once. They picked on Fellowsville High School, and the people from Fellowsville protested against that, and the rest of the county stood back because it did not affect them. Then they went after two or three more little schools and we have one high school today in Preston County, and we battle trying to get our kids to school because we transport kids for an hour getting them to school. Little grade school kids

and kindergarten, first grade that have to get up at 5:00 in the morning to go to school. This deals with construction workers but it deals with taxpayer money. Is the next person on the list teachers? Is that what it is going to be next year and the year after because it is taxpayer money that you are going to take? It is a slippery slope. Don't fall into it. But if you do pass this bill today, my advice to the teachers, the service workers, our college professors, is, beware, because they are coming after you next. Thank you.

DELEGATE WALTERS. To the Members, to the gentleman from Harrison, the Minority Leader, I misspoke when I said you were the Speaker at that time. I apologize, he was not the Speaker at that time. He was actually the chair of Judiciary that passed the bill down to the Speaker's office. I just wanted to correct that statement.

DELEGATE BUTLER. Thank you, Mr. Speaker. As a very small-scale contractor, I just would like to try to answer a few of the questions, maybe, that were brought up here this afternoon. On the subject of the Majority Leader's sketchy-looking crew, as a private individual, we have the ability to determine who we want to hire. We can look at, you know, what do they look like? We can also talk to people and say, what kind of work have they done, and make that determine for ourselves, and we can also look at the price and we can consider the price, but when we are looking at the government, we are forcing taxpayers to pay that what we are calling prevailing wage here. So, what happens if we don't have the prevailing wage with these jobs? Well, the government entity, whatever you are working for, they require you to show that you are qualified to do the job. You have to actually kind of show a resume that you have done this type of job before and you have been successful. You also have to have a bond, which is insurance to say that, if you don't complete the job as per the contract, then the insurance company, the bonding company will pay that. So, the taxpayers are still protected there. Also, the work has to be inspected. Any job that I have ever been on like this, they have an inspector for the city or whoever to come and make sure you are doing the job correctly.

I also just want to bring it back to what is prevailing wage supposed to be? Prevailing wage is supposed to be what the going rate is, to put it in common language, what the going rate for



labor is. OK, speaking about campaigning...no I didn't go around campaign and saying I am going to lower your wages. We all know where that would get us. But I will tell you that I bet you everybody in this body said we were going to spend taxpayer money responsibly, and I think that is what we are trying to do here and what we are going to do. Let's remember where the prevailing wage money comes from. This prevailing wage money doesn't come from outer space or something. This comes from the mom who is waking her kids up early and taking them to daycare so she can go be a nurse, or maybe the mom who is a teacher doing the same thing. The money is also coming from the young man who gets up or stays up late and delivers pizza, or the father and son on a farm who are up before daylight working their butts off to make ends meet on their farm. This is their money and it is our responsibility in the legislature to spend it wisely. The prevailing wage, again, it needs to be determined by market forces. There has been a comment that prevailing wage is money we can depend on. Unfortunately that is not so much the case anymore. As we know, we are about \$400 million in the hole here in West Virginia. We are not going to be able to afford these state jobs anymore. These jobs that are paid with state funds. Evidence of, you know, the wage being maybe too high. Well again, as a small contractor who works mostly for individuals, I find that, frankly, individuals won't pay a prevailing wage. I can't charge that and stay in business. So would it be better for me to work for a little bit less, do a good job and give good value to the person, or would it be better for me just to give up and go on some kind of public assistance? I think all of us small contractors, we choose to work hard and do a good job for our customers. The suggestion that this necessarily lowers wages, I don't think that is true. Again, I think that if you are doing a good job on things, then you are going to be able to demand, or you are going to be able to get, a contract to do it for a fair wage. Also, as a small contractor, if I don't have prevailing wage I can hire local people. In my business I usually work within probably 15 miles of home. I don't have the expense of traveling away. I am not traveling 50, 60, 100 miles to go to a job, staying in a hotel. I am home to see my kids every night. With prevailing wage, it makes it very, very difficult for me to compete against the bigger construction companies that come in and do the bridge projects or the culverts or doing foundations for huge government buildings, because I can't afford to keep local people hired. Again, remember when I don't have that

prevailing wage job I have got to hire people to do individual jobs. If we have a market based wage, then that means I can hire someone local. You actually end up having more spending power because you don't have to spend the money being away from home. So, really, the wage goes up, and your wage can go up, because if you are a good worker you are going to get paid better, and all of us who work for a living, we know there is always somebody who doesn't try quite as hard, so maybe their wages are going to be lower until they get motivated to do a little bit better. This is just the way things work in the private world and I think government needs to start working that way also, because, again, remember, this is taxpayer money that we are spending here. We have got to be responsible with that and I think we can do better and I think we will. I urge passage of the bill. Thank you.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. I will be brief. I am sure the Speaker appreciates that. I feel like it is a bad day of *deja vu* here in the people's chamber but I am glad to hear that the Gentleman from the 14th is still in business despite the current laws on the books. You know, as I hear the arguments that have been made, I can't help but think we have completely politicized everything. I have heard from the very beginning we have made this line in the sand, union versus non-union, despite the fact the prevailing wage rate when accumulated takes in union and non-union alike. But yet we draw that line in the sand, us because we choose to politicize everything. The workers here in the gallery, we shouldn't politicize you. You know I come from a long line of hard-working men and women, and I recall my grandfather, construction work, and my dad is an electrician, and I'd roll up and down the Ohio River in their trucks, and many times they would point to a building and say, "I helped build that." My dad would look at a building, for instance Wes Banco Arena, and say, "I helped put the lights up there in Wheeling." You know a sense of pride that comes with the craftsmanship. In the sense of family that comes with it, the family that represents West Virginia. A family that the husband can work and raise a family and maybe the wife could actually stay home. We are losing that in our state. There is no doubt about it. I have this crazy idea that the individual that builds our school could actually send their kids to it. That is a good thing. That is something we should support. Not the idea that we could have a job-chaser from another state come fly in, do the job

at a lesser rate, and then get out of dodge shortly after. That is not West Virginia values. You know I have read the bill. I have looked through it. I didn't see any coupons in there for materials. Where are they at? The only thing on the chopping block is labor. That is the only thing on the chopping block. Your ability to provide for your family. You know I say it is *deja vu* because we were just here and we had recalculation. We had a 70%-plus response rate. That is shocking, anything that involves politics when you get 70%-plus. I mean I wish, I yearn for the day when we get 70%-plus to the polls. I have a feeling a lot of you won't be here if that ever happens. But yet that was wrong, and that created this emergency bill. I wish that we respond to real emergencies in the timely manner that we responded to this, but we don't. So, I will agree that there is a few things that are correct in this legislation. There is going to be a reduction, absolutely. A reduction in the quality of work that goes into the jobs. A reduction to the wages you will be receiving. A reduction in your livelihood, and that is not something I will support and I don't think it is something anybody in this chamber should support. Thank you.

DELEGATE FERRO. Thank you, Mr. Speaker. I'm not here to stand here right now and try to change any minds. I know that everyone's mind is made up, but I feel compelled to just stand here and tell people that I vehemently oppose the total repeal of prevailing wage. You know I am also a taxpayer and I like my taxpaying dollars invested wisely and so do these gentlemen and ladies in the audience. Apparently so do the 60 or so contractors and some self-described, saying that they are Republican conservative contractors, telling me that they were against repealing prevailing wage. By the way, I went through these, and one of them was from out of state, from Washington, PA. which is approximately 15 miles from the West Virginia border in the northern panhandle. So, these are the words of the contractors that I listened to in the public hearings that I attended the last two years, that they liked these guys who were highly trained. They liked the gentlemen who were drug-free. They liked highly skilled workers, that these gentlemen provided cost-effective work. The quality of the workmanship was good. They didn't have to go back in and correct very many mistakes. Also, that these guys were local workers. What they were against and as a taxpayer I am, too, were undocumented workers that they feel might flood the market. Of course,

I don't know of any undocumented workers. I have never seen anything like that, that appear that they are trimming trees or scrubbing floors or working in gardens or cutting grass. They're at least not in my yard, in my neighborhood. Ladies and gentlemen, in the gallery, these are my friends. These are my neighbors. I introduced some of my former students and former players. These are the people that live in the community. They buy houses. They buy cars. They buy groceries. They coach our youth teams. They participate in civic activities. They send their kids to the schools that they build. They go to the local churches and they contribute to the support of those local churches. They eat at your local restaurants. They also support all the local businesses that are in town. They go to local doctors, hospitals, physical therapy facilities, which they pay high premiums to do. Oh, by the way, they are taxpayers as well. I know that they pay personal property tax and their state taxes on their wages, as well. I have heard some comments, that, kind of snide remarks, maybe just off-the-wall, maybe they were just joking that, if there is a repeal of prevailing wage, that if we impose a right to work state, that these guys would just go seek work somewhere else. Is that what we want? Is that exactly what we want, telling these people to get out of town and, when you do, don't let the door hit you in the hind end? That is exactly what we are telling these guys. One of the contractors said, if you hurt one West Virginian, you hurt all West Virginians. That is what we are doing today. Workers, men and women of the working class, I apologize for this tragedy that is before you today. However, you may stop...They may strip you of your livelihood, but you will never be stripped of your dignity or your resolve or your self-respect. Again, I urge rejection to this. Thank you, Mr. Speaker.

DELEGATE REYNOLDS. Thank you, Mr. Speaker. Save money, live better. I imagine some Madison Avenue type probably cashed a nice check in creating that slogan for the Walmart Corporation, and it is interesting because it says very, very little. It doesn't say about the quality of the product you are getting, doesn't say anything about the convenience. It doesn't say anything about the service. In fact, it doesn't even say how much money you are saving. It is simply a really crude way of just saying the cheapest option is always the best. I am really glad that Walmart went ahead and trademarked that slogan, because I am afraid that if they didn't

that would be the slogan for this repealing the prevailing wage today. The thing about it is, I have heard from a lot of my colleagues about the public versus private difference. The whole thing just seems backwards. If one of us was going to go out and build our house, how would we start? We wouldn't just start by saying, contact all the bidders and say, "How low are your wages?" In trying to figure out which is the lowest based on the wages. We would start with finding a contractor that was reputable. Probably try to find the best contractor we could. We would find out who worked for them and find out who are the best craftsman in this area that we could get to work on our home, and then we would want to find out where the best materials we could use for our home. At some point, cost would come into the equation. We would have to say, "Alright, this is what I can get for this cost. This is what I can get for that cost." But this whole process seems incredibly backwards. So, what happens when the state does that, when the state has a big public works project? Well it is advertised and people come in to bid on them. The difference is, and I think my colleague from Harrison briefly touched on it, we can make a decision based on what contractor we want. We wouldn't feel comfortable the state saying, "Gosh this contractor has a great reputation, so I am going to hire them or them." There's other processes in place. It has to be completely transparent.

So, we have this rule about a prevailing wage. The first prevailing wage was in Kansas in the 1890s. They put it in place primarily so that they could make sure that local people had jobs and also to keep out a lot of unscrupulous activity, which was occurring at the time. Now Kansas repealed their prevailing wage and, so we are waiting to see how that turns out, but it is interesting that West Virginia waited 40 years before they put prevailing wage in. They had a lot of time to look at what Kansas did to see if it was a good thing or not. So, it just seems that there is some clear benefits from this that we know. We know the prevailing wage job sites are safer. There is a clear record of that over a long time. We know that helps create a local job force local craftsman and each and every one of our communities that can work local on projects. I am in the construction industry too and we have jobs from New York all the way down to North Carolina. Some people like that lifestyle of traveling and kind of getting the best pay that they can. But a lot of our people, especially people that have come from other industries such

as the coal industry and the layoffs, they have family arrangements where they can't do that. So, they have to have local jobs that are close by so they can get by and care for kids and things of that nature. Finally, the absolute most important thing in this whole process is what is the public getting? I think that the one thing that my colleague from Marion, and if you looked yesterday at the opinion page of the State Journal, agree on the last paragraph, "These union workers provide excellent work." No one is disputing that. So, most important thing that we do is to make sure the public gets an excellent product. So, it says, what is the fuss? Like my colleague from Ohio County, I felt a little *deja vu* when I got here this session. All the letters I got last year saying, "Please don't repeal the prevailing wage, don't do this." I got them again this year. I got the phone calls. What are you guys doing? Why are you doing that? I thought we fixed that last year? There was a lot of debate here last year about that. There was some changes. We are working on a prevailing wage job in one of my districts so I...in Huntington...young man that is a flagman which have been maligned. His name is Brian Miller. A year ago, he would have earned \$24.86. This year on prevailing wage as a flagman, he earns \$22.23. That is more than a 10% cut. How much is not enough? I don't know. It is clear that we turn this over to another group from labor, to WorkForce, and the thing is we get an impact statement over the next few years. If we do nothing, we can look at what the old prevailing wage did, what kind of quality, what kind of jobs, and we can look at what's happened now and we can give it a couple of years and take a look at it. I know there is frustrations with the administration and how they handled that, but we are going to have a new administration next year. Let them take a look at it. In concluding, I believe that people that make something every day that can see the product of their labor whether they mine a truckload of coal or whether they make a steel beam or whether they build a school. There is a certain special pride that people have when they can see what they do every day, and that is something we need to be cultivating, not tearing down. I still believe we can persuade people here. So, I would just ask, before you vote, are you really sure that this is going to save money in the long run and would really make for better lives for all of our West Virginia families. Thank you.

DELEGATE IRELAND. Thank you, Mr. Speaker. Ladies and gentlemen, I know we have

spent an awful lot of time on this issue today and perhaps that is appropriate. Back at a previous life when I was working for one of the major chemical companies, we had a sign over one of our doors in a design group that said three things: cheap, fast or good, pick any two. Cheap, fast or good, pick any two. Evidently here today, we must be pretty good because we are not particularly cheap. We have an awful lot of folks sitting here and we are not particularly fast. I have tried to listen and understand all of the vary rhetoric we have heard here this morning. We have talked about the pros and cons and studies and non-studies and reports and non-reports and always kind of come back to the issue of the old saying of what do you want two plus two to equal? Some of those reports, I believe, have that question to ask ahead of time. What do you want two plus two to equal? So, I don't put a lot of value in some of those although I come from a technical background that certainly worked on the premise of data. I have thought a lot about whether or not I support this particular bill or not. I think about the term prevailing wage and if you think about the definition of that prevailing wage, what does that mean? To me it means what is normal being paid in the labor market. We have heard an awful lot of talk this morning about, well, if we do away with this bill or if we pass this bill and do away with prevailing wage, wages will all go down. I don't quite understand that if, in fact, we are dealing with prevailing wage to start with. Now if we are dealing with an inflated wage, then perhaps that would be true. I had a group of gentlemen in my office, or right outside my office this morning, who I consider friends of mine and I hope they will be tomorrow, and I think they are up in the gallery. They asked me how I was going to vote on this and I told them I was probably going to vote in support of it and here is the reason. My reasons are right up here in all three of these galleries. Ladies and gentlemen, I look up here and what do I see? I see a gentleman standing back here a minute ago, I think he is still there in bib overalls. Some folks up here in brown uniforms, blue uniforms perhaps wearing Olmec's on their job site. But more importantly, what I see is a lot of very capable individuals I'm not sure need my protection to participate in the labor market. My feeling is that the folks in these three galleries can compete with anybody in the labor market whether they be in state, out-of-state or out-of-country. These folks can compete in that labor market because what they do is they bring quality. They bring the quality that perhaps all those other folks don't bring. The Gentleman

from the 14th said a minute ago, as a contractor he is willing to pay for quality if that is in fact what he gets. I believe the Gentleman from the 13th and the Gentleman from the 50th agreed with him that we will have to be down here concerned about everyone in West Virginia whether we are talking about prevailing wage, gun ownership, teacher's pay raise, whatever the issue is. One hundred of us in this chamber are here to worry about everybody in West Virginia. So, I am going to vote in favor of repealing prevailing wage because I believe if it is truly prevailing wage it will have very little impact, but very much more importantly, when I look up here in these galleries, I don't think those folks need my protection. They can compete on their own. Thank you, Mr. Speaker.

DELEGATE SPONAUGLE. Thank God for Mississippi. We say that back home and throughout the state because it gives us comfort. As West Virginians we are not at the bottom of every list in the United States. We are 49th in median household income, near the bottom in per capita income, near the bottom workforce participation. Those are the issues that this legislative body needs to be addressing. Income inequality, this bill does not do that. It doubles down. Now just briefly, just to recap so we all understand this was the same bill that was presented last year, it is Groundhog Day in here. We all sat here and discussed the same issues and there was a compromise for weeks over across the hallway in the Senate and sent it over. The compromise was we were going to reconfigure the formula. We are going to allow WorkForce West Virginia now to calculate it and we raised the exemption to \$500,000. That has been in place three to four months, and immediately we come back in here and we renege. We are so good on our word; we are going to renege. We are going to come right back in here, not even allow it to take place. So, first week we are down here at 8 a.m., Friday morning, so a lot of people couldn't get here. We have a public hearing. There are a ton of people in here. Most of them, the overwhelming majority of them, were business contractors, not organized labor, business...that have been here for 50-100 years saying this is bad for business in the State of West Virginia. We had workers that came here and said, "Why in the world are you going to cut our wages?" Two people at that public hearing spoke against it, both outside organizations, one is from Americans for Prosperity. They had around their little study that says, yes, states will save money on the premise, in the middle of that

study, is because wages get cut in half in health care. So, the argument that we are going to cut the prevailing wage and it is going to save taxpayers money, the only study that says that is because wages get in half. Just be honest about it. Be honest. That is not asking too much. You can't have it both ways. So, we go, we have a Government Organization meeting, committee meeting. The only evidence that was presented was that this was bad for the State of West Virginia. That was the only evidence, the only testimony that was presented. We asked, "Are the sponsors of this bill going to come in and tell us why this is going to occur?" No, no sponsors. Were there any proponents for this piece of legislation to come before the Government Organization Committee meeting? No. Twice, I requested a 95A fiscal note, twice denied from the committee chairman, said this will have no financial impact on the State of West Virginia. Zero. It got passed out here on the floor. Request a 95A once again. How much money will this bill save us? Ruled non-germane, won't affect the budget. We had the amendment yesterday, economic study. You know what is this going to cost? Gets denied. Today tried to suspend the rules to at least have a study to find out how much money we are going to spend. Now I have heard a lot of crying in here about how poor the taxpayers are and how we are going to be good stewards of the taxpayer's money, yet we are going to vote on something we don't even have economic studies that support. That is really taking care of the taxpayer's money. The report and the only piece of evidence that was submitted in that committee hearing was the following: For the State of West Virginia if the repeal of the prevailing wage passes, residences of the State of West Virginia and their families will lose between \$51.30 million and \$77.28 million in income. The repeal of the prevailing wage will cost the state, the State of West Virginia between \$1.43 million and \$2.15 million in lost sales tax. The repeal of the prevailing wage will cost the State of West Virginia between \$3.08 million and \$4.6 million annually in lost income tax revenue. The total economic loss due to the repeal in West Virginia will be between \$55.8 million and \$84.06 million. Good stewards of the taxpayer's money. We are not even going to take time to study this. Although this was the report that was presented to the committee, some don't like the findings. Fine. Study it. Nope. We are not going to send it to a government agency to look at. We are not going to send it to one of our major universities but we are going to get up here and say we are going to save the taxpayers.

Throughout this whole process it is apparent to me this does not benefit the State of West Virginia, it certainly doesn't benefit the business contractors in the State of West Virginia and it doesn't benefit the workers in the State of West Virginia. So, why are we doing it? That is a good question. We keep hearing the war on working families. Well, let's just look at it. We have out-of-state interest coming here with an agenda and the agenda keeps pushing us to go back to the gilded age, between the haves and the have nots, between the billionaires and millionaires and everybody else. The prevailing wage was put in in 1933 in the State of West Virginia, and it was a final break on the old gilded age after they ran the country into depression. It was a way to elevate working families in the middle class. It has done that for the last 80 some years. Now we want to tear that threshold down. When I came down here as elected representative, I said I would represent the people of my district. I am not here for self-dealing and I am not representing some out-of-state beneficiary that happens to write a campaign check to me to run their agenda.

DELEGATE SOBONYA. Point of order. This is being political, talking about contributions, I think that the gentleman needs to keep it at the issue at hand.

DELEGATE SPONAUGLE. All right. This body, let me back this up, this body has been all right. Across the hallway, we are talking about working families. A senator couldn't even disguise his disdain for the working people of the State of West Virginia. He pointed his finger up in the hallways and the galleries and called a bunch of deadbeats. I look up in these galleries, I see taxpayers. I see the hardest working people in the State of West Virginia. I see people that have built this state and have built this country. You get up in the morning. You go out and you get dirt underneath your nails. You get dirty. You come home and you take a shower when you get home at night. Most of us sitting down here, we get up and take a shower in the morning and go to work and sit behind a desk. You earn everything that you make, and we should not be sitting down here passing legislation that is going to cut your wages. Make no mistake about it, that is what is going on. When WorkForce this summer took a look at it, numbers came back. There was heartburn because they found out, you know, that prevailing wage is higher than the minimum wage. We better repeal it. You make

too much money is the problem. That is what we are down here for. You make too much money. I am going to close. I am going to be real brief because I know exactly which way this vote is going to go. People are hell-bent on shoving this through. It doesn't matter about the facts. It doesn't matter about the evidence that is presented at committee meetings. It doesn't matter about our rules of the House. It does not matter, and they will not be happy until the citizens of Mississippi all rise up and start singing, "Thank God for West Virginia." I urge rejection.

DELEGATE FOLK. Thank you, Mr. Speaker. I would like to say ditto to the Gentleman from the 7th. But all the people in the gallery, men and women that are hard workers, and I agree that they can compete just on their own. Because just like in my industry, I am an airline pilot and a union member, we actually just got done negotiating a contract, an extension, but it is in the free market between two private entities. This is really about a simple principle of whether government should be fixing prices in the private sector. It is that simple. Now there has been some examples given by North Carolina and Virginia and how their construction costs are actually higher than ours and therefore obviously prevailing wage, or lack of prevailing wage, is no big deal, but the difference is very clear with those two states. They have very robust economies, and one has to ask themselves, why is that? Well, there is a lot of factors. One of them, I know in Virginia at least, there is a lot less regulatory environment and this is really a part about government interference in the form of a regulation by fixing prices. We don't have to look too far to see down in the southern part of West Virginia, how over-regulation by the federal government has interfered in us mining coal and burning it to provide electricity. It has been a lot today about this study or that study and both sides and, again, the Gentleman from the 7th was actually correct. A lot of times, you go look in the right places, you will get what you want to find. So, none of us have a crystal ball in here, what is really going to result from this in the future. But one thing I will tell you is it will start getting back to more free market principles, which I believe in. Do we have a true free market in this country or in this state? It is very clear that we don't, because over many, many decades and years, we have incrementally chipped away at free market principles through government intervention in some form or fashion in our

economy. It is one of the reasons we have a difficulty competing with other countries. You know many people have given examples of teachers and how we are coming after teachers next. There is a clear distinction here. We are talking about people that actually work for a governmental body that we are actually charged with setting their prices and other people, in the case of what we are talking about today, that do not work for some form of government. So, that is a false argument. There has also been a lot of conversation about out-of-state companies coming in and taking jobs. Well, if you have been in the eastern panhandle and been on probably one out of every two construction projects, you will see a lot of out-of-state tax kernelling, and that is because the people come in from, they get the contracts...out-of-state contractors get the contracts. I am not going to get into the discussion that this is going to save taxpayer money or not, but it is very clear, the Gentleman from the 48th made it clear, that even, during the period of time where we had no prevailing wage for a few months, that some of the contractors gotten by union contractors and, you know, really didn't save a lot of money. Some people make an argument, other people make an argument, that we did save money. That is irrelevant. Again, it is free market principles that we are standing on. But if you really want to know if we are going to save money, there is one way that we will save money, by passing this bill. There is a certain number of bureaucrats that have to implement the current law. Do we really need bureaucrats telling us what wages we need to set? I think not. So, in closing, it is pretty clear where I stand on this issue. My colleagues on this side of the aisle clearly knew where I stood on it last year. I am glad we are trying to do the right thing for the free market concept, and get back to where we should be which is a more free market, less regulated, so we can put our workers in West Virginia back to work. Thank you.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. I rise today, not knowing that I was going to speak. I had a delegate motion to me and say, are you going to speak, and I said no, because I knew a lot of minds were already made up. But as I kept sitting down and I heard the passion and the conviction for a lot of people, especially from the delegates from Pendleton and Marion, my stomach started getting knots. I felt that, how can you not say something, and I might not have, which will probably be the quote of the session from my fellow Delegate from the 3rd,

and I apologize that I might not be able to speak from a high business CEO bird's eye view like my mentor and Delegate from the 17th. But in politics, all too much, as a few others have eluded to, we make things too hard. It is very, very simple. I, along with the people in the galleries who are Democrats and Republicans and Independent's think that this will hurt wages, and I will be the first to admit it. We think there are some others on the opposing view that think it will not and it will grow jobs, and that is why we debate. Well it would make sense because one of my favorite Delegates on the other side from the 63rd said, "We don't have a crystal ball." How could we not do an economic impact study? How could we not? How could we not find out for sure what it is going to do? Cause it is not about who is right or who is wrong. It is about our people. It is simple folks. How can you not have that feeling in your stomach that, for whatever political reason, whatever side you are on, to be right on this issue. Now there is a lot of other issues that we are going to play political football. It will be fun, probably. But this one shouldn't be on the political football table. I urge rejection.

DELEGATE COWLES. Thank you, Mr. Speaker. I certainly rise to urge passage of the bill. I agree with the comments earlier that every tax dollar that is spent comes out of the pocket of the taxpayer. I don't know how you could disagree. I agree that we must make sure that those dollars are spent wisely. How could you disagree? I agree we must treat the taxpayers fairly. I looked up in the current new prevailing wage list what the mandated wage for an unskilled laborer helper in rural West Virginia would be. Now, I am a bricklayer and I am sure if we had a raise of hands here, there is a number of us in this room that when we were entering the work force work as an unskilled helper, as a high school student, a college kid, a young person trying to get a job ... the mandated wage in rural West Virginia under the new calculated prevailing wage, \$36.39 per hour. So, in West Virginia if we are trying to build a school, the unskilled general labor helper sweeping the floor is going to make \$36.39 in wages and benefits in cash payment per hour. We mentioned teachers earlier. Do you realize once the school bell rings the teacher is not going to make that \$72,000 a year that \$36.39 equals out to? We talked about state workers. If you are driving a truck or if you are a heavy equipment operator under the prevailing wage law in rural West Virginia, you are mandated by state law to pay \$43.76 per hour.

Go to your local DOH garage. How much does the truck driver make at the DOH garage when they are filling potholes in the secondary road in rural Morgan County? I am sure it is \$12, \$13, \$14 not \$43.76 per hour but that is okay; I am sure he gets PEIA. These wages are inflated, and it is unfair to the taxpayer. If we do nothing, the status quo represents fewer projects, fewer repairs, fewer upgrades, fewer workers, fewer jobs, and, indeed, fewer wages. If we pass the bill, I believe that we will have more projects, more repairs, more upgrades, more workers, more jobs and, indeed, more wages. This bill puts West Virginians to work and pays wages. There were the mention of a couple studies. The new prevailing wage calculation. It was suggested there was over 70% forms returned and that is true. It was 73.5% but I will remind you that only 15% of those were used. Only 15% of the 73% that came in were used. Of those 15% only 11% of those surveyed actually provided data that became part of the wage rate. That is how we end up with wage rates, that are supposed to be prevailing, of over \$36 an hour for an unskilled laborer helper. Those wage rates currently apply to county commissions, cities and towns, parks and recreation, sewer plants, volunteer fire departments, school boards, local colleges, all the while treating unfairly the taxpayers at every level of government. I have a report; it is prepared by Andrea Deem from the Department of Economics at West Virginia University. That is a 2009 study about West Virginia done by Andrea Deem of West Virginia University about prevailing wage in West Virginia. I think it had some good findings. I rely on those and other studies. There are stacks of studies that you can look at. It found some good points in there, but I still come back to the window of time that we did not have a prevailing wage in West Virginia. There we had millions of dollars in savings, quality projects, local contractors, both union and non-union workers, no undocumented workers. This bill means more workers, more jobs and treating the taxpayer fairly.

The other thing I would like to just touch on briefly is the quality of project, safety, immigration, those other things that were mentioned. I would remind you that, under this bill, once this bill passes, the drug and alcohol policy of the State of West Virginia remains the same. The safety and training requirements of the State of West Virginia remain the same. OSHA rules, they remain the same. The engineering specs for public works project remains the same.

The design criteria, the same. Bonding, the same. Qualifications, the same. Insurance requirements, the same. Inspections, the same. The contractors many times will be the same contractor. The workers for that contractor many times will be the same worker. What changes under this bill? More projects, more jobs, more wages, and the taxpayers treated fairly. Mr. Speaker, the taxpayers can wait no longer. It is time to be fair. Thank you. I urge passage.

DELEGATE BOGGS. Thank you, Mr. Speaker. I rise in opposition to the bill that we have before us, and I won't stand here and say I hadn't intended to speak today, because I had a whole page of notes, but I know everything that has....can be said probably has been said. But, you know, if you ever get that feeling that you just need to ....I am going to use a personal reference here. You are in church and you ever have that opportunity that you know something is just kind of gnawing on you and you need to stand up? You need to say something but you don't want to because you are a little shy and you are a little reserved about it, but then something keeps gnawing at you and you just can't sit still? Well, I don't like to stand up to hear the sound of my own voice. I don't like to hear the sound of my own voice, but I will tell you, what I have real concerns about is, over the last few years, we have talked about what a horrible thing prevailing wage is, so we have taken step after step after step to recalculate, to refigure. We have taken it out of the hands of one entity and we put it in the hands of another entity and we don't get the answers that apparently, that were liked, so here we are today. We are going to repeal it. Horrible. Sad, sad day for the workers of West Virginia. It is not a union or non-union issue. I just want to reiterate that. It is a working family issue. It is a working person issue. If I go through all the letters, all the calls, all the emails, 98% plus are opposed to what this bill does and what we are about to do today I am afraid. It is one of those situations that I am probably not going to change anyone's mind, but I can't sit still and sit here and not....my vote will say one thing, but I want my voice to say the same thing that my vote does. I am opposed to this and, ladies and gentlemen, friends and the people in the galleries and the people that are all over West Virginia. My fervent fear is that we are going to see like never before an influx of workers coming from out of state in to take jobs away from working West Virginians. When growing up I didn't grow up in a privileged background. I never heard around the table any

discussions about portfolios or vacation homes or...you know my dad worked, my mom until I was a senior in high school was a stay-at-home mom and took care of myself and my brother, and then she went to work and worked until she was 80. I am very blessed to have both of my parents still living, but I think that if I went home and had a discussion with my parents, which I will, I think they are saddened about this, as I am, and about the workers, union and non-union alike, across West Virginia. I don't think we gain anything when we don't lift all boats. We have had every opportunity, from the committee process to here on the floor, to have studies conducted. We have already had studies done independently. We keep rejecting and rejecting and rejecting. I don't understand what we are afraid of finding out because, to me, that is the bottom line. I think that there are those that are afraid to find out this is a bad deal for West Virginia. It is a bad deal for our workers and there is no proven benefit that has been shown. So, Mr. Speaker, thank you for recognizing me. It is one of those situations where I sat as long as I could. I listened to both sides. I respect everyone in this body, but I have to say, not only with my vote but with my voice, I oppose this legislation and I urge you to reject this bill. Thank you.

DELEGATE PERDUE. Thank you, Mr. Speaker. I was almost too late wasn't I? Mr. Speaker, I would yield to you today that I am in a unique position. I don't have to rise to justify my vote. It is not an election year for me. I rise and am, definitely as you would, I am sure, Mr. Speaker, surmise for; however, many years...you know we have spent 18 years together on this floor. I doubt that between the two of us we have missed 18 votes. We have often been on opposite sides, sometimes on the same side, but we have often been on opposite sides as well. I think you would agree, Mr. Speaker, that very often here we are not seeking the truth. We seek the appearance of truth. I think you would agree we have seen over the years, the two of us have. I would suggest, sir, that there is no truth in this bill, absent the required documentation that has been requested. There is no truth in this bill. Mr. Speaker, very often you and I also been on this floor when the phrase redistribution of wealth has been used, and it seems, to my recollection, when it is talked about, and especially nationally, it is spoke of regarding the wealthy in derisive terms. We just say, oh, they just want to redistribute wealth. That is all they want to do. But today we



are talking about redistributing wealth, too. Whose wealth are we redistributing? Theirs...all these folks here. We are moving to redistribute the wealth. For those of you who may choose to go in opposition to your leadership here, I would recall very vividly an instance where the Gentleman from the 45th and I joined hands to be able to create some pension funds for track employees, and we were both excoriated for that, and I was personally excoriated by the Speaker of the House at that time. As I walked into the office that day and it was like a lot of vultures, and you have seen this. All of you have been involved in this time at one time or another with your leadership. I am not saying it is necessarily bad, Mr. Speaker, on your behalf, but it does happen. As I walked into the office that day, the then Majority Leader was speaking to the Speaker and the Speaker was looking in and said, what is the matter with Perdue? The then Majority Leader said, "Well, he is a labor Democrat. I came in that way folks. I am not running again. I will go out that way because it is the right place to be. The folks that work for a living in this state and around this country deserve better than what they are getting today. I am not blasting any one party. The whole opinion of people has changed with regard to labor, and that is to be, well, we shouldn't do that....I have to say too that I stand in awe of a lot of the Members here today. We have sat and listened to all of this debate, Mr. Speaker, and there have been those here, even when they are on opposing, side never missed a word. That is remarkable. But I would suggest that we take that concern about what is being said here and carry it back to the people who are up there and say, you know, we don't agree with what you want but we are willing to go a little farther to make sure that what we are saying is not just the appearance of truth but the truth. Thank you, Mr. Speaker.

DELEGATE HOWELL. Thank you, Mr. Speaker. We have heard here today, we have heard facts, we have heard guesses, injectures, hopes, dreams. What we are really debating here is change. Change is scary. We don't know what the future holds. That is why we make guesses; we make assumptions. We have heard that it may be going after the union worker. We have heard that it is bad for the taxpayer, good for the taxpayer. The truth is out there in the future, and we are going to have to make changes to find that. We have heard that prevailing wage went in in 1933. We have heard slogans like Thank God for Mississippi. Considering when that prevailing

wage went in there wasn't Thank God for Mississippi there was a whole bunch of states below us. In 1950, we made up 1.3% of the U.S. population. Today we make up 0.6. We are doing something wrong. In doing the same thing over, and over, and over again has been described as insanity. So, it is time that we change. We put the fear aside. Our friends on the other side have said that the union workers are the best trained workers there are. I agree with them; they are. These people in the galleries up here, many of...some of you know, some of you don't know, prior to opening my own business I worked out of the labor local back home. I didn't work with these people, but I worked with hard working people just like them. They are the best trained workers. That gives them an advantage without a prevailing wage. The only savings here is not wages. There's efficiencies. There is paperwork. There is all different types of savings that can be done. These union workers up here are more efficient. They can get a job done cheaper because they are skilled. They have an advantage without a prevailing wage over the non-union contractor, which supposedly has less skilled workers. We have heard that wages will go down. We have also heard that it will make no difference. Both can't be true. If we are truly paying...if the prevailing wage is a true number, then the wages will change very little. It has been portrayed that this will bring in out-of-state contractors. I believe it was the gentleman from Jackson said 100% of the letters requesting to repeal prevailing wage came from within the State of West Virginia. I have a very similar stack of letters in my office. I did not get a single letter from out of the state requesting prevailing wage. The ones requesting to keep it were a mixture. Most were from West Virginia, but there were some from out of state. I have to ask you, if an out-of-state contractor wants to keep the prevailing wage, in repealing prevailing wage gives them an advantage, that don't make sense.

One of the ways that prevailing wage can save money that is not wage-related, it reduces the amount of paperwork that these companies have to do. In order to comply with a prevailing wage law there are a series of forms and checks and all kinds of stuff they have to go through. That costs these companies time. With that eliminated, those savings can be passed on to the taxpayer. With prevailing wage, we saw only large contractors bidding on these projects, with the repeal up to \$500,000 with the several months that we didn't have a prevailing wage, what we did see was

small contractors that were scared of the paperwork come in and start bidding and doing these jobs. These are small contractors that were local. In my home county there were jobs that were done that the county couldn't afford to do with the prevailing wage but they did because these small local contractors, that pay a good wage to their workers, were able to bid because they didn't have to deal with the paperwork and things were done. In the committee we actually handed out two reports. One, there was a fella there from the...Mr. White was there and he talked about it. The other one was in the pack and it was from West Virginia University. Distinguished Majority Leader spoke about that one. In the one from...that Mr. White presented there, was very little change. The only from West Virginia University, if you read it, there was up to 30% savings. Our longest serving colleague from Berkeley County, I have talked to him, and he has talked about the various ones from different years that he has been here. Multiple reports...there was one thing in common. Every one of these reports has had talking about prevailing wage and if we eliminate it. It is either no change or savings. Not one of them said the cost to the taxpayer would go up. We need to be good stewards of the taxpayer's money. I also submit to you, government doesn't spend less on projects. So, if we have a \$10 million water project and let's say it builds 10 miles of waterline and that is what we can do under prevailing wage. If WVU is correct and there is a 30%, savings do you think the state is going to give them \$7 million for that water project? No. We are going to give them the same \$10 million but they are going to build three miles. That means there is going to be more water provided to more citizens that may give the ability to create new businesses in places they couldn't before because of the water. Those larger projects are going to require more workers. That is more paychecks, not less. We heard about health care benefits. Well, several years ago the Affordable Care Act was passed. Under the Affordable Care Act that requires companies with 50 employees or greater to provide insurance for their employees. So, there is not going to be people going without insurance. The contractors that build schools and stuff, they have more than 50 employees, so that is not going to happen. A number of years ago, if I am wrong I apologize, but our distinguished Minority Whip pushed for the OSHA 10 bill to make sure that workers had proper safety training. Same safety training that the union workers had. That is now universal

across the state if you are working on a project. So, safety is not an issue. We made sure of that because we care about the workers. As I said, reform scares people, change scares people but in order to move forward we have to change. In looking backwards, we have been dropping all the way down to where we say, Thank God there is Mississippi. It is time to change so that now there is a whole bunch of states below us. Mr. Speaker, I urge passage.

DELEGATE SHOTT. Thank you, Mr. Speaker. I oppose the amendment to the amendment. Basically, it puts back in a provision we thought would create confusion and create the opportunity to argue that the constructive knowledge that we attempted to remove in the original bill was still part of the law and therefore it has the potential to create and undermine the purpose of the bill. Therefore, I would urge rejection of the amendment to the amendment.

DELEGATE MANCHIN. Thank you, Mr. Speaker. Once again, I think it is important that we not relieve companies from their obligation to perform safety inspections that are required for the safety of our workers and federal or state law, and I urge adoption of the amendment and request the yeas and nays.

### S. B. 6

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REMARKS  
of  
**HON. JOE ELLINGTON**  
*January 28, 2016*

DELEGATE ELLINGTON. Thank you, Mr. Speaker. If the House would just give me a few moments and indulge me for some comments. I felt it necessary that on some comments based on S. B. 6 that was introduced last week that went through Health Committee, there were some comments over the previous time and I mentioned last week that in my opinion seemed to have significant rhetoric and vilification of the members that were signing onto that in support of that bill. When you understand that this bill is for drug testing for beneficiaries of TANF, which is Temporary Assistance for Needy Families, it raises a lot of anger, and I would say, maybe anxiety in a lot of people. As far as why are we doing that or why do we have to do that? And when most of the general public hears about bills like this they seem to think they take one side or

the other without really looking at what the substance of the bill has and what it is trying to achieve. Part of what I would like to say is kind of explaining what that really means. Now we usually have a tax from people saying we are going after poor people, that we are trying to hurt the children, that these bills that have been introduced in the past, they are always unconstitutional and they have been struck down by the court. They cost too much. They are wasting taxpayer money and that there is usually a very low yield in who you are trying to find.

Now I would submit to you that we all know the substance abuse in our state is very prevalent. In the southern part we have the prescription pill problem. In Kanawha and Cabell, northern and eastern panhandles, heroin seems to be really picking up and we are having a significant problem. Mr. Speaker, you charged me with the opportunity to be chairman of the Select Committee of Prevention and Treatment on Substance Abuse. I take that very seriously, and I am the lead sponsor on the House bill version of S. B. 6 which is H. B. 4010, and I know when I take that personally. I am a big boy. I can understand that there is going to be attacks on you and I have had calls to my home and things like that that I have had to deal with and even at my employment. I really do want the people in this body to understand what this is about. I am really trying to make an effort on trying to solve this problem and I think each of the members that were on that bill and on the senate bill were trying to do the same thing. We are not in this looking at poll numbers and getting re-elected, and maybe some people are, but I can't speak to them, but I think the majority of the people that are working on this and also on the select committee are very serious about dealing with each of the tenets of this problem. Now as most people know, substance abuse is a tough problem. We have to look at the prevention, the identification of people that are subject to substance abuse, intervention and potentially treatment or rehabilitation for these people. I submit to you that S. B. 6 addresses each of these components with respect to a subset of individuals in our state that are on TANF. Now the private sector can test people for employment. They don't have to adhere to all the rules that the government has to adhere to. So, many people are tested for employment to work. So, they are already being screened. The thing is, it raises anxiety in those people while they don't understand why other people that obtain benefits

can't be tested in the same fashion, and they just don't understand, when the government tests, they have to have some level of suspicion. Now unfortunately we find a lot of people from the government through the penal system, and that is not where we want to identify these individuals. We want to get to them before they get to that level. Now, the government does test in certain cases. When they get commercial driver's licenses the federal government checks, for all of those people have to be screened. We have had, from the state's standpoint, for the miners, at times, that had to be screened, too. So, there are exceptions to this. Now, Fourth Amendment rights to illegal search and seizure is where that comes in as far as the constitutionality part. Many of the states in the past have initiated drug testing bills, and most of them have been struck down because they did not raise to that higher level of suspicion. Many of them went to random drug screen for everyone, and that also blew up a lot of the cost for those programs. Now, Congress did allow for states to test for temporary assistance for temporary benefits. They allowed the states to look at those people. It is just a matter of how you approach it. Now, when we crafted S. B. 6 and H. B. 4010 we tried to take each of that into account. Now let me mention what TANF is, it is Temporary Assistance for Needy Families. When an individual meets certain economic requirements as far as income and residency, they can apply through TANF through DHHR, and they enter into what is called a personal responsibility contract with DHHR. These are mainly the adults, also emancipated minors, through the West Virginia Works Program and with the Department of DHHR. Now what they set up is either continuing with their education or with work study or programs to get them into the workforce, to get them back into society as productive members of society so they can provide for their families and their other dependents. It is a good thing. West Virginians, Americans all throughout the country, we like to do that, we want to help those people. It is meant to be temporary, not permanent. Now the program does last for up to five years. Now Commissioner Exline from Family and Child Health reported to the Health Committee last week that there was a problem with that. In 2014, there were over 30,000 sanctions for violations of these work agreements, 30,000 and that was only for 2,700 adults. She also mentioned that many of the people were coming into the state to receive benefits and had no plans on entering into a work agreement. So, they are taking taxpayer money

from our citizens that we are trying to get to those people that need it. So, from a prevention standpoint, if we initiate something that says we are going to start looking at these people and start enforcing this, that may deter many of those people from coming into our state to abuse the system, and that way, maybe finances and assistance can go to the people here that really need it. So, I would like you to keep that in mind.

Now S. B. 6, what does that specifically say? It is a screening and testing for people that have a reasonable suspicion for substance abuse. It is a pilot program, only three years. This is so it can be evaluated and reassessed whether it is doing the intended purpose or not. What we have looked at is requiring participation in that for their benefits. Initially each of the applicants are screened by a social worker in DHHR. It is mainly a questionnaire that they look at with specific questions such as: Do you use drugs? Do you get high? Do you end up at work late? Things that might show a suspicion where people are possibly subject to substance abuse. That is one part of the equation. That is the screening. The second part of the bill says that if someone has had a previous drug offense within the immediate previously five years they could be subject to drug testing also, because there is a higher suspicion there. So, this process right there is looking at the members that apply, the applicants, to see if there is a higher suspicion. Based on that, the secretary can look at, do they need to be tested? Now once they are tested, if they feel they meet that qualification, they get tested. If they have a positive screen, then they are given a few opportunities. They could decide whether they want to continue the program or not, and that is up to them. If they want to retain their benefits then they need to get into some type of program whether it is going to be a treatment or a rehabilitation, counseling, or other jobs related training, and they need to stick to that. If they do, they retain their benefits. Now obviously the ones that don't meet the screening requirements, that have passed that and they are doing good, they get their benefits. They are not affected, so we are not hurting those people. It is going right to them. Now some people say if you fail, that there are some rules about how often we will let them continue that but that is up to the discretion of the secretary to decide. Now children is always another problem, and everyone says are you going to hurt the children? No. Benefits for the children go to a third party to be administered on behalf of the children. So, Mr.

Speaker, we are trying to make sure that these kids are taken care of and that is not just children, other dependents that are in the family. The concern is not to take taxpayer money to subsidize someone's habit. It is to make sure it goes to the right place. By the same token, Child Protective Services and DHHR is able to evaluate the safety of the environment for the children and the rest of the dependents. That is a protective thing, to make sure they are doing fine. Last part is cost. Secretary Bowling has given a fiscal note on that bill. The fiscal note suggests first year \$50,172, they would say in the \$28,000 is related to upgrades in their computer systems, which every agency in our government needs upgrades. So, that is a one-time deal she is looking at. She is calculating \$22,172 each year for the testing and that is based on 4,768 new applicants based on previous 2014-15 numbers. Out of that the National Institute on Drug Abuse Survey, the recent one suggested 8.3% of those individuals would be subject to drug tests. That is 392 applicants based on those estimates. That is also 392 potential families with other dependents. Now the cost for testing is \$56.50 per test based on testing she is already doing for her own employees in DHHR. That is the current contract. Mr. Speaker, the cost for that would be the \$22,172. Now, if all the applicants that they wanted to test had to be tested, then you are talking about a number \$267,135. Now I would submit to you that is not a very high cost if you had to test everyone, and the reason I mention that is, you know, I have been a practicing obstetrician for the past 20 years. When I first started practicing medicine I may have seen a handful of people over a year that those kids were born addicted to drugs. Now I see a handful every month. Now a couple years ago, I talked to DHHR and Medicaid and found out that the cost that they quoted to me for each kid was an average of \$230,000 to detox that kid. So, I want you to put that in perspective as far as the cost of this program and the cost just for one of those kids. Now remember, in years past and even last year when we passed that bill on the suicide prevention, there were members that spoke that said no matter what it cost, if it saved just one life, it would be worth it. I would like for each of you to remember that. So, this is a very small cost. We are limited by what we can look at from the state as far as who we can intervene with. This is one population that we could start with to show that we are being serious about this. It is not attacking poor people. That is some of the things that people have that they need assistance.

That is one thing the state administers. That is the only reason that we are looking at that. I wish we didn't have to, but unfortunately we have a big problem and this is just one step. Thank you, Mr. Speaker.

**PERSONAL EXPERIENCES OF  
DELEGATE HORNBUCKLE**

REMARKS

of

**HON. SEAN HORNBUCKLE**

*January 28, 2016*

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. Yesterday we had a very spirited debate from both sides. So, I was going to speak about something but I refrained yesterday because I did not want to take away from that. What I would like to sort of double back to today is H. B. 2130, H. B. 2130. The Gentleman from District 56 made a comment that blue lives matter. Ladies and gentlemen, I couldn't agree more, couldn't agree more. I personally have friends that are in the Huntington Police Department, Charleston Police Department, Barboursville Police Department, FBI, U.S. Marshals. Great Uncle Clarence Johnson was one of the first black officers in Huntington. I love him. Actually, the chief in our hometown recently asked me to be on a committee. You know what I said? Absolutely yes, absolutely yes. Coincidentally, when that comment was made yesterday I received a text from a mayor in my area and asked me that, he and the fellow officers, how they wanted me to look at H. B. 4145, and it was the same thing that the sheriffs and a lot of the other officers asked of me last year and because blue lives matter to me, I voted with them. The Delegate from the 1st, love him, he basically said yesterday that all lives matter and that was a tough vote for them. I understand, but he brought up the point that, while we love our law enforcement and I can't reiterate that enough, that everybody's life should matter and how are we judging who we put priority over and things of that nature, so I agree with the Delegate from the 1st. Then I sort of thought about some personal instances, and I have sort of called my folks back home. I have some legal counsel back home, two in particular, one is Jewish and one is Caucasian. I talked again about some personal matters, and they confirmed that from a statistical point and from some cases they had. Okay, my fears are there. I understand what you are saying.

So, because I think that I have had a lot of sit-downs, one-on-ones, with most of you in this body and I think you are all genuinely good people. Now understand, we rarely agree, but I think you are genuinely good people. Your heart is good, and this guy that has bronze skin and hair of wool and would never judge anybody, it is the other one with bronze skin and hair of wool that judges people, so I don't get into that. But because I fully understand that sometimes you don't know what you don't know, so I am going to give you a brief example of sort of the way I am feeling, okay? On Sunday, December sixth, I was getting ready to fly out of town, going to St. Louis for work, and Sunday afternoon, and I had to go get my hair trimmed up a little bit, get my face done. Okay I was going to my barber and I made it, then turn into his apartment complex and kept going around and he had moved on me. So, I exited the complex and went back around the whole block, and started driving to another part of the complex and in the sort of butt of the road, coming out a little bit, there was an officer's car. Now what department it is? That is irrelevant because it is not finger-pointing at anyone, but I had to swerve around him a little bit and then I start going into the other part of the parking lot. He follows me, follows me into the parking lot. I exit the parking lot and he is still following me, flicks on his lights. He comes to the car and says, "Do you know why I stopped you?" He didn't say you were speeding or dead tags or bad sticker. He says, "You made too many turns." I said, "I am sorry officer I am trying to get to my barber's house. I have to catch a flight to St. Louis at about 3:00. I do apologize. I am just trying to get where I am going; I don't know where I am going." He said, "Well, where are you going again?" I said, "To my barber." He said, "Oh on a Sunday?" I said, "Yes, sir, I am going on a Sunday." He said, "Why a Sunday?" I said, "Well because the barber shop is closed so I have to go to his house." He said, "Okay, so what do you do for a living?" I said, "I actually work for the state." He said, "Oh really?" I said, "Yes sir I do. I am actually a state legislator." He said, "Huh, okay," and he just looks at me and I said, "Well, sir, I promise I am not lying to you," and I get this out, which all of us have, a parking pass." Here you go, sir, it has the State Capitol and all that stuff and my name, Sean Hornbuckle, sir, here you go." He goes, "Huh, okay." Then I said, "I apologize, sir." I give him my business card that all of us have and has our committee assignments on it, its room number, office number and he says, "Huh, never heard of you."

I said, "Oh okay, sir, well sir, I really am just trying to get there. I am not trying to cause any trouble. I can even show you the text to my barber. I do not know where he lives anymore. I am just trying to find his house" and I show him my phone and he just sort of giggles a little bit and said, "Let me get your registration and your license." Here you go, sir." Then he runs my tags and goes through the whole ordeal. "You sure you are going to the barber?" "Yes, sir." Then I say, "Okay?" He says, "Can you step out of your car? Can I search your car?" Now I will tell you all this, at this point I am sort of exhausted, and I have seen things in the media so I am a little bit nervous, and I said, "Okay." He said, "Well, do you have anything to hide?" I said, "No, sir, I will step out of the car." He said, "First you are not going to shoot me are you?" I said, "No, sir, I will not." So, I stepped out of the car and he goes through the front seat a little bit and then he says, "Do you have anything on you?" "No, sir." "Let me check you." So he pats me down, runs through my pockets. After about 10 minutes of this he said, "All right, you are free to go."

Okay, so what I want to talk about a little bit is that we are doing some great things in this body. I first want to brag a little bit on the Gentledady from the sixteenth. In our Small Business Committee, we have done some great things for the state. We have changed the way that we have conducted business with the one-stop shop, the way that we have viewed craft beer. We did some things today with the Young Entrepreneur Reinvestment Act. We have changed some things. Some think they are good; some think they are bad with tort statutes, and you know, prevailing wage. We will probably see right to work and lots of different issues, changes. I commend the Gentleman from the 56th because yesterday he really touted change and we got to move forward and a lot of us want to get there. There are different ways to get there but I agree with him. But the one thing through my lens, and I am just trying to get you all to understand that I have noticed, we haven't in my opinion taken a genuine look of how can we change things for people who have historically been viewed as a little bit different in our country? I ask it of you, to genuinely have that conversation. That is all I ask, to try to bring light of that issue because again, love my law enforcement. Blue lives matter. All lives matter, but also within all lives would be black lives, and every day we get up here and we say the pledge of allegiance. Again

I know most of you in here and I also think you have a good heart, but the one thing that we all do is end it with justice for all, justice for all. So, as you leave this body today, all I ask of you is to just think about that, and if there does come a bill and it might not be me, it shouldn't be me just because I am African-American, it could be anybody, if there is a bill that comes up that is talking about those issues, don't...just put it down. Give it an honest look and say, "Hey, how can we make this better? Hey, I think you might be reaching there or could you do this?" Give it an honest look. We owe it to ourselves, cause at the end of the day, as the Delegate from the 1st and I think he put it, all lives matter, all lives. Thank you all.

#### H. B. 4012

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#### REMARKS

of

#### HON. STEPHEN SKINNER

*January 28, 2016*

DELEGATE SKINNER. Thank you, Mr. Speaker. This morning we had a public hearing in the Chamber on the RFRA and the opposition was about two to one against. After the public announcement only being two days, we heard from some business interest, including a new bipartisan group called Opportunity West Virginia, who pointed out that last year when Indiana passed almost identical bill that there was an economic impact at the time of about \$60 million to the state. The reaction from the business community was so intense the State of Indiana had to spend about \$2 million on a global PR firm, and fortune 100 companies made it very clear that they would not invest in Indiana if that bill passed. In fact, the business community that we heard from this morning was very clear in its opposition. We heard from Marriott. We heard from the Hospitality and Tourism Association and the folks represented Opportunity West Virginia. But, my question is, where is the West Virginia Chamber of Commerce? Where were they? They weren't here. So, here we have a new cause of action being created a year after historic tort reform in West Virginia, legal reform. Here we have a piece of legislation that could be potentially devastating for the business climate in West Virginia, and where is the West Virginia Chamber of Commerce? I look forward to hearing that. Thank you.

**EQUAL PAY****REMARKS**

of

**HON. BARBARA FLEISCHAUER***January 28, 2016*

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I would like to talk a little bit more about why equal pay can't wait in West Virginia and also about legislation that will be introduced tomorrow. It will be H. B. 4238 that I am proud to be one of the sponsors of. The lady from Ohio is the lead sponsor, and the other sponsors to the bill include the lady from Berkeley, the gentleman from McDowell, the lady from Marion County, the lady from Mingo County, one of the ladies from Kanawha County, one of the gentlemen from Monongalia County, and the lady from Monongalia County, and I am not wanting to refer to any of our members by name, but I think it is a really important bill and what it does basically, it says if we pass this law that you are allowed to talk with other people about your wages. Now, that would seem kind of basic wouldn't it? That you could tell another person what your wages are, or if someone asked you about what your wages were, or you decided to ask someone, that person could choose whether to answer or not. But right now it is not clear that that is a violation of the law. Lilly Ledbetter was a plaintiff in a U.S. Supreme Court case. She was manager who had worked for years at Goodyear Tire Company and she didn't know that she was being paid less than her counterparts who were doing exactly the same job. So, that case, with all that she had, she went and filed a case. That is one of the things we are allowed to do in our country with our three parts of government, the Judiciary, the Legislature and the Executive Branch. We are allowed to protest wrongs that are done to us, and she did that, and she got a \$3.3 million verdict. It went up to the Supreme Court, and even though she didn't know for sure that she was being discriminated against because her employer had this policy that says you are not allowed to talk about your wages, the Supreme Court said she could recover nothing because she should have filed 20 years earlier when the discrimination started. That is the way they interpreted law. Most of the courts around the country didn't agree with that, so seven years ago tomorrow, the Lilly Ledbetter Act was passed, and our bill would be similar to that and say you are allowed to talk about your wages. It is

important in West Virginia for two ways; it is important negatively and it is important positively. We have the worst earnings gap in the whole country. It has been nationally. It is 78 cents for every \$1 earned by men, so women earn 22% less nationally but in West Virginia it is 67%. If you want to look this up, you can look at the [statusofwomendata.org](http://statusofwomendata.org) which has a report card for all of the states. It is put out by the Institute for Women's Policy Research, and on wages we are, we get an "F" in their report card because there is such a large wage gap in West Virginia. However, what I would like to see is that we do something positive by passing this bill that could help reduce poverty. That could help stimulate our economy if women earn 100% instead of 67% which is what West Virginia women earn. We would be contributing more to the economy. We would have much better pensions. Women lose an enormous amount of money because they are paid less and it is really bad long-term. It affects our families. If we are married and one person is getting 100% and the other person is getting 67% that is going to mean less food on the table. That is going to mean maybe you can't pay for an extracurricular activity. It affects us but we could, by passing this bill, end strongly enforcing equal pay legislation. We could help stop the discrimination and close the pay gap. So, I want to urge that this bill be taken seriously. It is a free speech. It is an antidiscrimination bill and also I would like to invite you this evening, we are having an unhappy hour from 5-7 o'clock and we are going to discuss how the problem of equal pay harms women and children and their families. It is at Sam's Uptown Cafe and they are charging 70% for women on their drinks, and they are charging men 100%. Why should we have to pay more when we don't earn as much? So Sam's Uptown Cafe, I got to thank them for helping us and this is open to women and men because it affects everybody. So, please join us for the unhappy hour tonight 5-7. Thank you, Mr. Speaker.

**ONE PERCENT TAX INCREASE****REMARKS**

of

**HON. JAMES H. MORGAN***January 29, 2016*

DELEGATE MORGAN. Thank you, Mr. Speaker. I believe the Gentleman from the 22nd said why don't we tax some stuff and the easiest

way to do that, and you all knew I was probably going to stand up and say this, is a 1% sales tax. You can laugh, \$200 million, what did we just say we were short? \$120 million in PEIA, \$80 some million to pay our bills, that adds up in my mind almost to \$200 million. Now there is a lot of other things that need to be done. I am just saying that that is a relatively easy, quick way to get out of this problem that all West Virginians can share a part of the burden in, and you can take it off just about as easy as it was put on if you find other solutions. Just think about it over the weekend as everybody else has said. Thank you.

### REPEALING OF COMMON CORE

#### REMARKS

of  
**HON. PAT MCGEEHAN**

*January 29, 2016*

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. Try to keep this brief but I am here to address a policy that is near and dear to my heart and near and dear to several other members of this body, and that is Common Core Standards and curriculum. You know stoic philosopher Seneca once stated that "ignorance is the cause of fear." I'm going to get into that in a little bit later here. Common Core really is nothing short of the next step towards that nationalization of education. Completely relinquishing and removing education from the local level, and it merely builds a prior federal policy, a previous federal policy introduced by the Bush Administration called No Child Left Behind. So, Common Core sort of builds upon that precedent of federal intervention into state matters, specifically education. First this was, this concept was, elaborated to me either in my first term here in the legislature and during my first term in which then the school superintendent at the time, by the name of Steven Payne, announced at a committee that this new policy back in 2009 by then the Secretary of Education at the federal level, Arnie Duncan, was pushing was this uniform curriculum would be forced on all schools within the United States. You know, I was recognized and asked the state school superintendent, Steven Payne at the time in 2009, if he realized how dangerous that sort of policy could become. Having one entity essentially monopolize and control what every single student across the country would learn, and he kind of

sluffed off that answer and said your concerns are misfounded. This is the time, in 2009, when Common Core really didn't have a name, it was just this development process of developing a common sort of curriculum across the entire country, and so, when I pointed out that this was a dangerous course of action to take, you know, I mentioned he sort of sluffed off my answer and sort of did a two-step on it but for one entity, Washington, D.C., to control what is taught in literally every school in the United States is a very dangerous precedent to set. So, philosophically, you know that is one reason and that I oppose Common Core. There are many others, but of course in the Republican Party platform, Republicans adamantly push for local control of education, otherwise what is the point of having a local school board?

So, you know, Common Core in some respect reminds me of some themes pointed out by George Orwell's famous novel, "1984." There is some very Orwellian type of connections with Common Core and sort of points that George Orwell points out in that famous novel. But then we must reflect a little bit of reflection. If a standard or a curriculum is already common, that is, a school is already teaching something which is truly common, then all these schools are already pursuing these common interests. So, that points out that it is really a moot point. On the other hand, if it is not truly common that what you have is essentially the federal government indirectly imposing what is not common and what they think arbitrarily schools should be teaching. So, there is sort of a dichotomy in a paradox there by saying this is common curriculum. Go one with this, education is a very critical service to our citizens. Common Core is clearly a fail, just as No Child Left Behind was. For the past year several members of this body have diligently worked hard to research, to understand, to get on numerous conference calls, to study Common Core align standards, Common Core policies, Common Core curriculum, the detriments maybe the upsides to it, but diligently researching these issues. This work has been done for the last 12 months, hard work, hard work, countless hours, numerous conference calls with subject matter experts that we brought in to testify in Education Committee during interims. We had these subject matter experts from around the country that were testifying and saying how detrimental Common Core curriculum and standards are. A lot of work has been done by not just myself, but many others. My colleague from



Berkeley County, my colleague down there from, I believe it is, Mason County, several others and you know it is very frustrating to see that Common Core repeal bill has still not been placed on the Education agenda. So, what is being done since that time frame? Since this House, this chamber passed out last year an overwhelmingly bipartisan supported Common Core repeal bill giving clear direction in our will to repeal Common Core going forward. Even though the Senate failed to take it up, it still was a signal and a direction that we were willing to head towards. So, I believe several members here have the attitude and the outright disdain towards these efforts. That several members, including myself and many others, that have been doing all of this diligent research and studying to come up with a correct way to not only repeal Common Core but to develop what standards in curriculum that best serve West Virginia, and this entire time we have had an attitude, an outright disdain towards our efforts by certain members of the State School Board and most especially the State School Superintendent.

If you remember not too long ago, the president of the State School Board admitted that the current State School Superintendent, Dr. Martirano, was specifically hired to keep Common Core in place and this is a gentleman that has hired two or three tax-funded lobbyists, making six figures each, to lobby members of the legislature and spread, I don't want to use this phrase it might not be politically correct, but spread fear and propaganda to the members to scare them from keeping, to not vote to repeal Common Core but to keep Common Core in place. Like I said last year, this House overwhelmingly passed out a bill to repeal Common Core in bipartisan fashion, clearly signaling the direction and the intent of the legislature. That time frame, since that time frame, over the last ten months, the State School Superintendent has spent hundreds of thousands of tax dollars, maybe even more than that. I've got some estimates that say the State School Superintendent, since that time frame when this House repealed Common Core, since that time frame, some estimates say it is in the millions of dollars regarding what the State School Superintendent Dr. Martirano has spent promoting Common Core throughout the state. Really, it is a marketing tour to save Common Core because he is obsessed with it or he's dedicated to. I don't know what his reasonings are, but he basically ignored the will of the

Legislature and took it upon himself to go around the state and push to ensure Common Core stays in place. He's been marketing this all over the state with this so-called website called the Academic Spotlight Review. This website was deliberately set up, but it was set up so that teachers around the state could go into this website and comment on each Common Core standard and these standards, by the way, are almost 200 pages long. Now here is something about this Academic Spotlight website, okay, you might not know this, okay...if a teacher finds a time and goes into review the standards and mark which standard they like and which standard they don't like, well, if you didn't...if you like the standard in this website that was probably cost north of \$250,000 to put together, tax money, if you didn't like the standard, all you had to do was go in and essentially click one button for a thumbs up. Okay, so if you like the standard all you had to do was go through and click like, thumbs up, but the way they had this website tailored, if you didn't like the standard and you had an objection to a specific standard, Common Core Standard, the teacher would have to go in and not just click a thumbs up, they would have to go in and type comments as to why they did not like that standard, which of course is time-consuming. Teachers don't have a whole lot of time on their breaks to do this, and teachers often don't have the time and effort to go in and analyze these standards, and they might not like a whole lot of them, but they have other things to do. They have got to get their class. They have got to teach social studies. They have got to teach science. They have got to teach mathematics, so it is much easier to go in and get the job done and click like, like, like, like, because if you don't like it you have to write out an explanation, and that is very time-consuming. So, clearly, this was skewed to ensure that the State Schools Superintendent's return on this website would reflect overwhelmingly support from the education field's endorsement of Common Core standards. Of course, after the academic spotlight review that was headed up an enormous amount of money, tax money was spent on it, after that was completely finished, of course, the State School Superintendent, Dr. Martirano came out and said overwhelmingly support for these Common Core standards, 95% or something like that, was the figure he gave in support. Well, of course, when you design, you know, the review on this website, to make it easier just to give a thumbs up to standards and you make it very harder and time-consuming to have to go in and

explain why you don't like a standard, it is skewed that way. So, we continue to praise the public review from teachers about how wonderful Common Core standards were based on these website results, and then all of a sudden he also conducted numerous town halls. Okay, it is important to remember that he went around and basically held a series of town hall meetings on Common Core throughout the state. I attended one, actually I attended one with my colleague from Berkeley, and he was there, I was there, my colleague from the eastern panhandle over here were present there. Let me tell you, this was not a town hall open dialogue where citizens could attend, ask questions from the State Schools Superintendent, ask questions from his hired, basically tax-funded lobbyists that were in attendance. You had to write down your question on an index card, then turn it in to the State Schools Superintendent chief of staff. They screened the questions. They screened the questions so, if there was a difficult question, they threw that index card out and they were only giving the softball questions to the panel that was full of these top ranking educational bureaucrats within the Department of Education here in Charleston. So, they deliberately screened the difficult questions that they didn't want to address. They only accepted the "softball" questions, which I think that is very disingenuous. Most folks, when they hear the term town hall meeting, they expect to be able to show up, have a microphone, voice their opinion and ask questions to the panelist sitting behind the desk in the front, you know, of the room or on stage. That is not how these town hall forums were conducted. Again, I believe that was very disingenuous saying that they were having this open dialogue in these town halls. Very disingenuous, very skewed to ensure that only polite and easily answerable questions were put forward. But he, the State School Superintendent continued to praise Common Core all year long, going on radio, television, holding these town hall meetings, which were basically a sham because every question, as I said, was submitted first with screen before it was allowed to be asked. Then we find out from the President of the State School Board why this so called propaganda tour was done. The president of the state school board said in the press, I quote, "Dr. Martirano was specifically hired to keep Common Core in place regardless of what the Legislature does. Nothing demonstrates this fact with the next move made by the State School Superintendent. Well, after ten months this past

year of praising Common Core to the heavens all of a sudden this gentleman, Dr. Martirano, did a complete 180 degree turn around. In November, just recently, a few months ago, this gentleman all of a sudden announces after the academic spotlight he said was 99% overwhelmingly in favor of the current Common Core standards, known as Next Generation here in West Virginia, said everything is great, everybody agrees with it, maybe 1% don't agree. All of a sudden then, in November, he unilaterally does a 180 and says, oh, we are going to repeal Common Core, repeal Common Core...okay, so which is it? Which is it? Ten months he spent pushing this propaganda tour at the taxpayers' expense and then all of a sudden he has a change of heart. What? Did he read the few books that I gave him for a reading list? Doubtful, he probably threw those in the garbage. No, no that is not what he did. That is not what he did at all. He is merely rebranding Common Core under a different name. He rebranded it. If you like...so just to go on with my next point, and I will keep this brief, okay. Replacing them with these new standards now called the College and Career Readiness Standards. Well, if you do a line-by-line comparison of the Common Core standards previous to November versus the new standards set in place, the College and Career Readiness Standard, they are virtually identical. Over 98% of the standards are exactly the same. This was simply an attempt to keep Common Core in place by essentially deceiving and fooling the public by rebranding the name. Instead of Common Core, they are going to call it this new label of College and Career Readiness Standards. It is exactly the same thing. This was not sincere. This was not honorable, in my opinion, and it was certainly either disingenuous or completely incompetent. After this announcement, further, the state school superintendent, I believe, violated the public review laws, which in code states that the public must have 60 days to review educational policy changes, and instead of complying with that law, that 60-day public-transparent review law, Dr. Martirano instead just went with thirty days so he could fast track it, get the standards approved, and, if he went with the 60 days, which is the law, well guess what? That would put him into January when the legislature is convened. So, another basically violation of a clear cut law. Then, not long after he again willfully violated another law by ignoring the Open Governmental Meetings Act, which, by the way, that Open Meetings Act has been the law in West Virginia for over 40 years now. So, I find it hard for

anyone to just make a mistake and forget that that law exists. He did this because he established a new governed commission to make policy changes and recommendations for policy changes to the Smarter Balance Standardized Testing, the Common Core Standardized Test, and announced in the press it would be held behind closed doors. Clearly, violating yet another transparent law, this pattern of reckless use of taxpayer dollars, ignoring the will of the legislature and violating sunshine laws, transparency laws and open meeting laws, quite frankly. Look up the definition of the criteria for impeachment; gross incompetence, dereliction of duty, several others. These are impeachable offenses, what this gentleman has done, and I don't take that lightly. This man has been disingenuous over and over again to the public, and he has violated two laws clearly that I know of and perhaps more. Furthermore, parents are unable to help their children with homework. So, there is another aspect to Common Core and that is the bizarre nature of Common Core Standards and curriculum, which is absolutely indiscernible to our students, our parents and our teachers.

This body needs to take action soon, not only to appeal Common Core but to make it clear to the State School Superintendent and the School Board that if they do continue to ignore the will of this legislature they will face consequences up to and including articles of impeachment being filed. You know, a Seneca wrote in the second century. "It does not matter how many books you possess but only the quality the books that you study." It disappoints me so much that so much work has been done on charter schools when really the true critical problem in education has to be Common Core, even if we get charter schools bill passed. They are going to be teaching Common Core. It is just completely backwards. It is hurting my constituents, especially in lower grades. It is basically putting them backwards in education, and the next generation is really going to suffer because of these bizarre and simply unviable education policies that you know I can't even understand. I am not a brilliant guy. I got a degree from the Air Force Academy in general engineering and history. I am not a brilliant guy, but I should be able to help my little girl with her math homework, and guess what, I can't, and she is in tears every night. A straight-A student, and it causes so much anxiety for her to be able to try to get through her homework every night, and I am sure many other members that have children in grade school probably agree with me. So we

need to develop our own standards, our own curriculum, keep it stable for our teachers in the long run, and we need to try to refuse these Washington, D. C. edicts, which continually change, whatever is fashionable starts coming into play and forces us to adopt one fad after the next. So, we need to create certainty, push a repeal bill of Common Core very soon, otherwise many members in this body are going to be forced to take action, potentially discharge a Common Core repeal bill out of committee, given time. So, thank you so much, Mr. Speaker. I appreciate the time. I am sorry for the long-winded talk, but I felt it necessary to address this right now. Thank you so much.

**AMENDMENT OF DELEGATE  
SPONAUGLE TO S. B. 364**

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REMARKS  
of  
MEMBERS  
*February 1, 2016*

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. Briefly, all this amendment does is transfer \$58.5 million more or less over to fix PEIA and the \$120 million shortfall that we currently have in the state. This is the first financial bill that has come before this House. It is an emergency situation. We are now on the 20th day of the legislative session, nearly one-third through and yet we have yet to address the PEIA funding crisis in the State of West Virginia, and this would be an ample amendment to take care of that situation immediately, and it is in regards to our other financial problems. The next bill right behind this H. B. 4189, which is a bill to expire funds. We can sit here and recess and amend it real quick and take care of paying the state's bills, but it is a number one priority for us is to fix PEIA. I would ask for the yeas and the nays and request the right to close.

DELEGATE LANE. Thank you, Mr. Speaker. Ladies and gentlemen, I appreciate the intent of the Gentleman from the 55th's amendment. Certainly PEIA is an issue that all of us need to address. But I would just point out that this amendment is not about helping PEIA. This amendment is about scoring political points in an election year. That is what this is about. That is the vote that we are about to cast. Are you more concerned with scoring political points in an election year than you are with...?

## POINT OF ORDER

DELEGATE MARCUM. The same argument was made by the Gentelady from the 18th, and you ruled that Mr. Miley could not get into political arguments and that they are very similar to this.

SPEAKER ARMSTEAD. If the gentleman would please restrain his argument to the content of the bill.

DELEGATE LANE. Thank you, Mr. Speaker. Thank you, ladies and gentlemen. Forgive the transgression of the rules, but when we are making policy it is difficult to avoid political remarks. The policy being made here, the policy choice being made here, is, do we now pay a FY 17 obligation because we want to make sure the people who vote for us understand we are going to pay that in 2017 before the election, or do we take that responsibility into the FY 2017 planning. That is the choice. Now, it is an important choice. I think it is a good political amendment. I have offered those types of amendments myself when I sat on that side. The problem is, here is what we are taking away from.

SPEAKER ARMSTEAD. Gentleman, please stick to the content of the bill.

DELEGATE LANE. Thank you, Mr. Speaker. Here is the list of things that we are taking money from. If you would like to make a point of order, go ahead. This is what you are voting against by supporting the Gentleman from the 55th's amendment. You are voting to take \$24 million away from Medicaid, social services, TANF and IDD Waiver. You are voting to take an additional \$10 million away from IDD Waiver on February 8th. You are voting to take an additional \$11 million away from IDD Waiver on February 12th. You are voting to take an additional \$10 million away from IDD Waiver on February 22. Now, some of us in the room have been around long enough that we understand what IDD Waiver is. For those of us who are not familiar enough with that program, that is a program, through Medicaid in West Virginia, where the State of West Virginia offers assistance to 4,500 disabled West Virginians across the state, disabled West Virginians. As some of us know, since the day after last session the disabled community in West Virginia has been under attack from the DHHR. DHHR has already submitted proposals and changed their policies to cut the services provided

to disabled West Virginians. Frankly, I don't think we should be...while we should balance the budget and we should take care of PEIA, I for one do not believe that we should transfer money from those of us, our neighbors, our friends, our family who are least able to go without those services in order to provide a futuristic payment on an obligation that isn't due now but is due next fiscal year just so a particular group knows that we support them. That is the choice that you are making. Now you may say that is political. You may call a point of order on me. That is perfectly within your right to do but it is a political choice. It is a policy making choice. Do you believe that we should take \$50 million away from disabled West Virginians on February 1st, February 8th, February 12th, February 22nd and March of this year, this year, right now today is February 1st, today...and TANF \$11,000 poor that need help? We hear a lot about that in health. How many people are on TANF and how should we help them. Taking this money away from them by supporting the gentleman's amendment doesn't help them at all, it hurts them. They have needs now. The IDD Waiver recipients have needs now. They have services that need to be provided now, today, tomorrow, next week, next month. I appreciate the concerns, and I look forward to a real and responsible solution and not a postcard solution. Remember, when you cast your vote, if you are green on this amendment, you are red, red on disabled and poor West Virginians. Thank you, Mr. Speaker.

DELEGATE NELSON. Thank you, Mr. Speaker. I appreciate the words there from my fellow delegate. I am going to stand up and speak against this amendment for a number of reasons, but first let's talk about what this bill is. This is the first of probably 20 supplementals that this body will see. This supplemental passed out of the House Finance Committee unanimously. You know, we all know, or it has been reported, how our revenues have not met projections year-to-date. \$158 million behind our projections through the end of December. The next day or two we'll hear how January is. I am here to tell you it is probably 12-15 million more that we are behind general revenue estimates. So, we have two things in front of us this budget year or as it relates to the budget. We need to fill a 2016 gap. So, 158 an extra 12, that is 170 million. The Governor has told us that we should expect something in the \$350 million range. Could be worse. Some cuts have been put in place. Supposedly to save \$100 million roughly. But the

other aspect of that, when we are that far behind general revenue, is that our cash flow is not where it needs to be. That is where we stand right now. The gentleman used some numbers that I was going to express, but this bill needs to pass right now, without changes, to fund cash shortfall that hits us starting Friday. We could go to other areas in our budget. A lot of people talk about various cash accounts. We could, but the rainy day fund, also known as the Revenue Shortfall Reserve Fund, has \$850 million in it, that is what it was set up to do. To be a quick shortfall to help in our cash-flow needs. Hopefully we don't have to do this again. We used it the last two years to balance our budget. I will step back and, again, we have got two things. We have got the '16 gap that we must fill now, and that is what we will see with these supplementals, and for our many new members. Supplementals, what are they? Supplementals is the form of legislation that this body can basically transfer funds from various sources to fund the current fiscal year. Yeah, we passed the budget last year. I think we had 80 some in this body that voted for that. Unfortunately, we are not meeting our budget, so these supplementals, which we will have over the next couple of weeks, will help fill that gap for this year. Then towards the end of session the Finance Committee and this body will address various revenue measures, expense cuts and whatnot as it relates to fiscal year '17. We are all very concerned about the PEIA shortfall, it has been projected that in fiscal year '17. So, that is the year that starts July 1 and goes forward. It is projected that there is a shortfall of \$120 million. There has not been legislation that has come before any committees yet. But I can guarantee that there will be legislation to address that particular shortfall need, and there is many ways we can do that. Let me just put a caution on this floor with the members, we are talking about using one-time monies out of our savings account, our rainy day fund, to fund an ongoing obligation. That hits it for one year. But what about the future years. That is not what we need to do here. We need to match ongoing needs with regular sources. Not one-time money. It is the wrong thing to do. A lot of people don't want to get into rainy day. It was set up for a particular reason. You know it is very unfortunate what has happened here hitting our natural resource area that started this and then obviously the resulting job losses and consumer sales tax losses. The 850 is a nice cushion, we are a AA rated state. Doing this will not change our rating for those that may have a concern about that. We are a AA rated

state. There are 15 other states like that across the nation. There are 20 that are AAA, but we can get into that later. But, Mr. Speaker, for various reasons I urge rejection for this amendment. Thank you.

DELEGATE FRICH. Thank you, Mr. Speaker. Will the sponsor of the amendment please yield for a question? You have heard that this is about filling current cash flow problems. How do you plan to fund the revenue shortfalls in the current year and pay our bills on time?

DELEGATE SPONAUGLE. First off, it is prioritizing, and, by putting the money in the 2016, they would be able to draw down like they have done, PEIA Board has been drawing down for the last several years from excess funds. So we would go and we would re-appropriate those funds on down the road. So, that money has already been set aside and we have prioritized our agenda in here and have said that PEIA is number one. If that passes, for example, then, the Gentleman from the 27th had an amendment last week that I thought was very good. He suggested taking a big chunk of the Senate's slush fund of \$30 million and \$8 million out of the House slush fund. So, we can do both. It is not an either/or type of situation. It is just the way you want to prioritize.

DELEGATE FRICH. So, you think that would pay our bills?

DELEGATE SPONAUGLE. Yes, absolutely, the very next bill right behind this on the agenda is 4189. So, we could sit right here and amend it soon as this passes we can do both things here today. It is not an either/or type of situation.

DELEGATE FRICH. Well, I don't think that that would be a sufficient way to fund our bills. I would hope that you would ask your leadership to join us on the Finance Committee to help us in a responsible manner to deal with these issues. I don't know what you would like to say to those who are currently suffering, the poor and the disabled, that are relying on this money.

I appreciate that, but I thought that was a sincere question of how you would explain that to people that would be impacted by your amendment. I know the state's...we are in trouble. We could use some responsible help in trying to solve these problems. I really don't believe that you would want to prioritize what

can be fixed in next year's budget by now paying this year's bills. Thank you.

DELEGATE GEARHEART. Thank you, Mr. Speaker. I would suggest to this body, that while we all are concerned about PEIA, that this is the wrong place and wrong bill in order to address that particular subject, and I don't believe that it addresses the problem and it causes an additional problem. My friend from the 55th referred to an idea that I had last week. It is not...word moves around this chamber relatively quickly when things aren't out there, and it is...would be beyond me to argue that I have been a little growly about this particular bill, and I am still a little bit growly about it. Maybe we will talk about that when it comes up for a vote. But the point really is, here, is that this bill addresses a specific subject and it draws money from a specific source to fulfill that subject. It does in fact accomplish the purpose with which it was intended even though I may have some objection to some other portions of this small supplemental. As such, I would urge all members to vote positive and urge passage. Thank you.

I would suggest we reject the amendment, however, that we vote in favor of the bill when it comes for passage. Thank you, Mr. Speaker.

DELEGATE MORGAN. Would the Finance Chair yield? Would \$200 million help you out of this situation?

DELEGATE E. NELSON. Well, again, we are talking about fiscal year '16 and we can make a difference between fiscal year '16 and fiscal year '17. Yes. In '17 we are going to need revenue or we are going to need some cuts.

DELEGATE MORGAN. Would \$200 million have helped you if you had that in fiscal year '16 rather than '17?

DELEGATE E. NELSON. \$200 million in whatever form would help.

DELEGATE MORGAN. Would a responsible way to do that conceivably be a one cent tax increase?

DELEGATE E. NELSON. Conceivably.

DELEGATE MORGAN. Thank you. Should you need a bill, there is one that has been drafted and entered. Thank you.

DELEGATE E. NELSON. I think it has been introduced.

DELEGATE MILEY. Thank you, Mr. Speaker. To the Finance Chairman I wanted to catch you while you were still up and didn't lose the opportunity. What is the plan to fund PEIA?

DELEGATE E. NELSON. Well, like many other needs that we have, there are needs for roads. There are needs for correction officers, education. I think as you look at this, as we, the Finance Committee, will be doing. Again, we are listening to 25 different agencies right now give their budget presentations. They are talking about what cuts they had this past year for FY 16. They are talking about what cuts they have next year. We have not addressed any revenue measures, but that will come and we have not addressed specific special revenue accounts as it relates to funding next year. So, once this legislation comes before us, it will be on the Finance Committee Agenda and we will address it at that time.

DELEGATE MILEY. Do you, as a member of leadership, have a plan? I mean you said...you act as if you're waiting for something to come before you. Are you part of putting together a plan that you will have before you to consider?

DELEGATE E. NELSON. Oh absolutely, I think anything, because that is a big need that we have just like many other needs we have with education and roads.

DELEGATE MILEY. Well, that is what I am asking. If you are part of that process to come up with a plan that you want to consider, what is the plan and where are you in the process of developing the plan?

DELEGATE E. NELSON. We are in the process.

DELEGATE MILEY. How far along?

DELEGATE E. NELSON. Well, there is many things that...one, we don't put this budget together overnight. In fact, we usually extend beyond our time and there is many moving parts and this is just one of them.

DELEGATE MILEY. Are you aware that the Governor has presented a plan that calls for an increase in the tobacco tax?

DELEGATE E. NELSON. I am aware of it just like you are.

DELEGATE MILEY. That is correct. Are you aware that as of this date that bill hasn't been introduced in the House yet?

DELEGATE E. NELSON. I have read the same bill introductions as you.

DELEGATE MILEY. So, that would be a yes, you are aware it hasn't been introduced. Are you aware that at least one member of your leadership team and I have yet to sign-on to the bill to allow that bill to be introduced, are you aware of that?

DELEGATE E. NELSON. I am not.

DELEGATE MILEY. My question to you is, if neither your leader or the leader on the Democratic side signs onto the bill that the Governor presented because I assume that neither of us agree with it, what plan do you anticipate coming before you and this body to address the PEIA issue?

DELEGATE E. NELSON. The plan of looking at many different potential revenue measures as well as cuts. It will be coming. I just can't sit here and pick one thing after another right now. It will come and you will hear plenty about it, you and your caucus and all the other members.

DELEGATE ROHRBACH. Thank you, Mr. Speaker. I want to rise to oppose this amendment for one reason, my day job or my real job I guess you might say, I run a medical practice and part of that practice we pay benefits for 350 employees. We are self-insured. So, I know a little bit about what we are talking about with PEIA and the provision of benefits, and all I am going to say on this matter is we don't need a one-time fix. There is a problem, but we need a substantial, well thought-out fix rather than a knee-jerk reaction to just fix something for one year alone. I hope that we value our state employees and their benefit plan more than just a one-year fix. I hope we value them enough to show them that we have seriously considered this problem and we are working to fix it as I am quite sure we will. Thank you, Mr. Speaker.

DELEGATE DEEM. Mr. Speaker would the gentleman from Cabell yield to a question? Delegate, I have heard you introduce and speak

on raising the sales tax on food many times. You may know I have a bill that would increase the tax on tobacco by \$1 a pack. Ted Cheatham, head of PEIA, and others have told me that will address the shortage in PEIA. Now, I want to ask you, one of the good things about, more than one good thing about, tax on cigarettes is that, number one it would cause people to quit smoking. Number two, it would cause their children not to smoke. Number three, it would save the PEIA money because they wouldn't have to go to the hospital for cancer treatment. Now you tell me why putting a one cent sales tax on everybody would be more beneficial than putting a tax on cigarettes?

DELEGATE MORGAN. Thank you. You mentioned I suggested a tax on food, which I did not do. It was the one cent sales tax. I completely agree with you on the tax on tobacco. I also think, if you will ask the gentleman from Kanawha over there, it is going to take more than the tax on tobacco to get this state out of the hole. If you go out and drive up and down state roads now, which almost every road is, I am sure you will find potholes. We are behind a billion dollars on repairing those roads. I am suggesting and use every chance I can get to do it, that a one cent sales tax along with practically every other measure to increase revenue is an appropriate thing to do in the state at this time because that will spread...it is a broad-based tax, the one cent sales tax, not discriminatory; however, I am willing to vote for a discriminatory tax on the tobacco, so I agree with you. Now, sometime I hope you will read an article that says West Virginia taxes are about like everybody else's in the United States and agree with me that a one cent sales tax is part of the plan, only I can't get too many people to take it up.

DELEGATE SOBONYA. Thank you, Mr. Speaker. I urge rejection of the amendment and I believe that our PEIA retirees and employees, they need long-term solutions not a one-time, one-year fix, and I would like to also point out I am reading from an article in the Gazette, October 24, 2011, and it starts out and says that the West Virginia Lottery has begun making payments from the controversial \$10 million a year fund the legislature established to help casinos buy new slot machines. Mr. Speaker, I do have the roll call here and it was largely on party lines, and I did not vote for that because my priority at the time in 2011 was not to give \$100 million to the four casinos in West Virginia to

buy shiny new slot machines, Mr. Speaker, and the kicker was if I remember correctly that in that legislation they only had to keep the slot machines in West Virginia for three years. Now the priority in 2011 before your time as Speaker, Mr. Speaker, was for four casinos. They are headquartered outside of West Virginia, so the legislature, without largely our vote, had a priority to fund slot machines, \$100 million, to four corporations headquartered outside of West Virginia. Our retirees deserve better. Let's talk about priorities. I think we will address this. We are looking at solutions for a long-term solution, that PEIA problem did not happen overnight. It didn't happen just this year. It has been festering for a very long time. I would suggest that they have not been the priority. They should have been prioritized, our retirees and our public employees should have been higher priority than casinos and slot machines. I urge rejection of this amendment. I urge us in a bipartisan manner reach across the aisle and look for solutions together. The people in West Virginia don't want partisan bickering and politics and shenanigans. They want long-term solutions. Let's end this today. Let's work together for solutions and truly prioritize our state employees, our public employees and our retirees. Thank you, Mr. Speaker.

DELEGATE MANCHIN. If not now, when? We have been here for 20 days now. We have known about this problem for months, I think it surfaced probably somewhere in July or August of this year that we knew this was coming. It seems that our priorities are backward here. We have already taken up in one committee a bill to basically eliminate training and eliminate background checks for carrying concealed weapons. We have passed a bill that is going to hurt working West Virginians.

MR. SPEAKER. Gentleman please restrain your comments to the bill in front of us, the amendment in front of us.

DELEGATE MANCHIN. And now what we are trying to do with this amendment is to bring attention to the plight of 220,000 other working families in the State of West Virginia. What we want to know is how are we going to fix it? We are here, this is the first opportunity we have had to address the issue. This may or may not be the best way to do it, but the point is, is that we need to start the dialogue, and there has been no dialogue. I have seen many things from leadership who runs agendas about lots of topics

but none about PEIA. None about how we are going to come with a full fix for PEIA. We are talking about a \$350 million hole in the budget. We are talking about a problem here that is \$120 million, and there has been no discussion whatsoever about how we are going to come up with that money. This is an attempt to let the people of West Virginia, to let working families, know that we know the problem that we face, that we know PEIA cuts are another cut in their income to working families and that we want to stop it and it is a very clear choice today on this amendment as to whether or not we send that signal that we are taking the first step to stop it or whether we are going to kick it down the road a little further and a little further and we are going to put it behind a whole bunch of other items that supposedly are more important. I urge adoption of the amendment and then passage of the bill.

DELEGATE FOLK. Thank you, Mr. Speaker. You have a very clear decision here, and the gentleman, the sponsor of the amendment, referred to priorities. Well, your first priority is to pay your current bills. We do it at home. You pay your bill that is due on the first before the one that is due on the 30th. So, why should we be dealing with something in the form of an amendment that is not even due until after July 1. Now we talk about the crisis nature of PEIA, and Gentleman from the 50th mentioned and then I think the Gentleman from the 48th mentioned it. The reality is, there hasn't been any additional funding of PEIA since 2011. It is not that they haven't needed it. The way they gotten away from funding it is they have been paying down the reserves for multiple years, and they have gotten to a point where they can't do that anymore. So, this amendment is just frivolous in nature, in my opinion, to anybody with any financial common sense. Reject the amendment. Let's come up with a real good solution, and, believe it or not, there are actually a lot of people out there making suggestions cause there's some places that the money is definitely available with ongoing money and not one-time money. Thank you, Mr. Speaker.

DELEGATE PERDUE. Thank you, Mr. Speaker. My good friend and colleague from Kanawha County and I share the same passion for what he discussed earlier, the IDD Waiver. It is an extraordinarily bad situation brought on by the Department of Health. It is bad. There is no question it is bad. For that reason, I do share his passion and I know that he knows that. Having



said that, ladies and gentlemen, what this bill does is expires a given amount of money to the General Revenue Fund. There is no guarantee. We don't know for sure where that is going to be spent. This amendment says for sure where that money is going to be spent. Now I know that there is a lot of problems with this year versus next year, but I also recall in my years of experience the number of times the budgets have come up that people have voted against because they didn't like something in it. They were willing to forego those monies to almost anyone because they didn't like something about the budget, didn't like who prepared it. They didn't like administration. They didn't like some specific item. Something to do with maybe casinos or something else. We all have that we can do. By the same token, ladies and gentlemen, what we are trying to reach here is an understanding that things are bad for about 200,000 people, are going to get worse, and we have the opportunity to make a statement about what we believe is important for those people and for the State of West Virginia today, not 2017 or 2020, today. It has been said more than once, we have a rainy day fund, and periodically somebody will come along and say well it is raining. Well, yeah it is. Why would we not access all the resources we have at our disposal to protect the interest of all of our citizens today in this hour in this moment, in this chamber. Ladies and gentlemen, I urge adoption of the amendment.

DELEGATE MILEY. Thank you, Mr. Speaker. I will try to be brief, but, ladies and gentlemen, what is most telling about the current state of affairs I think was displayed most in the back and forth between the Finance Chairman and me. There is no plan to fix PEIA. You want to know why there is not a plan? Because too many people have committed not to raise any taxes, tobacco or otherwise, and therein lies the problem. You are in a quandary. I have committed not to raise taxes of any kind. I am purportedly committing to a fix that is going to come at some point in the future, though being a third of the way through the legislative session we haven't even begun to work on one or work on a problem, I should add that, as a Delegate from the 50th pointed out, we have known about for six months or so. Now, yes, the reserves have been drawn down over the past three or four years; at one point they were up to \$500 million, but we are down to as far as we can go. There is no plan and that is the concern. This is the beginning of a plan. Now there were several

accounts that were referred to that would go unpaid, but I say to you, adopting this amendment isn't to the exclusion of those programs that also need funded. As you have heard here today, both can and should be done. I mentioned last Friday, there was a report, credible or not that claims there is over \$300 million of waste. Use it as a road map if it is that credible. Many of us in this body campaigned on let's get rid of the fraud and waste. Let's get rid of waste, government waste, government fraud. Without identifying where it is. If there is so much fraud and waste that you believe to exist in the state, why haven't we been working on moving that money to fund PEIA or these other programs so that both measures are accomplished. The fact is that is a nice, pithy phrase to run on, but we know it is easier said than done to find that waste. Now there is a number of accounts from which money can be taken. Two of which were referred to by the Gentleman from the 55th. The Senate has a bunch of money it is sitting on, and the House has some money it is sitting on. I understand that those monies have been there for quite some time. So, have other accounts that have been drawn down over time, such as the traffic account. Used to be at \$75 million. When we needed to balance budgets in the past, we drew that down, which I suppose could have sat on and not have to draw down, but at some point you have to prioritize what you are going to focus on. I am just finding it hard to imagine that we have come into this session with no plan to fix PEIA. We can talk about it all we want. There is no plan. Now there has been some reference to the fact that the amendment would put money into the 2016 budget. The fact is, as I understand it, that benefit cuts of about \$35 million have had to be made already this year by the PEIA board, and fiscal year 2016 with another \$32-\$33 million taken from the reserve fund that got us down to the statutory floor of the reserve fund. So, there were some needs that arose in this fiscal year, and, even if those needs have already been met, this money would put it in the reserve fund to be applied towards future needs while we work on these wasteful accounts that have all this money in them to be applied toward bills that are owed. So I think it is a pretty simple vote that we can make here. We have put it off for several days, so it is kind of hard to sit and listen to people talk about the urgency without coming up with proposed alternative plan to fund PEIA. You know, when I am back home I don't necessarily invite, but I am willing to hear, criticism of the

job I do in the legislature. The only thing I ever ask is, I don't mind criticism but I ask for suggested alternatives because I certainly don't have all the answers. None of us in here do. But criticism for the sake of criticism is valueless. But in this case there have been a couple of plans proposed that apparently are not being embraced or adopted by the majority party. One of which is, we stated at the beginning of the session, was \$1 per pack increase on the cigarettes as well as the other tobacco product increases in taxes. I think we all know what that would bring in. That shared by the Gentleman from Wood. The Z has a bill that has been introduced in the Senate that increases the tobacco tax by 45 cents. Nothing has been done with either of those plans. I assume that the inaction is a reflection of a lack of desire or appetite for either of those plans, so at some point something has to be done. That is what this amendment is designed to do, and I urge the adoption of the amendment to advance the message to the State of West Virginia that we do indeed prioritize our beneficiaries of PEIA, one in seven West Virginians are the beneficiaries of it and that we find other accounts that have funds to pay the bills that we believe will go unpaid. Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I think one of the things that we haven't heard about today are the people that are affected by this amendment. Each and every one of us has a whole lot of people in our community who are going to be affected by what even the PEIA Finance Board calls draconian cuts. I had a young woman ask me what draconian meant, and I had to say, well, it just means severe, and I looked it up because it occurred to me that I really didn't know very much about draconian and what it means, is taken from a Greek official a long, long, long time ago, and basically he gave the death penalty every time he issued a penalty. The people in my district, the retired janitors from...who worked loyally for us in the '60s, '70s and '80s, many of them are women who are widows. The average number a year the woman lives beyond her husband is 11, and a lot of these people didn't have very much of a work history because they raised a family. They raised us. We are talking about cafeteria workers who have...who took these jobs because they thought it was a decent job, it was a respectable job, and they would get decent wages and benefits. They have seen copay after increase and premium increase after increase and they are...somebody said we need to pay our bills. Well these people

are really having trouble paying their bills. I have gone door to door and I have sat on a front porch swing when people told me they are cutting their pills in half, and probably all of you have too. I agree with the gentleman from Harrison, if not now, when? It is time we fix PEIA. We can do it with an increase in the tobacco tax. We need to start talking about it. The Gentlelady from Cabell was talking about reaching across the aisle. This is our opportunity to reach across the aisle. We need to do something about health care. We need to do something and make sure our budget passes. We need to do it for people who are having a really rough time, and I urge adoption of the amendment. One last thing, I don't think anybody should suggest that there is a single person in this room that is unconcerned about the disabled. A lot of these people are disabled. They are on the Aged and Disabled Waiver. They are eligible for food stamps. Lots of state employees and retirees could get food stamps. So, a lot of these people are disabled. Of course we care about people that are disabled. Of course we are advocates. Many of us in here are strong advocates for the disability community. We think it is time we fix this problem that we talk about, different ways that we can fix it, and one of the biggest ways, one of the ways that most of our citizens agree with is the tobacco tax, so I urge adoption of this amendment and that we get moving on a tobacco tax so that our citizens will be discouraged from smoking and discouraged from starting smoking. Let's do it for the people who have loyally served us in the schools, in the universities, in the Department of Highways. All those people that depend on us and we depend on them. We need to remember the people and we need to pass this amendment.

DELEGATE J. NELSON. Thank you, Mr. Speaker. Would the Finance Chair yield for a couple quick questions? Thank you, sir. Help me understand, I am involved in business but I obviously don't have as much accounting and finance experience as you do. The nature of an appropriation is cash flow to short term in financing terminology, right? So, this is something that just happens for a very short amount of time, not a long term solution, correct?

DELEGATE E. NELSON. Supplemental and appropriations are one-time.

DELEGATE J. NELSON. OK, so my mother, she is a school teacher; as a matter of fact, she as a special ed coordinator in Boone County, and

my two aunts that teach, this would not provide a long-term solution whatsoever. Maybe just a micro amount of time that this might fix it. Correct?

DELEGATE E. NELSON. Yes.

DELEGATE J. NELSON. I don't have any further questions for the Finance Chair, but I would like to ask the Vice Chair of Judiciary to yield, Mr. Speaker. Thank you, sir. Can you explain to me how disabled families, IDD, that is something I am very concerned about as well. Can you explain to me how the children that my mother deals with, how they may be affected because of this amendment?

DELEGATE LANE. Sure, and it is a good question. It is my understanding the information that was provided by the Governor's Office is that on February first, which of course is today, February 8, February 12, February 22, and then into March, the money that is needed to pay for the services that are provided through Medicaid IDD Waiver, for example some of those students that are in the Special Education program in Boone County would not be covered because the funding shortfalls. So, if they have services that are provided by nurses, aides, physical therapists, respite care, those types of things, medical appliances or devices that they need or therapies that they need at home that those services will not be provided because the money is not there to pay those bills over the next few months if the gentleman's amendment will be adopted.

DELEGATE J. NELSON. OK, so, because they have special needs, obviously there is extra requirements for them to go to school, the things that my mom helps coordinate...

DELEGATE LANE. Let me just be clear there is a difference between the special education funding, which comes through special ed formula and federal government, and this appropriation we are talking about today, which is the Medicaid services, so the school base services would flow through the education program. We are talking specifically here about home-based programs, home-based needs, and I might add that, often times these are not just students but adults who may be, you know, if you have a 40-year-old person who has autism or cerebral palsy who is able to live at home with certain community supports and services. These are the funds that pays for those supports and services at home, the

medical care, the therapies that are needed for those persons to stay at home. The alternative to providing this funding would be, in a long-term sense, would be that these persons would be forced into an institutionalization scenario where it is going to cost us about \$300,000 a year to deal with it.

DELEGATE J. NELSON. So, effectively, instead of them being at home with their parents they could end up in a home where they have additional help at additional cost to the taxpayer?

DELEGATE LANE. That would be the long-term effect of reducing the funding or changing the program as DHHR intends to. This money here that we are talking about is the cash that is needed to provide those services, as I understand it, through February and into March. So, for the immediate foreseeable future for the next few months, those persons who are the most needy, the most need our help as friends and neighbors the most, are going to be short-changed by the gentleman's amendment.

DELEGATE J. NELSON. OK, at the appropriate time, Mr. Speaker, I would like to speak to the amendment. I have a friend in my district named Mr. Wayne Hubbard whose child deals with the Waiver process, and their family could be affected by this, and there are organizations out there that are clearly pointing out the fact that we have a bloated government in the State of West Virginia and that there are cuts that could be made to wasteful areas that could fund PEIA. Nobody is more concerned about that than myself. My own mom is dependent upon that and her retirement, and I heard somebody make a floor speech, I can't remember who it was, and he made a good point, they said that, yeah, the pay is not that great but the benefits are good, and I agree with that and we need to find every way possible to ensure that we are retaining high quality teachers and then taking care of them after they leave the workforce. And my good friend from the 48th made a valid point that we do need to find a good starting point, and I would also point out that I have a bill that we can start right here in this chamber and save half a million dollars just in this chamber by cutting every elected official in the State of West Virginia pay by 25% including the House, the Senate, the Governor and the State Board of Education, and if somebody would like to amend that in committee to include the Ag Commissioner, the Secretary of State and

whoever else that we can find, we can lead by example, and we can set that example starting with us. So, I am going to reject the amendment, but I do indeed, as I am sure everybody else in this chamber does want to do, find a real long term solution because it is important.

DELEGATE GUTHRIE. Thank you, would the Gentleman from the 38th yield, please? We do share the same passion with the IDD waiver. No, we all work very hard but a lot of us work very hard over the summer. Know that that group sustained significant cuts the Governor wouldn't even meet with them.

DELEGATE LANE. That is correct.

DELEGATE GUTHRIE. Then we decided that the best thing to do was to take...was to ask for an audit through the Joint Committee on Government and Finance to see whether or not cuts that were being made were reasonable. Isn't that correct?

DELEGATE GUTHRIE. And so now the Governor's Office is supplying you with the IDD waiver figures as though all of us in here don't care about those folks. Is that correct?

DELEGATE LANE. Well, I am not sure what his motivation was for supplying those particular figures other than to point out that for this particular \$50 million-plus supplemental that has been presented, this is where that funding is intended to go. Take it for what it is worth, if we are skeptical about whether the Governor is being truthful or accurate with what his intentions are, the executive branch's intentions on where they spend it...

DELEGATE GUTHRIE. You mean the Governor who wouldn't even meet with these folks?

DELEGATE LANE. That's true.

DELEGATE GUTHRIE. That Governor.

DELEGATE LANE. Yep that is the one.

DELEGATE GUTHRIE. Thank you, sir.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. I raise today in support of this amendment. For many reasons. Those of us that are sitting here today after we have heard

everybody accuse everybody of not caring for a certain classes of people, we all feel fear and the employees of the State of West Virginia for the last six months have felt fear. You know, I was taught to not do something because a fear is not a good enough reason, and you know what, this amendment is the first step, and if we take the first step, then we can go the second step and correct it correctly. Everyone in this body that has been here and served with me for the last five plus years knows that there isn't anybody in this House that cares any stronger for people with disabilities. And yes I have a family member that is on Medicaid Waiver. And, yes, I have received phone calls from people who are state employees who are wondering how they are going to pay for \$350 a month for one medication because their child is an insulin dependent diabetic at the age of 9. You know, I have to stand here, another reason, because of my father who was a long-term State of West Virginia employee. He worked for the Department of Highways, and you know what? He wasn't some big business man who made all the decisions. He went out there and worked on the snow plows to be sure you could get through the roads. But the one thing my dad taught me when I graduated from high school was, "Denise, I turned down a lot of high-paying jobs because I wanted to be sure I had benefits for my family." That is what was important to him. That is what is important to the people who are state employees who are covered by PEIA. I think about the retirees who are getting cuts in their benefits. Who but the people who are over the age of 65 need benefits more than I do. For me to sit here and say that I don't see PEIA as a major concern for this state and for this legislature, we were told in the PEIA Senior Committee this fall or spring that this is what was going to happen. I thought, oh my goodness, the wheels are going to start turning, we are going to work on this. But you know what? There wasn't one meeting following that that we even addressed that. That has me of great concern. The people of my district did not send me down here to be quiet and go with the flow. They sent me down here to do something, to stand up for them and to try to correct something that is wrong. This is the first step, Mr. Speaker, and I pray that those of us who really care about the disabled, the retirees in the State of West Virginia, the employees of the State of West Virginia. How many people are affected? This should not be the last priority of this session. This should be the first priority.

DELEGATE HOWELL. Thank you, Mr. Speaker. Would the Finance Chair yield? Thank you. With all the different discussions going on I want to make sure I am clear. The issue with PEIA doesn't occur until the 2017 budget, is that correct?

DELEGATE E. NELSON. That is correct.

DELEGATE HOWELL. As long as we solve that by the end of Session it won't be an issue?

DELEGATE E. NELSON. We hope to solve that this Session, that is correct. '16 is fine.

DELEGATE HOWELL. So, in the more than month of Session is left, are you confident we will have a solution that doesn't cut benefits to the disabled and another parade of horrors.

DELEGATE E. NELSON. I am confident that there will be a better solution than is there right now.

DELEGATE HOWELL. Thank you.

DELEGATE MILLER. Thank you, Mr. Speaker. I have heard a lot of double talk here. I have heard mixed messages. I have heard emotional concerns. Those of us who have been here longer than a year understand the process that we do as a legislature. Many of us have bills that have been introduced in the years previous, and when this current session starts those bills roll over into what we have to do is our business. Over 2000 bills come through this body in a single 60-day time. I am a member of the Finance Committee. I think this is my fifth year and I do understand the process that occurs in the Finance Committee. We spend the first half of our session looking at all the agencies and their figures and their spending, and we work on it. If we need to put money elsewhere, we should do it in a prudent fashion, not in an easy vote. We know that anyone that deals with money, they are not big talkers. I don't know any CPAs that like to make small talk. They're numbers people and what we are concerned with in the budgeting process is the numbers and the waste. I find it disingenuous that those people who stood outside when everyone was here concerned about the IDD waiver that now they are willing to not pay the bills that have come to roost this week, next week and the following week, as well as in March. We need to make very important decisions with our budget, and we are trying to

do that right now. We have the intention of solving the PEIA problem that didn't occur six months ago. It has been on for five years, and it is our job as a body to do the best we can going forward. It doesn't mean it has to happen in the first ten days of session. The important thing is it's done by the end. Thank you.

DELEGATE PERDUE. Question for the Finance Chair? Thank you, sir. Sir, this is a supplemental, we are all very familiar with those over the years. Is there anything to your knowledge that would prevent a subsequent supplemental, and I think you said there were about 20 more, from being amended or to keep the Governor from offering yet another supplemental to overcome anything that may or may not be lost by this one not passing in a way that he intended?

DELEGATE E. NELSON. Realize the timing that we are involved with. Realize the timing that we are up against and how long it takes to go through both bodies. This bill that we are speaking of passed the Senate unanimously.

DELEGATE PERDUE. We do have other supplemental today, do we not?

DELEGATE E. NELSON. There will be other supplemental that will be focused on our current fiscal year 2016.

DELEGATE PERDUE. Sure. Is there anything that would prevent those from being amended to incorporate the funding, that it would be supposedly lost here?

DELEGATE E. NELSON. Again, the short answer to that, but these are one-time monies that we are trying to put into an ongoing need.

DELEGATE PERDUE. Oh, I understand perfectly, I have been around here long enough to see that, but, again, I don't know, and this was my question, that there is any imprimatur that keeps us from amending a subsequent supplemental to incorporate the funding to the general fund that is anticipated here.

DELEGATE E. NELSON. Anything is subject to an amendment.

DELEGATE PERDUE. Thank you, sir.

DELEGATE P. SMITH. Thank you, Mr. Speaker. I really struggled with this amendment. About everybody on this side of the aisle knows that, and actually I am still struggling with it. But I want to tell you about a meeting I had right before the session. When you are in a single-delegate district, you know your constituents, and I know them well. I know almost everybody if I am not related to them, but there were about 30 people at the Lewis County Senior Center who were retired school employees, and they sat there with me and begged me to do something about PEIA. These were folks who I taught with and who mentored me as a young teacher. My first boss, who is now 96, the cooks and the bus drivers, people who I love and care about and have respected and have taken care of me when I was a kid and they say, Peggy, can't you do something about PEIA? They are living on a few hundred dollars a month. I said, yes, I am going to really try, and I have great hope. Somebody with me said there is no hope, Peggy, we can't fix it. But I said I do have hope and I looked those people in the eye and I am not going to let them down, I am going to vote every chance I get to do something about PEIA. So, I am voting for this amendment, and I hope you do, too.

DELEGATE COWLES. Thank you very much, Mr. Speaker. I rise against the amendment, and I think it is fairly simple. Do you want to pay our bills or not? My friend talked about the deadline. The first deadline is today. Today is the first deadline. We can make it till Friday. Do you want to pay our bills or not? As it has been mentioned, this amendment strips away the funding for Medicaid, MRDD Waiver, Medicaid payments, (TANF) Temporary Assistance for Needy Families. Are we going to pay our bills or not? You know we have heard discussion here about priorities, and I would submit to you it is a fairly high priority to pay your bills. We have heard discussion about the newly found priority in the last 20 days of the PEIA issue. I would remind the members that the PEIA issue has been building for years. That problem has been coming for years. We have dipped into the trust fund and depleted the trust fund, knowing full well that that day was coming. I haven't seen many solutions in the last coming years about the PEIA issue we all knew would be here. But today is about the priority of paying our bills. Time is of the essence. I laid out three short-term priorities that we needed to work on yesterday. Pay our bills, number one. Dip into the rainy day fund only after prudent, careful consideration, and find

a solution for PEIA. There have been plans. I attended the public hearing. The finance board laid out a plan, a draft plan, held public hearings all around the state. Came back with a final plan, adopted that plan. That plan was pretty heavy on copays and premium increases for non-state employees. It is heavy, it is heavy on the participants of PEIA. The Governor proposed a tax increase, a tobacco tax and some other things to mitigate some of that heavy plan from the finance plan, and there have indeed been discussions about what if anything the legislature could do. Perhaps those are discussions the majority is involved in and the minority is not. But I care about the issue of PEIA and I am working on it. But today is about the proposal before you, is about do we pay our bills or not. I think we should pay our bills. There is not time for another supplemental. There is not time for a House bill. There is time for this bill to get over to the Senate and pay our bills, the first deadline is today. I agree, we should pay our bills. The Governor agrees we should pay our bills, and I would urge your support. Let's pay our bills. Thank you, Mr. Speaker.

DELEGATE REYNOLDS. Thank you, Mr. Speaker. I worked with the Finance Chair for many years, and I share his concern because this is a piss-poor way to finance this PEIA program. But it is the only plan. Let me just say, we have an \$850 million rainy day fund. That is where this money is coming from. I hope that we can come up with other plans, and I share his hope that we can come up with a better way to finance this year after year after year. But what this amendment will do, if it passes, is it will put this money into PEIA, and if we can't come up with another way, whether it will be through a tobacco cut, whether it will be \$300 other million and we leave here, at least we would have went half way to addressing this problem. It is our piggy bank. We can put it back before the end of the session. Now I want to pay the bills too. Luckily we have a bill on second reading today that is right after we vote on this. We can amend that bill to either go further into rainy day and keep working on it or to use the other monies as my colleague from Mercer County pointed out. I urge passage of this amendment.

DELEGATE MARCUM. Thank you, Mr. Speaker. Will the Majority Leader yield for a question? You were discussing that perhaps there was a bill you were working on that the majority was working on, that the minority might not

know about. Could you elaborate on that bill? Or is there a bill?

DELEGATE COWLES. I am not working on a bill, I am having discussions and I have had these discussions with folks back home in my attendance to the PEIA Finance Board public hearings that they held around the state. It has been something that didn't just happen recently. It has been an issue that we have all been aware of for months.

DELEGATE MARCUM. OK, I guess as the Majority Leader you are the right person to ask this. You said that perhaps. Is that a yes or a no that there is a bill that is being drafted?

DELEGATE COWLES. A bill? No, I know of no bill that is being drafted right now.

DELEGATE MARCUM. So, there is no bill being drafted by the Majority to fix PEIA?

DELEGATE COWLES. There are discussions underway between the House, the Senate, the Governor's office, interested parties about PEIA and what we can do.

DELEGATE MARCUM. OK, do you know when cross-over day is?

DELEGATE COWLES. Not off the top of my head, no.

DELEGATE MARCUM. About 15-18 days away I believe.

DELEGATE COWLES. That sounds reasonable, I don't know off the top of my head.

DELEGATE MARCUM. And we have yet to send a bill to drafting, is that a correct statement from what I hear today?

DELEGATE COWLES. Yeah, I haven't sent a bill to drafting. I don't have a draft bill.

DELEGATE MARCUM. At the appropriate time I would like to speak to the amendment, Mr. Speaker. Ladies and gentlemen, three or four years ago there was a bill that passed this House with bipartisan support to give our teachers a pay raise, \$1,000 a year pay raise. We are currently still at the bottom of the barrel with our teachers' salaries down 48th, 49th in teacher's salaries. So, if PEIA premiums go up for our teachers, we are going to backslide. We are going to be back at

50th in teacher's pay. So, they went up a thousand, PEIA goes up 2,500, and they backslide 1,500, simple math. So, what we are doing if we don't fill the gaps with PEIA, we are going to fall back to 50th in teacher pay, and then yet we are going to want to pass other bills that is going to do nothing to help our students, to do nothing to help improve the economy, to help the coal miners. As the Majority Leader said, he had three things he wanted done. We talked about this Friday. There are three things I want to see done. PEIA first, coal miners first, jobs first. We got a chance today on this amendment to help fund PEIA. Let's don't sit on our hands. Let's do it. It is common sense. A common-sense approach right here do it. We have already heard the Majority Leader tell us there is not a bill sent to drafting to fix PEIA by this majority. Ladies and gentlemen, that is scary for the thousands of West Virginians who are living on hardly nothing. But yet there has not even been a bill sent to drafting. Thank you, Mr. Speaker.

DELEGATE E. NELSON. Thank you, Mr. Speaker. Just maybe a couple final comments. PEIA, just like many of our funding needs will be addressed with the 2017 budget. It is a 2017 issue. It will be addressed in the budget. There are many bills that we still have to address as it relates to funding. Our 2017 and beyond needs. It will be addressed in 2017. Part of this, I attended two of the public hearings as well and have had various discussions with the head of the PEIA, Ted Cheatham. Those discussions are ongoing to come up with solutions, and it is not just a few dollars here and there. It is a system that is put in place many, many years ago. Part of our plan cannot happen overnight. But it is coming together with all the stakeholders and having input so that we can solve a solution. Thank you, Mr. Speaker.

DELEGATE KURCABA. Thank you, Mr. Speaker. I, as well, want to focus on funding dollars into PEIA and taking the pressure off our state's public employees. I am not sure that the mechanism through this amendment is the way to do it as we heard from other delegates on both sides of the aisle have said that today. I will offer up, I submitted a bipartisan bill with Democrats and Republicans on the House Bill 4187 to take the earnings off Senate Bill 529 passed last session and have those dollars funded to go right back in, so there are bills in the hopper that are set to fund dollars to go into PEIA. Thank you, Mr. Speaker.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. Briefly, we have had a discussion now for better over an hour discussing on the pros and cons of PEIA. I want to address a couple of the issues that have been put forth here. There is all of a sudden this urgency that we got to get this supplemental out of here, we are not going to be able to pay our bills. Last Thursday, this bill got laid over. Last Friday, this bill got laid over. Saturday, Sunday, Monday, and now all of a sudden it is an urgency to get this bill out of here. There is 20 other supplemental bills coming down the pike. There is one that sits right behind here. Heck, if the House Finance Committee meets this afternoon you can originate a bill to put this money in for the IDD Waiver. Now for the Gentleman from the 38th, I share his concern with the IDD Waiver. I sent a letter in with him this summer. It is not an either/or type of situation it is what you want to put your priorities with. Before Session began, at least the minority set forth our priorities for this legislative session. PEIA was number one, number one fix. The Governor has set forth a plan. That bill has yet to be introduced. The House minority has set forth a plan. It has gotten cold water tossed on it. The delegate from Wood County has introduced a plan, I don't know where it is going. But yet the majority has yet to introduce a plan. Now we are on the 20th day of a 60-day legislative session, one-third through. From the discussion here today there has yet to be a plan developed from the majority. This amendment will put \$58 million over to PEIA that will fully or at least half fund the \$120 million shortfall. That does not fully fund it, but it is a start and it gets us moving in that direction. It is your priorities. The priorities that we have for the working people of the State of West Virginia. The retirees that have not had a pay increase or, \$1 back in the 1980s doesn't go as far as it does today, and they haven't had any cost indexing whatsoever for the last 30 years. I see state troopers up there. They are going to be taking a pay cut. The school teachers, 220,000 West Virginians are on PEIA, one in seven. So, instead of weighing everything out under the sun, on numerous bills that we have taken up in debate up and down, I would like to think that PEIA would be a priority. So, the first financial bill that comes through, we are going to amend it. We are going to make it a priority, and if we vote on this amendment, then we know we got at least half of it solved and then we can go right to the next bill right behind us. H. B. 4189. We can sit here and make an amendment to take care of the IDD Waiver or one of the 20 other supplemental bills.

It is all about priorities. If you prioritize PEIA and you think it is a number-one issue facing the legislature, then you will vote green. If you don't, you will vote red. I urge adoption and I request the yeas and nays.

**PASSAGE OF S. B. 364**

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REMARKS  
of  
MEMBERS  
*February 2, 2016*

DELEGATE GEARHEART. Thank you, Mr. Speaker. Initially I would like to clear up yesterday's faux pas and be certain that this body recognizes that I have every intention of voting for this and I urge passage of the bill. But I also alluded yesterday that I had some displeasure with the bill and I want to just talk about that for a moment with your indulgence. The Delegate from the 55th yesterday in his comments mentioned the fact that I had offered an amendment to the bill. I did put together an amendment and I did put it in the system and frankly after the delegate's amendment was offered I really felt like the intent of what I wanted to accomplish was going to be lost in what I considered to be misplaced debate yesterday. While I believe we have made obligations in this body and we need to pay our obligations and this bill accomplishes that I had some difference as to the source of the funds by which we pay those bills. This is the first as mentioned by the Finance Chair's supplemental that we have to fill the news reports is a pretty large budget hole. Governor is taking some actions but this is the first supplemental that has been offered, first item, first bite at the apple to fill that hole. In the first bite at the apple what we did was went to our savings account. We also have seen some reports and we know that there are other monies that are out there and I think most of us in our businesses and in our family life and our family financial life would disagree with that method. I know I have daughters, many of you will have children and I teach them how to manage their finances and when I teach them to manage I teach them to save. I teach them that there is more than one way to save. You save to save. It is your security. It is your safety. It is your credit worthiness. It is what makes you sustain when there is a critical circumstance, a catastrophic illness, those type of things. Then you save to spend. Those are the things you do



when you set some money aside when you want to buy a new car, go on vacation, think you might like a hot tub, those kind of things. When times get tough, you go to those places. You go to your luxuries. You go to where you have set some money aside to spend and the last place that you go is to your savings account. I submit to you that what the Governor has committed to us with this bill is backwards and has gone to what is easy. The dollars that aren't committed that have no one really to gripe about other than the fact that it is our savings account. I think while we need to do this I am going to vote for it. I am encouraging you to vote for it. I don't believe in this instance that the Governor is leading. I think he is simply taking the easy way out. I believe all of us here were elected to lead. I believe that we were elected to do things that may not always be the easy way that the Governor's bill has taken this time. He's gone to the easiest source of funds but not necessarily the right source of funds. You know as I was thinking about this I thought back to some music from my childhood and the delegate from Berkeley and from Jackson, Fayette and probably don't remember an artist named Jim Croce but when I was a kid I really liked Jim Croce. It is good folksy country kind of music and I am not going to talk about Bad, Bad LeRoy Brown and I am not going to talk about You Don't Mess Around with Jim but he did have a song that was called The Hard Way and at the end of every chorus in that song it said [I learned the hard way every time and I am going to tell you in life I think sometimes I have taken the hard way too often] but the last line of that song simply says [I wouldn't have done it any other way], I wouldn't have done it any other way. My point to you here today while encouraging you to vote for this bill is we are going to have more supplemental and I don't think we need to take the easy way and where are the supplemental goes is important I think it is equally important for us to consider the source of the dollars that we are sending those supplemental is whereas to the purpose that they go. Thank you very much, Mr. Speaker.

DELEGATE FOLK. Thank you, Mr. Speaker. Be quite frank with you I am undecided how I am going to vote on this. I will have to decide here in a couple of seconds. But I just did some very quick numbers and these are off a document called the CAFR. That is an acronym that stands for Comprehensive Annual Financial Report and 15's is not out yet it won't be out until the end of March if history is any indication. They have a

figure that they publish in that report which is our total fund balances of all of our governmental funds and anybody that has dealt with finances and anybody realizes that the financial health of any organization is cash flow. 2010 fiscal year our fund balances were reduced by \$669 million. At that time, we had \$2.68 billion in our total fund balances. 2011 it actually went up about \$173 million positive cash flow. 2012 our total fund balances went down by \$1 billion, that is b \$1 billion. 2013 went down by \$264 million. 2014 the most recent year this is June 30, 2014, \$300 million negative cash flow. At the end of fiscal year 2014 our total fund balances was down to \$1.26 billion. I don't know if you realize it but the budget is just a best guess of both revenues and expenses and we are really in a serious, serious cash flow problem. For years we actually put tons of money, more than what we needed to run our government. That is why we have had these, what they call re-appropriated balances that have accumulated over the years that were never spent. Problem is we have been spending them. All these different supplemental is re-arranging the money in the different funds to cover our current expenses in the various funds. This state is headed for, because all these lost jobs in coal that have just happened in the last six months or so they are not even accounted for, we are headed for a financial catastrophe as a state if we don't change the way we do business. Thank you.

**COM. SUB. FOR H. B. 4175**

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REMARKS  
of  
MEMBERS  
*February 2, 2016*

DELEGATE FERRO. Thank you, Mr. Speaker. Would the Chair continue to yield please, Mr. Chairman? in this particular bill does it, you said it removes a requirement that the homeschool teacher have a high school diploma or a GED?

DELEGATE ESPINOSA. It does, as you recall this body last year did I believe for the first time create a homeschool diploma. Without this change in legislation homeschool parents who were homeschooled themselves who did not have a homeschool diploma, for example, here in West Virginia prior to 2015, or if they came from another state for example where a homeschool

diploma was not provided, current law would possibly preclude them from homeschooling, so this provision addresses that issue.

DELEGATE FERRO. Well can I ask you another question please. What are the requirements for a public school teacher in West Virginia to teach now ... in terms of education?

DELEGATE ESPINOSA. Must have a bachelor's degree and be certified.

DELEGATE FERRO. So, in other words you have to go at least probably four years of college, obtain a bachelor degree and be certified. What about if you continue to teach in terms of graduate requirements? Graduate school terms in order to maintain your certificate?

DELEGATE ESPINOSA. As far as continuing education requirements?

DELEGATE FERRO. In order to renew your certificate.

DELEGATE ESPINOSA. There is a requirement for six hours of continuing education in order to make your certificate permanent after that point it is really up to the instructor how much additional continuing education they pursue.

DELEGATE FERRO. So, I see, so in other words in terms of public school teachers have to fulfill all these educational requirements but now homeschooled teachers do not. I understand your explanation. Would you agree that perhaps the quality of education or what is being taught to these homeschool kids could potentially be less?

DELEGATE ESPINOSA. In our discussions, our deliberations in House Education there was a study by the National Home Education Research Institute which was referenced during the discussion and the interesting...the findings were actually somewhat interesting and it referred to the level of formal education of homeschool parents and the study and I won't read the entire thing but I will give an excerpt and share with you afterwards. It says while this study found a moderately significant relationship between the parents' level, a formal education and student achievement test scores it is noteworthy that students of parents with the lowest level of formal education, these are among homeschool parents still posted test scores 20% ... 20 points higher

than the national average. Also, the formal level of education among West Virginia's homeschool parents was much higher than among the general population of the state so while intuitively certainly one might assume that the level of education of the parent directly correlates to progress clearly these results suggest there are other factors such as the level of engagement in that homeschooling program.

DELEGATE FERRO. Can I speak to the bill at the appropriate time, Mr. Speaker? Thank you. I had intended to support this bill but in light of the requirements and actually with the alternative certification being passed last year and I fear that removing the requirements for a high school diploma or a GED is not in the best interest of kids. I have nothing against homeschool kids at all and nothing against their parents or whoever teaches them. But I look at this as perhaps you know kind of again a little bit of slap in the face to those of us who have gone through the educational process. Those of us that have had to go through getting our bachelor's degree. Taking continuing education. Renewing our certificates. Going to graduate school. Spending our money to do that. That is what we have to do to maintain certification. I also and I don't know this and maybe this is just speculation that this could be a precursor perhaps to what could go on in public education. That we could perhaps even reduce the requirements for public school teachers in order to teach. So, Mr. Speaker, again thank you for the opportunity and I am going to oppose this bill.

DELEGATE GUTHRIE. Will the chairman continue to yield? I know that you are quoting from an organization study that wants to have this bill passed. What does the West Virginia State School Board, what is their position and what is the position of the unions? Do they feel that this kind of preferential dumbing down, if you will, should exist?

DELEGATE ESPINOSA. I wouldn't presume to speak on behalf of the, I believe is the school board or the teacher's associations. We did hear responses to questions during our Education Committee but I don't know if they spoke specifically to your question.

DELEGATE GUTHRIE. So, we don't...did they take a position one way or another on this bill?

DELEGATE ESPINOSA. Again, I wouldn't presume to speak on behalf of those organizations. You'd really have to direct that question to them.

DELEGATE GUTHRIE. Why did they not come in front of your committee to...?

DELEGATE ESPINOSA. They did but as you are aware, typically those folks speak to technical issues they don't express opinions.

DELEGATE GUTHRIE. So, they have no opinion about whether or not someone should hold a bachelor's degree or a master's degree in order to be able to homeschool?

DELEGATE ESPINOSA. That's not what I said. I said that before our committee they did not express an opinion one way or another. That is a question you'd really have to direct towards them.

DELEGATE GUTHRIE. Thank you. Thank you, Mr. Speaker.

#### PEIA FIX – TOBACCO TAX

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REMARKS  
of  
**HON. MICK BATES**  
*February 2, 2016*

DELEGATE BATES. Thank you, Mr. Speaker. Yesterday we had a spirited debate on the topic of PEIA and today is Heart Association Day. I don't think it is a coincidence and I couldn't let it pass without some brief remarks. Based on the discussion we had yesterday, I was led to believe that the majority of the members here agree that we need to come up with a plan to fix PEIA. Some of those on this side feel like we need to act now. Some of those on that side feel we need to come up with a long-term plan. In the words of Forest Gump, "I don't know if it is destiny or if we are all just floating around, accidental like, on a breeze but I think maybe it is both." We need to act now and we need to come up with a long-term plan. With respect the Governor has a plan to patch but not fix PEIA with a .45 cent cigarette tax and also a tax on other tobacco products. A portion of that is to go to PEIA and the rest to backfill his budget. At best this is a Band-Aid and balances the budget on the backs of state workers and retirees. That

plan is yet to be introduced. The Gentleman from the 10th said that he had a plan to raise the pack of cigarettes by \$1 and spoke forth-fully as to why it makes sense as well as dollars. Under the leadership of Delegate Miley, the House Democrats will also be introducing a plan. It has been said a plan without action is a dream. This isn't a dream. This is a nightmare for those back home that are fearful that if we do not act and if we do act we will not act in time. In seeking to find a solution to the PEIA problem I think it is important that we don't lose sight of the opportunity it provides us to have a significant impact on the health of West Virginia. Mr. Speaker, as you recognize substance abuse is killing West Virginia and killing its future. Substance abuse is legal and illegal. By way of illustration, Medicaid now pays for 64% of the deliveries in West Virginia. 42% of Medicaid mothers smoke through pregnancy, the highest rates in the nation. As the Finance Chairman knows, the majority of the drivers of expense to the state budget in the six-year plan are health care related. Not just in PEIA but also in Medicaid. The evidence is clear that the most effective method of decreasing overall rates of tobacco use is to increase significantly the cost of tobacco products. To my friends on the other side that are positionally opposed to any kind of tax increase, I kind of get it and I understand the difficult situation that places you in, not just in this case but also in other areas when we are looking at revenue enhancement measures to balance this difficult budget. I get it. But on this issue I think I can help. We need to start thinking about the tobacco tax not as a tax but as a user fee. If you choose to use the product like many people do and I once did growing up in the generation that I grew up in, then it will cause you to use the healthcare system more frequently at a higher cost and we are going to require that you pay a user fee. Rather than pass that cost of your behavior on to others. There is a lot more I can say but I will save that for another discussion. In closing, I will refer to the handout that I distributed earlier. You can call it a fiscal note. The top section indicates the revenue stream that would be produced by \$1.00, \$1.25 and \$1.50 increase in the tax on cigarettes and other tobacco products. The lower section indicates the overall cost savings to the State of West Virginia over five years with that increase. I have also attached a coupon for 50 cents to illustrate how easily the industry and the consumer will adjust to any small or marginal increase in the tobacco tax. In closing, let's work

together to come up with a solution but not only just fixes PEIA but creates a healthier West Virginia. Thank you, Mr. Speaker.

#### DECLINE OF COAL

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##### REMARKS

of

**HON. RUPERT PHILLIPS, JR.**

*February 2, 2016*

DELEGATE PHILLIPS. Thank you, Mr. Speaker. As you are aware of 93 jobs laid off yesterday at Alpha mines. I was reading an email here a while ago. I wasn't planning on speaking today. Newport News, Virginia shipyard lays off 738 employees. Ladies and gentlemen, you have heard me from day one ... our industry, coal industry is bleeding. We need to do something. The 56 cents a ton needs to be gone, as of today, if not you are going to have more layoffs, more bankruptcies and my math is real simple, zero of zero equals zero. If we don't do something we are not going to get zero coal severance in this state. They are on their way out if we don't do something to ease the pain. It is coming. Thank you.

#### DEBATE ON S. B. 1

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##### REMARKS

of

**MEMBERS**

*February 4, 2016*

DELEGATE TRECOST. Thank you, Mr. Speaker. Back home in Harrison County I have this little stump speech that I tell people about a Missionary William Carey from the late 1700s, early 1800s. He gave his life to missionary work and he was asked all the time why do you do this? Are you doing anything? He always answered I do not fear failure. Failure does not scare me. What scares me is achieving and accomplishing things that do not matter. Things that don't make a difference. I hope this year I stand before the Speaker and all of you a better delegate than I was last year and if I am it is because 95% of the people in this room treat me like gold with an incredible amount of kindness. I talk so little that I am even nervous right now, and what I mean by that is if I am a better delegate it is because of you. I have spent the whole year and a half listening to you, listening

to my friends that are teachers talk about education, listening to my friends in the coal belt in the south talk about coal and how people are hurting, listening to my friends talk about land and express how the landowner has the right to negotiate for themselves, listening to my friends talk about homeschool and taking that with me to my room at night. Reading the bills and putting the words you have spoken to me to the bill so that I can understand it. Predominantly for the most part we genuinely want what is best for West Virginia. I believe that with all my heart. I understand failure. Let's work on roads and fail and maybe succeed. Let's work on jobs and fail and maybe succeed. Let's work on PEIA and fail but maybe save somebody's benefits. Let's work on drugs with the chair of a new committee and fail or save somebody's life. But I don't understand this Right to Work bill. I have studied it in my room. I have listened to you speak. Please don't listen to me today, don't. Some people from Harrison County have made it clear nobody is listening to me anyway. But I assure you this right now, don't listen to the 35 speeches that are going to be given today if you don't want to. I am not being disrespectful. There is enough of us putting people down around here and talking about one another. I don't need to add to the pile but what I am going to ask you to do before we vote is talk to yourself and listen to yourself and ask yourself the questions. Are we that afraid to fail? Are we that afraid to fail that by working for one another all 100 of us we might have actually, we might actually succeed. Think about what you are doing today. Please. Thank you, Mr. Speaker, always.

DELEGATE MARCUM. Thank you, Mr. Speaker. Will the gentleman yield? Mr. Chairman we heard a few things about attorney fees, lawsuits. Could you explain to me how a cause of action is created under this statute?

DELEGATE SHOTT. Yes, certainly. If you will go to the new section of the bill which is on the strike and insert, it begins on page six, and the operative section that creates an enforcement remedy for a violation is on section five which says that any person injured as a result of any violation or threatened violation of this article shall have a cause of action and if proven in court of competent jurisdiction may be entitled to the following relief and then it goes on to outline the relief that I discussed earlier. The violation would be of the section that precedes that, which would be section two, and that is it says "a person may

not be required as a condition or continuation of employment to” and then it goes on to outline those three items that I covered earlier. So, if the person and person in those context and nearly all context in this case if it controlled the relationship between and employee and the employer would be the employer so if the employer requires an employee to become or remain a member of a labor organization that is a violation.

DELEGATE MARCUM. OK let’s stop right there. If there is a lawsuit brought against an employer, is that good for business? Do you know if that will help attract business if they are getting sued?

DELEGATE SHOTT. Well I think, I think it would encourage them not to break the law. That’s normally the reason to have a statement of policy followed by some sort of enforcement mechanisms. So if everybody breaks the law I guess it would not encourage business. But, hopefully we’ll get responsible folks in here that will attempt to abide by the law.

DELEGATE MARCUM. Then also has attorney fees and punitive damages correct?

DELEGATE SHOTT. If the elements are proven the punitive damages would be available and that would be up to a jury to decide whether it is outrageous, malicious and so forth. All the elements that are necessary and of course in any case where punitive damages are required the judge can take that question away from the jury if the judge feels that is not uh...the evidence up to that point in the trial doesn’t satisfy.

DELEGATE MARCUM. What is the cap on punitive damages in West Virginia?

DELEGATE SHOTT. I think it is up...if I remember the greater of \$500,000 or 4 times compensatory damages I believe.

DELEGATE MARCUM. So, that was changed last year by this leadership, correct?

DELEGATE SHOTT. It was.

DELEGATE MARCUM. The leadership lowered punitive damages last session is that correct?

DELEGATE SHOTT. The leadership put a cap on punitive damages, yes.

DELEGATE MARCUM. But now we are creating the new cause of action that allows punitive damages, is that correct?

DELEGATE SHOTT. It is a new cause of action and it does allow punitive damages in appropriate cases, yes.

DELEGATE MARCUM. Looking at, I see a lot of citations by the majority about West Virginia being a judicial hellhole. Now if this bill passes that you are discussing, if this creates new causes of action with punitive damages, with attorney fees, etcetera, do you believe that we could get back on that list?

DELEGATE SHOTT. I don’t think so. I think if it is a justified expansion of law that embodies a policy to treat all our workers the same and to protect their freedom of choice and liberty, I don’t think there would be any question that that would not trigger any type of return to the judicial hellhole label. Of course a lot depends on how our Supreme Court applies the law but if it is applied appropriately, I don’t think it is going to result in an enormous amount of lawsuits or an enormous amount of unduly large verdicts. That is my personal opinion.

DELEGATE MARCUM. Do you know if this bill will put coalminers in southern West Virginia back to work? Has there been any proof shown to you through any studies that this will put coalminers back to work?

DELEGATE SHOTT. To the gentleman, I don’t think there is any single silver bullet, any single bill that will pass that will change the systemic problems in this state. I think it is like putting together a jigsaw puzzle. You put piece after piece together until you get a picture of an environment in which a business wants to expand or add jobs. I think this is one piece but if you are asking me if this bill will simply put a coal miner back to work, I can’t say that it will.

DELEGATE MARCUM. OK, when Macy’s located or Toyota or Proctor and Gamble located to West Virginia, do you have any knowledge if they asked if we were a Right to Work state or not?

DELEGATE SHOTT. I wasn’t involved in those negotiations. I have no idea.

DELEGATE MARCUM. They recently located to our state and brought thousands of jobs. Would you agree with that statement?

DELEGATE SHOTT. I would.

DELEGATE MARCUM. Mr. Speaker, at the appropriate time I would like to speak to the bill. Thank you. Ladies and gentlemen, I have spoke to this before. Going to kind of go on the same line of what we are dealing with here today. We have heard the line of questioning we have not heard any answers that this is going to help West Virginia whatsoever. But what we do know is this is going to hurt the working men and women of this state that is in the galleries today. That this is going to lower wages in this state. That this bill will discard safety practices that have been established by these men and women in these galleries and put our workforce at risk. Ladies and gentlemen, I hear a lot of hypocrisy. Last year we want to do all this tort reform. We want to do away with attorney fees. We want to do away with punitive damages. We want to put a cap on them. We got to get off the judicial hellhole list. But now we create a new cause of action that does exactly what the majority wanted to do away with last year. Attorney fees and punitive damages, exactly what they wanted to do away with last year. We are creating the cause of action. We are codifying that punitive damages can be collected. Clearly I don't understand. I mean that blows my mind. At one point we are going to do something but on the other hand if it benefits us we are going to come back and do something different. We have not seen one study this will bring any job to the State of West Virginia, not one. When I read the West Virginia University study I think it said .040. Is that enough to sacrifice the wages of the hard working men and women of this state? I ask you that today when you vote on this bill is that enough to sacrifice the wages of the hard working middle class West Virginians in this state? Ladies and gentlemen, this is not a bill that is going to do anything to help West Virginia, the middle class, the lower working class of West Virginia. This is simply a bill that we are rushing through and I call your attention to the title, S. B. 1, S. B. 1 we have not even got house bills out of this chamber yet and we are running S. B. 1. Why? Why? Let's answer that question. Why are we running S. B. 1 who's sponsored by, we know who it is sponsored by and it is not c. o. a. l., coal. It is not sponsored by C. O. A. L. We know who it is sponsored by.

SPEAKER ARMSTEAD. Gentleman please restrain his comments to the content of the bill.

DELEGATE MARCUM. I am talking to the bill about coal jobs Mr. Speaker. C. O. A. L. Ladies and gentlemen, I am here to stand for the coal miners of southern West Virginia, the working class, the working middle class of West Virginia. But yet we see S. B. 1 in this chamber before we have even reached cross over day. We got to rush it through, rush it through, hurry up we need it but yet we have not seen any other jobs bills. We have not seen any PEIA bills. We have seen, there is a difference ladies and gentlemen, between politics and policy. This is politics. This ain't policy. Finally, I want you all to think of this. We hear a lot of discussion about government intruding in contracts. Government intervention in contracts. What we are doing is stepping on the toes and this body, if you vote for this bill you are intruding in contracts that already exist. I want you to remember that. If an individual wants to enter into a contract and they do, so be it. That is their free will. But by voting for this bill S. B. 1, you are interfering with their existing contracts. So, ladies and gentlemen, I stand here today with the working men and women of this state. I am not grandstanding; I am standing here because I care. I had a father that was a United Mine Worker. I seen the troubles he went through. I've seen how he fought to get coal miners the rights they deserve in southern West Virginia and across this state. I personally witnessed it. I am from Mingo County. We all know about Matewan. We all know what they went through. The struggles that mine workers went through there. Ladies and gentlemen, it started in the 30s and it has went forward today. The working class has been under attack. The working middle class has been under attack and now we are going to go further. I am going to leave you with a final thought that I have already discussed, S. B. 1 does nothing for coal miners, does nothing for the middle class. C. O. A. L., remember that, not the other Cole. Thank you.

DELEGATE SKINNER. Thank you, Mr. Speaker. I was born in Charles Town, West Virginia and wouldn't seem to have much to do with the coalfields at all. But in fact in Charles Town we actually had the trials of the miners who accused of treason and not that long ago the jail where they were kept awaiting trial was going to be demolished and the people of Jefferson County actually said you know what, this is a pretty significant place. The reason why it is significant was because those miners were there. Because they were accused of treason. I have learned a lot over the last four years about

unions, about the labor movement. About all the good that they do. I look today at this bill which is called The Workplace Freedom Act. I think we all know what it should be called, Workplace Freeloader Act. Fundamentally, what this bill does is it says some people at the job are going to be able to freeload on the other people who are paying into a system. The gentleman, from Mercer said earlier that the purpose of this bill was to treat all our workers the same. In fact, that is not true. I kind of struggle to figure out how do we explain what this...what we really have here. We have today all the workers are treated the same. They are treated fairly. They are on the bus. They are on the bus and they have all paid their fare to be on the bus. If this bill passes, some of the people on the bus are going to get on for free and the rest of the people on the bus have got to pay for them. That is it. It is very simple. If you try to get on the bus and the bus driver says I need you to pay the fare, he can get sued for punitive damages. That is what this does. Today everybody gets on the bus and everybody pays for that bus. It is not that complicated. How can we be fair to workers of West Virginia who are already struggling? What is fair is a no on this bill. Thank you.

DELEGATE HICKS. Thank you, Mr. Speaker. Would the Gentleman from the 27th yield please? Did I understand you to say that 23 or 24 states have enacted the Right to Work Law?

DELEGATE SHOTT. I believe the correct number is 25.

DELEGATE HICKS. I think you were at some of the meetings last summer with regard to the presenters and what the results were of their studies.

DELEGATE SHOTT. Yes, we did have at least one interim meeting I think it extended about two hours and we heard from a number of different presenters, yes.

DELEGATE HICKS. Were the figures that my fellow colleague said about one half of 1% increase in jobs was shown by the most recent or some of the states that enacted this legislation?

DELEGATE SHOTT. I think that number was provided by Mr. Deskins and if you looked at the report that we all get during the opening days of this legislation, this West Virginia Economic Outlook, Professor Deskins basically predicted a 0.5% employment growth in West Virginia over

the next ten or fifteen years. Then he went on to say in the report which came later that you are referring to that the enactment of a Right to Work Law would increase that by 0.4 so it would go from 0.5 to 0.9. In other words, almost twice the rate of employment growth with Right to Work Law than without.

DELEGATE HICKS. Fellow Delegate, if I am not mistaken that is still less than 1% growth.

DELEGATE SHOTT. It is less than 1% but nearly twice as much as if we do nothing.

DELEGATE HICKS. OK. OK. Are you aware that there are employers in this state that have both union and non-union contractors working at the same site?

DELEGATE SHOTT. I am generally familiar with that. I am certainly not a practicing labor lawyer so I couldn't give you any personal experience. But I am generally familiar with that, yeah.

DELEGATE HICKS. OK, no further questions. Mr. Speaker I would like to speak to this bill at the appropriate time. Thank you, Mr. Speaker. I stand in opposition to this bill for a number of reasons. The first reason is that there is no evidence that we have seen so far that this legislation is going to increase jobs in West Virginia. However, there has been studies done to show that's what it results in. It results in more injuries on work sites and lower wages in those states that have enacted it. When you pay someone a lower wage you in effect bring in contracts with younger people that don't have proper training. We are going to increase job site accidents. You are going to increase out of state contractors in your bordering counties that are going to come in with untrained or even undocumented workers and that is going to increase work safety accidents. I see no benefit to the workers of West Virginia for this bill. In fact, I think fellow legislators, we need to ask ourselves where is the evidence to support that this is going to benefit our state residence. I say it is not there. Less than 1% growth. I think this is a bill that is being promulgated and enacted, if it is enacted to drive the working peoples wages down in this state. For that reason, I ask that our fellow delegates reject this bill. Thank you.

DELEGATE GUTHRIE. Thank you, Mr. Speaker. You know ladies and gentlemen, I want to stand in opposition to this bill as well. I don't

come to any of you with animosity in my heart but I do come with a whole lot of history in my head. As I have said before, I represent district 36. In district 36 back in 1912, April 18 to be exact, miners in that area rose up and struck. What did they want? They were living in deplorable housing conditions. The mine safety that they had at their workplace was inadequate. The pay that they were receiving, the pay that they were receiving was not enough, not enough of a living wage to raise a family. That is my district. Mr. Speaker I know we are in different districts but it is your county too. It is your county. As a result of that strike April 18, 1912 to July 1913, those folks set the gold standard for what miners would be paid. What kind of safety they would have in their workplace? They were able to negotiate for better living quarters. These are all of the things that we fight for on a daily basis. Yet, today what we are ready to do is turn our back on that proud history. I can't turn my back on that proud history. Mr. Speaker, I beg you not to turn your back on it either. You know the people that I serve, they don't care if I am an R or a D or an I or and L. They don't even care who did what to who over the last 80 years. What they care about is what they are going to do for them today and tomorrow and the next day. All of us have risen this year to say our coal industry is in a very insecure place. Our miners and our communities in those areas are suffering. People are scared to death and yet with this bill and the one across the hall on prevailing wage we are ready to throw not only contractors and employees into economic insecurity but union miners, union workers at a time when our economy is in the tank. I don't know what happened between the time we were all out in our communities where people said here are our priorities, fix and fully fund PEIA, fix and finish our roads and bridges, invest mightily in our communities, especially with abandoned buildings that generate drug activity and community decline, pay our teachers a competitive salary and raise benefits for seniors. That is what I heard out there and yet somehow when come in here we got into a situation where we are passing bills that are wanted. They are not needed but they are wanted. I don't want them. I think this Democratic minority doesn't want them either. I know the people up there that I represent they don't want these bills, neither do contractors, neither do employees or their employees. Yet, here we are. We have a mountain of deficit to get rid of. My friend from Harrison said if we would all spend as much time coming up with new ideas

for new industries for this state based on what you know in your heart about your communities we could dig our way out of this mess. But until we actually do what people have asked us to do, fix PEIA, fix and finish our roads and bridges, invest mightily in our communities, get rid of our drug problem, raise benefits for seniors who haven't seen a benefit raise and pay our teachers a competitive salary. We can't achieve the greatness that we are capable of. A bill like this doesn't do anything more than just add more insecurity into what we are already experiencing. Like I said, the history that I have prevents me from voting for this bill. We do not have to take this elevator all the way to the bottom. We can stop now Mr. Speaker and I beg you to stop now and we can get off at the floor above where we are right now. People in the galleries they deserve that kind of respect. Everyone with a contract deserves that kind of respect. Because I am the daughter of District 36 I can't vote for this bill. I hope in your hearts some of you will come to your senses and say let's separate out our wants from our needs. This is not a bill that we need. It is a bill that some folks want. Thank you, Mr. Speaker.

DELEGATE FAST. Thank you, Mr. Speaker. Been some comments made about a new cause of action and I wanted to read a short couple of paragraphs here. "It shall be unlawful for any labor organization to engage in any activity or conduct defined as an unfair labor practice in subdivision 4, subsection B, section 4 of this article." That happens to be one of the articles amended here. "Whoever shall be injured, whoever shall be injured in his business or property by reason of any such violation may sue therefore in the circuit court of any county wherein such unfair labor practice occurred and shall recover the damages by him sustained and the cost of the suit." The next subsection C states, "notwithstanding any other provision of law or rule to the contrary any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents." Mr. Speaker, what I just read from is not the bill that is before us. What I just read from is from a current code section that was promulgated by this legislature previously in 1971 and is still current law today and is not being changed by this bill that is before us. So, this argument that this is creating a new cause of action just doesn't hold water. When it says here that can sue and recover damages, many of us in this room are attorneys and we



have seen many cases and when it says you can sue for damages that is all inclusive. It doesn't just mean compensatory. It doesn't mean that punitive damages are automatic. It means damages and when you have a case the circuit court after hearing the evidence decides and this 1971 statute puts the jurisdiction in circuit courts. The circuit judge hears the evidence and decides is this case egregious enough? Is there willful wanton activity that gives rise to punitive damages? The circuit judge then decides whether or not to allow a jury to even consider punitive damages or not and so the new section that is amended when it talks about punitive damages, that is nothing new. If damages are already allowed since 1971 then it is nothing new just because this bill happens to say that. So, I just...this is not necessarily an argument for or against. It is just a fact that we have had these types of suits allowed in the law since 1971. Thank you, Mr. Speaker.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. Would the Delegate from the 27th yield to a question or two? If this bill passes will this potentially hurt the unions?

DELEGATE SHOTT. That is a question I think depends on how the unions respond. They have means by which to limit any type of damage that occurs. It doesn't directly affect unions. There is no penalty against unions in this bill. The only thing it says is that they can't bargain away a worker's right to choose whether or not to associate with that union. A union can certainly assess how it provides the services just like any other service business. It can seek to be more responsive to the needs of its employees or its union members. It can provide greater services. It can respond in many ways. It could also, if it wanted to, address the issue of the person who gets a free ride, so to speak, it doesn't have to be the exclusive bargaining agent. But you know there is some tradeoffs associated with that. So, for me to predict how a union is going to respond to a change in its business environment, I can't do that. I can tell you that a creative and responsive union probably won't suffer any harm by this because they will need to look at how they do business and they will need to reassess the services they provide and the fees they charge and they certainly need to determine whether or not they ought not to be advocating for candidates that seek to destroy their industry that provides the livelihoods for their workers.

DELEGATE ELDRIDGE. You mentioned that there are twenty-five other states that has passed a similar legislation. Out of those twenty-five other states has it...do we have any documentation on it on how it has affected the unions?

DELEGATE SHOTT. My understanding is that the number of union workers in Michigan rose after Michigan approved their version of the Workplace Freedom Act. I understand that in Indiana they had a similar situation. But you know as far as the union participation there has been a 27% decrease in union employment here in West Virginia just over the last four years according to the Department of Labor so you know doing nothing is doing anything is probably not going to change that trend unless unions change the way they do business.

DELEGATE ELDRIDGE. Well if you are not sure whether it is going to hurt or help I guess the unions, would it potentially hurt the retirees if it would hurt the unions...would it hurt the retirees that has worked for these companies?

DELEGATE SHOTT. To the gentleman I am not sure how those pension funds are funded. Generally, under ERISA there has to be a source of or a pool of assets that are protected from any type of economic downturn so I think there is probably UMWA funds, I am pretty sure there are that would not be affected by this bill. To the gentleman, this bill doesn't attempt to do anything to unions it just simply intends to allow workers to make the choice which they don't have now if the union and the employer bargain that freedom away.

DELEGATE ELDRIDGE. So, if they choose not to join the union would that potentially hurt the overall pool of funds?

DELEGATE SHOTT. Not to my knowledge but I am not a pension expert.

DELEGATE ELDRIDGE. If you have 100 employees and 50 of them are union and 50 of them are not, and unions have to represent all 100...

DELEGATE SHOTT. They don't have to but they choose to. If they are going to be the exclusive bargaining agent, if that is what status they seek, they have to represent everyone. If they don't seek that status or decertify from that

status they don't have to, they don't have to represent everyone.

DELEGATE ELDRIDGE. They don't have to.

DELEGATE SHOTT. If they decertify that is right.

DELEGATE ELDRIDGE. At the appropriate time I would like to speak to the bill. Thank you, Mr. Speaker. I am not going to take long. I am from southern West Virginia and we don't really have a lot of industry. We do have a lot of hard workers. You all sit in caucuses and I have listened to stories of what we need, what we want. I know we have a lot of gas pipelines right now that are being built in the next five to ten years in West Virginia. I ask the questions how many taps do we have on these pipelines right now that is going to be servicing West Virginia businesses? The answer was zero. Not one tap. I find that disturbing. So, I asked a question again. Southern West Virginia coal miners are hurting right now. Families are hurting right now. Have we reached out from this gas industry to encourage laid off miners that are losing their homes and their families, have we reached out to them to offer them jobs? No sir, we haven't reached out to them. We hire through WorkForce WV. That disturbs me there. A lot of people ask me for places to work. I tell them you know you got to go to WorkForce WV and fill out applications. I think I owe it to stand up and talk today to my brothers and sisters that are in the audience today in the galleries to let them know that I am going to stand with them today and I highly recommend everyone in here to stand with them as well. I am going to be voting no on this Mr. Speaker.

DELEGATE WALTERS. Thank you, Mr. Speaker. Over the years I have spent my last 42 years in a pension financial services area and I have watched pensions from an evolution of pre-ERISA and post-ERISA. ERISA stands for Employee Retirement Income Security Act. It was originally passed in 1974. It has probably been amended no less than ten times over the years. What ERISA does is it protects the private sector retirement plans. It requires that they must meet certain requirements of ERISA and its amendments. Reports must be submitted to the Department of Labor. Plans that are both defined contribution or defined benefit like many union pension plans. The participants must receive disclosures every year, minimum disclosures

requirements every year. They must participate in minimum standards that include minimum funding standards. A question was asked earlier what happens if half the group participates in the pension and the other half doesn't. The union contract dictates the amount of money that goes contributed to those people that they cover. The people they don't cover wouldn't be covered by that plan, it is that simple. But in addition to that we have a number of other protections that are established. There are vesting requirements that pensions must be vested after a certain period of employment. We have requirements of financial responsibility. ERISA requires bonding of the people who manage those programs. Bonding so that fraud cannot be committed. Bonding so that assets can be protected. In addition to that, we have a pension benefit guarantee corporation. That program itself protects over 24,000 insured defined pension plans in the United States. It protects more than 30 million workers in the United States and retirees. Over 22,000 pension plans in addition to that for single employers. It protects multiple employer pension plans which you find often inside of unions because multiple employers are contributing. It set standards for what employers have to contribute based on their contract negotiations. Ladies and gentlemen, when a person retires from a pension plan they have a number of options. The options are presented to them and if they do decide to annuitize their pension plan in addition to that we have the state guarantee fund which guarantees those payments up to \$250,000 of present value. Insurance companies don't go bankrupt. They go into receivership. They are rehabbed and brought back out. In the forty years that I have been in the insurance business no one that receives an annuity payment whether it is a pension annuity or another annuity has ever lost a payment benefit and it is because of the assessment we require on insurance companies. So, some of this issue regarding the pension plans is nothing but a scare tactic and if unions are going to represent 75 out of 100 workers and those 75 contribute to that plan, every one of these protections has to be there for them, everyone has to be there. It is required. The other 25 workers could set up their own IRA whatever they want to do but they are not taking anything from your plan and retirees will not be hurt by this. Thank you, very much.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. As I have been sitting here listening to the debate I haven't really, don't believe I have heard anybody really speak up in favor of this

bill, I am guessing we are overwhelmingly against it here today. I have looked at this economic outlook that was asked for pursuant to provisions of H. R. 95 C and S. R. 15 B which is like an economic impact statement to try and figure out if this bringing Right to Work to West Virginia is going to help, if it is going to bring jobs, if it is going to bring companies to this state. I just got to you know consider the source and kind of take a step back and look at some of the actions that took place going into the findings that were reported from Mr. Deskins and the School of College of Business and Economics. Kind of reminded of something I heard. Anyone that knows me knows I'm no expert on marriage. But I have heard that a husband who is apt to peek under the bed to see if anyone is hiding under there has probably hidden under a couple of beds himself. So, while there was communications between this body and the Senate in regards to this economic outlook report, there were a lot of accusations and subpoenas of another report from WorkForce WV, subpoenas about possible communications between the administration and labor and we got those emails, were looked over and turns out there was no there there, in those emails. However, there were also communications between this body and the College for Business and Economics at WVU and I am trying to determine if there is a there there. I can't see the there because it has all been redacted and blacked out. Here is one of my personal favorites. I won't read the name, "Hi Counsel for the Senate," it is all blacked out, "Let me know if you have any questions at the moment. I will be in touch soon. I have plenty of questions." Why is it blacked out? We are all for transparency in government. I can't see through it. So, I guess we just don't want the facts to get in the way of a good story here. But I can't see the facts. I can't see if this is going to be...what led up to this report, what kind of influence there was over the findings we got in this report that says bringing Right to Work, Work Place Freedom, whatever you want to call it is going to bring all these jobs to the state and everybody is going to be happy, we are all going to have jobs and everybody is going to work for more money. I don't see that in this report. I have looked up my own statistics from the Bureau of Labor Statistics and it says in the 25 states that are Right to Work people work for less. That information is right here you can look it up yourself on the Bureau of Labor Statistics. So, why are we doing this? I believe the Gentleman from the 20th touched on it. It is about politics. It is not about

policy. We are supposed to be up here working together trying improve the lives of our constituents and for the future of West Virginia instead we have a mean-spirited bill that really is just an act of vengeance. It is about maintaining power. It is not about policy it is about bad politics and I would urge everyone as I am sure we all will because I haven't heard a whole lot of people stand up and speak in favor of the bill so I guess we are all going to join hands here and vote down this bad piece of legislation and get back to work on the business for West Virginia. Get back to work for the people of West Virginia work together on drug issues, funding PEIA, the things we are supposed to be doing up here this session. I urge rejection of the bill.

DELEGATE IHLE. Thank you, Mr. Speaker. Last time I spoke on a controversial bill I started off with a personal story. This time I want to start off with a couple of quotes. "No lasting gain has ever come from compulsion. If we seek to force, we but tear apart that which united is invincible." "I want to urge devotion to the fundamentals to human liberty, the principles of volunteerism." So, I guess now that I have read that the next question is well who said that, Thomas Jefferson, Rand Paul, some other philosopher from a thousand years ago, actually no. Actually, the person who said that and the person whose memorial these words are inscribed on are Samuel Gompers. He founded the American Federation of Labor. He believes in these principles and so do I. That is why I am speaking in support of this bill. That is not the only reason. Maybe you think a guy that is long gone, even the guy that founded a whole section of the labor movement maybe his words don't matter, ok then let's go to the study. When we discussed the prevailing wage bill we all heard how we want a study. That will determine the economic impact of the bill. Well, we are not having that debate because that again, we have already went through that. But, we are having it now on this bill and the study West Virginia University, our state's flagship school as has been quoted by multiple people in opposition to the bill says that if we enact this legislation we should expect a 0.4% growth in employment in our state. That has been said pretty dismissively as to, "wow that is peanuts, that is nothing." Why are we going to do that? Well, I have been called more than once in discussing this issue with some folks as to why are you talking about this, you are a big nerd. Yeah, I am. That is why I want to talk about the miracles of compound interest. 0.4%, if you take

that number apply it to our current jobs that we have in West Virginia available from the Bureau of Labor Statistics 783,900. I am 29 years old so let's just say 30 years, that way I don't have any children yet, 30 years I should have children that are looking for work, I hope. 30 years we would expect at an increase of 0.4% compounded continuously that 783,900 jobs would turn in to 883,845 jobs. That is 55 jobs short of 100,000 over 30 years. This isn't a silver bullet. That is pretty darn good. I will take it. That doesn't mean that is the only thing we need to do. That doesn't mean that that just stops here. That doesn't mean that we are guaranteed those jobs because if we don't take action to fix the other problems with our state that extra 100,000 jobs will simply be offsetting jobs that we lose. So this, we do need to do this but it is also a reason why we need to do more. Of course, again we heard about the study and why we need it but here it is so do we just call it in to question now that it is giving us results that don't fit our agenda? Is that what we are going to do? I'm not. Not at all. A hundred thousand jobs is a lot. My people want to work. I want them to be able to work. Both people that are in unions and people that are not. They all deserve jobs. Well maybe that still isn't enough so I will tell a little personal story. I am the oldest of five children. All born and raised here in West Virginia. I am the only one of them that still lives here. The other four have moved to Indiana and they have tried to come back here for work and couldn't find any. Three of them are over in Indiana working in manufacturing, have great jobs with great benefits. They are doing well and I am happy for them. Indiana happens to be a Right to Work state as of a few years ago. Their manufacturing sector is doing wonderfully. They are experiencing a lot of growth and that is fantastic. I want to copy that idea and put it to work here. But maybe that is not enough that is just an anecdote. Well here is another anecdote. I have mentioned my other job I work with both non-union and union workers and a few months ago was very happy to negotiate a contract with our union workers and we were able to give them a raise which I am very proud of. It is not as much as I would like it to be but we did. But what we need to do is to avail all of those folks of an opportunity to do even better for themselves. Based on my experience dealing with them the union dues can be anywhere \$30, \$50 a month. You know that might pay for dental insurance in a state that has one of the worst rates of tooth decay in our country. It might pay for an eye exam, glasses paid for on time. Let's have some

compassion for our West Virginia workers and allow them to put more of their money in their own pockets if they so choose. That is the key word here, choice. That is what it is about. It is about choice. In that choice we have heard lots of statistics about polls from different organizations and it seems like no matter what your organization is they are able to produce a poll that produces statistics on the level of support or opposition to this bill that favors their side. So, I look to somebody that is objective. Gallop, Gallop is a national polling outfit that has been around forever. They have no policy agenda and they poll literally everything. In the most recent poll that I was able to find, 2014, they have determined that 53% of Americans approve of labor unions. Great, so do I. I come from a labor household. I am proud of that. That same poll also determined that 71% of Americans favor Right to Work legislation. So no, Right to Work is not about hating unions. It is not. The same poll found that by 64-32 Americans disagree that workers should have to join and pay dues to give the union financial support. I have heard a lot of concerns and questions today and over the course of the whole debate over the past weeks and months that this bill will decrease union membership. I think there is an implied statement that comes with that. That is that those who oppose the legislation do not trust people to make what they believe is the right choice for themselves. I do. I think people are smart enough to choose what is best for them. That is why I support freedom. That is why I support this bill. We have also heard that this is a mean spirited partisan political agenda driven by outside funds, the Coke brothers you know we hear all the boogeyman but the Right to Work poll says national support from Democrats for Right to Work laws 65% in favor 30% oppose. Republicans 74% in favor, 18% opposed. Strangely enough, or maybe not so strangely, the biggest level of support is within independents. 77% of Americans favor a Right to Work law. They are independents. While only 17% oppose. So, if I can kind of tie up all this, together let's trust these people. Let's trust these people to make what's the right decision for them and their families. Let's trust people to be able to put more money of their own in their own pocket if they so choose. If we truly believe in the power of unions and the value they add to our society and to our workplace let's side with the founder of the AFL, Samuel Gompers, "No lasting gain has ever come from compulsion. If we seek to force, we but tear apart that which is united as invincible." I want to

urge devotion to the fundamentals of human liberty the principles of volunteerism. Volunteerism, not force. Volunteerism, freedom and choice, that is why I urge a strong yes vote for this bill. Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. Well I sure hope that when we come around to debating women's rights with respect to what they want to do with their...whether or not to have children we will be talking about choice all the time and we will be talking about freedom. But aside from that, I would like to talk a little bit about the benefit of unions and I was inspired by a bumper sticker that I saw that says the weekend brought to you by unions. To me, I think there are lots of us that don't think about what we have because people fought hard for us to have it, and the weekend is one of the things that I value the most is coming home and being able to recharge and it didn't use to be that way. It used to be that people were forced to work on Saturdays and Sundays, mandatory seven days a week jobs or six day a week jobs and now we have a weekend. That inspired me to maybe do a little bit about a David Letterman top ten list. So, that is my number ten. Number nine would be thanks to unions, young children don't have to work in the mines anymore. I think that is a pretty good thing. Number eight, thanks to unions, young children who weren't even registered as employees aren't going to get killed in the mines. We have lots of children who were killed in mines and we didn't even know they were there, except their families knew they were there. Let's go to number seven, unions, the people who brought you pensions and who fought for ERISA. That was unions who fought for retirement security. We all have retirement security because unions said you have a right when you give your life for a job and you work year after year after year, you have a right to be secure in your old age. That wasn't a creation of capitalism. That was a creation of unions who said that is the fair thing to do. Number six, how about the eight-hour day? It used to be that it was the ten hour, eleven hour, twelve hour and now it is an eight-hour day and if you work overtime you get paid extra. Number five, how about the lunch break? People didn't have a lunch break before there were unions. There was no such thing as a lunch break. I personally appreciate taking a little break so I can eat my lunch. Number four, how about chemical safety and the right to know the chemicals you are working with? Unions fought to make sure

that they weren't being poisoned by chemicals that they were ordered to work with at work. Number three, how about higher wages? That is one of the main things that unions have brought. People working together, sticking together they got higher wages. The report card for West Virginia women says that women in West Virginia who are in unions make \$146 more a week than other women. That is because unions help by sticking together unions help people to get higher wages. Number two, one of the most important things that unions do is give you a collective bargaining agreement with a process and a right now to be fired unless there is just cause. If you are not involved in a collective bargaining agreement you can be fired for a good reason, a bad reason or no reason at all unless you work for the government and then you have constitutional protections. But unions provide a way that you can file a grievance, you can have your dispute heard in an arbitration process. That is one of the most critical rights that union members have. The last one I want to talk about I think it really important. The unions have brought the middle class to millions and millions of Americans. We, all of us in this room, have benefit because we have had a secure, strong middle class. But that is changing. The PEW report says that in 1971 61% of Americans were part of the middle class and that is now below 50. We want to do something that would lessen the ability of West Virginians to be in the middle class. Why in the world would we do something that would lower our wages, lower our protections and lower the peace of mind that we have? I mean you know there may not, unions may not win the popularity contest but anybody who has ever been fired knows that you want your brothers and sisters to be with you and make sure that you have a fair process and that it will be adjudicated fairly. Because you don't have that without a collective bargaining agreement. This bill is designed to chip away at unions to destroy unions, it is based on billions of dollars of contributions that have poured in to this state in a number of different ways. The gentleman from Mingo talked about the effort that was made in the 30's to destroy unions. At that point and time and the only time in history the American government was involved in bombing citizens in our state. That is not happening this time let's hope. But it is being done in different ways and this is one more way that we are chipping away at the rights of unions and the rights of Americans to be a member of the middle class. I urge you not to support this. It is not good for our

state. People will not benefit from this. four tenths of 1% is not worth trading decent wages. Protection from unfairness. It is just not worth it and I urge a no vote on this bill.

DELEGATE MANCHIN. Thank you, Mr. Speaker. I feel that there is some confusion about some of what goes on here and what is at issue. I think that there are some folks in the room that may have not made a decision and so I would like to try to explain it for them so that they will know what they are really voting on, and for, and perhaps even why. The confusion I think starts with state law versus federal law. Let's understand that federal law trumps everything when it comes to employment law with regards to unions and employers and the NLRB and those sorts of things. Let's understand that you know we had only two witnesses in Judiciary. One of those was Ken Hall who had been in labor relations for over 30 years and made it absolutely crystal clear to us that under the present law today no one is required to be a member of the union. Nowhere, no how, no one is required to be a member of the union. What is at stake here though is, is that there is what is called a union security clause and that gets entered into in certain collective bargaining agreements. Now these are voluntary agreements. Let's understand first of all that this is an employer and a bargaining unit. But let's understand how the union even comes in to existence. A union doesn't get brought into a workplace unless there is 30% of the workforce that is interested in having a union. After that there has to be a vote and by majority vote democracy at work, secret ballot, those workers choose to have that union represent them as a bargaining unit. They voluntarily join that. They voluntarily ask for that. Not only that but if they become dissatisfied with their union representation, if they become dissatisfied with the amount of dues, if they become dissatisfied with how the money is spent they have the right to decertify that union and no longer participate or have them participate on their behalf. So, why do they enter in to these agreements? I think they enter in to these agreements because they receive great benefits from these agreements. What they receive first and foremost, and we had a gentleman from Lane Ferguson who is a local employer has 350 to 1300 employees at any given time to talk to us about this, they get training. They get apprenticeships. They become a skilled, highly paid employee. They get someone who bargains on their behalf instead of them being an

individual asking for a raise. They have got a group that goes together and asks for the raise. They have protection such as the Gentlelady from the 51st talked about. They are not at will employees. They can't get fired because they have an earring in their ear, or red hair, or whatever else it might be. So, they receive something in exchange for all of that. So, what is at issue here is a simple clause. It is called the union security clause and basically what an employer can freely negotiate with a bargaining unit is whether or not there will be a union security clause in there. First of all, the employer doesn't have to even bargain with them or well he doesn't have to agree to a contract but secondly a contract doesn't have to contain this clause.

Now what does a union security clause say? It says that anybody who is covered under that agreement in that workplace will contribute to the costs of collective bargaining. They will contribute to the cost of grievance procedures. They will contribute to as what can be part of the union dues is education. It can be political education. It can be charitable contributions. It can be a number of other things. However, and this applies both to those who choose not to belong to a union as well as those who become a member of the union. They can be a back dissenter. What that means is they don't have to pay all the dues. They are only required to pay the pro-rata portion of the dues that are attributable to collective bargaining, getting those benefits and providing representation in grievances. OK and those national labor relations board makes unions and all the employees, all their representatives keep very close records on their activities and where these different monies go. So, they have that choice. Now, what is the purpose of this bill? The sole purpose of this bill, ladies and gentlemen, is to outlaw, to tell a private employer in the State of West Virginia that you are not allowed to enter into a contract with a bargaining unit that you choose to deal with and use one of these clauses in there. This clause will be outlawed. That is all this bill does. That is what this bill is aimed at doing. We can talk about everything else. We can talk about freedom. That isn't it. It is all about the union security clause.

So, you know we had Lane Ferguson come in and talk about the benefits that he receives as an employer. He gets in his mine the most highly skilled workforce in the country. In his mind

these people come in, they are trained to work safely. That brings an advantage. In his mind when he doesn't like one of them when they are not doing good work, he can tell the union and they supply him with somebody else. If they mess up the work, they go back and fix the work. This gentleman operates at the Toyota Plant providing most of their maintenance services. He does contracts all over the country, all over the country and out of the country I believe as well. He has seen first-hand that in Right to Work states wages are lower. He has seen first-hand that in those Right to Work states safety considerations are lesser. He has seen that the workforce is not as good and not as skilled. He has seen an increase in immigrant workers in those states. These are all a private employer in the State of West Virginia who chooses to enter in to these contracts and these are the reasons why he chooses. Now, to counter that what have we heard. We didn't hear anything in Judiciary, not a single word. Nothing that I have said here today was ever contradicted or contravened by any witness in front of the Judiciary Committee, nothing. What we know from studies are that fatalities in Right to Work states are 50% higher, 50% greater than they are in non-Right to Work states. We know that the wages are 3.2% lower. We know that that comes out to about \$1,500 a year per worker. We know that pensions, my good friend from Putnam mentioned, I don't dispute any of his numbers but what we do know in Right to Work states is that they are 4.8% less likely to have a pension that is supplied by their employer. We know that that will result in approximately 3.8 million people less having a pension. So, I ask myself why are we doing this? I think some of you have asked yourself that question. I think that we know there is a lot of politics involved. I don't know that any of you, I certainly have not had one worker in my district come to me or send me an email, or send me a letter, or call me and say we need Right to Work. I am being treated unfairly. I don't want to contribute at work. Not one. Maybe you all have, I haven't. I haven't had an employer and what we do know is from the Secretary of Commerce that, and from a former Governor, one who happens to be related, that neither of them have ever had a perspective employer ever say, "I am not coming to the State of West Virginia because you don't have Right to Work."

So, what are we doing here? Why would we take money out of thousands of people's pockets, out of middle class West Virginian's who are

making decent wages, which I know in my heart every one of you in your heart wants for this state? Everybody wants good paid middle class workers. Why would we take money out of their pockets for this when there is no outcry? I have heard about surveys but quite frankly we understand what goes on when we title bills to be something other than what they really do. It is an attack on unions quite frankly and it is either an attack to get rid of unions or it is an attack simply to lower wages or it is both and these are by people that are out of state groups and we have no commitment from a single one of them. Even in our public hearing nobody ever came forward and said we will bring you this facility if you will just adopt Right to Work, none. The Gentlelady has already talked to you about unions. There are other benefits to unions besides all those that she gave and every one of those is a valid union argument and good that they do but unions not only help their own members wages they prop up other wages. The non-union sector also benefits from the contracts that they enter into and that in and of itself is a very good reason to reject this bill. There has been some other discussion I guess about one of the states where they had an increase in manufacturing. I know some of the material I read showed that Oklahoma actually experienced a decrease in manufacturing but you know there are so many different reasons that can be affected by that. At the Deskins study, I noted that there was an issue about when they used an adoption of Right to Work and there was a dispute about the years so I don't know whether any of that is good. I don't know whether any of that will come true. I don't think that you can ever expect the compounding of interest to work on jobs otherwise the whole country would be a whole lot better off than it is. So, I know there is a lot of reason for you all to vote one way or the other, we all know that we all know what it takes to get here. I know the pressures. I have been in the majority. I know I voted a few times on some bills that I really didn't like and a lot more times on some bills that I didn't like very much. But when you get to something this important that it affects this many families, you really ought to think what the right thing to do is and you really ought to be comfortable with yourself the next day. In closing, I kind of go back to a little... I don't know where this comes from but it comes back to me so often from when I was a child, I remember this song and it went something like, "sixteen tons and what do you get? Another day older and deeper in debt. St. Peter don't call me because I can't go." I owe my soul to the

company store. Let's not go back to sixteen tons. Help us on this bill. Thank you.

DELEGATE SUMMERS. Thank you, Mr. Speaker. Prior to the session several of us met with the American Federation of Teachers in Morgantown to discuss some important issues that they had. One of the issues was Right to Work. During the discussion a fellow delegate from the 50th expressed his opinions if the legislature brought up Right to Work. He said and I quote, "it's gonna be bloody." Those words took me back. They took me back to a time over 25 years ago when my mother had the same dilemma that we face today with Right to Work. Paying dues or fees to an association you do not want to be a part of. This is her story. The Teamsters led a strike at the local hospital where she worked. This is where the conflict began. Should she put her wages and benefits, even her working conditions over the life and death of others as a nurse at that institution? Well the call came that forced her to wrestle with this issue. There was a pregnant mother whose baby was not doing well and needed a Caesarean Section. They needed her to work in the operating room. As a mother of a child who has cerebral palsy and knows that a C-section could have possibly changed the future of her child's life, she decided to cross the picket line. If she placed her own or even her co-worker's wage and benefits over the life of another, the life of an innocent child, she could not live with herself. As she approached the hospital her fellow workers cursed her, yelled at her and blocked the road with their bodies. One co-worker even held a baby in her arms to block her car and she thought to herself how ironic. She worked that day and many days after. She could not do what the union had requested her to do. It did not matter that others had not chosen the same route that she did but it was not for her. She could not put the health and safety of others in front of her own beliefs. She paid for her choice that day not only in her dues payments but also in the humiliation and retaliation she received. The marquee shared the news with her name with the words "scab of the day." The phone calls and threats to our family at three in the morning letting us know that they were from Logan County and they were coming to get us. We all knew back then what that meant but the saddest moment I saw was when she had saved and saved for this cute little car that she wanted, a convertible bug. She drove home from work that day with slashes from knives all through the top of her convertible. As a nurse it is our joy and

professional duty to care for people. Why in this day and age should we have to pay dues to a union who does not share the same values that we do? Some people say just change jobs, but have people looked around? The job market is not that great that I can just change jobs anytime I want to. To this day that hospital is still a closed shop. Dues are required to be a nurse there but a yes vote today will allow that forced association to be stopped.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. I rise in opposition to what was formerly called Right to Work legislation. Today we are calling it Workplace Freedom because you know Right to Work didn't poll so well in the State of West Virginia recently so we changed the name. Now we know that freedom isn't free. What is the cost? Your wages. Your benefits. Your way of life. We do get some freedom from this bill. The freedom of the government to intervene with the private right of contract. I know we talk about numerous times down here how we want to scale back the government. This bill does the exact opposite. It also provides the freedom to get something for nothing. Now many in this body would probably call that welfare. Don't forget the freedom also to get the exclusive representation as the Gentleman from the 50th talked about when it comes to the exclusive representation derived from the NLRA and the evisceration of the union security clause which will simply eat away at the unions from the inside. That is the intent and the effect of this bill. You know we have been dealing with the propaganda for months now. Back in interims we had two studies and trains of thought to go off of. One we start in interims. James Shirt came in from the Heritage Foundation speaking of propaganda and his theory was, he even acknowledged, yes wages will decline. But that is ok guys because when wages decline studies show that Right to Work States have a lower cost of living because that should be a goal for us. If that is the case, why are we even here? Why don't we just move to say Pakistan or India or maybe the sunny beaches of Mexico? Mr. Speaker, congratulations we finally do have an immigration bill because as we drive down wages we will drive in the illegal immigrants from Mexico to come work in our great state.

The second study as we elude to many times here today, the WVU study. Now that is the flagship university and I am a proud Alumnus. I can't disagree. There may be a .4% job growth.



How? Because you are going to be working two or three jobs to survive after we drive down your wages. That is where the job growth comes from. We have heard about the history. I think you hear on the campaign trail and I am sure many of you recite it all the time. Well I never forget where I come from. Never forget where I come from. Let me tell you where you come from. In 1950, we had well over 2 million people living in our state. Union membership was 36% of the workforce. Fast forward we have lost over 250,000 people. In 2016 guess where union membership stands today, 10%. As unions grow we grow. As unions grow our state grows. The history doesn't stop there. It has been eluded to earlier. We come from the Matewan massacre. We come from the Battle of Blair Mountain when the blood shed that was eluded to earlier in the mountains of West Virginia led to national change. It led to worker equality. When we said enough is enough you deserve the right to earn a living. You deserve the right to collectively bargain. You deserve to have a chance and have a voice and we should not be taking it from you. That is where we come from and then the next argument will be, well Shawn you know things have changed and unions just aren't needed anymore because you are talking about old history.

How about some current history? 2006 Sago, 12 miners dead, non-union mine. 2010 Upper Big Branch, 29 miners dead, non-union mine. That is recent history. That is West Virginia history. So, where do we stand as a body? Do we stand for coal miners? We talk about all the time? Or do we stand with coal barons? Do we stand with coal miners or do we stand for coal script? You tell me. We are better than this. You deserve better than this. Let's quit playing politics. Let's play policy. Policy is hard. It requires actually sitting down, having conversations trying bipartisanship and getting things done for West Virginians. Politics is easy. It requires putting a creative craft title on a bill like establishing workplace freedom, throwing some junk poll with junk signs attached to it out to the citizens of West Virginia and saying well I think 60% of the people want this. That is how we do things here. It is embarrassing. You deserve better. As the poll numbers go and you know let's be frank here, Don Blankenship probably supports this and he is facing prison right now, but I assume we will be back here soon drafting a Don Blankenship get out of jail free bill. As far as poll numbers go, Mr. Speaker, I am almost done, as far as poll numbers go I think the poll numbers of

the majority will be changing come November if we pass this legislation. Vote no, thank you.

DELEGATE FERRO. Thank you, Mr. Speaker. Please indulge me for a few minutes. You are going to hear the same thing from me as you are going to hear from a lot of these folks who oppose this law. But I feel compelled to speak today and I rise today in opposition to this Right to Work bill or whatever crafty name you call it. In my opinion it is nothing more than attack on workers, unions and their families. If Right to Work is implemented working beside free-riders who don't join, don't pay dues but make the same money, get the same benefits is despicable and I am sure will lead to workplace tension and animosity. I have heard in public hearing that teachers don't have to join a union. That is correct but non-union teachers have no grievance protection or any representation if they have been falsely accused or un-falsely accused of any type of misconduct simply because we don't have collective bargaining agreement. My point is that the union is there for members to see that their due process rights have not been violated. This bill will cut wages, reduce benefits and reduce safety in the workplace and open the door both ways with our workers leaving West Virginia and undocumented workers coming in. In fact, I bet they are holding job fairs today in North Carolina, Florida, Georgia, Texas lining up guys that probably all have the same name, live in the same house, riding the same bus and they will all come here to West Virginia and we are going to embrace those people. I am going to close by reiterating that this is nothing more than way to destroy unions and the working men and women of West Virginia. I strongly urge rejection of this horrible, imputative bill aimed at destroying the middle class workers in our state. I could at least go home regardless of how this vote turns out and look my hard working union members who are my relatives, my friends, my neighbors and my former students in the eye and thank them and tell them I was with them today and I will always be with them. Thank you, Mr. Speaker.

DELEGATE GEARHEART. Thank you, Mr. Speaker. I rise today in support of the bill in front of you. Maybe just to disagree slightly with my friend from the 67th, 50th and the Third, with regard to the title of this bill because I think, Workplace Freedom is exactly what this is about. My friend the Speaker, my friend the Minority Leader, I think both would testify to the fact that

I have a bit of an independent streak. Maybe some of you all would agree. The Minority Leader is grinning just a little bit. It causes me a great amount of difficulty that for a job I am qualified that I might not be able to obtain if I am the most qualified because I select not to be a member of a group and as an employer it causes me an equal amount of pain not to have the freedom to hire what might be the best qualified person because they are not a member of a group. Unions as I understand it and as I looked in Wikipedia on the first line are tasks they have a mission they are tasked with representing workers and I think that is a noble mission. I think it is a very noble mission. Unions are not a for-profit organization. They have a mission. I would submit to you in an analogist circumstance that the church I attend has a mission. We have a mission. Our mission isn't to represent workers. Our mission is to bring people to Jesus Christ. I am a member of that church. I believe in that mission. I don't pay dues but I tithe. I contribute to the church. I participate in the church. I work hard to help them accomplish their mission. I think it is important. When I sit down in the pew on Sunday to worship, when someone sits on the other end of the pew that may not be a member of my church I don't look down on them. I want them to be part of that mission that we want to accomplish and if we do a good job at my church if we have meaningful worship, if we have Bible study that connects with people and Sunday School and activities and outreach then I believe more often than not those people are going to want to become part of that mission and participate and become members. I believe much is true with unions. If unions do a good job, I believe people will want to participate and be members. However, this act gives workers the freedom to determine when they are not doing a good job that will opt out and decide not to be members. I do have an independent streak. I venture to say that most of the people in this gallery... I am a good southern West Virginia country boy and I believe the people that live where I live are about as independent and hard headed as anybody around. Again, the Speaker smiles and maybe he knows. With that said I believe that this bill is in the interest of unions. It means the leadership has to work hard. They have to work hard to bring that mission and to accomplish the things that they want to do. Members have to want to be a member. They have to want to participate. They have to believe in what the union represents. For all of those reasons, for freedom of everybody in the State of

West Virginia I strongly urge a positive vote on this bill. Thank you, Mr. Speaker.

DELEGATE PERRY. Mr. Speaker, speak to the bill? Ladies and gentlemen, I rise today to speak in strong opposition to Senate Bill 1. A piece of legislation which appears to have as its only object, the decline and weakening of union membership, and therefore diminishing the ability of workers to organize and bargain collectively. In the past several months in anticipation of the potential for this debate I have sought and read a multitude of reports and articles attempting to frame those issues related to the so called Right to Work, Freedom Workplace. Legislation and discern what economic benefit if any, it can be derived from the passage of any such legislation. What I found in the literature was a series of inconsistent and contradictory findings predicated largely on spending facts in support of some preconceived notion concerning the wisdom of this legislation. For those who may laud or seek to trumpet the pressing need for the passing of this legislation through claims that it holds any potential whatsoever for attracting new business and jobs to our state and increased economic prosperity for our people your claims are highly questionable at best and more probably incorrect.

What troubles me more than engaging in a wedge issue debate which appears to be far more political than substantive is the valuable time that we waste that could be better spent on real issues affecting the lives of our people. Such issues as diversification of our economy. Efforts to improve our lagging workforce participation, budget shortfalls, PEIA and properly retraining and developing our workforce for the jobs of tomorrow are among those matters which are far more likely to improve our business climate in our state. As we all know since 1935 through passage of the National Labor Relations Act, business and labor have benefited greatly from collective bargaining process intended to bring stability and fundamental fairness to the workplace throughout America. Questions concerning closed shops or required worker memberships and a labor union were clearly resolved through the passage of the Taft Hartly Act in 1947, through which a worker may choose to opt out from membership in a labor union and the payment of membership dues in excess of that which is required for collectively bargaining representation. For this reason, Senate Bill 1 can only be viewed as an open assault on organized

labor. An effort to diminish the effectiveness of many benefits of the collective bargaining process. Mr. Speaker, my strong and unequivocal opposition to Senate Bill 1 has very little to do with particulars of this legislation or its bogus claims about economic prosperity for our people, rather my distaste for this bill is more closely aligned to my understanding of the history of our state and its people.

The history of organized labor is interwoven into the very fabric of our state and has everything to do with who we really truly are. In the communities in which I live, many of our people are the proud sons and daughters, grandsons and granddaughters of West Virginians. Coal miners who fought for and secured the right to bargain collectively and workplace safety, for fundamental fairness in the workplace. For those of us who understand that our State of West Virginia is truly special. It is often said that the true strength of our state can be found in the character of our people. What is in our people that has molded our character and make us what we truly are today. In my judgement the answer to that question can be found in the struggle for workplace safety and the sacrifices and solidarity that was required to bring fairness to the workplace. Indeed, at one time there was thunder in our mountains as Persians fought the good fight to establish and maintain the right to engage in the collective bargaining process for the benefit of many and all. Senate Bill 1 is an affront to our dignity of our proud past and is in no way representative of the character in nature of those West Virginians that have always known. Finally, on a personal note, as a younger man I clearly recall my father telling me, "son never cross a picket line." In response to that advice I asked him, why." His response was that everyone is entitled to their fair share of the pie. With this advice in mind Mr. Speaker, today I see a line which runs right down the middle of this chamber. Today we must decide as a matter of conviction and conscious whether we will cross that line or not. Today I am proud to stand up for working men and women across the State of West Virginia and will never do anything to encroach upon their hard earned right to stand, in solidarity and to negotiate and bargain collectively. For these and many other reasons Mr. Speaker, I urge the defeat of Senate Bill 1.

DELEGATE DEEM. Thank you, Mr. Speaker. I rise in support of this bill but I want to give credit to the labor movement in West Virginia

and what they have done for the working men. My dad, when I was three years old went to South America to work in oil fields because he couldn't get a job here and they work seven – twelve hour days and sometimes walked five miles to get to work before they had good roads. I remember reading we are not involved in coal. But, I remember reading about the coal our different depths of seams I guess, and there was a time when a thin seam of coal a ten-year-old child is the only one who could get in there and mine that coal. That is not true today. So, labor has come a long way and I appreciate that. But, all of you who are now in the minority, I wish you would ask yourselves why are you there. You are there because you had control of this legislative process for 83 years and you didn't do it right. You never compromised. You were always, one of the things that mentioned was we have the most regulated school system in the country. This is a school law in West Virginia. Have any of you looked at it? You know why it is there? Because labor controlled the education committees and the teachers couldn't get what they wanted at home they came to the legislature and passed it here. But so Mr. Speaker, I think that I ask you people who are going to vote against this bill to ask yourselves why that is true? It is true because you didn't do it right? The biggest proof of you didn't do it right we are the only state losing population. Now think of that. We are the only state that is losing population. Other states are gaining population and while it has been said that this will cost unions a lot of jobs, the statistics I read indicate that labor at unions have gained in population and numbers and they have become more responsible to the people they represent. So again, I repeat Mr. Speaker, you guys are in the minority now don't forget how you got there.

DELEGATE PERDUE. Thank you, Mr. Speaker. I had the advantage as I spoke earlier in the session to be able to stand and speak and not seeking votes. I don't have to justify my position. It comes absolutely from my bones. The origin of this bill rests with the United States Chamber of Commerce and our own state Chamber of Commerce. I believe that is where the origin lies. I could be wrong but that is my belief. I don't think either truly represent small employers but rather large multi-national firms like Pharma and Georgia Pacific. Why? Because unions are anathematic to those large corporations. They don't like the idea, at all, of people having the ability to bargain collectively. They never have

and they never will. I think that is the origin and I believe that it is a national...nationwide perhaps, worldwide effort to destabilize unions that eventually see them go away. The title of this bill is Workplace Freedom. Let me tell you about Workplace Freedom. The first crack in the Berlin Wall wasn't engineered by Pope John Paul or Ronald Reagan or anybody else. The first crack in the Berlin Wall was engineered by a 5'6" trade union electrician named Lech Walesa. Because, in 1979 they knew the face of communist guns. He climbed a fence to represent unionism and solidarity in Poland. That is Workplace Freedom. This is a gentleman that exercised his ability to be free in a nation that was completely not free. It is a different story, different way of looking at it. In 1974, my bother Sonny, was 29 years old. He was on an informational picket in Huntington, West Virginia. He was shot, the gentleman who was with him was killed, Sonny lived. But he was shot by a man who had a 12-gauge shot gun pointed right at him. If you have ever looked at the barrel of a 12-gauge shot gun from the stupid end, you know how big that is. When he was shot he had his hand on the barrel of that gun. It was the only thing that saved his life. It was aimed at his head. The question I ask is, why? Why would anyone faced with imminent death choose to step across that particular fence in the face of danger to his life? Because he believed in freedom. Because he believed in...I resent deeply those who would suggest that whatever is wrong with this bill has to do with freedom. It does not. It does not. Ladies and gentlemen, this is not a silver bullet it is a golden stake created by the larger multi-nationals to drive right straight through the heart of organized labor. That is precisely what this is. It has been going on for a while. It is a national movement and it is funded by the folks that would yield the most from the eradication of trade unions. For 200 years, this state has been on its knees before large corporations. I don't care what you might want to believe. You might want to believe something different but you would be wrong. We have been on our knees for 200 years here. The only thing that has got us upright is the action to bodies like this one to stand in the face of that particular objective or that particular need or as the lady spoke earlier, what they want. The only thing that stands in the way of that is a contemplative, collaborative effort on behalf of our legislatures and our state government. That is the only thing. I guess the question I would ask, I don't mean to be dramatic or theatrical, the question I would ask is shall we once again bow before interests

outside of our state not of interests inside our state, but of those interests outside our state who had once again make us even more subservient than they have seen in the past. I urge absolutely rejection of this bill.

DELEGATE HAMILTON. Thank you, Mr. Speaker Pro-Tem. I would like to start by saying peace be with all of you my brother and sisters in the chamber and in the gallery. Before I begin talking about the Right to Work bill or the Workplace Freedom, I wish to let everyone know that I have never been a member of an organized union. I have been the beneficiary of union wages because my dad was a member of the Federal Employees Union in Clarksburg, West Virginia. In the 50s and 60s when I was growing up, now I guess I kind of told you about my age, his salary was pretty good. We lived well. I have benefited in my adult life from union wages. I was an independent insurance agent for 41 years before I retired. But I have benefited from those wages as some of my clients were hard working union members of the steel workers, United Mine Workers, Teamsters and glass workers, just to name a few. I don't ever remember any of them being labeled as free loaders. They are hardworking union people. I have been endorsed by the majority of the unions, of unions since the year 2000 when I first ran. Some have asked me how I received the union endorsement. Well, I think my first interview I told the coke committee with the AFL-CIO they had the wrong person in the room interviewing. They immediately asked me, well who do you want us to have in here? I said simple, have my employees. I believe if you treat people right they will give you a hard day's work, for a good livable wage. Benefits, health insurance, sick leave, paid vacation and pension, etcetera.

Now the other day the delegate, from I believe I got his number right, the 19th, mentioned that he and I were on an amendment together a few years ago to increase the race track employees' pension. I think that day or two we were fighting that amendment he may have gotten in to more trouble with leadership than you can shake a stick at and he almost lost his chairmanship but he stuck with it. There were delegates in this chamber who questioned why I would fight hard for a race track employee's pension when I didn't have a race track within 300 miles of my hometown. It was simple, the magic word was pension. I had track employees who were steel worker members lobbying me, telling me they

had 20 years of service and all they had in their pension account was \$20,000. I said, well that is not too bad, \$20,000 a year to live on when you retire. They said no, no, no. You got it wrong. That is the total in their account. That amendment didn't pass that year. But we received a promise and I think the Gentleman from the 19th can back me up on this, we received a promise from the Speaker to run our pension bill in the next legislative session. Now, we finally were successful but our bill didn't pass until 11:50 p.m. on the 60th day. Well, I guess, the Speaker didn't say when it would pass. The reason I tell you that story, if a lobbyist or a member is offering you something to obtain your yeah vote on Right to Work, you better take it with a grain of salt. The Gentleman from the 50th last week, he said he has made thousands of votes for the West Virginia Chamber of Commerce. In my 13 ¼ years, I too have made probably close to a thousand votes of yay votes for chamber and industry and that same time frame do you all know how many times labor has asked me or requested that I vote with them? I believe it is 34 or 35 times. That is less than three votes a year. Now I don't have the same labor record that my good buddy from the 50th has, he is 10%. I am only about 90% so they don't get me every time.

I wish to tell everyone of you today I have never made a vote in this chamber based on threats in the next election. I have never taken a walk that it has been suggested that maybe I should take a walk. I don't intend to start today. Some have mentioned the intimidation factor from lobbyists who represent the unions. Well what about the intimidation coming from lobbyists who support passage of Right to Work? What about all the robo-calls and etcetera, where they are calling 88 year-old ladies and they say well I don't know how they got my number? They just asked me to call you. General Tackett, the former Commander of our West Virginia National Guard is doing an ad promoting a vote against Right to Work. He states the bill is a sham. Well, I kind of agree. I have heard it said, delegate you can't have it both ways but the Workplace Freedom Bill will do exactly that if it passes. I am going to give you the following example: A company has fifty employees, they petition for a union vote, they have that vote. Thirty vote to go union. Twenty to not affiliate with the union. Majority rules so the company is union now. Under this bill those people who voted no and choose, now they choose not to pay dues are not required to pay those dues but every

time the union receives a raise or more benefits or if that person has a grievance against management they are required by law to have union representation. Pure and simple, that is the law. That is federal law. In my book that is not fair. That is nothing more than free-riding. How could I, as a conservative, vote for this bill? We talk about purging our welfare system of the freeloaders or free-riders if you be. People who are able to work but choose not to and are very capable of doing work some place. How can you support that and then turn around and vote yay for a bill that allows free-riders to take advantage of the union representation, union benefits through negotiation and not pay their dues?

The state Chamber of Commerce recently sent each of us a booklet titled, West Virginia Campaign for Jobs 2016 Digest. Now keep in mind this is a booklet, they sent it to every one of us and on the first or second page they have got a disclaimer, these rankings provide a clear and un-biased picture of West Virginia's current position compared to other states. All the data has been pulled from non-partisan and independent sources. Now it doesn't say who their sources are. Now remember this is the Chamber's booklet. They put it out. I will direct you to table six, per capital personal income by states. Of the top ten states, in other words the states that have the most income per capita, eight out of ten are non-Right to Work states. That means persons in those ten states are better off due to their wages. Of the ten states in the lower category, those states ranking 41st through 50th, eight out of ten are Right to Work states. Once again, we are chanting thank goodness for Mississippi as they are ranked 50th with West Virginia close behind at 49th. Why vote to make us a Right to Work state? Do we want our hard working men and women to make less? Ladies and gentlemen, if you are in doubt and I don't think you are, I will be voting no. I stand yesterday, today and in the future with the working men and women of West Virginia who are proud, who are proud to be called union, hard-working people, who are not free-riders. My brothers and sisters peace be with you.

DELEGATE IRELAND. Thank you, Mr. Speaker. Ladies and gentlemen, those of you in the gallery, quite frankly this is one of the hardest decisions I have made on this particular bill in the ten years that I have been down here. Quite frankly, this morning when I walked into this building I wasn't sure how I was going to vote.

Whether it was going to be red or green. Most of you recognize that is a little unusual for me because I am generally pretty up front with how I see issues. This particular issue is not quite that simple and we have heard a lot of rhetoric on both sides of the issue this morning. We have heard the law read to us. We have heard the emotional personal experiences. Folks from the 10th have some good points, folks from the 13th, the 19th, 48th, 50th, all have had some good points to be made. Quite frankly, one of the things that I considered on this bill was the gentleman from Upshur County mentioned, I considered taking a walk. Then I thought that is kind of a cowardly way out. That is not consistent with my nature. So, I will be here and punch a button red or green. But I believe you can't be, what is considered to be a mugwump when you mug on one side of an issue and you wump on the other. You have to take a stand. If I could punch a button here that said I am 51% for or against and 49% for or against, it might be a nice thing to be able to do. But the button is either red or green. Out in the hallway earlier one of the folks asked me to look into my heart and look into the eyes of a few young folks standing over there before I made up my mind. Well, I don't need to look into the eyes of the young folks out in the hallway because I have got six grandchildren at home that I can look into their eyes and I am concerned obviously about their future or I wouldn't be here to start with in the last ten years.

I worked at a chemical plant as most of you know by now. Some of you in the gallery, the plant was non-union as far as workers were concerned operators we worked with the construction trades, the union construction trades on all the construction that went on and a lot of the maintenance. So, I worked a lot with the carpenters and the millwrights and the sheet metal workers and the pipefitters and the operating engineers and the laborers and all the other union craft. They brought something to the job that needed to be done. I valued that and I still value that. So, if you take all that into consideration they have got a point. However, as I look at what has happened in West Virginia in the last forty years that I have been involved in the workforce and some of the delegates referenced this in past remarks. What has happened to our workforces? Let's look at the chemical industry. Let's look at the Kanawha Valley. Is a chemical industry as vibrant in the Kanawha Valley today as it was 30, 40, 50 years

ago? Ten years ago? Up and down the Ohio River, are the construction jobs there guys, that were there 20-30 years ago? I submit to you that they are not and we all know that. Now why is that? All kinds of different reasons. All kinds of different reasons. Something having to do with what goes on in the Pacific Rim. Some have to do with legal reform, or not, in the State of West Virginia in the old adage of judicial hellhole, etcetera. The Gentleman from the 48th this morning made up my mind. He said something to the effect we need to work at something even if we fail. We need to try something even if we fail. Ladies and gentlemen, what we have seen in the last x number of years is not working. Now this is not going to be the silver bullet, as somebody mentioned a while ago. It will not be. By itself it is not. But it is a piece of the puzzle perhaps. A piece of the puzzle perhaps. Quite frankly, as I try to figure out whether I am going to punch red or green, and I am going to punch green, I come to that conclusion on the basis of doing nothing, status quo, is unacceptable, even if we fail. Thank you, Mr. Speaker.

DELEGATE CAPUTO. Wow, Mr. Speaker, thank you. I guess if you have the beliefs that I have had my entire life, my entire adult life, growing up in a union household, knowing what buttered your bread it is a pretty sad day. Senate just passed along party lines repeal the prevailing wage and we are over here in a three-hour long debate on something called Workplace Freedom. It is a sad day. It is a sad day for working West Virginians. We have heard a lot of talk today from both sides of why we should do this and why we shouldn't do this. But I like to talk a little bit about the basis about how this country was formed and the basis of how this country is governed and in every organization we ever belonged to, majority rules. All of us are here today because we received the majority of the vote in our districts. When you belong to a club or an organization and there is a decision to be made, majority rules. My friend from the 50th already described to you how you conduct a union election and I will venture to bet there is not many people in this body who has ever been through one and I will venture to bet there is not many people, if any in this body, that has ever been involved in an organizing campaign and how difficult it is to receive that majority vote status. But at the end of the day, if the majority of those workers vote to join a union that should prevail and if the majority vote no then the union should walk away. That is the way it has always

worked. In my forty years or working in a coal industry, 20 of which I have worked for a labor union that is the way it has always been.

Now, no one has argued the facts that, what I believe to be the facts, that Right to Work states have lower pay. We have heard it a lot. We haven't heard any of the proponent say that, that is wrong. We have heard the opponents say workplace safety is less. We have seen those numbers. I haven't heard any of the proponents say that is wrong. So, why are we doing what we are doing? I think the mission here is very clear. I do believe that pensions could be in jeopardy. I do believe that to the Gentleman from the 22nd. Because your pension plans, particular if you are multi-employer plan is protected by the PBGC, Pension Benefit Guaranteed Corporation a subsidy of Federal Government. But it does not guarantee 100% of your pension. If people drop from the plan and the plan doesn't get fully funded and the plan goes into bankruptcy you are not going to get what was promised to you. It is just the way it is. I texted a friend of mine from Weirton, a former member, who told me that some steel worker plans when they went belly up went from a steel worker receiving \$2,500 a month to \$1,400 a month. Now I don't know all of the facts and all the particulars. They had to go into the federal fund but it is not guaranteed because guess what...nobody was paying into it because of the dumping of steel and the downturn of the steel industry. So, their pensions were directly affected when they had less members in the fund so don't kid yourself here.

Now, last year when this debate began I wrote a letter to Commerce Secretary Keith Burdette. In the letter I said, in your tenure as Secretary of the Department of Commerce, have you experienced businesses refusing to locate here because we are not a Right to Work state? If so, I would like to know how many potential businesses has turned away from our state and the names of those businesses. Mr. Burdette wrote back to me and he said he is not aware of any company entering into discussion with our development office about locating a business in West Virginia who terminated these discussions upon learning West Virginia was not a Right to Work state. Now, to be fair he went on to say we also have no way of knowing companies who knew of our status and chose not to look to West Virginia and he talks about some of the good things that we have done in reform and how we are attracting business to the State of West Virginia but I am not going to

bore you with that, but the other day former Governor Joe Manchin made a statement. Now I think we all consider Joe Manchin a very pro-business Democrat. I don't think anybody can question that. Might question some of the things he has done but you can't question that. He said, during my time as Governor of the State of West Virginia and now your senator, I have never had a single company tell me it would relocate to our state if we would only pass Right to Work legislation. So, why are we here? We have heard the chairman say that union membership went up in Indiana and it went up in Michigan but we didn't hear anybody say that there is 900,000 auto jobs in Michigan and there is 100,000 auto jobs in Indiana and we bailed out the auto industry. Maybe that had something to do with why union membership went up. But that is the bogeyman we can't talk about that because that could be favorable to our argument.

You know there is a Sunday morning talk show on TV which I pain myself sometimes to watch. But I heard him say that he knew of dozens of businesses that would have come to West Virginia if we were a Right to Work state. Well I know that gentleman personally, professionally and I know if he had those names he would have read them on TV and he would have told us A, B, C and D came to me and said we are not coming here because you are not a Right to Work state. Now talk is cheap. We haven't seen one shred of evidence, and believe me there is a lot of companies out there and a lot of business folks who is dealing with these companies every day, and if there'd have been a letter or a businessman that would have been willing to say that they would have been here at the public hearing, there would have been a letter on your desk and the proponents of this bill would have been talking about that today. It just simply don't exist. It is smoke and mirrors designed to make people believe in West Virginia this is going to be a fix all for West Virginia. The Gentleman from the 50th eluded to that in today's world you can't be forced to join a union and he is correct. You already have the freedom that everybody wants to talk about. But you can be forced to pay your fair share for a good collective bargaining agreement that gives you protection on the job and just cause in case the boss don't like you for some reason. I don't see anything wrong with that.

We hear about dues money going to political candidates. Well, if you know anything about

labor unions it is illegal to use dues money to contribute to a political campaign. It is illegal. All voluntary funds that we donate, all labor unions donate to political candidates are voluntary funds delivered by the membership of the union. Now that is fact. Want to talk facts? That is facts. Now, Citizens United changed some things that lets corporations spend unlimited amounts of cash and unions in advocacy of an issue which is way deeper than I think any of us want to get into today. But don't believe for a second dues money is given to a political candidate. Don't let anybody lead you to believe that. It just can't happen. Now, I have seen a lot of issues in my 20 years come through this house all in the name of jobs. Some I supported, some I haven't. We have done tort reform measures. We have done medical malpractice reform measures. We have done insurance reform measures. We did away with third party bad faith. We reduced a corporate net and the business franchise tax. We did away with the food tax. The list goes on and on and on and on and it was all in the name of jobs. Maybe we run out of people to blame so let's blame these guys up in the gallery. Let's blame the organizations they belong to and believe in. We got to blame somebody. It can't be us. Can't be us, so we blame the unions for the demise of West Virginia. Make no mistake, the goal here is to weaken unions. It is the oldest trick in the book. Divide and Conquer. If you do any history research you will find the oldest trick in the book to weaken a workforce, is divide and conquer and there is no doubt we have a divided house here today. We didn't work toward goals. We didn't work toward compromise. We didn't listen to the people that came down here. We didn't listen to 99% of the letters we received in the public hearing comments we heard. Who we listening to?

We are the people's house, we can't forget that. We are supposed to be close to our constituents. That is our job. That is our job. The Gentelady from Taylor mentioned my comment. That was my comment. It is going to get bloody. That was my comment. Not ashamed of that. I think it is politically bloody. Let's talk about bloody for a second. Because the union I come from if you tried to better yourself you got shot at by company thugs. If you went on strike, they threw you out of company house. They didn't care if you had little children or not, they threw you out. 361 people died in the Monongahela mine disaster. The worst industrial accident in the history of this country in the early 1900s. That is

bloody. That is the bloody I want to talk about because we are going to reduce workplace safety, make no mistake about it, if we pass this bill. Company towns had their own security police, the Pinkertons, the Baldwin-Phelps that would come in and if you didn't do what the company told you, you either got beat or you got shot. You had to shop in the company store. You had to listen to the company preacher and you had to spend your hard earnings with company script. So, everything you earned you gave back to the company. That is where we come from. It was the labor movement that gave us the middle class and we are sitting here today thinking about kicking them in the teeth. It was the labor movement that made a life for every one of us in this chamber and I don't care what background you come from, it was the labor movement that made us what we are today. If we don't remember that, if we weaken the very substance that got us here today, we will go backwards. We can't go forward. We can only go backwards. Some people call this a tool in the tool box. Ah, it is just a tool in the tool box we got to get it, it is a tool. It is a sledgehammer and a wedge designed to divide and conquer and there is going to be people that make more money for this. It is not going to be any of your constituents. It is not going to be these folks in the galleries. So, you need to think about who that somebody is. This is nothing but a free-rider provision ladies and gentlemen, and don't believe the rhetoric that people tell you, we don't have to represent a non-dues paying member cause that is just simply not true.

The Fair Labor Standards Act, if you look up the definition of right to fair representation it says, you have a right to be represented by your union fairly in good faith and without discrimination. Your union has the duty to represent all members whether members of the union or not fairly in good faith and without discrimination the duty applies to virtually every action that a union may take and dealing with an employer as your representative including collective bargaining, handling grievances and operating exclusive hiring hauls. For example, a union which represents you cannot refuse to process a grievance because you have criticized union officials or because you are not a member of the union, but the duty does not ordinarily apply to any rights workers can enforce independently such as filing workers compensation claim or internal union affairs such as a union right to discipline their members. So,



make no mistake there is going to be free-riders. There is going to be free-riders. You can't belong to the chamber of commerce if you don't pay your dues. You can't reap the benefits of that organization if you don't pay your dues. If you joined the local Moose Club or the VFW, you got to pay your dues or you can't go to your summer picnic or you can't go down there on Friday night and enjoy the company of your comrades and cheap drinks and cheap food unless you are a member. I mean if you want to have those benefits you got to pay for them. There is not another organization in the world that will let you just reap those benefits. If you belong to a country club, you got fancy golf courses. You think they would let me come on there and golf if I am not a member? Nice cut greens. I don't golf but I have heard this argument before. I am not a member I can't go. I can't enjoy the benefits of those members. I can't free ride that membership. That is the way it used to be.

Now, when I first came here in 1996, there was a Republican Governor, Mr. Cecil Underwood. I had a great deal of respect and admiration for Governor Underwood, I truly, truly did and you can ask any of my colleagues that I served with back then. When he was running for re-election on November 5, 2000, there was an article in the Daily Mail says Wise, Underwood split on labor issues. It was when he was running against Bob Wise for his second term. Rod Blackstone was his campaign spokesman. Mr. Blackstone said and I am reading this verbatim. "Underwood's campaign spokesman said the Governor is probably more disposed to look favorably on Right to Work legislation but he recognizes the political reality in West Virginia today." The divisiveness it would cause would prevent us from being productive on other issues. This is no part of his political agenda at this point and I have never forgot that and I have used that in many of my remarks across Marion County and across the State of West Virginia because he recognized what would happen. In the year 2000, Governor Underwood, a very wise man realized that it would divide his people. We would not be focused on the real needs and problems for the State of West Virginia. So, I would ask my friends on the other side of the aisle to think about that when we cast our vote today. I think it is real simple. I think we vote no and we allow labor unions to continue to do their job in making a better America. I think we vote no because we are the people's house. There is not bipartisan

support for this bill but there is bipartisan opposition. There is bipartisan opposition to this bill and we need to keep that in mind when we cast our votes and I hope your finger hits that red button and I hope you do the right thing and don't worry about the pressures because you are the one that has to account for your vote. There is a former speaker here who I had a relationship with before I became part of leadership and one time him and I had a conversation. He was wanting me on a vote and I said sir, with all due respect you don't live in my district and I am going to do what the people in my district want me to do or what I believe the majority of the people in my district want me to do. He looked at me and said you know you are a man of principle and I can't argue that. I went home that night, looked myself in the mirror and I felt good about what I had done and I think that is what everybody in this room needs to think about. When you go home tonight you go back to your districts this weekend are you going to feel good about what you done? That is a question only you can answer. Closing Mr. Speaker, thank you so much for your time but the people in the gallery, these aren't our seats. These are your seats. We occupy them and represent you for two years at a time and if a delegate loses sight of who this seat belongs to then I think it is time they go home. Thank you very much.

DELEGATE MOFFATT. Thank you, Mr. Speaker. I rise today to tell you a few stories. My first job out of college I was an industrial engineer working at a union shop and I had to learn union rules and the operations. We had a good working relationship and I did what I thought was best for the employees and we always focused on safety, equality and productivity in that order. I had a third shift guy running a melting pot named Eddie. Eddie could do everything. Eddie was an experienced operator, experienced technician. Could fix the pots. Could do everything. When the maintenance guys didn't want to come in he would do the work and get the machine back up and running. When they did he would call and they would say well alright we will come in. Stand down and sit down and we will get there. But Eddie, we wanted to give Eddie more money. We thought Eddie was doing a good job. We thought he could be compensated and do well. He was a valued asset to the operation. But Eddie wasn't allowed to get more money because he knew more. He was eventually dissuaded and disgruntled because his other operators were

saying Eddie why are you doing so much? Why are you a company man? Eddie wasn't a company man. Eddie wanted to do the best job he could for his family. He wanted to earn a living. He wanted to do the best for his company. He wanted to make sure his company succeeded but he would get harassed all the time. Eventually Eddie fell in line, production dropped and he wouldn't fix anything and got very disgruntled. Eventually he left.

Another operation, CMC operation. Two operators, a guy named Ron. Ron could do anything with a CMC machine. He could make his numbers. He could help his other coworkers get their sales up and running. Trouble shoot, change tools all that stuff. He would say "Hey, I am doing real well why can't you pay me more." Makes sense. You are out working your fellow worker, "Why can't we pay you more?" Well again, he didn't get along with his shop steward, he had personal issues with him. The shop steward never came to fight for him. Never saw his issues but would give him a hard time because he was always helping out and doing what the company wanted. It wasn't what the company wanted, Ron wanted to do a good job. Ron wanted to perform. Ron did not see the benefit of the shop steward who he didn't get along with. He never had that representation that he was paying for. Another guy named George. George was a great CMC operator. So, great that I took him from one operation when I left there I took him with me. George could again, fix all the machines, do the work and again he had personal opposition with personal issues with the shop steward and the assistant shop steward and the union president. If George would get in trouble they would kind of brush it off and George wasn't getting his representation. These are real world cases. I am not making these up. I have lived with these guys. I have worked with these guys. I have worked in union and non-union shops. These are real issues of real people that were not getting the representation that they were paying for.

Now people tell me well they can go to leadership, they can go to the president, they can go up the chain of command. Sure if you want to ruffle all the feathers and get people pissed off at you, you can do that. Or, what most people do, they just sit back and suck it up. Unfortunately, that is the way it goes. We heard the Delegate from the 36th say we can get off the elevator. Well the elevator can't go any lower. We are 50th

in job creation. We are 50th in workforce participation. We can't get any lower. We need to attract jobs. I heard the Gentledady from the 51st say about the top 10 list. We have heard some issues with top 10 lists this week so I won't go into those but...unions did bring lots of benefits, the eight-hour day, chemical safeties and various other things that have now been codified into law. We have OSHA statistics. We have MSDS safety daily sheets now. We have Department of Labor regulating overtime and who gets paid overtime and who doesn't get paid overtime. We thank the unions for the work they have done but it is law now so is the union the only one protecting people now or do we as the government as well? We talk about the growth possibilities. Is it down economy? We had this supposed recovery going on. Is a real down economy in southern West Virginia. Coal fields shutting down, 77 teachers laid off because people are moving out of Boone County. Logan County is having the same issues. Lincoln County is having some bad times as well. As well as Mingo and the rest. But our neighbors, South Carolina, a few years ago added 3,800 jobs to Boeing. 3,800 jobs they could have added to Washington or South Carolina. They chose South Carolina, a Right to Work state. Bell Helicopter just added more jobs to Louisiana. Cinemax is the third plan to announce their opening in four months in Tennessee. The other two wonderful group and Yanfeng Automotive Interiors are adding close to 2,000 jobs total to Tennessee. Then another article I read here Advanced Munitions is adding 605 jobs to Tennessee. What do the states have that we don't? We have hard workers. We have some of the best and brightest up here. We have people that want to work. We have people that are unemployed and begging to get a job and don't want to leave their home. We must do everything we can to get companies to this state. I am not saying sacrifice safety and sacrifice quality. We have standards and if those standards are not being enforced call up our Department of Labor. File all kinds of complaints. You have that right. It is protected by law.

We talk about the cost of wages being lowered in the Right to Work states. Did you know cost of living is also lower? In the top 27 the lowest cost of living states, 23 of those for the lowest cost of living, 23 of 27 are Right to Work states. So yeah, his wages are lower but the cost of living is lower. So, it is just not a one-sided coin guys. We talk about why aren't people here.

Why aren't companies here advocating? We saw companies here last year and I heard from some of those companies that were here talking about various issues, how they have had their personal property attacked like the Gentle lady spoke of her mother. That is not right. We have a senator across the chamber there who has got pornographic drawings drawing on the way into his house his wife has to see on the way back to their farm. Is that acceptable because he took a vote? I think not. We hear about freeloaders. I don't know about you but I trust that these guys would choose to pay for the representation they get. I don't think they are going to skirt their responsibilities. I think we have hard working West Virginians that if they get a good benefit, if they appreciate their union they are going to pay for that. To say otherwise means we think our fellow residents have no class, have no character they are not going to pay for what they get. Do they walk into a restaurant and skirt out on the bill? No, they get the meal. They eat it and then they pay for it. If they get the representation, if they get the representation they want and see the benefit to the union they are going to pay for it. So, I struggle with the freeloader issue.

My friend from leadership over here said he talked about the Chamber of Commerce that people don't get the benefits of the Chamber of Commerce. Every single member, every single company in this state is not forced to join the Chamber of Commerce. But they all get the benefits of the Chamber up here advocating for whatever issues if they are interested in those issues. If they are not and they oppose those issues they could join a different group or lobby on their own. But there are benefits that go along with not being a member sometimes. Non-union companies get the benefits of the 8-hour day and the safety data sheets. So, it is not, it is not that clear cut and dry but I do think it is a tool. I mentioned an article last week and I am going to read it again because I think we can learn from the experience of others. Jimmy Settles, UAW Vice President in charge of the UAW's department isn't too worried. We will probably lose a few he included but overtime we will get them back. I look at it as an opportunity he told me when we sat down for an interview ahead of current round of bargaining. I am reading, for those that don't know I am reading from the Forbes magazine September 7, 2015 where it talks about Right to Work, the new threat hanging over UAW contract talks. He goes on to say, I represent workers in other states with Right to

Work laws. We do very well with our retention rates. High 90's percentages. The law gives us an opportunity to get closer to our membership. It opens up a dialogue on why we should be in the union. He said setting examples of community building and job growth. This guy is in a non-bailout company, a UAW representative that has experienced this when Michigan went Right to Work three years ago. He is saying this in 2015. He has the experience. He has the knowledge. He has worked in other Right to Work states. It is not going to destroy unions. You guys if you want to be in the union can be in the union. It is not an affront to you guys. But those that don't, that don't see the value they are like George, Eddie and Ron, that don't see the value, that have personal conflicts with their union, do not have to keep paying their hard earned dollars to that union. Obviously, you can tell how I am going to vote on it. I think the union can still do well. I know from Jimmy Settles that union does still do well in Michigan and Indiana the Right to Work state is the fastest growing union state in the country, so thank you for your time Mr. Speaker.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. One thing that I find very, very interesting no matter where you are at, there are a lot of times in here we are situationally principled. We are situationally principled. As the Gentleman from the 50th pointed out with the elections in the workplaces if you have 51% of people that vote in favor of the unions then you have the unions. If it is not that i.e., the majority, 50%, 51 then we don't have them. Here in this body we vote all the time and the majority gets their way. Are we saying that we are better than those folks? That we are above that? I am merely asking the question because I don't know anymore. I want to talk about government entitlement. Government entitlement. A lot of people in here some on both sides, talked about lessening government regulations. We are going to increase them today. We are going to increase it a little bit on the working folks. Entitlement talked about people that are getting a free pass and they will be getting a free pass. I just want to make that clear that we are situationally principled in here. Now, I want to move on quickly. Just a couple of instances and a lot of the Delegates from the 67th, 50th, 3rd, 19th and a few more I can't remember where they said a lot of things I was going to say so I won't double back but I do have an aunt and uncle who belong to the unions. Both of them got cancer. One thing that we do know is that because the pools of

money will be shrunk that obviously it makes it harder for those workplaces to be able to obtain health coverage, it is a direct correlation. That impacts lives people. That impacts lives. There are some folks up there today. There are some folks that are not here today. They have those same issues. There are some people up here probably maybe missing a doctor's visit today because they felt it was important to be represented here and that health care coverage is very, very important. We are living in a state that we all agree, for whatever reason, that we are struggling with employment and wages and things of that nature and we all agree with that so why will we further disenfranchise those folks to healthcare.

Then myself, I will talk about myself really briefly. I have never been a part of a union because of my work. I will probably never be a part of a union. However, they have built the blueprint for hard-working West Virginians and Americans for that matter. About 4-4 ½ years ago I ran into factors outside of my control at my workplace that lowered my commission schedule. It lowered my commission schedule. It wasn't about my effort, my smarts, my performance, it was literally out of my control. So, what happened is I put my big boy pants on and I went out and I got a catering job while I did the other stuff from 9-5. I got a catering job. I did that to try to make ends meet. Not only did I do that, I got a third job. A lot of people don't know this. I was cutting grass and there was sometimes I lived in Huntington that I would travel to Charleston to do a \$50 grass cutting job spending most of that money cause we got some smart folks in here, on gas. But I had to do it because at that time outside of my personal household I was taking care of some folks in my family because it was just what I had to do. There are some people up there today and again some people that are not here today that have gone through the same thing. This is not a specific situation for myself that you take care of folks. Well, one day I was driving down the street and because, I know we talked about paying the bills, I tried to pay all the bills that were necessary to keep the heat on in the house and it was cold, it was winter. Put food on the table. But I will be honest I was about two months behind on my rent because that was the one that I thought I could sort of hold back a little bit. Then I got a call from my landlord. A great landlord. She started, "Sean, I haven't heard from you in a couple of months." I immediately started crying. That little handsome boy that has been

down here with me before and I promise he is probably going to be the first person who is a pro-athlete and a team doctor for that same team. He said, Daddy why are you crying," and I said, "bubby I am working hard as I can and I never, ever want to put you in a situation so I promise to you that I will keep on working and get this situation right." We travel forward a few years and I got much more than back on track and doing quite well. However, I was 26 at the time and some of those people up there they don't have that time. They need benefits now. They need those extra dollars now. I know the Gentleman from the 50th talked about the average person will probably make about \$1,500 less a year. Now again, for some folks that might not seem like a lot but for some folks that is everything. It is everything. So, the reason I am in opposition is simply because our working West Virginians deserve better and we are all going to fight to make sure that they get better, but this bill will not do them any better. Thank you.

DELEGATE ZATEZALO. Thank you, Mr. Speaker. Just a short story to relate to you from my experience with CEOs and Right to Work. I had the privilege thanks to the Speaker, his generosity to attend the Southern Legislative Conference in Savannah. When you fly into Savannah the plane taxis right past the Gulf Stream manufacturing center where they make private jets. That center has 11,500 people working at it. The CEO of Gulf Stream came to the luncheon that was served and made a speech. In that speech he said two things that I think I would like for you all to remember. The first thing he said was, we work hand in glove with the community colleges of the state of Georgia and they give us trained people that we need in order for our facility to survive. I thought that was pretty good because our people in the community colleges are doing that right now with oil and gas mechatronics which is manufacturing and that type of thing and I think we are on target. I think that is good. Then he added and I quote this is not paraphrasing, "and of course Georgia is a Right to Work state and that is a must." So, I sat there and thought about that and then I thought about a couple of other things for instance, the population of Weirton, 18,000 people used to be 29,000. We had 14,000 people working in the steel mill we now have 800. I think of Wheeling, 60,000 people in Wheeling now they have 28,000 people. So, I started thinking about it and I said we have capacity in

this state to do more. We have capacity and we must do more, we must do more. We are at the bottom of the list in per capita income so whatever we are doing right now as the Gentleman from the 7th so eloquently stated isn't working. I think Workplace Freedom is a good thing. I think it will be a good thing. I think union accountability will go up and I think unions will be fine. If I thought unions would go away I wouldn't vote for the bill. But that is not what I heard from the Secretary/Treasurer of the Teamsters when I asked him if he operated in South Carolina where the Governor, and this baffles me completely, said we don't encourage unions coming here. I would never say that. I don't believe it, but I do believe in Workplace Freedom. How does this come into the State of West Virginia moving forward. Well look we have choices here. We are very, believe it or not, this state is extremely fortunate because we are about to empty the slate and start moving and we are either going to move up or down. I am a geologist as most of you know and I have spoken on the floor about the gas reserves that we have. Last year I said it was better than I thought it was. This year I am glad to tell you that it is better than I thought it was when it was better than I thought it was. There is more reserve than I could have imagined. Now ladies and gentlemen, in this body, ladies and gentlemen up in the gallery, we have a choice here. We can either aggressively move to use the resource here or and it will happen because it must happen it will go elsewhere and we can talk about it just like we talk about coal. Do we want that to happen? I don't think so. As a matter of fact, I know the people in this body and I know that is not what we want. Now, if we were playing in a game in West Virginia, it would be easy to vote against this bill but we are not. We are not in a bubble in a vacuum. We are swimming out there with all these people that want to use our resource by the way and will get it if we don't act. They choose to do things a little bit differently and they will use it. North Carolina, South Carolina and those places will use it. Well I don't particularly care to worry about them. I don't wish them any harm. I worry about us. If we pass this bill, there is only one thing that I can guarantee all of you and that is the hard work will start. It is not going to be easy. It is not a quick fix. I dislike that term intensely. This is not a quick fix. This is a long slug to use what we have to our advantage and I think we must, we must think about that when we are going forward. The business climate, as I have said, we can either go...the businesses can

either go one of two ways. They can either come here where we have the resource, have the transportation along the river and that type of thing or they can go wherever the pipeline ends when it ends. Is that what we want? I don't think so. I would like to work with everybody in this body. All those members in the gallery and work toward becoming more prosperous in this state because that is how you build wealth. That is how you build better salaries and that type of thing. So, we have a long way to go and a lot to do. I am much in favor of this bill Mr. Speaker but I will tell you this, if we are successful, the hard work will start the day after we are successful and I hope you all join, if we are I hope we would all join with us and push this state forward. Thank you.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. I wasn't going to get up and speak today but as I sit here and I listen to other people I thought of how this bill relates to me as a person. I know some of you are going to find this really hard to believe but I was a union worker at the age of 19 and guess what state I worked in, Indiana. You know what? When I went for my job interview they explained the whole process to me. You know what I found? That I had a fair schedule. I had a fair shift. I had great benefits and I got paid a decent wage. I come to you also as a granddaughter of a coal miner in the 1940s who worked in an unsafe environment who couldn't take care of his family. Because you know he was seriously injured and you know as a nurse I have to stand here and say safety is first no matter where you are at. If you volunteer on the emergency squad, you are a fireman, you are a nurse, the first thing they ask you before you go into rescue anybody, is the environment safe? That is what they ask you. You know my grandfather got ran over by a coal truck, coal train inside the coal cart had a steel pole in his leg for his whole life. I spent more time visiting him in a hospital than I did in visiting him in his home. Do you know that my father and his brother and sisters they were never allowed to watch t.v. because they weren't allowed to have a t.v. in their home? In order to heat their house, you know where they got their coal? Along the side of the coal tracks picking up coal that fell off the coal cars from where my grandfather used to work but you know what there weren't any benefits for him and I can't sit here and not say anything because in memory of my grandfather, Albert Hudnall, who paid the price for a lot of people and you know what we all talk about you

know we don't like to have lawsuits. Let's think about this. We are going to now go to a place of work where you can choose to belong or not to belong. How many people have ever worked shift work? Day shift doesn't like evening shift, evening shift doesn't like night shift, that is just the simple part of it. Now, we are going to have a setting where you are going to have people who belong and the people who don't belong or the people who pay or the people who don't pay. Do you think that is going to make a great work environment? I think you are going to have a lot of issues with a hostile work environment because you are going to have people who are going to be at other people because you are going to have two different types of people working in the workplace. Those that have and those that have not or those that pay and those that do not pay. Mr. Speaker, I have heard people say let's take a chance, let's take a risk. You know what if it was just me and it only affected me. Sure, I could probably say I will take the risk on many things but you know what I am here representing the citizens of West Virginia and you know what the hundreds of us in here are the ones that are going to say I am going to take the risk of how much money you are going to make, what kind of benefits you are going to have and you know what Mr. Speaker, I am not willing to take the risk to ruin the lives of other people. Because you know what? We need to stop taking away from the people who are working in the State of West Virginia. We have already hurt those regarding prevailing wage and now we are going after other people. Seems like we are going after the people who can actually make a living in West Virginia. I would just ask that we think about some of the other things.

Maybe it is the roads that are the problem that we don't have jobs here in West Virginia. Maybe we need to work on the roads so that big businesses can actually come here. Maybe we need to work on broadband so that business when they operate here can connect with the rest of the world. I think those are really big issues that may bring businesses to West Virginia. But I would ask this body to please remember when you push that button you are not pushing the button for yourself. You are pushing the button for all the people that sent you down here to do what is right for them and you know what? I have made some tough votes. I have been here; this is my sixth year. You know I was telling a couple of members here and someone else brought up something similar, maybe we need to have a

yellow button. You know because a lot of days when we are here it is hard to decide if you are going to be red or you are going to be green. You know, sometimes I have voted that wasn't favorable if you want to say my side of the aisle but you know what I felt in my heart that I did what was best for the people that sent me down here. Today I am going to be voting red because I feel like that is doing what is best for the people who sent me here.

DELEGATE ELLINGTON. Thank you, Mr. Speaker. I will try to keep my comments relatively brief. Earlier when I was growing up I lived in a union family and my mother was in the union for about 35 years. My father was a machinist and he was not in a union. Little known fact that many of you didn't know I was also a machinist before I went to my current profession. But over those years I was able to witness the benefits of being in union membership and what it provided for my family. But at the same time I also saw from colleagues and friends in other professions some of the negative parts of not being in a union. Over the years I also got to see a number of people that were either very qualified or highly qualified that were not able to obtain a position that they wanted to do because they didn't belong to the union or because regulations that some of the unions may have set up precluded that. Current situation with West Virginia in the status that we have as far as job creation and lack of jobs and opportunities it is not in my nature to prevent someone that wants to work being able to do so. I think that is the spirit of what this bill is for. Now over the years, I have witnessed what other states have done with Right to Work and with union and I think there are some positive benefits. Now granted there are probably some negatives. I am not going to go into all of those but I think there are benefits. Now again, people in our state that want to have a job and they qualify to do so they should be able to do that and I think we don't want to prevent that. Now people that want to join a union if there are positive benefits doing that there are some very good unions and they serve their members well, I think they will maintain their union membership. This bill to me does not preclude that. Of course there are probably some unions that don't serve their members as well and they are probably going to lose some membership and probably deservedly so. But that should make them work hard to maintain their membership. Now the Lady from the 51st made some comments earlier that I was

listening to from the benefits of what the union has done over the years. Now Mr. Speaker, I would entertain joining a union if you can find one that would guarantee me a 40-hour work week, no weekends, off on holidays and if I was to work those times, time and a half. Thank you, Mr. Speaker.

DELEGATE MILEY. Thank you, Mr. Speaker. Just as an aside I bet many of those union members would trade incomes with you as well, to the Delegate from the 27th. I too want to try to narrow my comments to what I think the real issues are in that those that should be considered here. It is easy to come up with anecdotal stories on both sides of the issue. To the gentleman who went to Savannah and heard the CEO of Gulf Stream. Well there are 24 other Right to Work states that didn't get the Gulf Stream plant so to come up and offer anecdotal stories about what has happened in Right to Work states versus non-Right to Work states or what CEOs believe in only putting their business in a Right to Work states is not too terribly helpful unless you look at the big picture. I don't have all the facts to help look at that big picture. But we do know a few facts I think. Based upon the report by the Business of Economics at WVU, Mr. John Deskins, we know that there is about 10% of our workforce is organized labor, 10% that's it. I am not saying there aren't CEOs that may not come here because we are not a Right to Work state but do you really think any reasonable minded business person is going to say, I know 90% of the workforce there is not organized labor but it is the 10% I am worried about. I just don't think that is reasonable to think about. I don't think that is a logical conclusion one can draw. OK maybe it is. But we also know from Mr. Deskins' report that if we pass a Right to Work law we can anticipate a loss of 20% of union membership. We can anticipate that. I mean those are based on statistics and facts and figures that he compiled. So, we know that 20% of the people out there are going to drop their union membership. Now let's think about this logically. If we have ten employees before we pass this bill and after we pass this bill we are still going to have ten employees, only eight of whom are members of the union and two of whom are not. We are still going to have ten employees. We are still going to have ten employees, it is not going to create an additional job. What is going to create jobs in this state quite frankly, and I have shared this on the floor before and this is my opinion but I think it is shared by many is that

number one if we have a market for a business's product or service, number two if we have something that that business has to come here and get, hence our extraction industries, or number three we have a prepared trade drug-free workforce, an educated workforce that can help that business provide its product or service whether its market be in this state, outside the state or country or internationally. There are other factors but those are three biggest reasons why business is going to come here. But we don't have a market, not a very big one. We have 1.8 million people spread over a very geographically diverse state. Those are just the facts. We have things that businesses need to come here and get and they are subject to influences of market pricing conditions and supply and demand. But the one thing we lack here in this state and I have said it before is a well-trained, educated, drug-free workforce. So, we can pass the Right to Work bill then what? Then what? You think businesses are just going to come rushing in here to locate here when they can't find employees to work for them? The answer is certainly not. I don't believe it will. I don't believe it will but what will happen we know from statistics that if we pass the Right to Work bill we will have a decrease in the numbers of union membership. Now let's face it. Union membership has been declining for decades in West Virginia, decades. There are a number of reasons for that I suppose but we do know that if we pass this what union membership is left we are going to lose 20% of. Well what does union membership provide? It provides training, skill development, drug testing, all of the things that would go toward providing a workforce to help businesses provide their product or service. We won't...I don't think this bill will require unions to train and drug test the members who choose to get the benefits of what they have negotiated but not the burdens of having to contribute their share of that. So, we are going to have an increase in the number of untrained workers. I just don't think that can be disputed.

Now with regard to Mr. Deskins' report yes we have asked for various economic impact studies. That is not to suggest to be clear, that those studies and reports aren't subject to scrutiny. It just means we have commissioned someone to compile information to which should be subject to scrutiny. Now I don't have this report in front of me but there are a lot of reasons that I don't think were considered in compiling that report. Geographic locations of most of our

Right to Work states are in warmer climates, not all but most. One of those states, Alabama, is going to lose a Congressional District in 2020 just like we are. It has been a Right to Work state for a long time. It is in the south. How do you explain that? How do you explain that? If Right to Work legislation is the panacea for all of our ills. I know many people have admitted that it is not but I can assure you once this session is over and if the bill passes there are going to be victory laps around the state patting oneself on the back about all that we have done to bring business to West Virginia and we haven't, and we haven't. Our status as Right to Work or not didn't deter the cracker plant from deciding to come to Wood County. Now that has been delayed but not for reasons we are discussing here today. How do you explain that? Well because there is a product here they want to come and get. It didn't deter Proctor and Gamble from coming to West Virginia. I raised that this morning at a function that some of you were attending. Senate President responded because he bristles when I challenge him, "Well that was based all on location". You are right, it is flatter over there. It is right along interstate 81 but you know what? A few miles down 81 is the State of Virginia and a few miles up 81 is the State of Maryland and they chose West Virginia. So, I reject any notion that we can't compete based on whether or not we are a Right to Work state. It might have to do with not just, I will be honest I don't know what offers may have been made by the state to entice them to come here but it might have to do with whether or not the Eastern Panhandle has greater population density of an educated and trained workforce along with being near the I-81 corridor to get its products in and out of the state. But those are facts. Undeniable facts. So, what are we really doing? I think it is clear and it is an ideological and philosophical position. We believe that passing this bill will erode union membership. We know it will if we believe Deskins' report. What I don't understand is that those union members, those members of organized labor who have bargained for wages and compensation packages that benefit everyone who is in that union are usually at fairly decent rates, good paying jobs...good paying jobs. I have not heard anyone in here who supports Right to Work say that the person who chooses and is permitted to now not pay union dues should give back any of the benefits of the compensation packages that were negotiated. Why don't we say that? I would be ok with that. Sure you don't have to join a union. But give

back the benefits that you are getting from what they negotiated. Because there is negotiating power in numbers. What if a union can say, you know what Mr. Employer, these are the folks that have chosen to pay our dues and be part of our union membership. Those two or three do not. You negotiate with them on your own and whatever you can negotiate with them is fine with us. Do you really think those people will get paid more than what the union members get paid? I suggest they won't even get paid the same. Those wages will be a lot less. Now you may be thinking OK, that is not a good thing because we need to reduce the cost of doing business. Well then to take that approach I believe is just a race to the bottom for wages. I really believe that.

Now, there has been some comments how the Deskins' report which has been scrutinized although I don't know that it has been officially peer reviewed but it has been scrutinized that it will increase job growth by 0.4%. I think that is highly questionable but we do know it is going to drive down the qualifications and skills because we are going to lose union memberships and if you don't have...if you are not participating in those unions you are not going to get the training and be subject to the skill sets that are developed through them. One might say, well what is the harm in doing this? If it won't bring jobs here, no harm no foul. Why don't we try it to see what happens? I think the Gentleman from the 7th talked about that. Well there is harm. Because we know from the report that it will drive down wages and it will drive down union membership. I don't see that as a positive...I don't see it as a positive. Given the lack of any other assets that we can market our state for to entice businesses to come here and so I don't think we should be in the business of being purveyors of pipe dreams. I think we need to be in the business of being purveyors of pragmatism and realistic thinking. Unless until we begin to focus on developing a qualified trained and drug-free workforce and everything that goes into that; substance abuse programs, educational attainment and achievement, encouraging families to place a priority on education. Very little of what we can do is going to help our state move forward. Now before I sit down I do want to address a comment that has been thrown out, not just today but prior to today about changing the status quo. We can't maintain the status quo. Well let me say a few words. Like the Promise Scholarship, like Worker's Comp reform, like eliminating the food tax, like decreasing the Corporate Net Income



Tax, like eliminating the Business Franchise Tax, education reform a few years ago under Governor Tomblin, comprehensive Marcellus Shale legislation, creating the Business Corp for businesses to air their disputes in a much more expeditious fashion, depositing the lion's share of what once was almost a billion dollars in a rainy day fund. How about legislation that we passed a few years ago to protect our waterways. Then we came back last year and fixed it because it may have gone too far. I reject ... I reject by fact any assertion that we have maintained status quo for; however, long or many years you want to make that assertion. I can only speak from 2005 when Joe Manchin got elected as Governor, that is first time I got elected. I know that there has been a lot of good things done in this state. A lot of good things. We have moved in the right direction. It wasn't that many years ago that our economy was humming right along when we had these large surpluses from our coal severance taxes and the ever increasing severance taxes generated by the Oil and Gas Industry. But there has been things that have occurred beyond this body's and the Senate's control that has caused a downturn in both of those economies. But to suggest that we ought to take it out on the working men and women who in my opinion are the most highly skilled and trained tradesmen and craftsmen and women in our state I think it wrong. We are going to convince ourselves and convince our constituents that we have done this great thing and they are all going to expect jobs to come rushing in and it is not going to happen because we have sent a lot of these good men and women rushing out. They are the ones that stayed behind to work here in this state. There is a lot of reason why our steel industry left the country. A lot of reason why our glass industry left the country. To blame it on organized labor that now makes up only 10% of our workforce is really misleading not just ourselves but everyone who is listening to this argument and watching what we do. Instead I suggest we focus on the real problems, not the problems that are going to get political headlines and convince people that we have solved the state's problems. Thank you, Mr. Speaker.

DELEGATE WALTERS. Mr. Speaker, ladies and gentlemen, I have had the pleasure of being here for 22 years or the privilege actually. Sometimes it is not always a pleasure because we can go off on tangents. Over the years of being here I have seen the Governor veto bills and send them back to the House because they weren't

perfect. No bill is perfect. We have had to correct the bills and send them back down. Earlier, I spoke about the Employee Retirement Income Security Act. I said employers had to comply with that and its amendments. When they first wrote that Act, that Act had some holes in it that needed amended. One of them, and the perfect example the gentleman from Marion brought forward was a fiasco that happened in the steel industry. There were people left without their full pension benefit. But the amendment to correct that was to allow the pension benefit guarantee corporation to reach inside of those corporations and pull those assets and sell those assets off to cover those pensions. So, they took steps. Six of the ten amendments to ERISA have been to correct situations within the Pension Benefit Guarantee Corporation for multiple employer plans. It is not perfect. Do I think we will ever find a hold in it again? We may, probably. But Congress has acted every time to fix it along the way. Thank you very much.

DELEGATE PETHTEL. Thank you very much, Mr. Speaker. I rise in opposition to Senate Bill 1 for several reasons but as I have been here today I want to approach this from a classroom teacher's prospective. As many of you know I was a classroom teacher for forty years beginning in 1973-74. You know we had teacher associations just like we have today. In 1973 and 74, the teachers association that I belonged to, it was run by the administrators and we were encouraged to be a member of that teachers association I was. In later on that teachers association was taken over and run by the teachers. I am proud to say that I was a member. I was a building representative and believe me I recruited hard. Many years, many years I was proud to say that we had 100 membership. Then later on, probably the, I am going to say the last 5-7 years of my teaching career then there was another teachers association that had members and the building I was in. I had a very good working relationship with them. We got along very well. But let me say this, the people that we differed with, the building rep from the other association and myself we differed with people who did not belong to any association. They did not belong. You know I can remember when I first started, when teachers and service personnel and principals for that matter people in the system had very few benefits. I can remember coming here and lobbying and working hard to get duty free lunch. To get a planning period, to get class size bills, to get the posting of jobs, to

get accumulated sick leave and to get grievance procedures. You know the members of the association were associations. Yes, they certainly had representation if there was grievances, if there was problems. But you know those people that weren't members of either one of those associations they benefited just like me and the others that belonged. They benefited from all the legislation that was passed over the years because we didn't have and don't have collective bargaining in West Virginia. So, we had to come here and bargain with the legislature. We had to work hard to get the benefits that we have. Not only did the members benefit but the non-members benefited and they weren't paying anything to get those benefits. So, I believe that the same thing is going to happen here if this bill passes today and for all those reasons and many more that I won't go into I speak in opposition to this bill and once again just like I said on the prevailing wage bill, the people that have contacted me in the fifth delegate district are overwhelmingly opposed to this bill and what they refer to as Right to Work.

DELEGATE SOBONYA. Thank you, Mr. Speaker. I jotted down a few thoughts since we have been discussing this issue. I know the benefits and the role of the union in the past and today. But we are not talking about that. That is not what we are debating today. We are talking about the association and the choice to join a union or not. My father was a pipefitter. A member of a labor union. My brother is currently a welder and a petroleum fire-fighter and he is currently a member of a union. My husband is in the construction industry and he is a member of the AFL-CIO, a union. With little union and non-union job opportunities in West Virginia my husband has had to work outside of West Virginia for seven years. He would love for the phone to ring, be called up, have a union job here in West Virginia. Our grandson, our oldest grandson turned nine years-old on Monday and he has been gone almost his entire life trying to make a living for his family with a union job. He has worked in Right to Work states and he has worked in non-Right to Work states. He has worked in Texas, Indiana, Kentucky, Ohio, Arkansas, Virginia and he has worked in many other states. Also, many of his co-workers that are from West Virginia they are from Parkersburg, they are from the Northern Panhandle. They are from all over the state. They too are living in hotel rooms, in hotel rooms away from their families to make a living outside of

this state. I was raised in a union family and as I said my family is currently a union family and an easy vote for me today would be to vote red, to vote no. I was not elected seven times to represent the people of my district because I cast easy votes. I stand here today not to discuss my family and our union roots; I stand here today to discuss the future of the State of West Virginia.

As one of my colleagues mentioned 10% of our workforce in West Virginia is union and we do have many of those 10% of our workers who are blessed to be in a union and we have heard from them on their opposition to this legislation. But I have also received phone calls and heard from constituents. I have gone to Walmart and been approached by people saying I am in a union. My union got me 10 cents raise in the last six years. When is this Right to Work legislation going to pass so that I can make that choice? West Virginia's economy is on life support. We have the lowest workforce participation rate in the country and we are the only state in the nation to lose population, the only state and we are not a Right to Work state. We have the sickest, the poorest, the least educated, the most drug addicted population. We have lowest per capita income in the country. We are in a world of hurt. The Lady from Kanawha said earlier instead of passing this legislation we need to address money for our seniors, our education system, our drug problem, our roads and bridges are crumbling. Exactly but how do we pay for it? The money doesn't come from the sky. Revenue comes from jobs and growing our tax base. We had to dip into the rainy day fund to pay our current bills and we have a balanced budget amendment in our constitution. We can't nor we won't pay our current bills. We have a balanced budget amendment. We are facing \$350 million deficit just to meet next year's budget if things stay the same. A rising tide lifts all boats. We have asked the pundits and the naysayers of our proposed reforms for their solutions. I had people come to my office and say you cannot vote for this legislation. I said ok give me an alternative. What are your alternatives? Here is my phone number. Let me know. I am open. I want to do something. The solutions never came. We have to write our sinking ship. We are at the bottom of the economic ocean and we have been there for too long. Today we are at the crossroads in West Virginia. We are at the crossroads. We can choose to go left. We can choose to go right but we are at the crossroads. We cannot continue the failed policies that we have embraced year after

year after year. Doing nothing is not an option. Some have suggested that Proctor and Gamble and Toyota have come to West Virginia, they have. Yeah, we are a non-Right to Work state right now and they did come but did they come because of opportunity of what we give them in our tax system, our regulatory environment? No, they came because they got a cushy deal from the State government. They were blessed with the opportunity to say we will give you a tax break if you come. That is not a way to operate a state.

As we move forward this session we are leaving no stone unturned. Site selectors and I have gone and done some research on the internet but site selectors have said when seeking sites for companies they have a check off list. The Right to Work question is usually one of the items on their list. They didn't say it was the number one item but they said it was an item on their list. There is usually 26 items on the list and that was one in the top ten. On a site selection company's website, eight out of ten respondents said locating in a Right to Work state was either important or a very important factor in site selection while more than three-quarters rated locating in a Right to Work state is just important. Representative and we talked about the Sunday morning show, my colleague from District 50 talked about the Sunday morning show. There was a representative from Michigan and they said when it was being debated in Michigan, Right to Work, the bosses, the representatives, the union representatives scared the workers and they said wages would go down. Benefits would be cut. There would be lost pensions. Collective bargaining would be lost. Safety would decrease and none of that had come to fruition with the passage of Right to Work. With our state in dire straits and our citizens desperate to find a job, why would we not want to fight for jobs for our state with one hand tied behind our back. It is imperative that we remove all nails from our economic coffin, all nails. We have identified barriers that have kept West Virginia down-trod and have sought ways to remove those barriers. Last session we did civil justice reform even though there was strong opposition from the trial lawyers. We are passing regulatory reform. We are looking at comprehensive tax reform and today we are considering joining 25 other states in the nation that have passed Workplace Freedom Law. Barbara Johnson once said, she is a Christian comedienne, she once said no one likes change but babies and dirty diapers. West Virginian's are desperate for change but some

fear change. We have been told that Right to Work is wrong for West Virginia. However, half of our states are Right to Work and we are last in our nation economically without Right to Work. Many other states and half the states in America who are Right to Work are doing better than West Virginia is economically. I have already said we are last in the Nation. They are doing better in West Virginia. I attended the public hearing on Right to Work and I listened to people from both sides and there were competing and conflicting arguments and I tried to delve through best I could from the rhetoric that came from both sides quite frankly. We were told at the public hearing by the union representatives that Right to Work be a race to the bottom. I had to scratch my head. I said race to the bottom? We are at the bottom. We can't get any lower. We are at the bottom. Last is the bottom. I am holding up a bill right now it was introduced, I was a sponsor last year, House Bill 2026. It was introduced this year and I think it is pending before a committee and it is called the right to try. That bill, it allows permanently ill patients, those that received a death sentence from their doctor. To have access to an investigational product from a clinical trial that has not yet been approved by the FDA and it is their last ditch hope. It is the right to try. If my spouse and children or grandchildren were diagnosed with cancer or even your family member was diagnosed with cancer.

DELEGATE FLUHARTY. Mr. Speaker, the Gentlelady is speaking about the right to try a bill. The current bill pending before the chamber is the Right to Work bill. I suggest we stick on the script here. Thank you

DELEGATE SOBONYA. Workplace Freedom is West Virginia's right to try. West Virginia no longer has to lead with one hand tied behind their back competing with other states for jobs. In states bold reforms were proposed special interest groups in cite of fear of the people; however, when all was said and done and reforms took hold the sky didn't fall and overall opportunities increased. Workplace Freedom and giving people the choice to be in a union is an American principle. No one should be compelled to join any type of organization. Right to Work does not end collective bargaining. It does not end unions and some Right to Work states have actually increased union membership after Right to Work had passed. As a real estate agent I can sell real estate anywhere in West Virginia with my license. I don't have to be a member of the

National Association of Realtors or the West Virginia Association of Realtors, the Huntington Board of Realtors or the Kanawha Board of Realtors. I do not have to have memberships in those organizations in order for me to sell homes and do my job to make a living for my family. My dues help pay for the advocacy of my vocation. I spend about \$2,000 collectively for all of my membership organization dues. Do real estate agents who choose not to be a part of those associations benefit from the advocacy paid by my dues to those organizations? You bet. Do I wish to force all real estate agents to pay dues to the realtor membership organizations I belong to? No, but I can tell you if the time comes and the Association of Realtors is not advocating for my vocation in the way I feel that I am getting value for the money I pay, the \$2,000 a year that I pay, then I will choose to cease my association and cease paying my dues. But they continue, I have a choice, and they continue to offer me a good value for the money I give them. Some representatives assume if this bill becomes law that their members will cease to associate. There is like an automatic assumption that because Right to Work would pass that people are just going to fall off, quit paying their dues and that is not the case. If you sell the value of your service and be responsive to your members and potential members, they will want to beat down the door and join your association. I am going to read just briefly; I am almost done Mr. Speaker. In this article the New York Times and it was March 13, 2012, it was Richard Trumpka, the President of the National AFL-CIO of which my husband is a member and it says, "although it came as no surprise, the nations manned union federation gave President Obama its powerful endorsement promising to deploy hundreds of people to volunteer on his behalf. In announcing this endorsement Richard Trumpka, the AFL-CIO's President, praised President Obama for pushing through job creation programs, a comprehensive health program as well as fighting to revive manufacturing. Mr. Trumpka said that the 57 unions belonging to the labor federation had voted overwhelmingly to back Mr. Obama at the group's executive council meeting." I won't ask for a show of hands in the gallery. How many of you in the union...alright I will back up. I can tell you that many union workers were not asked who they wanted to endorse for President. My point is no one should be compelled in any organization period. When membership is a choice organizations are more responsive to the needs of their members. I asked my husband if he were

able to choose to be in a union if he would join his union and he said absolutely yes, I love my union. I love what I get for the dues that I pay. I would absolutely stay in my union and I would love others to join it. In closing Mr. Speaker, I would like to share a portion of the lyrics from the song from Matthew West. He is a Christian singer and the words go like this: If not us, then who? If not me and you right now, it is time for us to do something. If not now, then when? Will we see an end to all this pain? It is not enough to do nothing; it is time for us to do something. Mr. Speaker, I think people may need a cough drop up there. It's not enough to do nothing, it is time for us to do something. Ladies and gentlemen, it is long past time for us to do something. I plan to vote for this bill.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. Now I have been sitting over here for four hours. A little longer than four hours. I keep looking up there on that sign and I see Senate Bill 1 Passage, Establishing the West Virginia Workplace Freedom Act. Workplace Freedom Act. Now when I think of freedom I think of democracy. That is what you have with labor unions. Everybody is giving up certain rights but they are coming together collectively to bargain for better wages, better benefits, better safety conditions. That is the purest form of democracy that we have in our capitalistic society. If you don't have unions then you, like myself or other people at certain places in life, you basically have a dictatorship. Now hopefully your boss, your dictator is going to be good to you so he is benevolent. But you were lacking certain powers and privileges going into collective bargaining, agreements, etcetera. I bring that up because actually last night I watched on PBS The Mind Wars. It takes place basically from the State of West Virginia. Our legacy in the labor movement. Going back to 1883, that was the first year that coal was removed in the southern part of the state. Over the course of the next 50 years there was a labor movement in this state, particularly the southern portion of the state to try to have some dignity and self-respect. From 1890 – 1912 West Virginia led the Nation in coal mining deaths. Statistically, if you were a soldier in World War I you had better odds in being a coal miner going underground. Statistically. Companies owned the stores we have heard they paid you in the company wages which you had to use back in the store. You had to lease your own house, they owned you. Owned you. Mother Jones on the mine wars came down here tried to

put a labor movement on. She went down into Logan County, Mingo County and those same company towns, the coal barrens at the time didn't want to lose any money. They go into those homes. She, one night, went down and there were five dead bodies. Miners, they went in there and bashed their brains in. Because they had the audacity to stand up and say we don't want to do this anymore. You get blacklisted you get moved out. Ultimate when we had Blair Mountain years later. The single, biggest uprising in the United States history. The Federal Government, the President of the United States had to send the military down here to southern West Virginia. Because of that movement and because of the heirs of the State of West Virginia we ultimately went to a Waggoner Act. I guess what I am trying to get at is West Virginia is ground zero for the labor movement in the United States of America, ground zero. Since the Waggoner Act was passed it allowed federally and set forth in law that individuals could collectively bargain. Since the Waggoner Act was enacted there has been a tax on the labor movement in the United States.

Right to Work which is what we are discussing is not a new concept. It came about in the 1940's. Sixty, seventy years' worth of debate. I have heard a lot of people talking about Right to Work. Well let me tell you a guy that has a lot of respect in the United States. We celebrated his birthday here just a few weeks ago, Martin Luther King. I am going to quote him right now 1961, Martin Luther King, "In our glorious fight for civil rights we must guard against being fooled by false slogans such as the Right to Work. It is a law to rob us of our civil rights and our job rights. Its purpose is to destroy labor unions and the freedom of collective bargaining by which unions have improved wages and working conditions of everyone. Wherever these laws have passed wages are lower, job opportunities are fewer and are no civil rights. We do not intend to let them do this to us. We demand this fraud be stopped. Our weapon is our vote." This isn't a new battle. This is a continuation of a long fighting battle. Some people just don't like labor unions. I understand that. Labor unions; however, built the middle class of United States of America. You cannot dispute that... You cannot dispute that. So, we have been here all day. The Gentleman from the 50th earlier did a good job of basically laying out what we are attempting to do. In essence the states have the right to set forth the terms on collective bargaining. In short we are sitting here

waiting to totally destroy the concept of the right to contract. In a free society people should be free to negotiate contracts. In a free society unions and shop agreements should be agreed upon or should be allowed to happen even though you may not like labor unions. Now I am amazed at how many people in here want to go and infringe upon the contract rights of individuals. We just can't accept that the employer and the employee might be in the best position to come to those terms. Can't accept it. Now us elected officials we are going to sit here and start writing what terms you can put in your contracts. That is the tool how we are going to try radon out labor unions in the United States of America and now in West Virginia. Half the states apparently have them now we are trying to be number 25.

Before I came over here I got a text, actually it was a text of an email, big business. They were requesting to send around. Certain leadership members were asking them to pack these galleries with supporters for Right to Work to offset the hard working people for the State of West Virginia. They said they need your support for this courageous vote to pass Right to Work. Courageous. When I watched the mine wars I watched people putting their families at risk, their livelihoods at risk, every single possession their bodies broken, shot, killed, maimed, murdered all over that is courageous. We are the heirs of that. Now maybe it is courageous that you are concerned that your bills might not get run. That they may cut funding in certain districts if you don't vote their way. Are you really living up to the history and the soul of the State of West Virginia? On the same day we have synchronized swimming in here. Over in the Senate so we can spike the ball on people's head we repeal the prevailing wage. Over on the House we are going to get rid of Right to Work or implement Right to Work, excuse me. The working people of the State of West Virginia are under attack make no mistake about that. I would like to think that there is enough people in this room that want to stand up to that. We are going to find out here pretty soon. Vote is going to get cast. I have no idea how this thing may go. I may be surprised but you never can tell. We may have got the votes rallied up over here. We will have to see here in just a little bit. But I will say this in closing. We talk about the labor movement. I saw a thing was placed over here on my desk earlier, Thomas Jefferson quote. I forget who placed that here but one of Thomas Jefferson's quotes is often attributed to him is eternal vigilance is the price

of liberty, Vigilance. Labor movement has been under attack since day one in the State of West Virginia. There has been push back, politicians elected officials been on the take for years and their people have always had to overcome those odds. Going back to the teens, twenty's, thirties, for the last one hundred years. That fight is still ongoing and you are going to see here today who is with the working people of the State of West Virginia and who is not. I urge rejection.

DELEGATE ARVON. Thank you, Mr. Speaker. Go back here to just a few minutes ago and our Minority Leader was speaking he made the statement that union membership in our state has been on a steady decline for decades. It now stands at around 10%. That is the same figures I have heard. While I respect our unions and their workers and the jobs that they do, how can I as a representative of this state vote for the 10% of our citizens that are members of a union over the 90% that are not. Many of which in my district have no job. It is my job to represent all citizens, not a small minority. Mr. Speaker, I speak for the majority in my district when I urge passage.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. Today I rise because I feel obligated to explain my vote on this bill before us. I always thought I was a sure yes vote and proponent of Right to Work laws until I really began reviewing and studying the bill proposed of our current Right to Work version about three and a half days ago. I kept studying it and studying it and there was an objection I had in the bill. My objection is simply the cause which essentially violates freedom of contract and I will just caveat this with that even though I have always been attacked by different labor unions, special interest groups in the past in elections, I think last election they spent north of \$100,000 on me. I think it is important to remember when we are judging these bills in front of us we remain objective with sound reasoning and put all of these emotional biases we may have aside. So, after I study the bill I mentioned that objection I had, I turned to my intellectual authorities that I have near and dear to my heart for guidance on the matter. One of them was one of the founders of the Austrian School of Economics, Ludwig Von Mises, and from his book Interventionism he wrote, "Is it right to restrict the freedom to contract in order to counteract existing restrictions on that same freedom?" In his response to his own question he goes on to answer with an emphatic, "No." Caveat him with

that interventionism to correct previous interventions will only beget further and further interventions. Along with that Milton Freedman who really is hardly near of an art advocate of Freedom of Art and Economics is the gentleman I just mentioned he goes on in his volume Capitalism and Freedom and wrote, "provisions within some Right to Work laws prohibit certain contractual relations between private labor organizations and private employers. This could not be accepted as these prohibitions on certain contracts are immoral and unjust and very anti-free market." But there is many other free market economists such as F. A. Hyack and Murray Rothbard who wrote similar thoughts on this subject. Hyack wrote, "when a legislature interferes with voluntary employment contracts between labor organizations and private employers it infringes people's freedom to bargain with their own labor organization." Now beyond that I will caveat with this, the National Labor Relations Act or Board in my opinion should be dissolved as it does allow union leadership though to coercively force an employer to negotiate with a union against his will. Along with this, the Wagner, Taft-Hartly Acts or Regimes should also be repealed, along with many other state labor laws which would then protect business owners from being coerced by labor organizations or in essence compulsory union coercion to force a business owner to sit down and negotiate against his will. But furthermore, a pupil who studied under Ludwig Von Mises named Percy Greaves who also echoed Henry Haslet's view, another Austrian. This gentleman wrote, "rather than prohibiting voluntary union shop agreements between employers and unions a state legislature should simply pass a bill declaring that the NLRB, National Labor Relations Board, has no jurisdiction within this state." But for these reasons I must oppose the prohibition on contractual agreements which would otherwise be acceptable in a free market system. I just feel my obligation to explain myself on the vote I am about to cast against this bill but I will end with this. I consider myself a Jeffersonian. One of my favorite quotes from Jefferson was, "in matters of style swim with the currents but on matters of principle stand like a rock." Thank you much, Mr. Speaker.

DELEGATE MORGAN. Thank you, Mr. Speaker. It is the 23rd day of our legislative session and we have either had introduced or taken up such job creating bills as religious

freedom, the voting ID act, women's rights and educational issues. All of which I am sure will make lots of jobs in West Virginia. We have not done anything to fix our roads. We have not done anything for the solution to the PEIA problem as it goes on. We have not done anything to create pay for all of those in West Virginia, teachers, corrections workers, officers and I would...with great humility on the south wall of the Lincoln Memorial is the Gettysburg Address and there is a sentence in that that says, "the world will little know nor long remember what we say here but it can never forget what they did here." I would paraphrase and with great humility once again to say the world will little note what has been said here except as it probably be recorded in the appendix of the journal, but what they will remember is the vote that we cast here and I intend to cast a no vote for my union friends and for all of those who have called, who have written and who I think represent the majority of those in West Virginia, a no vote is the thing to do. Thank you.

DELEGATE COWLES. Thank you, Mr. Speaker. I am sure it is no secret that I rise in support of the bill and my issue of jobs in the economy has been a major focus of my efforts. I believe in the issue that every West Virginian worker should have the right to choose to work for a living without being forced to join a union as a condition of their employment. I also believe that West Virginia workers should enjoy the same freedoms as the workers in the 25 other states. But this bill was under consideration, serious consideration last year and I was a proponent of moving the bill last year because of the urgency of the problems we need to solve and how that affects the jobs and the economy, how all those things are mitigated, if we improve job growth and economic growth in West Virginia. Last year we did not act on this bill. There were many reasons I argued then that we should have taken action last year. We are all aware of the loss and population that has been talked about but for too long we have been losing people here in the state. Hard working, good, young, educated, good people that have to leave our state to look for a job. We have heard about the rankings, the per capita income, workforce participation, education, college attainment, health, the list goes on and on. What we did last year was decide to take a time out. Although I think this bill could have helped us. Should have helped us, should have started helping us last year. We took a time out to talk about this. There were so many

questions about what it could do. How it would affect West Virginia. How it would affect job growth. We commissioned a study by West Virginia University, College of Business and Economics to look exactly at this issue. How would it affect jobs and economic growth? We have the answer. It is in the study. This issue directly attributed to this policy position before you. The study finds job growth. The study finds GDP economic growth. Equipped from the study it says this policy will substantially boost overall employment and output growth in the long run. I believe the status quo as some of my fellow colleagues have said is not acceptable and we should act. We should take action. We can wait no longer. We have waited for the information to be provided. The study shows good results. If you care about jobs in the economy, job growth here in West Virginia. What that means to West Virginia families. If you care about economic growth here in West Virginia. What that means to all the problems we are trying to solve you should be for this bill. We must take bold action to get our state back on track. That is where I wanted to go last year. That is where I think this policy, this bill, helps us get this year and I urge support. Thank you, Mr. Speaker.

DELEGATE FOLK. Thank you, Mr. Speaker. I have to tell you a little personal history behind my dealings with unions from both sides. My grandfather was in the railroad union for 50 years. I have heard multitudes of stories from him, good and bad parts about being in the union. My father was in the UAW over in Hagerstown for about 35 years. I lived as a child through many layoffs, probably two or three that I can recall succinctly. My dad used to go out and we would go together and cut wood to literally pay the oil bill in the winter when we were laid off. Later, I taught at Shepherd College and Mack Trucks called me for a job and it was not a union job. I was a supervisor in a UAW shop. I was supervising material handlers. At one time I knew pretty much every part in a Mack Truck engine by part number. It is all up here. I have fairly good memory. 90% of the guys that worked under me, I had about 25 people under direct supervision of me, probably 23 or 24 of those guys were great workers. But I will tell you a little story about one guy. I won't mention names. He was in charge, he had gotten the position of putting the blocks on the beginning of the engine line and he had written several grievances against me over different times for me trying to hold him accountable and they never really went

anywhere. The thing about Mack back when I went there basically everybody there was eligible for retirement. They had enough years in age to retire if they wanted to. So, Mack was a very, very, very strong union in Hagerstown at the time. This fellow I would literally catch him once or twice a week taking breaks when it wasn't break time and he was reading books. Well one time I actually, I just tried to get him some I guess you call it disciplined and get him to straighten up and fly right for the lack of better way of putting it. It really came to a head one day when he had went back into the locker room and read a book and fell asleep. There were like ten engines blocks that were missed on that line that day. This is after, I am not talking about one or two or three tries, we are talking dozens of problems and that is when I really found power and sometimes the unaccountability of some union leadership. I am saying some because not all unions are the same. That guy was never fired. Shortly thereafter I submitted my resignation letter. I went on to get my multi-engine time and everybody knows in here probably I am an airline pilot now and I am a union member. But I will tell you that I've had experiences in the airlines for instance where if a pilot did something wrong we have a professional standards committee and they take care of that problem or eventually that pilot will lose his job. I don't tell these stories to begrudge unions because I believe if unions do their job and are accountable to their members a bill like this should be of no concern to them.

Now going back to 2014 middle of November if this bill came to the floor I would have just pushed the green button and it would have been an easy decision after the way I was treated three weeks leading up to the election. But when the bill came to the Judiciary Committee from the Senate side it was very problematic. I made my feelings known privately to our chairman and several other members of our committee. Some of those problems were fixed with amendment in Judiciary. These are structural problems not necessarily other problems and then the rest of them were fixed. The structural problems that I had concerns with were fixed on the floor but then I went to the weighing of the two balancing concerns that are often times we have to decide the one of on one hand it is in this bill, freedom of association versus on the other hand, freedom of contract. But this body and I am sure Congress makes a lot of laws that affect contracts, requirements in contracts whether it is deeds or lemon laws and everybody has to balance the

benefit of both sides of those restrictions or mandates. So, I had a very tough last three days and as my fellow from the first has said I have some of the same concerns he has. I wish that we could, and I have spoken about this a multitude of times here on the floor, start telling the Federal Government no. Start getting rid of regulations in this state but under our current environment that is probably not the pragmatic thing that will be done any time in the near future. So, all those reasons I can simply say if union leaders represent the will of their members and I speak for myself here, I will gladly pay my union dues if they represent my interests and at the airlines they have. I hope in the State of West Virginia they continue to and people will pay their union dues because if they believe they are getting a benefit then they will do that and I will be voting green.

DELEGATE R. SMITH. Thank you, Mr. Speaker. West Virginia hasn't been a Right to Work state forever. I mean we are not a Right to Work state now. But in January alone of this year we have lost right around 2,000 coal mining jobs. A thousand of them has been, right around a thousand give or take a few, has been union coal miners so it is hurting...it is hitting both sides. That is not counting support jobs, coal truck drivers, railroad workers, grocery stores, the list goes on and on. They said for every one coal mine job it supports five other jobs. The coal industry has definitely taken a hit more than anyone. But all this is happening and we are not a Right to Work state. We have heard all the doom and gloom that is going to come with this but I hate to inform everyone here the doom and gloom is here. It is here. It is real people. We are not a Right to Work state. We have lost 27% of union membership. Not because they are lazy. Not because they won't work. It is because of regulation and our business climate. A lot of it is not our fault. It is at the national level but some of it is our responsibility. If this law passes today, goes in effect in a few weeks, months, whenever unions will still be, everyone in these galleries I will guarantee you will still be in the union.

When they hire them people will join the unions. It is not like that half the unions are going to leave and their membership will more than likely keep on growing. There will be a few that don't want in the union. Why? I don't know. If I worked at a job that was union, I would join the union because of the benefits. You guys got great benefits. You got representation. I don't know



why they wouldn't want to join a union but that is their choice. You know the Lady from the 51st talked about the child labor laws and how bad things used to be back in the 20's, 30's, even 40's later. You know the federal government stepped in passed labor laws and they have got stronger and stronger. The unions has supported them but our federal government has stepped in and strengthened them laws today. You know she talked about she hoped that we all felt the same way about freedom of choice which this is what this is about when we are talking about women's rights which we talked about I'm sure the abortion or whatever. There is a difference between freedom of choice of doing what is right and wrong and freedom of choice of basically murder but that is a different subject. Right now I am working with a company that is wanting to relocate from Maryland to West Virginia. They are a Maryland company and they are starting a new manufacturing facility. They have come up with a new product. I am meeting with them tomorrow down here with the Economic Development people. We have got a meeting in my office tomorrow at 2:00. I got a call last night from the gentleman, one of the gentlemen that I am meeting with asked me how this was going, how the Workplace Freedom. I told him I didn't know that it was going to be close. A lot of emotions involved it was going to be close. His statement was as soon as you find out Thursday how this goes we need to know. I said why is that? He said we got some choices to make. He said I might want you to cancel our meeting Friday. I didn't ask him one way or the other. I didn't ask him one way or the other what he meant by that but I know what I think he meant by that. But I am not going to put him on the spot so I didn't ask him that. We got this neat thing. It is called the internet. If you got a business, you can get on the internet and you can find out which states are Right to Work and which states are not Right to Work. You don't have to call the Governor's Office. You don't have to call the Economic Development people in the state you are wanting to relocate. You can get all kinds of information. Rules, regulations, whether you are Right to Work, whether you are just...you know insurance information, you can get all the information you need on a state right here off the internet. So, that doesn't surprise me that no one has called the Governor and asked him they was a Right to Work state because you don't have to anymore.

I look around this body and I see people from every walks of life. You know we are accused down here of putting on a shirt and tie and don't know what the real working force is like. I am an underground coal miner. Everyone here knows that. When I am not down here, I put on a pair of stripes, bare metal carpet boots and I go to work, I go underground. I look around here, the supporters of this bill that is taking a hammering because they feel that they don't support the working people. I look around and I see farmers, coal miners, retired coal miners, truck drivers, teachers, doctors, nurses, students, construction workers, loggers, business owners, real estate agents, financial advisors, geologists, bankers, airplane pilot, secretaries, salesmen and women, heavy equipment operator, military people and last but not least lawyers. So, we got people from all walks of life here. They have nothing against the working class. Just because they have a different way that they want to try to move the state forward does not make them bad people. Just like on the other side that don't believe this is going to work. That don't make them bad people in my eyes. We might not agree. I would like to think that we are all friends here and we all think we are doing what is best for the state. I truly believe that. I truly believe that everyone here thinks they are doing what they feel is best. It doesn't make us bad people just because we have different opinions on how we are going to do it. I have heard here today that you know we can't believe this is one of the first bills we have taken up. You know I hate to tell you it is how you look at it. I can remember the very first bill I voted on. I come down here and I was ready to tear...I was going to change this state...I was going to tear the state up; I was going to save the state my first year here. The first bill I got to vote on was pay raise for elected officials. I can tell you I was really disappointed. I got mad because, like I said, I was working class. Whether they believe me or not, I am working class and I was mad. This is what I come down here for? But as the session went on we started picking up other issues and started to make some progress. It is not as fast as I would like because I am production oriented person and have been all my life and the government just doesn't move fast enough for me.

You know I have heard colleagues say that if we pass this it is going to hurt worker safety. You know what I mean we passed the OSHA 10 bill requiring everyone on the state projects to have safety training. We have improved that. Last year

a lot of you know you got tired of hearing about coal mining as we did the coal mine work place safety and jobs bill. That was accused of killing coal miners. It was going to make coal mines unsafe. This past year was the safest year that West Virginia has ever had in the coal industry. Safest year ever. We was wrong. You know it might change because things change. We talked about divided. My colleague from the 50th, we was talking about...my good friend from the 50th we was talking about being divided. I can remember sitting here last year and debating for three and a half hours on raw milk. We was divided so it is not only big major issues like that we have difference of opinion on how things should work. That doesn't make us bad people just because we have different opinion. They also said that everyone in this gallery was going to look down on these seats because these are their seats and they are. These are their seats. But they are also the seats of everyone in West Virginia. They elected us to come down here and to do what we felt was right. We are not going to agree on everything. The people in these galleries don't agree on everything. I mean this group is down here this week. Next week we have another group that is passionate about an issue that they are going to try to get passed and then the week after that there are going to be other groups down here. There is always people down here fighting for what they believe in. No different than what we are. We are all here, what are we doing here today? We are fighting what we believe in. Does that make us bad people? I would like to think not, just because we have difference of opinion.

Our political system is probably a mess, nationwide, statewide. But you know what it is still the best one in the world. We are still the greatest country in the world. For me it is not union bashing. I have got family members that are union and they are split on this. To me it is a freedom of choice. I am going to be voting on a bill, constitutional carry bill in a few days and I have problems with it I will tell you right up front I have problems with it. But you know what? I didn't write the United States Constitution. I was sworn to defend it for freedoms and rights for everybody. Not this group. Not that group. Not this group, but everyone. I was sworn to defend the constitution and I believe everyone has a constitutional right to free choice. We might disagree on how it is done but what's done but the bottom line is in good conscious I can't vote against someone's personal freedom. Call me old fashion. You know it might cost me an election.

So be it, I will go back to being a full time coal miner. I come down here to try to make a difference, is what I run for. I come down here because I was fed up with the things were going and that is probably why almost everyone in here is because they wanted to make a difference. I got grandchildren. I got a granddaughter who is a senior in high school this year. She is going to start college next year. I got another one that is a freshman in high school. She will be starting college in a few years. I can tell you people, we are a close family. I love my granddaughters dearly. I have got two other grandsons and a granddaughter who are from 5 years to 6 months old and my biggest fear is that those kids are going to move away from me. I think about it a lot. That they are going to have to move to Florida, Massachusetts, California, wherever they have to go they are going to have to move and you know what? I will never get to see them that much anymore. It is not like they are dying, it is still the same thing, it tugs at my heart. So, I can guarantee you I am going to do everything humanly possible that I feel to make changes. Changes aren't easy. They never are easy. But I can guarantee you that I am going to make every effort possible, not for myself because I am an old man, I am about done. Sometimes I think, "God why can't you just take me home because of the shape the world is in." But I worry about my kids and I worry about my grandchildren. Is this the right thing to do? I feel in my heart it is. Some on this side feel it is not. It is a difference of opinion. All I know is fail or pass, the sun will come up tomorrow. Law, if it passes goes into effect the sun will come up. If it fails, don't come in effect the sun will still come up and I hope as a body we all will try to do what is right in our heart because we have to answer for ourselves. A lot of people is going to hate me for the decision I make today. A lot of people is going to hate the other side for the decisions they make today. But it doesn't have to be like this. I would like to think we are all here with just different opinions trying to make what we feel is the best choice for the State of West Virginia. God bless you and God bless the State of West Virginia. Thank you, Mr. Speaker.

DELEGATE SHOTT. Thank you, Mr. Speaker. Judging from the response of our friends in the gallery it is clear that we have a lot of dedicated union workers who traveled far, who persevered through nearly over five hours and endured what all went on during that time. It is clear to me that if the choice were given to you

today that you folks would choose to remain with your union and pay whatever dues they charge for your services. I think you have proved your loyalty. It is troubling to me that the folks that are fighting this bill so hard seem to believe that 20% of you won't stick with them if we pass this bill. That there is something in this bill will cause you to abandoned the union that you so dearly love. That troubles me. That really troubles me. It troubles me that we argue over the right to contract when key parties to the contract are never given the opportunity to participate. Many of you are bound by a contract that was negotiated before you even went to work for the company or perhaps if it has been in existence for long period of time and renewed periodically, maybe even before you were born and yet you had no say in that contract. I have been practicing law for 40 years. I don't know of any other situation where someone's constitutional rights, their freedoms and their liberty can be negotiated away and them have no say in that negotiations. That someone whether it is an employer or labor union has basically removed, eliminated their right to choose. Now, in your case I am sure you would choose to stay with the union. But, what if something between now and whenever your contract comes up something changes. The benefits you receive are not as good. Perhaps a well-paid representative of your organization endorses a candidate that wants to remove or restrict your second amendment and constitutional rights to bear arms or wants to do something else that you don't agree to. Don't you think you ought to have a choice as to whether to continue in that relationship without sacrificing your job and that is all we are here for today is to give everyone a choice. Right now West Virginia protects those who make the choice to stay in the union. They do not offer any protection to those who choose not to stay in a union. In fact, the cost of that choice is the loss of a job that may in fact prevent you from supporting your children, your family. In West Virginia, mountaineers are always free except when it comes to choosing whether you belong...you choose to remain to belong to a union. In this city I sometimes think of Charleston as of the television program back in the late 90's I think it went to 2002 called Spin City. I think of Charleston as Spin City and the latest spin is that our effort to extend the protection to another group of workers is a war on working families or a war on workers. I have a hard time understanding that. We have a protected group of workers who do have the right to choose to belong. They can belong. If they

make the right choice they are protected but if they make the wrong choice they lose their job. To me that is hard to understand how that is a war on working families. Extending protection to a whole group of workers rather than workers who make the choice you agree with. Now, there certainly is evidence that there is a war on workers. Let's look at the numbers. The West Virginia Coal Association tells us in their 2015 report that direct coal mining employment dropped from 23,000 to just 14,000 of 2014. That is during a period of 2008 to 2014 we have lost 9,000 coal jobs. Manufacturing from 2003 to 2013 we have lost 16,100 manufacturing jobs. In construction we have lost nearly 8,000 jobs between June of 2012 and July of 2015. That ranks us ladies and gentlemen, 51st out of 50 states and the District of Columbia at the highest percentage of our construction jobs that have been lost. Those of you who are union you numbered 100,000 strong in 2010 and at the end of 2014 you were 73,000. You had lost 27,000 union jobs. So, if there is a war on working families it started long ago. It started well before. All of these statistics are before January 1, 2015. So, ladies and gentlemen, if we want to be honest, if we want to conclude there is a war on working families it wasn't started by us.

In the 2016, let's talk about population...in the 2000 Economic Outlook West Virginia College of Business, we all got this, predicted only 5/10 of 1% increase in job growth up through 2020. That compares, that is not even half of the national rate, not even half. That is if we do nothing. The study that we commissioned from the preeminent I think was described by our Minority Leader, preeminent WVU concluded that we can add to that almost double by passing this job, passing this bill. Ladies and gentlemen, we are losing population faster than any other state in the country. No state has lost population as fast as we have. That is based on US Census figures. It is the largest drop of any accounting for population of any state and that is in the context ladies and gentlemen, of the projection from the Census Bureau that we will grow in this country by 25 million jobs over the next 20 years and yet in this report, in this report, our premier projections from our premier institution is not a growth it is a further decline of 23,000 jobs over that 20-year period. We are not going to participate in any of that 25-million-dollar growth if we continue along the same path. So, what does this bill get us? What does Workplace Freedom bring? To me the first and most

important thing is it brings fairness and consistency in the way we treat our workers. We offer an equal... we offer equal protection to those of you who choose not to belong the union as to those who choose to belong to the union. We know that based on all the evidence that we have got and I know there was some mentioned earlier that our data was limited to two speakers that appeared before us in the Judiciary Committee and that conveniently overlooks the fact that we spent a whole interim session hearing from speakers on both sides of the aisle, experts on both sides of the aisle. We had a public hearing at which at least 25, I think it was closer to 30 people spoke about an equal number for and equal number against. We have gotten data out our ears. I have got a file here that is probably two inches thick on the correspondence that I have gotten and the materials that we have developed and that doesn't include all the electronic communications. We have plenty of data to make our decision and yet some of us want to get more data and delay this urgent decision beyond today, beyond this year. We cannot wait any longer, we cannot. The study that we got indicates our employment growth would be up by over four percentage points which doesn't sound like much does it? Doesn't sound like much. But if it grows at all that might be your child that gets to stay home and work. My children are gone. We have lost that battle. All three of my children, both my grandchildren are spread all over the country. But for your children this is a bill that might, it is not a silver bullet, might allow a job for them. We do have data to justify that conclusion. In Michigan and Indiana, they led the nation in manufacturing job growth in 2014, nearly 20,000 in Michigan. Indiana had over 15,000. Now, when we met in Judiciary there was a lot of talk about Oklahoma and a lot of data that had been cherry picked to illustrate that Oklahoma wasn't doing well. Well ladies and gentlemen, we are doing worse with no Workplace Freedom, we are doing worse. Our per capita income is about \$2,000 a year less than Oklahoma, based on the most recent available data through December 2015. Their unemployment rate is only 4.1%. They are in the top 15 states in the country. You know where we are at 6.3%. We are down at the bottom of the country. The GDP per capita in Oklahoma is \$36,250 versus \$30,389 here in West Virginia. A difference of over almost \$6,000 per capita. Population growth, well as I said before we aren't having any. We are losing. But, in Indiana or in Oklahoma, they grew by over 400,000 people

between 2000 and 2014. That is a 12% increase. The loss of union jobs has been raised here today and I am a little bit troubled by that because there seems to be an automatic assumption that if we give workers the choice as to whether to stay in the union or leave the union that they are going to leave, or at least a large percentage of them. That, to me, demonstrates some lack of confidence in the ability of the union leadership to adjust to changing situations. Those of us that are in service business have to adjust or we don't survive. We have to offer a service that people feel is a valid, valuable service at a fair price. No one in my business has bargained away my clients the right to choose their lawyer. They choose their lawyer because I perform. If I don't they go somewhere else. In this case the unions, we have demonstrated the loyalty here today of their members to them. All they need to do to keep that loyalty is treat those people fairly, be accountable to them, and do their best job for them. But, that doesn't mean they have to do it the same way they have always done it. It doesn't mean that they have to have the iron fist of the union security clause to keep those people loyal to them. It just simply means they need to perform a valid and good service.

Now, I know that those of us who vote for this bill will be accused of being anti-worker and anti-union. Ladies and gentlemen, I am from the southern coal fields of Mercer County, lived and dies by the coal fields. I know the history of that area, and I appreciate the fact that the union and John L. Lewis was able to restore the balance that we needed to protect the people that were West Virginians at that time. I understand that. But, we can't live in the past. It is not working. We are going down the tubes fast. We need to change. We need to change like other states have changed to survive, but that doesn't mean the unions have to go away, that just means they have to change too, like all of us have to change. There is no magic bullet, I said that earlier. This is not going to be the cure all. We need systemic changes and if we don't address the other problems that we have; we will not benefit from passing this bill. But, this bill is a major piece of the puzzle that we are trying to put together to get this state back on the right track. If you think, we have been on the right track then maybe you ought to vote against this bill. If you think where we are today is evidence we have been on the right track, probably you should vote against this bill. But if you believe we need to make a change, if you believe it is desperately needed change, then I

recommend you vote for this bill. More importantly, if you believe in treating all workers equally regardless whether they make a choice that you like or not. If you believe in liberty, if you truly believe in liberty and it is not just a buzz word, this is a vote for the liberty of those people to exercise their freedom of choice without the retaliation of losing their job. So, Mr. Speaker, on behalf of those who do believe in liberty, who do believe in equal protection, I urge passage of this bill.

**COM. SUB. FOR H. B. 4145**

REMARKS  
of

**MEMBERS**

*February 8, 2016*

DELEGATE PERDUE. Thank you, Mr. Speaker. I can't speak in legalese. It is not my forte'. To the gentleman, the Judiciary Chairman, I really wish I could debate you on this but you have a tremendous advantage over me. I don't have a prayer. So, what I am going to speak to is something more visceral. It is simply this, what we are doing here today is responding to fear. That is what we are really doing. We are accepting fear as our guide and we are going to put a gun in his hand. That is what this is about. The gentleman asked earlier, he wasn't sure who this bill really helps. It helps the gun manufacturer, folks. It sure does that. We have been doing that all over the country for the last ten or twelve years. The relaxation of gun restrictions in this country is pretty profound, and it is going to get worse or better depending upon which side of the issue you are on. But I appeal to your sense of logic. If I am in a crowded setting, and after this bill passes, I have to assume that everybody in that setting has a gun. Now, people will say you probably should do that anyway. But this country wasn't based on fear of one another on this irrational lunatic assumption that everybody is out to kill everybody else. But after this bill passes in West Virginia, I will have to assume that that guy that sticks his hand in his pocket, when we are arguing the debate, is going to pull a gun and shoot me, and I am going to beat him to it Dodge City style. We cannot assume, we cannot assume that the public is in such fear of its life that it has to be given the opportunity to end someone else's. Because, when we do that, when we do that, we are accelerating the destruction of this society as we

know it. And it is going on all around this country: The irrational fear that somebody is going to take my guns. I have 19 guns, I am pretty good with them. But the irrational, unsubstantiated lunatic fear that somebody is going to take my guns shouldn't drive us to pass legislation to make sure that everybody has several. I am appalled, frankly, that we would consider this kind of legislation, when for decades we haven't needed it. Why do we need it now? Because we are afraid of one another. Because, we are terrified of one another. Because, we don't have the courage to go out in society without a gun in our pocket; that is why. If that is where we are going, if that is where we are going then we need to rethink what the term society really means. We need to rethink that. I urge rejection of this bill.

DELEGATE LANE. Thank you, Mr. Speaker. Ladies and gentlemen, first of all I want to thank you for the debate. I think it is important. We are dealing with constitutional rights and whether or not they should be limited to some extent, expanded to some extent. Let me just touch briefly on a couple of things that were mentioned. First of all, this is not a debate about guns. People have guns now. They have guns now. This bill is not going to turn everybody lose to go buy every gun that is for sale at any gun store. They are still going to have to comply with every purchase requirement, so it is not about guns. It is not about gun deaths, because those statistics are not broken out when they are presented in: accidental gun deaths, intentional gun deaths and those various categories. So, I would suggest to you that if you dig a little bit deeper in the statistics about West Virginia and why there are so many gun deaths, most of those are because somebody doesn't know how to handle firearm and is cleaning it and it goes off. I happen to know a few people that that's happened to personally. The other thing that we need to keep in mind, and it was eluded to briefly, is that the current law in West Virginia provides open carry, open carry. What that means is anybody with zero training, no training, no tests, no firing, anything, can strap a cowboy holster on their hip and walk down the street with a firearm. That is protected under current law and I think it is very important and salient point that was made by my friend from the 23rd and our friend from the 51st, the Lady from the 51st. Why is it that our rights or those people who choose to carry a gun openly, their rights are diminished in cold weather? Why is it that those constitutional rights are diminished when their

clothing doesn't lend itself to open carry? You know, as I look around the room, I see all the men have a jacket on. Most of the women have a jacket or a scarf or something wrapped around them, and my wife is the same way. She usually has something that covers like that if she is going out in a dress setting. Frankly, I think it is a very persuasive argument that the Lady from the 51st presented, which is if we go out to exercise, if a person goes out to exercise, and they are running along the boulevard, should they be forced to get a conceal carry permit in order to tuck that weapon in? Or should they just carry it along in their hand as they are running so that they can be in compliance with open carry? I mean, those are some of the questions that we are wrestling with. I think they are all good questions. There is no license. There is no training with the current law for open carry. There is not rampant gun violence either. That is what we have left out of the discussion here today. There is not rampant gun violence under the current law.

I would remind you that the bill does not change those people who are able to purchase, able to own, able to carry a gun. That law stays the same. If you are precluded under the previous law, you are precluded under this law with the exception as noted by our friend from Berkeley, the 18-21-year-old group. It provides them an opportunity to be trained to defend themselves as well. Now, I have heard somebody say that it benefits gun manufacturers, and I am not sure how that came up, but again I don't think that anybody is going to run out and purchase a gun all of a sudden just because this bill passed. So, I am not sure where that comes from. Fear, you know, I don't think that we are afraid. And why should we be labeled, or why should a person who chooses to conceal carry and exercise their constitutional rights be labeled as someone who is afraid or fearful. I mean, are we afraid when we vote? Are we afraid when we avail ourselves of the court system under the seventh amendment? Are we afraid when we exercise any of the other rights that are granted to us or that we retain for ourselves under the constitution? I don't think so. Maybe we are. But I would suggest to you that carrying a weapon if you are in a neighborhood, if you are in a situation, if you have been the victim before, if you are someone who is not able to defend yourself, carrying a weapon is not something born out of fear. It is something born out of being prepared. It is preparedness. Now most of us admire boy scouts, and their motto is be prepared. Well how is

someone who...how is a lady of dominion of stature who is jogging on the boulevard as dusk rolls around able to be prepared when someone my size pops out and intends bad things? You know we talked about self-defense in the home, and you are exactly right this has nothing to do with self-defense in the home, nothing because that is already protected elsewhere. But what we forget is, and my friend from the 36th, the Lady from the 36th eluded to it. This deals with the public square, you are right it does deal with the public square. The problem is we are all in the public square. The public square, if I have the lady's words down right, the public square is where we take our children. Why would I not or why would a person not want to be prepared to defend themselves and their children in the public square? I would suggest to you that if I am by myself I would probably, this is anecdotal obviously, if I am by myself I probably would be less inclined to use a firearm to defend myself. If my children are with me, I am going to exercise that right a little more quickly probably. Why should it matter? If I am defending my children, if I am defending my wife, if my wife is defending herself or our children whether she wears a coat, whether I wear a coat. There is no logic in that. There just isn't. Now maybe we can argue the policy of training. We can argue the policy of whether we should allow this at all. Whether there should be a permit at all. Whether there should be a fee. Those are all valid policy questions. I am glad we have talked about them today. But whether or not a person has the constitutional right to defend themselves when it is summertime and does not have the constitutional right to defend themselves when it is winter time should not be an argument that is subject to debate here. Because, it just falls flat on its face.

Now, I would point out that if we talk about polls, and we talk about statistics, and we talk about the 73% or the 85% or whatever the overwhelming super majority are who oppose this, the whole point of the bill of rights is to protect the minority from the majority. To protect the minority from the majority. That is the point of it. So, if there are 27% of the people who believe that this is an extension of their second amendment rights, and that they should be able to protect themselves when they are wearing a jacket just like they do when they do not wear a jacket. I think that is a valid exercise of the bill of rights to protect the minority from the will, the overwhelming will, of the majority. Now I will

just point out a couple of last closing thoughts. First of all, we have talked a lot about the second amendment, which is important. What we haven't really talked about is our state constitution: the West Virginia Constitution, Article 3, Section 22, the right to keep and bear arms. We know we have heard the case at the federal level, the Heller case, and the convoluted language about the militia, and the right to bear arms and all that, and the way the court came down. The court obviously said it is a fundamental right. An individual fundamental right. But you know you can argue about that language and it is sort of wishy washy, and maybe we don't quite understand what they meant way back when. Listen to this sentence and tell me if there is anything that is too difficult to discern. A person has the right to keep and bear arms for the defense of self, family, home and state and for lawful hunting and recreational use. Tell me where the ambiguity there is. I am not seeing it and I don't read anything in there about a coat. I don't read anything in there about whether you have the right to open carry, but you do not have the right to conceal carry. So, we are dealing with important issues. We are dealing with, I will readily admit to you, the Supreme Court has said there are lengths that we can go to that restrict second amendment rights. It is not absolute, just as yelling fire in a crowded theater is not absolute. Free speech is not absolute. But it is our jobs as legislators to balance those interests. I fully expect that some of us will balance it on one side of the scale and some of us will balance it on the other side of the scale. But I would just point you to another in what we believe is a fundament. I think we would all probably agree, a fundamental right in this country and that is the right to vote. As my friend from the 48th eluded to earlier, the right to vote. Should we have a requirement that says you must be literate in order to vote? I would suggest to you that your reaction to that statement if someone proposed that bill would be a gut, a visceral reaction. Absolutely not. We should not do that. We should not do that. I would also suggest to you that most of us in this room do not understand the Supreme Court. In 1959 in the Lassiter case, which dealt with literacy tests, said states MAY impose literacy tests upon the infringement of the right to vote. That is shocking to me but that preserves for legislatures the ability to balance those tests and, that is what we are doing here today. I happen to believe that we should balance it on the side of protecting our families. Making our families...giving our families...restoring our

families ability to protect themselves without having to pay to wear a coat. That is where I would be balancing it and I would ask you, Mr. Speaker and ladies and gentlemen, to balance it on the same side because, the court messes it up sometimes like they did in the Lassiter. But we have an opportunity to make it right with regard to the second amendment and self-defense and the 22nd amendment of our constitution. Mr. Speaker, just to end on a note of levity, although this is an important bill and we are all engaged in serious debate, as the lady from Berkeley pointed out there is seven states that do not require concealed carry permits to carry. One of those states is Vermont; and if the state that elects a devout socialist does not require a permit to carry why should West Virginia require one Mr. Speaker? Thank you, I urge support.

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#### FORCED POOLING

REMARKS  
of  
**HON. PAT MCGEEHAN**  
*February 9, 2016*

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. Just briefly if you are against forced pooling you vote against forced pooling. If that bill comes to this floor you are initiating a fight and I am prepared to defend private property.

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#### COM. SUB. FOR H. B. 4012

REMARKS  
of  
**MEMBERS**  
*February 10, 2016*

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. Briefly I will describe what the amendment does. It is real simple. We are taking action upon the state on this freedom of religion bill, and one of the concerns that throughout the entire state that individuals have is we are going to knock down local end to ordinances. Last year we were before this body on House Bill 2881, which was the West Virginia Interstate Commerce Improvement Act. That was eventually PPI'd over in Gov Org after it got resubmitted back there because of the concerns that numerous municipalities throughout the state have. We have seven; two more pending is my understanding before coming here on the floor.

By doing this language it strengthens and protects the local NDA ordinances that have been implemented throughout the state, and it just leaves a primarily to the state action rather than affecting local municipalities. So, I request the right to close and I request the yeas and nays on this.

DELEGATE SHOTT. Thank you, Mr. Speaker. I rise to urge rejection of the gentleman's amendment for two reasons. Number one, as the Speaker has indicated, what we are trying to do is create a shield to excessive or undo action by a governmental entity, any governmental entity. That means whether the state takes action through one of its agencies or a locality through its town council, or whatever. This does not nullify that action, it simply creates a test that in a local court, someone who feels that that ordinance has substantially burdened their religious belief, a sincerely held religious belief. It creates a test that the court that hears that challenge will apply in every situation. Not just the state action, but to all action of a government seeks to overreach and infringe upon a sincerely held religious belief. So, removing the word local basically exempts from that protection, actions that local governments seek to take. It doesn't necessarily, it doesn't necessarily guarantee any particular outcome. It just simply indicates that in those situations the test will be the same as a challenge to state action. Secondly, I think the fact that we remove local laws from that portion of the statute creates a potential conflict in the operation of the statute. Because, earlier in the statute a definition of state action includes the State of West Virginia, or any political subdivision thereof, and of course a local town council would be a political subdivision thereof. So, effectively by changing that that local word later in the statute creates a conflict in the statute itself. But the primary reason I think we need to reject this? It simply; local government should not be allowed to overreach when state governments aren't allowed to overreach. So, I urge rejection of the gentleman's amendment.

DELEGATE COWLES. Thank you very much, Mr. Speaker. I rise against the amendment. Clearly it comes down to an easy question for me, but the bill protects all of our first amendment rights, our first amendment rights for individual religious liberty. That is what this bill is trying to do. That is what it sets up. With the amendment we are setting up a process where your first amendment rights, your religious liberty

rights, are treated differently in parts of the State of West Virginia than they are in other parts of the State of West Virginia. You should indeed have your first amendment religious liberty rights wherever you travel in the State of West Virginia. The government should not have more power over you and your individual liberties when you cross the boundaries into a municipality. Your first amendment rights, our first amendment rights apply to us, West Virginians as they do to other states here, everywhere you go in West Virginia. They should indeed apply, and local governments when they want to infringe on your religious liberties. So, therefore, Mr. Speaker, I urge rejection of the amendment.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. Will the gentleman yield? Thank you. You realize that everyone in our state and in this room is already covered by the constitution, correct?

DELEGATE COWLES. Indeed, you are covered by the constitution, but how we apply that should comport indeed with the constitution. Your religious liberties are incredibly important, that is why it is the first amendment of the constitution and they should apply evenly whether you are in rural West Virginia and a certain municipality, wherever you go those rights are important, your rights are important to me that they be the same.

DELEGATE FLEISCHAUER. Right and nothing that we are doing with this bill will change our rights under the constitution. Correct?

DELEGATE COWLES. I will look for your green vote on the final passage, but this amendment changes that.

DELEGATE FLEISCHAUER. No, I don't believe it does because what I am talking about is you already have a cause of action under our constitution. This bill creates an entirely new cause of action. Correct?

DELEGATE COWLES. I believe this bill protects your religious liberty and sets up that balancing test that should be the proper balancing test no matter whether you are in the municipal city limits or outside the municipal city limits.

DELEGATE FLEISCHAUER. But it does create a new cause of action. It is really short. Do you want to look and see? It creates a new cause



of action against municipalities and counties. That is half the bill and the bill is less than one page.

DELEGATE COWLES. Well I don't want to debate it under Q & A. But, I can tell you are entitled to your opinion but no I don't believe it creates a new cause of action. I believe it tries to apply evenly for all of us everywhere in the State of West Virginia whether you are within the city limits or without.

DELEGATE FLEISCHAUER. Well, you are saying it doesn't create a new cause of action? Is that what you are saying?

DELEGATE COWLES. That is what I am saying. I am saying it should apply evenly for everyone inside and outside the city limits.

DELEGATE FLEISCHAUER. Well, I am trying to get the language to come up. These iPads are not very...but I think it is the second half of the bill that states that a new cause of action is created. Right?

DELEGATE COWLES. I don't know what section you are talking about, but I know we should have that balancing test evenly applied for all of us whether we are within the city limits or not.

DELEGATE FLEISCHAUER. Well, have you read the bill?

DELEGATE COWLES. I have. I haven't memorized it, however.

DELEGATE FLEISCHAUER. OK, well like I said, it is less than one page long and my iPad is not cooperating, and half of it relates to a cause of action.

DELEGATE COWLES. Well, the key point is you are entitled to your opinion and I am trying to explain to you why I think this is a terrible amendment and we should protect our first amendment rights all across the State of West Virginia.

DELEGATE FLEISCHAUER. OK, thank you. Well, at the appropriate time could I speak to the amendment? OK, there are actually, it is a one-page bill. It is section 4 and section 5, which is severability, and section 4 has three parts to it including the second part B, which is the part

about the cause of action. A person who is burdened may assert such violation, or pending violation, as a claim for injunctive or declaratory relief, and may obtain appropriate relief against the state or its political subdivisions and may obtain compensatory damages and costs and reasonable attorney's fees. That is the creation of a cause of action. There are many people...the constitution applies whether we pass this bill or not. Already under the constitution there are ways you can enforce your constitutional rights. This bill is an invitation to sue counties and municipalities in the state, none of which have the ability to pay for those kinds of frivolous law suits and attorney's fees. I mean we had a lady speak to us in the Judiciary Committee that talked about litigation that she was involved in relating to a wedding cake. I don't know how many cities in here want to get into a big legal fight about a wedding cake and decimate their budget when we are having such a budget crisis. So, I think that the two gentlemen who have offered this amendment are trying to provide some relief to counties and municipalities that are desperate about their funding situation. I don't think we should pass a bill that is an invitation to litigation, especially in this environment where we are supposed to be so against or so in favor of tort reforms. So, I urge adoption of the gentlemen's amendment.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. Would the Gentleman from the 58th yield? I am just trying to get all of this straight in my mind, because I think all of us has had several forms of communication from our constituents in regards to this legislation, and in my opinion the amendment sort of, I think, clarifies a few things of concern. But if you could just share with me. As many of you know, I work in the healthcare field and there are hospitals that are considered government agencies. I just worry that, you know, I'm not for sure if we have a count...does anybody here have a count of how many different religions we have in West Virginia? Do we know how many? Two, fifty, one hundred?

DELEGATE COWLES. I think it is much higher than any of those but I don't know.

DELEGATE CAMPBELL. So, are we going to have to make a list of what religions and what their beliefs are so that people when they sign a job description that everyone will know what religion they are?

DELEGATE COWLES. Well, I could go over the contents of the bill for you. It is fairly easy but it may be better explained by the Judiciary Chairman. But, it sets up a four-part test that a court might use to balance between government infringement and your personal religious liberty rights. That is all this does, is sets up the balancing test that a court shall use to balance those competing interest when it happens between the government and your first amendment rights to religious liberty. That is all the bill does. Now we don't have to decide anything else. The court will take care of that. This establishes that the prudent balancing test.

DELEGATE CAMPBELL. Would you anticipate that you would have many individuals that work for state agencies depending on, for instance, if there is a state hospital that is open on a Sunday. A lot of religious beliefs believe that we shouldn't work on Sunday. Are we going to have individuals that are say...it's against my religious belief to work on Sunday?

DELEGATE COWLES. As you know, you heard in the debate earlier, the Gentlelady from the 51st; there is nothing new here. This sets up the balancing test that a court shall use, which needs to be applied equally across the state, for all of our citizens and every corner and every municipality the same as it shall be for each of us everywhere.

DELEGATE CAMPBELL. So, up until this point we have never had that freedom.

DELEGATE COWLES. Actually this restores, this restores religious freedom. We have in West Virginia enjoyed that protection in the past, and for various court cases or whatever it was, stripped away and this seeks to restore that prudent balancing test.

DELEGATE CAMPBELL. I am still just very confused about, you know, how we define what a religious belief is. Because, there are so many. Would you agree there are many religions?

DELEGATE COWLES. I believe...

DELEGATE SHOTT. Point of Order. Thank you, Mr. Speaker. We seem to be debating the bill at this point. The question before the House is the amendment, which simply removes, and local I think in one place. Doesn't have anything to do with the rest of the bill and it appears that

all these questions are directed at the bill. I would ask the gentlelady to move forward with her question if it relates to the amendment.

DELEGATE CAMPBELL. Well, I was referring to local, because I am worrying how it is going to affect me locally in my district and everybody else's district, when we are talking about our local government. Thank you.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. Will the gentleman continue to yield? Would you agree with me that we have expanded the ability for local municipalities and cities to have more power through home rule? Home rule, we have expanded home rule in the last couple of sessions, have we not?

DELEGATE COWLES. We have. I am not sure how that applies to this religious liberty balancing test, but we certainly have home rule.

DELEGATE FLUHARTY. We have local municipalities that have enacted non-discrimination policies, correct?

DELEGATE COWLES. I believe some have, I don't know that I could say for you which ones have.

DELEGATE FLUHARTY. OK, well I will give you a couple, Charleston, Morgantown, Huntington, Harpers Ferry, Sutton, Thurmond, Lewisburg, those municipalities enacted a non-discrimination policy from elected officials, correct?

DELEGATE COWLES. I am not sure which ones have so I...

DELEGATE FLUHARTY. City council, that is usually how it works. City council passes the...

DELEGATE COWLES. Are you asking me which cities have done it?

DELEGATE FLUHARTY. No, I am not asking which cities. I am asking how the process came about. City council passed their ordinances outside of our body; they did it on their own right?

DELEGATE COWLES. Yeah. Sure.

DELEGATE FLUHARTY. This body has said in years past, and recently, that we are

expanding home rule in our state to certain cities, right?

DELEGATE COWLES. We have.

DELEGATE FLUHARTY. And here today you are saying that what we decide upon is more important than city council in the cities I just mentioned enacting their own policies.

DELEGATE COWLES. I don't think it is prudent to give your first amendment rights away to home rule to any city in the State of West Virginia. Those bill of rights foundational religious liberty issues, first amendment rights. We can't subject those to cities and ordinances locally. We the people should be protected from unjust government punishment whether it is the Federal Government, the state government or local government, everywhere we go equally. That is what I believe should happen. Your first amendment rights should apply everywhere you go.

DELEGATE FLUHARTY. OK, I understand that. You don't represent anybody in Charleston, correct?

DELEGATE COWLES. No, my district is the 58th: Morgan and Hampshire Counties.

DELEGATE FLUHARTY. OK, so you don't represent any of these cities that have enacted non-discrimination policy. You don't represent them, right?

DELEGATE COWLES. The cities you listed, I represent Morgan and Hampshire Counties in the eastern panhandle.

DELEGATE FLUHARTY. OK, so you know better than the city council in those districts?

DELEGATE COWLES. What I can tell you I do believe and know is, that the first amendment rights of the citizens of West Virginia, yours included, are important and should not be subjected to a local ordinance, a state law and the federal law. You should be able to defend yourself in court against unjust government punishment.

DELEGATE FLUHARTY. So, therefore you believe we as a body should implement our power over these cities, based upon that philosophy, correct?

DELEGATE COWLES. I believe the first amendment applies into those cities as well.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Would the Chairman of Judiciary please yield? Thank you. This amendment it is just referring to the subsection C where it says this article applies to all state and local laws, and the implementation of those laws whether statutory or otherwise whether adopted before or after the effective date of this. So, would this undermine, and this is kind of following up on the Gentleman from the 3rd? So, would this undermine ordinances adopted by municipalities and counties?

DELEGATE SHOTT. No, not directly. I think what the confusion is over state and local municipalities still have the authority to enact ordinances. All this bill does is if that ordinance operates to create a substantial burden on an individual's religious, sincerely held religious belief, that individual can go to court and seek a determination as to whether that action by the ordinance effectively, substantially burdens sincerely held religious belief. And then there has to be a determination as to whether that ordinance represents a compelling state interest and it is adopted and enforced in the least restrictive manner, and the outcome could be different based on the facts. But, it doesn't automatically nullify anything. I just want to clear up one other thing. We are not talking about creating a new cause of action here. There have been three Supreme Court opinions that have recognized the right of an individual who alleges that his religious freedom, religious beliefs, have been burdened, can go to court to get a determination. All we are doing is installing a standardized test as to what the judges will apply, whether it is a judge in Morgan County, or Mercer County, or anywhere else. This is the test to determine whether or not that action by a State government or local government should stand.

DELEGATE PUSHKIN. I represent Charleston. My district is entirely inside the city limits of Charleston. Charleston, their duly elected city council from each ward, and few at large members that directly represent the people that I represent, they have created an ordinance about non-discrimination and housing and employment. So, if somebody was working in Charleston and felt like they were fired because of their sexual orientation, under this statute if this amendment is not...if this passes without this

amendment, they would not be able to take any action because they were fired. They are elected officials here in the city of Charleston, passed an ordinance so this would eliminate that ability, or any attorney they went to would basically tell them they don't have a case now. Is that correct?

DELEGATE SHOTT. No. That is not true.

DELEGATE PUSHKIN. Can you think of any instance where a city or a county in Charleston has been sued? If this is supposed to be protecting these cities and counties from being sued, can you think of any instance where that has happened in West Virginia?

DELEGATE SHOTT. The only cases we have located is, there is an Everly case back in 1966 where the Supreme Court basically referred to our protections under the state constitution and allowed Monongalia resident not to serve on a jury, because that person had a sincerely held religious belief that was substantially infringed upon by the requirement that he serve on a jury and the court applied this very same test and found that the compelling interest of the state was not justified under those particular circumstances and each case is going to be determined on its own circumstance.

DELEGATE PUSHKIN. Currently each case is determined on its own circumstances. The ruling in that was he didn't have to serve on the jury, correct?

DELEGATE SHOTT. Correct.

DELEGATE PUSHKIN. So, they made their, I would feel they made the correct ruling without this reaffirmation of religious freedom.

DELEGATE SHOTT. All this bill is doing is installing that test in every case. So, there is no question or installing that test in every case so that there is no question what a judge has to go through. What kind of process they have to go through to determine how to balance these competing interest? That is all it does.

DELEGATE PUSHKIN. But there has been one case that you brought up from 1966. So, what this bill is going to do is protect us from possible law suits down the road that we don't know if they are going to come or not.

DELEGATE SHOTT. I am not sure I am getting where you are coming from. It doesn't

protect us from...it is a shield for an individual who feels his sincerely held religious belief is infringed upon by government action, and that the test when he goes to court is these are the things that the judge has to look at to determine whether to agree with them or not.

DELEGATE PUSHKIN. Whether or not a local body, whether it is a city council or a county commission or even a ballot initiative by the people felt otherwise.

DELEGATE SHOTT. It would look at whatever state action there is involved. Whether it is a ballot action or whether it is...well you know we live in a country where the minority, has rights just like the majority, so whether it is a ballot action or not. The First Amendment gives us all rights, whether the majority agrees with us or not, and the court would have to look at those factors and determine whether or not that action, whether it is by council of five members or whether it is by a vote of 50% plus one. It can still infringe upon the rights of the minority, and the court has a test now for you to adopt this statute as to how to resolve that balancing question.

DELEGATE PUSHKIN. As a member of an actual religious minority, I understand what you are saying. I understand it is supposed to be to protect people like me. We haven't really asked for it. At the appropriate time I would like to speak to the amendment. Thank you for yielding, sir. I think the action that is in this bill is that it undermines; I believe that it does undermine the will of the people in towns like Charleston, in towns like Morgantown and little town of Thurmond, that through their representatives that they voted on, their city council chose to...because the state wouldn't take any action on it and protect certain members of our society, other minorities. Besides religious minorities; because they wouldn't protect them from wrongful firing or evictions, they took it upon themselves as a representatives of the people to enact these laws, and I believe what this would do would undermine them. I believe it would undermine it. I think that is a big step to take for the State government to come in where people have elected city council members, or county commissioners, or even ballot initiatives and undermine that, and as a member of a religious minority I would just like to say, no thank you. I support the amendment, that is why my name is on it.

DELEGATE PERDUE. Thank you, Mr. Speaker. Would the Gentleman from the 27th yield? To my friend I want you to understand I am seeking knowledge and not understanding it. Help me out with what goes on here at the local level. Someone would bring an action against a local entity. In that local entity's court? Is that right?

DELEGATE SHOTT. It would be whatever court has jurisdiction. Most likely it would probably be the circuit court of the county where it occurred.

DELEGATE PERDUE. OK, so, but let's say there is a municipal court in a given municipality would it not go there?

DELEGATE SHOTT. I guess it is possible. You just have to know what the basis of the claim, you know how the claim was plead in the complaint so for that I would normally expect it to be brought in the circuit court because of the injunctive power. So, that type of relief is available in the circuit court.

DELEGATE PERDUE. OK, so alright let's assume it goes to circuit court and let's say this circuit court upholds the ordinance. They do this scrutiny that is suggested in this bill and all the things they are supposed to. Then what is the redress for the person that is seeking relief? Where do they go from there?

DELEGATE SHOTT. Well, of course they would have their same appellate rights that they might have in any other case. They could take it to the next level which generally would be our State Supreme Court.

DELEGATE PERDUE. If the State Supreme Court ruled on behalf of the circuit court then the next step would be to the Federal Court of Appeals. So, what I am saying is...

DELEGATE SHOTT. U. S. Supreme Court

DELEGATE PERDUE. So, there is a number of possible steps here.

DELEGATE SHOTT. Possible steps, yes. Just like in any other case.

DELEGATE PERDUE. Now I am going to ask the \$64,000 question. How much would that

cost if it was pursued to its end? I know that is impossible...

DELEGATE SHOTT. That is a question that I can't answer. Depends on how much time it took. It is not a...it wouldn't be a major piece of litigation because there is just four things that the court has to consider, and at any point during that determination the outcome may be decided by how the court sees. If the court decides that this is a frivolous claim by the person who brings it, the case would end pretty quickly. Because, that is the first step they have to...the person that brings the case they would have to establish that they have a sincerely held religious belief. If it is some frivolous belief like, I think I should be able to carry my pet boa constrictor around my neck in a public building, the court may say, come on that is not a sincerely held religious belief.

DELEGATE PERDUE. OK, in your knowledge has this kind of case been pursued all the way to the Supreme Court before, as far as you know.

DELEGATE SHOTT. Not to my knowledge.

DELEGATE PERDUE. Thank you, Mr. Chairman.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I want to try to explain my conversation or my colloquy which is: I think this body is the only place where we use that word which means a back and forth exchange. I think with the Gentleman from the 58th. I support this amendment because I think it minimizes the effects of the statute. I think the effects of the statute could be broad reaching. I agree with the gentleman that we are already covered by the constitution. What is interesting about this is that there hasn't been any litigation on this subject in years. Since 1988, that is the last case where a challenge was brought. So, I think it is fair to say that this bill is a solution looking for a problem. There hasn't been anyone...

DELEGATE ESPINOSA. Mr. Speaker, the question before us is the amendment. The gentlelady is debating the bill. I would ask that she limit her remarks to the amendment.

DELEGATE FLEISCHAUER. Mr. Speaker, what I said at the beginning of my remarks was that this amendment minimizes the harmful effects that I believe could happen as a result of

the bill. I was just trying to clarify that we are already covered by the constitution; that there has been no litigation. Nobody has complained about this. Nobody has brought a suit under the constitution and the problem is created by the bill is, I think it is an invitation to litigations against cities and counties that can't afford it. By taking out that local language we minimize what I think could be very harmful effects of this bill, both in terms of the litigation and also in terms of the boycott. So, I urge adoption of the amendment.

DELEGATE LANE. Thank you, Mr. Speaker. Ladies and gentlemen, with regard to the gentlemen's amendment I think and I would suggest to you that while the intention of the amendment may be to avoid an increase in legal fees or costs or create some clarity I think the practical effect of the amendment is to in fact enhance and create the confusion and create the additional expense of legal fees and hopefully the next couple of minutes I will be able to explain that to you why I believe that. Currently the common law of the State of West Virginia as you heard discussed is that if a government action regardless of any...doesn't matter what government body it is, state, local, county it doesn't make any difference. If that government action substantially burdens or infringes upon a sincerely held religious belief, then the court uses what is referred to as a strict scrutiny test which is...does the state have a compelling state interest in regulating this behavior and number two is this action by the state the least restrictive means in achieving that compelling state interest? That is the law on the books right now through case law that has been adopted as we heard discussed the three cases. One of them dealt with jury service, I think was the example provided. Another one dealt with blood test before marriage and I think the other one dealt with compulsory school attendance. Now, right now a local governing body understands or should understand that that is the law of the land.

The bill before us is a restatement of that law. If you look at what I just said and compare that to the language in the bill it is essentially every statement of the current common law. By adopting the gentlemen's amendment what we are doing is providing to those local governments the belief that they are exempt from following the current common law, the current common law. Now, I can assure you that if an enterprising young lawyer wants to sue the city on the behalf of an individual and make this claim there will be an action filed. If the city relies on the

gentlemen's amendment which provides and exemption or provides a mechanism for them to go outside of the current common law, I would suggest to you that the city is going to be in trouble and they are going to be paying legal fees. Why are they going to be paying legal fees? All of the fees that are listed in the bill are available under current law from Mandamus Action. Those are current remedies under Mandamus. So, I would suggest that if you want to avoid driving up legal costs for local municipalities or governing bodies that you would reject the gentlemen's amendment because it will create confusion for those city councils. Particularly a small city council one of which I used to represent. When there isn't a lot of expertise on those councils there is just regular people who have stepped up to serve for \$15 bucks a month or whatever it is and they may or may not have an attorney who is there to provide them these answers on an ongoing basis.

Now, I would also suggest to counter my friend from the 51st, the Lady from the 51st argument that they are going to get into this and they are going to drive up all these legal fees. It may be prudent for a city council or a local governing body to pay their local attorney an hour or two of legal fees and have them assess their local ordinance to determine whether or not in his or her professional legal opinion the ordinance substantially infringes upon a person sincerely or substantially burdens a person's sincerely held religious belief and whether or not that local governing body has a compelling state interest and whether or not the ordinance proposed or being reviewed is the least restrictive means to achieve that compelling state interest. I can tell you most attorneys will look through the research, they will do the research. They will find the three cases we talked about. They will probably say well you know there is a bill like this. There is a law like this that has been on the books since 1993 at the federal level, let me check that case law. There is a lot of that out there. They might say well you know there is about 20 other states that have this let me check some of that case law and see how the courts have interpreted this exact language. So, for a few hundred bucks, those local governing boards could get a legal opinion from an attorney as to whether or not if they pass this ordinance they are going to be subject to spending huge legal fees defending it. So, I think by injecting or adopting the gentlemen's amendment it creates more confusion and will have the effect of driving up the costs on our local governing boards. For that

reason, Mr. Speaker, I would ask the body to reject the gentlemen's amendment.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. Amendment is very simple I just strike two words: and local. And local. So, we are going to make a state action. So, basically the arguments here is we are codifying or putting in the code what the law already is. So, we shouldn't have any problems doing that and we should provide assistance and assurance to our municipalities, seven of which in this state have in the bills. Two others are getting ready to come up. The West Virginia Association of Counties, I was just reading yesterday, they call this a lawsuit bill. Now, we can be real condescending and look down on our nose at them and say you small municipalities, you don't know anything. You know we can act like many in here have problems with the Federal Government. Federal Government looks down at the state. All the time I have heard I don't know how many people get up here and complain and beat the desk and say darn that Federal Government. We are not going to listen to them. We believe in state rights. We come in here and we act like hypocrites. We look down our nose at these municipalities. You don't know what you are talking about. Let's try to be consistent in our opposition to things. Consistent.

We are going to do something for the states. May or may not be good for the State of West Virginia. We want to put in the law the Supreme Court, the rulings. Let's do it. That is fine. Let's leave the municipalities out of it. I strike two words: and local. You can vote it up or down, you can have it for the states but the people who are closer to the communities that are also elected that are also subject to the voters and their areas. Day to day their neighbors. Let them make the decisions for their own municipalities. Let's not second guess everything in here. Mr. Speaker, I urge adoption of the amendment and I request the yeas and nays.

**UNITED STATES SUPREME COURT  
RULING ON EPA REGULATIONS**

REMARKS

of

**HON. RUPERT PHILLIPS, JR.**

*February 10, 2016*

DELEGATE PHILLIPS. Thank you, Mr. Speaker. Well ladies and gentlemen, West

Virginia and the coal industry had a victory yesterday. A little one. Supreme Court put Obama on hold. God I smiled. Even got a delegate from one of my colleagues about it. Wanted to show you something just to put a smile on your face. Brother it did. It is not over. Over 400 coal fired power plants have shut down. Can we build some back? Sure we can. But we need more people on board to help us do this. The coal industry is still suffering with this. There has been many, many layoff notices to the industry. Hopefully this might change and get some of those guys back to work and kill those WARN notices. We still have the 56 cents a ton to go pay down old worker's comp fund. I know that bill is laying out here in this chamber and across the hall. We need to help them out some more. Cause it is not that far off that we are just about there. We are about bled out. So, we need to do everything we can and keep the coal miners in your prayers cause as my colleague down here said before we got the best coal miners in the whole wide world. I believe that with all my heart. Thank you.

**PEIA**

REMARKS

of

**HON. ERIC NELSON**

*February 10, 2016*

DELEGATE E. NELSON. Thank you, Mr. Speaker. Maybe a point of clarification on this issue because I too like every member have been receiving a number of emails on the PEIA. There is a lot of misinformation out there right now. The Finance Committee has been going through numerous budget hearings. We are about done. Believe me the Finance Committee, Leadership, the Governor, everybody in this body wants to address that serious concern of PEIA. There is money in the '17 budget to address that. The timing just has not been right. I have mentioned to this body that for the fiscal year 2016, there is nothing to worry about. There is no change to anybody on PEIA. We will address this for the 2017. We have been talking with the Governor in many ways as well as the leader of the...Ted Cheatham, the head of PEIA and we will be coming to this body and it will be bipartisan of the best solution or a solution that we can offer all of our employees. So, thank you Mr. Speaker.

**USGA PRESIDENT  
DIANA MURPHY**

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REMARKS  
of  
**HON. FRANK DEEM**  
*February 10, 2016*

DELEGATE DEEM. Thank you, Mr. Speaker. I think sometimes we get too carried away with serious things here in this body and today I have something positive for all of us. It is about golf which I have tried to learn to play all my life and told my wife to put on my tombstone here lies Frank Deem, he never learned to play golf. Although I worked at it but you know there is a recent occurrence a woman who was appointed President of the United States Golf Association. Her name is Diana Murphy. She is a daughter of a coal miner from West Virginia. She has a journalism degree from West Virginia and she is the new President of USGA and I think that is just wonderful and something we all should be proud of. We have three major golf events. The PGA, Professional Golfers; LPGA, Ladies; and the USGA and USGA support the major tournament in this country every year. So, I am so proud to be, have her as one of us she has a home at the Greenbrier and she goes there frequently. Let's give her a big round of applause. Thank you.

**DECLINE OF THE COAL INDUSTRY  
AND  
UNITED STATES SUPREME COURT  
RULING ON EPA REGULATIONS**

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REMARKS  
of  
**HON. JUSTIN J. MARCUM**  
*February 10, 2016*

DELEGATE MARCUM. Thank you, Mr. Speaker. I rise today to just address this body in regards to the remarkable decision by the U. S. Supreme Court which overturned the EPA Air Pollution Rule. Ladies and gentlemen, the coal industry has been under attack for years, especially since Obama took over. Since Obama became President we have seen southern West Virginia suffer. Southern West Virginia powered this state for years and I am standing here today to commend the Supreme Court for what they did

to take up and try to help the coal industry get back to work. But it don't stop there ladies and gentlemen, we have bills in this House pending that can further help the coal industry. We have bills in here that can further help get coal miners in southern West Virginia back to work. Again, I remind you the coal severance tax from southern West Virginia powered this state for years, for years. So, I am asking this body to take up the bills, get the bills moving and let's don't let the Supreme Court, lets don't stop at the Supreme Court decision. Let's keep working. Let's do what we can. Let's help coal miners go back to work and Mr. Speaker I ask you and this entire body, let's get the bills moving to help our coal miners and help the coal industry because it don't stop at this decision. We are going to be under attack until December 31 of this year until Obama is out of office. I encourage this body and everyone in here, let's push the bills to help coal miners go back to work. They are sitting here. They are not moving. It is time to do something. Also, Mr. Speaker, I ask that the remarks from the Gentleman from the 24th be printed in the Appendix of the Journal.

**COAL**

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REMARKS  
of  
**HON. RANDY SMITH**  
*February 10, 2016*

DELEGATE SMITH. Thank you, Mr. Speaker. I am going to echo the remarks from the Gentlemen from the 20th and 24th. Early this morning I started receiving texts, phone calls and emails from people that I work with back at the mines and they were I might say overly excited. But for the first time in years they heard some good news. They had some hope. I want to brag a little bit on our Attorney General who led a 29 state bi-partisan group to take this to the courts and we won. We usually don't hear of it. I am pretty proud of my Attorney General today because he was the lead, the spearhead of this court case with 29 other states with you know like I said bi-partisan support. Like my colleague said this is not a fix all but it does give the coal industry a glimmer of hope and it restores my faith in our system which basically the court said that they cannot make their own laws. They have to go through Congress. So, I think it is a bright day for West Virginia and like I said after hearing all day after day about layoffs and warn notices



it was nice to look at the paper this morning and look on the news and finally after all these years see some good news and again I want to thank our Attorney General for being the spearhead, the leader of this case. Thank you, Mr. Speaker.

**DISCHARGE OF H. B. 4037  
FROM COMMITTEE**

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REMARKS  
of  
**HON. ISAAC SPONAUGLE**  
*February 10, 2016*

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. Briefly, we had a motion to discharge a bill here earlier today and my good friend from the 63rd wanted to know who was on that bill. It was his bill. Delegates Folk, McGeehan, Faircloth, Azinger, Wagner, Butler, Ihle, Canterbury, Hill and Josh Nelson. Now yesterday the Gentleman from the 7th I believe, my good friend Delegate Ireland, had an extensive talk about forced pooling here on the floor. The Gentleman from the 63rd said there was a bill to remove forced pooling deep underground. Actually I believe some of us on this side of the aisle also have filed such a bill to remove that from the record books. He said it was a snow balls chance to get that out and talk about it. We feel that is a very important issue to discuss forced pooling and we hope that that matter will eventually come to the floor where we can have a debate on removing issues that have been on the books for 30 some years with the deep force pooling which the delegate, Delegate Ireland said that that is a major concern going forward. We, some of us in this body, would like to have the opportunity to repeal that action and restore the constitutional rights of every citizen in the State of West Virginia and not to expand those. So, we made a motion to discharge and we surely hope in the future that we will have future opportunities to do other things. Thank you.

**IMPACT OF THE  
DECLINE OF COAL ON STATE**

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REMARKS  
of  
**HON. WALTER E. DUKE**  
*February 10, 2016*

DELEGATE DUKE. Thank you, Mr. Speaker. I would like to add to the remarks from the

Gentleman from the 20th who just spoke concerning the troubles that have been brought to southern West Virginia coalfields and I would just like to also add that they do not only bring harm to southern West Virginia coalfields but it brings harm to all West Virginia. In addition to the harm it brings to county governments and their revenue stream and to county school systems in those coal producing counties and their revenue stream it also has negatively impacted all 55 counties that receive some portion of coal severance tax revenue as they are distributed to all 55 counties throughout West Virginia. The same is true of all municipalities throughout West Virginia. So it is a problem that stretches far beyond the southern coalfields. You take half a billion dollars with a "b" out of state tax revenues there is not enough money to do what needs to be done and that means that there is not enough money to address what we need to address and we have to scramble to address to fix PEIA. We have to scramble to fix and improve salaries of state employees and teachers and service personnel and other issues in higher ed and other severe needs that we need in West Virginia. So, it has severely impacted the entire state and has put us in the situation in which we find ourselves in the last couple of years and more severely this year. I just like to say to the gentleman as red green would say, we are all in this together. Thank you.

**BIPARTISANSHIP**

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REMARKS  
of  
**HON. KELLI SOBONYA**  
*February 10, 2016*

DELEGATE SOBONYA. Thank you, Mr. Speaker. I have punched my button I have turned on my button, turned it off, turned it back on. I just wanted to respond briefly to the Lady from the 43rd. I would first like to thank the Finance Committee members for their diligence whether they are Republican or Democrat in a bi-partisan manner they have worked very hard having budget hearings that has been done every year regardless of the party who is in control of the Legislature.

There is a process in place by which they have budget hearings, they listen to the agencies. The agencies present their budgets and then they develop and craft the budget for the next fiscal

year according to those hearings. They are still in the process of budget hearings. They have not completed their work from my understanding. The issue of public employees, our teachers, our retirees it has been an ongoing festering problem. It didn't happen overnight. It didn't happen on our leadership's watch. It has been going on for a long, long time. I believe and I have faith in the leadership that we will address this in a bipartisan manner and to sit here and take up precious legislative time talking about rumors, I think that takes away from the work at hand. The people of West Virginia regardless of their party affiliation want us to get to work, the work of the people of West Virginia and do what is important.

I have always been taught by my parents, I grew up in a family where my parents taught me Christian values and that was instilled in us generation after generation. My grandfather was a preacher. Yes, we were taught to do unto others as you have be done unto you and you treat people with respect mutually and I have never complained in this body about the treatment as a Republican legislator in the former minority party. A grandmother came to me five or six years ago, maybe four, five, six years ago. She lost her little six-year-old granddaughter. I have a six-year-old grandson who goes to school. He rides the school bus. I have a nine-year-old grandson that rides the school bus. Many of you in here today are parents, grandparents that have children that ride a school bus. That little girl, Hayden McCarthy, was killed getting off the school bus because a driver ignored the red flashing lights and the stop sign that came out and she was killed instantly.

I work in a bipartisan manner. I had Democrats and Republicans both on that piece of legislation. We worked together in a bi-partisan manner to get that bill out of committee. It did not go all the way through the first year. It took two years to get that through. We were crying bipartisan delegates of Judiciary, the Gentlelady from Monongalia we were crying, we were hugging each other, thinking how we worked so hard across party lines, across the aisle to give protections to our school children. But what happened ladies and gentlemen, with that bill and like I said I have never complained about it. I have never gone to the press, I have never complained in this body about anything, but I just bring it up today because of the comments that were made about partisan bills and what will be

put on the agenda. I think before fingers are pointed they need to point back towards other people.

That legislation that we worked on for two years ended up being rolled into a Senate Bill by a Democrat senator as the lead sponsor. They took that bill number, took out all the provisions of that bill. It related to drug dealing at school bus stops. It extended the protections of the safe school zone to the school bus stops and what they did was they took that bill with the bill number of a Democrat senator and rolled the provisions of the bill we worked on in a bipartisan manner and put it into the senate bill. Therefore, the bill that we worked on here in the House no longer existed.

Now, did I care about the credit of that legislation? It doesn't matter whose name is on the bill. It matters what gets done here in the House of Delegates. What we do in a bipartisan manner for the sake of the people we represent. It doesn't matter, I don't have to have my name on that bill. I don't care if you look it up and say who was that sponsor of that school bus safety legislation. What I care about is children are protected. Again, I thank the committee of finance for your due diligence in what you are doing in your work. I do believe that we will come up with the solution. As I said it didn't happen overnight. I think our public employees, our retirees, our teachers have been ignored for far too long. But I think our leadership is up to the task. I would urge us to shed partisan politics, quit wasting time with this legislative body and let's get to the work of the people. Thank you Mr. Speaker.

#### PASSAGE OF H. B. 4012

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#### REMARKS of MEMBERS

*February 11, 2016*

DELEGATE LONGSTRETH. Thank you, Mr. Speaker. I have looked over this for a long time since it came out and had to think very, very hard about this but first I am going to say this...we don't need a test. We were just told we are not changing anything but we need something in there for legalities. I trust our legal system now. I trust our due process of law. I heard how important this was. We have got to pass this right now. Right now, to protect our citizens.

We have the United States Constitution and we have the West Virginia Constitution. Now, I thought maybe I was missing something and maybe I didn't read that we had religious freedom in our constitution so I went back to read it again. We have it. Thomas Jefferson put it in our constitution. We have religious freedom. We have a due process of law if we are discriminated against. I am using my freedom right now to speak to you. If I could think of something right now I would use it to use my religion against you if I had to. Then I could get a lawyer and get my colleague to defend me and I would go through the due process of the courts if you are going to discriminate against me. So, you can look up the first amendment of the United States Constitution. You can look up your Article 13 of the West Virginia Constitution just as I did the other night. This is going to cause more law suits. Businesses don't want this. It is going to create something here in West Virginia that people will not want to come here because they may get discriminated against.

We are a free society. We talk about mountaineers are always free. Well, yes we are. But then you are saying well you know I may not like this person so you know maybe I will discriminate against them. Then we have lawsuits. But let me point out one more thing that made me really change my mind here. Not only that we have a constitution and law suits. If you looked at the Charleston Gazette this morning I don't know who represents Gilmer County but a couple went in there to get a license and they called them an atrocity. Even though they gave them the license they called them an atrocity because they were getting a license for same sex marriage. This is what we are causing here. This started out from a lady down in Mississippi or wherever she came from got on the national news and said she refuses to give a marriage license to someone. This bill does not say that. I tell you that it does not say that it is very short. But it is going to cause that. It is going to cause more of that because people are going to now stand on their basis of religious freedom. In Arizona they turned it down and that is a pretty straight laced state as far as I am concerned.

The Governor there said this bill can result in unintended and negative consequences which is discrimination. So, I will say this, I am going to vote against this bill because we already got these rights in our constitution, in both our constitutions and religious liberties a core

American value, it is a core West Virginia value but it is also non-discrimination. Thank you, Mr. Speaker I will be voting against this bill.

DELEGATE MOYE. Thank you, Mr. Speaker. I want to thank our Judiciary Chair for the explanation that he has given concerning this bill and the time he has taken to give us a history of what is going on.

Now, I want to point out a couple of very brief facts. In 2012 we passed this bill in the House. Every member that was a member in 2012 and is still here today voted for this bill. What has changed? There seems to be a lot of turmoil about it now. What has changed between 2012 and 2016? The only thing that has changed is the propaganda surrounding this bill. Propaganda, a bias. This is the same bill that we passed in 2012. Nothing has really changed about it, just the message surrounding it.

I am going to be brief with you this morning. I will just ask you. I think we can all agree on this that every West Virginian should be free. Every West Virginian should be free to live and work according to their faith without fear of being unjustly punished by their government. Every West Virginian should be free. This law does not pick winners and losers. It absolutely does not pick winners and losers. This law is simply a balancing test that directs judges to take every West Virginian's freedom seriously in court. That is without regard to the religion, to the race or their orientation. That is how simple this bill is. Nothing has changed about this bill from 2012 to 2016, only the propaganda surrounding it. West Virginian's should be free. They should not be in fear of their government infringing upon their religious beliefs.

For those reasons I will whole-heartedly support this bill. I have sponsored this bill for the majority of years that I have been here and I am proud to do so and I will be glad to push the green button today. Thank you.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Briefly, what has changed since 2012? Well we all know same sex marriage is now legal in the United States of America. That is what has changed since 2012. That changes the intent behind this bill. Make no mistake about it, several sponsors of the bill have said that through the media that is the intent behind this bill pretty much. That is the intent behind this bill. It is a

push back to the expansion of certain members of our society's rights. I believe that is what the intent is. That is why there is all the fanfare around this bill that was passed before.

Originally, you know Religious Freedom Restoration was passed, when it was signed into law nationally by President Clinton when it was introduced by Senator Kennedy, it was about protecting the religious minority. I will get to that in a second. First, I will try to keep this brief and I will try to be as polite and as nice as possible. I have very, very strong feelings about this bill and I would like to speak to you from the heart and just...I don't mean to offend anybody, but I personally am offended by the intent behind this bill and I would just like to briefly just speak what is on my heart to you today. I have been on the losing side in the short period of time I have been here I have been on the losing side of many, many votes. I can always understand the opposing sides view. I can always understand the opposing sides view. You have to if you really want to make policy. It is about compromise. I have to be able to understand the opposing sides view. I am having a very hard time. I appreciate your explanation sir but I am having a very hard time really understanding the opposing, the other sides view to this. So, I did attend a public hearing here and I heard someone state what RFRA, what Religious Freedom Restoration Act was all about was protecting a religious minority from undue persecution. So, I thought about that because I believe that I am the only member of a religious minority elected to this body currently. I am Jewish. Religious freedom is very important to me. If it wasn't for religious freedom I wouldn't be here. The religious freedom that we are granted in this country. My family left eastern Europe over 100 years ago fleeing real religious persecution and they came here and they chose to make West Virginia their home. Since that time in my lifetime I cannot tell you what religious persecution is because I am an American. We do not persecute people in American for their religious beliefs because we have the first amendment to the constitution that is very well written. It works. We have an even stronger protection in our own West Virginia Constitution. It works. I am a member of a religious minority that has historically been persecuted in other countries. Not here. Not here. We have done very well.

As I said yesterday, no thank you, we are not asking for it. We all need it. So, what is the real

reason behind the bill now ... what is different now? Like I said same sex marriage is now legal in West Virginia. Whatever your opinion is on that you are entitled to that but that is the law now and this is a pushback from people who...I would say not persecuted but possibly inconvenienced and there is a difference between being persecuted or discriminated against and being inconvenienced. I can give you an example of being inconvenienced for your religious beliefs. I believe during the September Joint Interim Meetings I had a meeting scheduled on Rosh Hashanah. That is one of the holiest days in my religion. I generally go to the Synagogue like most Jews do on Rosh Hashanah. I had to make a decision, do I do my job as an elected representative of the 37th district and attend this meeting, or do I go to the Synagogue. That was an inconvenience. I did my job. I came here. I was late for services. That was an inconvenience. I didn't stand on the courthouse steps and cry about it. I didn't really say much about it to anybody. Mike Huckabee didn't fly into West Virginia and hold my hand on the courthouse steps and...it was an inconvenience. I wasn't persecuted. I wasn't discriminated against. It was a scheduling problem that interfered with my religious beliefs.

This is the first you have heard of it because this bill has reared its head. So, we have religious freedom in this country. I am the product of it. I have benefited from it. This bill does not restore anything. We already have it. I sat in on the Judiciary meeting when council even said this bill actually doesn't restore anything. We already have it. We have it in the U. S. Constitution, we have it in the State Constitution We already have it. We have it in the U. S. Constitution, we have it in the State Constitution even stronger. So, what exactly is the intent. Why now? Honestly, I believe the intent is to discriminate to give people cover to discriminate. It creates an atmosphere where people can ignore local ordinances, seven in this state, representatives of the people too, city council people, county commissioners whatever local ordinances of the state have done what we couldn't do in this building which was pass employment non-discrimination ordinances. I believe honestly, this is a push back to that.

I will cut it short. I obviously feel very strongly about this. There is a difference between being inconvenienced and being discriminated against. I could go over some of the examples.

Maybe I will. Having to bake a cake when you are a professional baker and having somebody pay you to bake a cake is not discrimination. It could possibly be seen as an inconvenience but you are a baker you are getting paid to bake a cake. I don't see that really as an inconvenience. It is somebody choosing to do their job or follow...that is what I am trying to say is baking a cake is not persecution. Getting baked in an oven is persecution.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. This is a very difficult one for all of us I think. I am reminded that if you don't stand for anything, for nothing that you will fall for anything. Won't be changing any votes today. I understand that. Asking people to slow down and think a little bit. Slow down and think about what we are doing. I understand both sides of the argument. I will probably be somewhere in the middle.

I agree that if someone has a church and they are not practicing their faith that maybe they shouldn't be allowed to come in that church or if a priest or a bishop or a pastor is asked to marry a gay or lesbian couple, I agree they probably shouldn't have to do that. If it is myself and maybe a Brazilian lady, maybe a beautiful Caucasian lady, maybe a Japanese lady and they don't want to marry us. Maybe they shouldn't have to. I agree with that because we need to make sure that those churches have those rights. I agree with that but where it gets gray is where we start confusing the church and the state for me at least. That is where it starts to get a little bit confusing.

I first want to ask, we talk about repeatedly, our economy. Creating jobs, being pro-business, is the chamber behind this? Do they support this? I am just asking. I don't know because this is a big business people in the room. Our population is declining. It is hard to attract people as we have heard before if you feel or maybe you are actually not wanted, needed, however, you want to phrase it. It is a very hard thing to reverse that population decline. That is what I am going to ask you to think about today.

As our Speaker eluded to yesterday with the amendments, sometimes that becomes a slippery slope. Guys I really try to see everything for what it is and I agree with him. I also think that this bill, while has some good intentions on the face, could be a slippery slope. Now, our military is

integrated now, our veterans. We got some people who fought for our country in here. These veterans come home, maybe it is a gay couple, lesbian couple, they go out to get this burger, this chicken sandwich. Are we going to tell those people who fight for us yellow, white, black, whoever it may be, are we going to tell them because of religious beliefs you fought for me but please exit quickly? That is a question. Again, I like most people in here. I am not getting on anyone but I am asking a question. Are we going to tell them that because they fought for us?

How many in here of us like sports? A lot of us do. You don't have to raise your hand. I know most of us do. The winningest program of the 90's in football, Marshall University, who is now in Conference USA, used to be in the MAC but before that it was in the Southern Conference. People around the town in Huntington and sports enthusiast could tell you it was very, very hard for them to recruit in the early in the Southern Conference because when they went down to Atlanta and maybe the Chocolate City of DC and Florida and try to bring up people who looked a little different. They said well it is a little different up here. I am not so sure I want to go up there. It was a little different. So, now I am going to be forced to tell Mitch Jacobs and Doc Holliday and Dan D'Antoni it is going to be a little bit difficult for you now. Got some Mountaineers in here. Now, I love the Mounties too. Dana Holgerson if you are listening, Bob Huggins if you are listening it is going to be a little bit more difficult now because the word is out. Just being honest guys it is going to be a little bit more difficult. Then I always understand that LGBT issues are going on right now but there is another elephant in the room because we have seen this before and it had to do with the complexion of skin tones and that we hug to religious beliefs to be able to legally discriminate.

Now I like history sometimes, so, a little walk through history. Did any of us know Theodore Bilbo from Mississippi? Got some head nods. Governor, Senate member, once said, "I call on every red blooded white man to use any means to keep the "... use your imagination ..." away from the polls." Bilbo proclaimed during his successful re-election campaign in 1946 he was a proud member of the Klu Klux Klan telling meet the press that same year that no man can leave the clan. He takes an oath not to do that. Once a Klu Klux always a Klu Klux during a filibuster of the anti-lynching bill. Bilbo claimed

that the bill will open the flood gates of hell in the south, raping, mobbing, lynching, race crimes would be increased a thousand fold and upon your garments and the garments of those who are responsible for the passage of the measure will be the blood of the raped and outraged daughters of the Dixie as well as the blood of the perpetrators of these crimes that the red blooded Anglo-Saxon white southern men will not tolerate. Per Senator Bilbo, however, race is a little more than just an ideology. It was a sincerely held religious belief. In a book entitled "Take Your Choice: Separation or Mongrelization", Bilbo wrote that purity of race is a gift of God and God in his infinite wisdom, he has so ordained that when man destroys his racial purity it can never be redeemed. Allowing the blood of the races to mix, according to Bilbo, was a direct attack on the divine plan of God, there is every reason to believe that miscegenation, amalgamation and are sins of a man in direct defiance to the will of God. Bilbo was one of the south's most colorful racists but he was hardly alone in his beliefs.

As early as 1867, the Pennsylvania Supreme Court upheld segregated railway cars on the ground that the natural law which forbids racial intermarriage and social amalgamation which leads to a corruption of races is a clearly divine as which that impart due to races of different natures. The same rationale was later adopted by State Supreme Courts in Alabama, Indiana, Virginia to justify bans on interracial marriage and by justices in Kentucky to support residential segregation in segregated colleges. In 1901, Georgia Governor Allen Candler defended unequal public schooling for African-Americans on the grounds that God made them Negroes and we cannot by education make them white folks. After the Supreme Court ordered public schools integrated in *Brown vs. Board of Education*, many segregationists decided their own faith as justification of official racism. Ross Barnett won Mississippi's Governorship in a landslide in 1960 after claiming that the good Lord was the original segregationist. Senator Harry Byrd of Virginia relied on passages from Genesis, Leviticus and Matthew when he spoke out against the Civil Rights Law banning employment discrimination in white only lunch counters on the Senate Floor.

Now, I could probably go a little bit deeper, but I am not going to do that but all I am asking I think there is a way that we can accommodate all people with this legislation. I really do. As the Delegate from the 37th pointed out half of Europe

was destroyed over Catholics versus Protestant. I am getting some more head nods in here. I see some historians, some very smart people. It was, these are facts. President's Day is coming up on Monday. President's Day is coming up on Monday and remember George Washington who owned slaves and he was a great President though all things being equal. About two years before his death he wanted Martha to change his will upon his demise to release the slaves because he evolved over time and he learned a little bit. Now, I am going to make a contrast between two other Presidents. First we got Stonewall Jackson and we all know the story that comes with him. Didn't like certain people in this world. Then I am going to go to Abraham Lincoln. The majority of us in here belong to the party of Lincoln. The party was created on making sure this Union was free and freeing the slaves. But in the beginning Lincoln himself compelled to have slavery and didn't think everybody was equal but over time he evolved while also holding true to his religious beliefs. So, I will ask of you are you going to be Stonewall or are you going to be Abraham? Thank you.

DELEGATE ARVON. Thank you, Mr. Speaker. To my friends in the House on both sides of the aisle. I would like to share a personal story of something that happened to me last year while trying to pass a different bill but with the same arguments that we are hearing today. The bill was the Commerce Act, which if you were here last year you remember. I was trying to make the laws in the State of West Virginia uniform across the state. It passed the Government Organization Committee and soon afterwards, only minutes afterwards, the Government Organization office which I am a part of, the secretaries, the staff, myself included started receiving numerous phone calls, numerous emails, numerous letters so threatening and so vile that we had to unplug our telephones. I had to personally shut down my twitter account of which I was receiving pornographic pictures from a group of people. This was really distressing to me and I have never in my life experienced anything like it. It was distressing to my two daughters one of which is a college student one who is a teacher. I have a very unique last name so it wasn't hard to find my family members on Facebook or twitter. They were scared. They were threatened as well. I was threatened, my very life was threatened multiple times to where I had to be escorted in and out of the Chamber for a couple of days.

I say this, I tell you this story just to ask all of you whom I respect in this body and, by the way, that was no one in this body that did that. I just ask all of you to remember the golden rule. Do unto others as you would have others do unto you. I don't think anyone in this body would have approved of what happened to me and my family last year. I have an eleven-year-old grandson. What if he had looked on my twitter account and pulled up those pornographic pictures. How awful. So, I do ask us all to remember this golden rule. Remember this as we proceed today in this important debate. Be respectful with your words and actions whether you agree or disagree no matter what the outcome is today. I believe we will all feel better about the outcome and be able to hold our heads high if we follow the golden rule. Thank you, Mr. Speaker.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. You know I hear the debate and we have been building up to this bill. I have had a lot of emotions about it. Sadness for what we are doing to our state and our fellow citizens. Anger when I hear some of the words of the members of this body and the press leading up to today and confusion. Confusion Mr. Speaker, because I am confused if it is 1916 or 2016 in this body. So, I have to think about why we are here and I am sure many of you have that state pride inside of you. All of us. I can tell you why I am here. You know it is a state pride when you go out of state if you are on vacation, for work, or whatever it is. First thing I do, I pack West Virginia clothing because I want to tell everybody that I am from West Virginia. I know you all do it too. Then when you see somebody from another state they know you are from West Virginia usually that is, "is that near Richmond?" Then I set them straight that we are actually a separate state.

But what comes with it sometimes are the stereotypes. The stereotypes of our state and the nation is watching us as they watched every other state that has enacted a RFRA bill. It is with a negative eye. It is with a negative stereotype cause I am down here to try to get rid of the stereotypes. We should be here as a body breaking down the barriers to our state. Breaking down these stereo types that we are backwards. That we are backwoods and now add bigots to the list. I don't want to be here for that. I know deep down you don't want to be here for that. We have talked about who doesn't want this bill. We know that various groups have come out against it, various corporations. We know that 90% of the

top Fortune 500 companies have a non-discrimination policy. We don't have one in our own state because apparently we are too good for 90% of the top Fortune 500 companies. Who else doesn't want this? West Virginia University...now just last week we sat here and paraded around a study from West Virginia University to defend Right to Work. But we are silent about West Virginia University today.

Also, look to others who don't want this bill, besides the business community, and I found this on my desk the other day and I am sure all of you have it but public policy issued priorities. West Virginia council of churches. So, I thought for sure since we are discussing policy today that this bill will be within this book. It isn't, nowhere to be found. You know what I did find? Page 27 civil liberties. People of whatever sexual orientation must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided, every sign. That includes every bill. So, the question for yourself, I may not change a single vote in here. But the question for yourself is: How do we want governed and how we going to look back on this. We are going to look back on this day with shame. Do you want to be on the right side of history or the wrong side of history? The same ideologies in governmental philosophies that are driving this legislation are the same governmental philosophies that what said women should not have the right to vote. The same philosophies that once said African-Americans should drink from a different water fountain. This is no different. So, think about that. Think about the church community, the business community. We can forget about being open for business. We are open for bigotry after today. Thank you.

DELEGATE AZINGER. Thank you, Mr. Chairman. I rise...Mr. Speaker I can't see very well from back here. I rise in support of this bill. I just saw this story, I like to read history and I was reading a book about Washington recently and as you know Washington's wife Martha was married, was a widower when he married her and the story of her mom and dad and their battles in fighting was legend. Martha, I said mom and dad, her in-laws, and they were driving in a carriage one day and they got into a squabble and began going back and forth and just in a mad rage Mr. Cusis just drove the horse and carriage right into the Chesapeake Bay. She said to him, "Where are you going sir?" He replied, "To hell Madam!"

She said, "Then drive on sir." In 1965 and in the 60's America started veering off course. We had been veering off course for a lot of years and it is time to make a stand for what is right.

It is time to take a historical perspective on who we are, who is America, who are we as a Nation. Charles Spurgeon said that when you shine a light on the past it like a mirror reflects light on the future. Contrary to my friend said we need to not ignore the past, not ignore our history but find out what our history is, who are we? Where did we come from? Are we a nation of deists? Are we a nation of secularists? Or were we founded on scripture, on truth, on transcendent universal immutable truth, were we? If we were then we have got to look back and find out what those truths were and be committed to them. Pastor Ron Johnson said our founders called the right to life a religious liberty, self-evident truths. This means you don't reason to them; you reason from them. You begin with them as a starting point and view all public policy considerations from them. They are never to be compromised but always vigorously defended from attack, always. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. Do you believe that today? Do you know what we are voting on today? Does it upset you? Does it confuse you? Because it shouldn't.

We are voting today on the defense of a religious conscious. Our God given conscious. Our biblical conscious. If we have a Biblical belief, do we have a right in America to defend that? Yes. Yes. Sit still for just a minute I have a little bit of education and I don't mean to be condescending or pious. But I have got facts. Christopher Columbus, let's go back a ways. Christopher Columbus, what did he say? Christopher Columbus in his book called book of prophecies 1502. It was the Lord who put it into my mind. I could feel His hand upon me. The fact that it would be possible to sail from here to the Indies. Christopher, why do they hate Christopher Columbus? That is why they hate Christopher Columbus. Because of what he said. Because of what he believed. The person most responsible for the colonization of America by England was a minister, Richard Hakluyt. He wrote of the providential purposes of America in his book Discourse of Western Planting in 1584. We shall by planting there enlarge the glory of the gospel and provide a safe and a sure place to receive people from all parts of the world that are forced

to flee from the truths of God's word, 1584. The founder of Pennsylvania, William Penn said after receiving a charter for land in America my God that has given it to me will I believe bless and make it the seed of a nation. William Bradford the Governor of the Pilgrims for 33 years and author of the history of the Pilgrims called of Plymouth Plantation wrote of one reason for their starting a new colony. He said, "I had great hope and inward zeal they had of laying some good foundation or at least to make some way there unto for the propagating and advancing of the gospel of the Kingdom of Christ in those remote parts of the World. Thomas Jefferson was influenced by, I'm sorry, James Madison was influenced by the great Baptist preacher John Leland. Leland persuaded Madison that they only way the Baptists of Virginia would support the new Constitution was on the guarantee of a religious freed amendment now famously known as the First Amendment. John Leland, James Madison, the day after President Jefferson, Thomas Jefferson wrote his famous letter to the Baptist of Danbury Connecticut describing the wall of separation between church and state which is in none of the founding documents by the way. Jefferson went to hear his friend John Leland preach the Sunday's service that was being held in the Treasury building. Imagine the offering was good that day. Posterity said John Adams, posterity you will never know how much is cost the present generation to preserve your freedom. I hope you will make good use of it. If you do not, I shall repent in heaven that I ever took half the pains to preserve it.

Did you know that 106 of the first 108 colleges started in America were started by Christians for Christian endeavors? Most of the early schools were started by the church. The Bible was essential text. Ministers were the primary teachers and the biblical world view was taught to everyone, said Steven McDowell the author of the book I gave you, that he and I gave you...I like taking credit. The Mayflower Compact that was written by the Pilgrims on board this ship it said, "the reason that they came to America was, "for the glory of God and advancement of the Christian faith." That is why they came. Jamestown, the same thing. Jamestown the first permanent colony there was a colony that failed before Jamestown but Jamestown was started for a Godly reason. The one before that was not. Jamestown survived. Twelve of the original thirteen charters specifically mentioned the propagation of the



gospel as a primary reason for their establishment. The Bible formed the basis of America's civil laws. Jamestown, the laws of the Pilgrims fundamental orders of Connecticut, New Haven, Massachusetts. They were all formed.

The Bible was the formation of all their civil laws. The text books were Christian. Common Core, Common Core is an abomination. Common Core is so far from where we came from. Our text books were Christian. The New England Primer taught the Bible, taught the ABC's using scripture. Noah Webster's Blue Back Spellers, the New England Primer, McGuffey Readers, on and on hundreds of millions of these sold and our children were taught for hundreds of years in America that a biblical world view and education. A secular beginning. Dias? The First Amendment we can't defend the First Amendment? What? What? Twelve of the thirteen original colonies adopted the entire Decalogue, the entire Ten Commandments, into their civil and criminal laws. John Adams said the Ten Commandments and the sermon on the Mount contain my religion. There is a professor named Donald Lutz and Charles Hyneman, they had a work they did in 1984 it is called the Realm of Influence of European Writers on late 18th Century American Political Thought. Nice and pithy as Bill O'Reilly would say 1984. They studied the founding era from 1760 to 1805. They studied 15,000 items of quotations to find out where these quotations, where they were from, what their source was from. Lock was quoted 2.9% of the time. Blackstone was quoted 7.9% of the time. Montesquieu was quoted 8.3% of the time. The Bible was quoted 34% of the time, none other was even close. Noah Webster said in my view the Christian religion is the most important and one of the first things in which all children under a free government ought to be instructed.

No truth is more evident to my mind than at the Christian religion must be the basis of any government intended to secure the rights and privileges of a free people. The first Presidential Inauguration, George Washington laid his hands on the Bible and took the Oath of Office as prescribed in the U. S. Constitution. When he was done he did something that was not prescribed in the Constitution. He ended his Oath with the words "So Help Me God" and he took the Bible and kissed it. You know that deist George Washington, that secularist George Washington. Benjamin Rush said the great enemy of the salvation of man in my opinion never

invented a more affectual means of extra paving Christianity from the world than by persuading man-kind that it was improper to read the Bible in schools. Fisher Ames said I am reading Founding Fathers ladies and gentlemen, Founding Fathers of this nation that created this nation that wrote our documents. Fisher Ames said the Bible should regain the place it once held as a school book. Its morals are pure. Its examples captivating and noble. John Quincy Adams, so great as my veneration for the Bible and so strong my belief that when duly read and meditated on it is evolved books in the world that which contributes most to make men good, wise and happy. Thomas Jefferson that deist. Thomas Jefferson that secularist said the Bible is the cornerstone of liberty. He said the Bible is the cornerstone of liberty. Thomas Jefferson that deist, that secularist he said the Bible is the cornerstone of liberty. Students perusal of the sacred volume will make him a better citizen, a better father, a better husband. There was several dozen of our founding fathers who started Bible societies by themselves or Presidents started Bible societies. I am almost done. Let me just read one, one section from Democracy in America by Alexis De Tocqueville he talks about visiting America in early 19th Century. He talks about the Sabbath Day an average Sabbath Day in America and he describes it so eloquently I had to include it here: "In the United States on the seventh day of every week the trading and working of life of the Nation seems suspended. All noises cease. A deep tranquility say, a rather the solemn calm of meditation succeeds the turmoil of the weak and the soul resumes possession and contemplation of itself. Upon this day the march of traffic are deserted. Every member of the community accompanied by his children goes to church where he listens to strange language which would seem unsuited to the ear." He is told of the countless evils caused by pride and covetousness. He is reminded of the necessity of checking his desires of the finer pleasures which belong to virtue alone and of the true happiness which attends it. On his return home it is not turned to the ledger of his calling but he opens the book of holy scripture. There he meets with sublime or affecting descriptions of the greatness and goodness of the creator of the infinite magnificence of the handy work of God of the lofty destinies of man of his duties and of his immortal privileges. Thus it is that the American at time steals an hour from himself and laying aside for a while the petty passions which agitate his life and the ephemeral interest which

engrosses he strays it once into an ideal world where all is great, eternal and pure.

Just one quick story and I am done. The end of the American Revolution, there was a coup going on among Washington's officers. They were not getting paid what they were supposed to get paid on the count that Congress had not kept its promises and they were going to basically have a coup against the Congress and Washington got wind of it. These officers are having a meeting and Washington showed up unexpectedly and all the officers were there and they were taking her back and surprised by Washington's showing up. Washington gave a speech to all the men that were there. It was rather long and flowery speech and at the end of the speech the men just kind of looked at him, unimpressed and unaffected. But Washington had brought with him a letter from the Continental Congress that he was to read to them concerning the money that was owed them and Washington took out the paper and started to read the letter and in the middle of reading it he couldn't see the letters and he reached in his pocket and he pulled out his glasses and all the men were surprised and taken back because they didn't know Washington even wore glasses and let alone couldn't see well. As Washington was putting on his spectacles his hands were shaking and he said you'll excuse me but my hair has grown gray and my eyes have grown almost blind in my service to the Country. All the men who had served under him and loved him and adored him all at once saw what he had given to his Nation. Here is a man who grown weary and worn out and beaten up and what everybody knows and believed was one of the greatest services given to a Nation. Washington finished reading the letter, put it in his pocket and left and rode off. The coup vanished like a vapor.

My point with this is that we have generations and generations and generations who have paid a price that we have never had to for things like the First Amendment. How can we today sit in our desks and not vote green? I don't mean to be hard on anybody who's having a hard time, I'm not. How do we sit in our desks today with the words echoing from generations ago that gave and paid the price so that we can have the freedoms we have today? I vote yes today Mr. Speaker and I urge my fellow members to do the same. Thank you.

DELEGATE PERDUE. Thank you, Mr. Speaker. I am not sure that thanks is in order

today. But I do thank our founding fathers for giving me the opportunity. I oppose this bill on several grounds, and I am not going to get far flung in this and I am certainly not going to appeal to anybody's spirituality. I am a deist because I believe in Creator, who is mine, but no one else's necessarily but mine.

What I will speak to is one part of this legislation, I think really can cause significant harm to the citizens of the State of West Virginia. It has nothing whatsoever to do with their rights. It does, but not necessarily with regard to their ability to practice their religion. West Virginia is rated number 4 in the country, number 4 in terms of the number of immunizations it provides to its children. I believe this law will cause a tremendous, perhaps thousands of opportunities for courts to visit whether or not you can have a religious exemption from immunization. Now, whether that is appropriate or not in terms of the legalities I am not arguing that. What I am saying is it offers the opportunity for the State of West Virginia to have any number of situations where a disease, prevalent in society which could be protected against, will not be. I think this is the one thing that we have not seen here. Something that has been hidden from our view. Now, I believe very strongly that we should have the right to address the courts system on issues we think affects our rights. I have some sincerely held religious beliefs with regard to Genesis 1:26. But I won't discuss those today because that is not why I am here. I am here to talk about laws or a law that can affect people and not animals.

So, I would suggest ladies and gentlemen, we need to think very strongly about what the Governor of Arizona spoke to, is the unintended consequences. There will be, absolutely will be. I really have to refer to that tenant in the Hippocratic Oath where it says at first you should do no harm. I think that that is what we should do here. We should do no harm. I believe the First Amendment does offer protections but I also believe that with regard to what we are talking about here is those protections maybe extended into fields that could cause tremendous harm to our citizens. For that reason, I will be opposed to this legislation.

DELEGATE SKINNER. Thank you, Mr. Speaker. Two years ago we were poisoned by a chemical. Today the poison is prejudice. Today we are being hacked by hate and split by bigotry. The one thing that we learned in committee and

from the Gentleman from Mercer who spoke earlier, is that we have powerful protections under the First Amendment and under the West Virginia Constitution. We have learned that we don't need to restore anything that these protections are in place today so what is the reason for this bill today? One of the sponsors said the reason for this bill is because of gay rights. That is a fact. Another one of the sponsors said the bill was needed because of gay marriage. That is a fact. The organization that has been lobbying for this said it was needed because of sinful and depraved behavior. I don't think it is a coincidence that the public hearing for this bill was scheduled to coincide with the lobby day of that organization. Just this week the Gentledady from Marion pointed out that a government official said some very unkind things. Imagine on your wedding day, excited and with your family you went to get a civil marriage, not a religious marriage, a civil marriage and you went to the clerk's office and the Deputy Clerk said to you, you are an abomination. That happened just up the road this week. That Deputy Clerk said your relationship is wrong. She said, "I told them my opinion. I just felt led to do that. That is my religious belief." She gave them the license. She ruined their day. That is where we are right now. That my friend, that is the difference between 2012 and today.

I think one of the loveliest things that I have heard today actually came from the Gentledady from the 31st. If only we could have the golden rule. If only we could. Do you want to do unto others as they would do unto you? I expect that the Gentleman from Mercer when he gives his close will say there has been a lot of spin today, a lot of untruths. Here is what we know, that the public... what we publicly heard about this bill is that the reason for this bill is because of gay people. This is not the time for us to go down this road. This is not the time to bring down ridicule and scorn on this state and put ourselves in the national eye and why? We don't have to. All of the religious protections we need we have. Click your heels three times you are already home. We have got it. We don't need this. We heard about it in the Judiciary Committee. You have the right to sue right now. You get attorney fees right now. You have it. Why do we need this? The organization promoting this bill who has been fighting the golden rule ordinances across the state that say don't discriminate on the basis of sexual orientation. That organization, their leader in Lewisburg last week said, "we are going to sue

you. We are going to sue the Town of Lewisburg." Lewisburg did a beautiful thing. People on both sides of the spectrum came together and unanimously said we are not going to discriminate in Lewisburg. I know there are a few people in this room, perhaps many, who know in their heart that this bill is not a good thing. Their concern that they will be held up and ridiculed. Perhaps by the organization that is supporting this bill. Don't be led down that path. Don't be scared. I think growing up I learned the greatest virtue that we could have, in my religion, is love.

DELEGATE CAPUTO. Thank you, Mr. Speaker. I just have a very, very brief comment if I might I listened to the Gentleman from the 10th talk a lot about scripture and things that was said in the 1500's and the 1600's and I will be the first to tell you I don't know about any of that but I did receive an email at 7:51 this morning from a Reverend D. D. Meighen. A very respected Methodist Minister in Marion County. Respected by everyone in the religious community. This didn't happen three or four hundred years ago. This happened at 7:51 a.m. this morning. I just want to share with you what he said. He said this religious liberty bill he calls it, will set West Virginia back 150 years. Please don't do this.

DELEGATE SHAFFER. Thank you, Mr. Speaker. I stand up today just a little bit confused. Not about this bill because I voted for it in Judiciary. I appreciated the enthusiasm that our Delegate from the 10th spoke with. But what I am a little bit confused about today is the fact that in the last week we have talked a lot about the Constitution. Last week we were defending the Second Amendment Rights. Today we are defending the First Amendment Rights. But yet earlier in the week we heard talking about taking people's property and mineral rights. That is covered by the Fifth Amendment. What about that Amendment? I attended a program last night in honor of our Speaker. I say that because he received Delegate of the Year or Legislator of the Year and basically the reason for was the Tort Reform that this body did last year which in turn violated the Seventh Amendment. Everybody know what the Seventh Amendment is? I am going to read it to you. In suits of Common Law where the value and Controversy shall exceed \$20 the right of trial by jury shall be preserved and no fact tried by the jury shall be otherwise re-examined in any court of the United States. This

body has taken the rights of the West Virginia citizens when it comes to the jury trials.

We sat in Judiciary yesterday and spent five hours debating about voter, people voting and that you have to have an ID to vote. There were several senior citizens in that Judiciary and I think every one of them sat there and opposed that but yet it still passed. Passed right along party lines exactly. We heard from the counsel in Judiciary that the Constitution gives you the right to vote. The right to vote has been brought up more times than any amendments than any other issue. Four times we have expanded the people that can vote. But yesterday in Judiciary... (Point of Order)... Thank you Mr. Speaker, I believe the comments are towards the bill. I believe when our honored Judiciary Chairman spoke he talked about the Constitutionality of this bill and the First Amendment and that is what I am talking about I am talking about the Constitution. Thank you very much Mr. Speaker. First Amendment rights given to you by the Constitution the same way all your other rights are and we slowly pick them off.

I stand here in support of this bill because I think when it comes to a balancing test, a balancing test is good. But you know your balancing test before a court of law in regards to this amendment and whether you are not you are going to be discriminated against is like your balancing test one day when you are going to be standing before someone else judging you. They are going to look at your religion and they are going to see is your religion like water. Now, water can be a solid. It can be an ice. It can be a liquid. It can be water or it can be a vapor. It can be a gas. That is what this balancing test is about. Do you live what you are wanting to stand up for and not do something for someone else? What does your life mean? That is the way it is with the Constitution. You are either for it or you are against it. I am going to vote for this bill. I am crossing party lines because I believe in it. That is what I ask people to do when it comes to the constitution. Vote what you believe in and what you stand for because as one... I can't remember where he is from, the one delegate said if you don't stand for something then you don't stand for anything. So, you have got to stand fast on what you believe. Thank you, Mr. Speaker.

DELEGATE B. WHITE. Thank you, Mr. Speaker. You know I have set here and I have listened to everybody here talk about this bill and

religion, their God. I listened to a gentleman, you know I am very appreciative. But is my God any different from your all's God? You know I have been asked about this and I worship the same God that you guys do. But I realized that I was selling myself out. Every night before I go to bed I pray with my family, every night, every morning. We never leave the house until we tell one another that we love each other because we never know whether it is going to be the last moment or not. But what I choose to believe and teach my kids what I want them to learn about love and I don't believe and subscribe to your religion and your thought process because I am voting no on this ... it is held against me. I don't think that is right and I have always made the statement since I have been in here, I was elected by the people of eastern Kanawha County and my vote and my morals is never up for sale.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I think this bill again is a solution in search of a problem. We already have a solution and that is the Constitution. The Constitution of the State of West Virginia and the Federal Constitution already covered this. We don't need this bill to enforce the Constitution. We already have the right to do that. The problem is the harm it could cause if we pass this bill. People differ on what the purpose of it is but it is going to be perceived and I perceive that the purpose is to discriminate. That is in the Constitution too. That is enshrined in the 14th Amendment that we should treat everyone equally and everyone in this room has a relative or a friend who is lesbian or gay or transgender. Everybody does. You all know you do. You don't want them to be hurt or harmed and you want them to be able to have a job and have a place to live. That is part of the Constitution too and just because it wasn't passed in 1789 it was voted on, the 14th Amendment was voted on by Congress and by the states and it is a part of our Constitution and that is a good thing. Because minorities in our country under our Constitution are protected. Sometimes the majority isn't very nice to minorities and that is what is happening with gay and lesbian people. They are discriminated against.

We have a decision in West Virginia, *Allen vs. White* and it interprets our human rights act and it looks at our state. Our state was founded to, in the process of getting rid of slavery and that decision said discrimination in West Virginia is akin to treason. So, there is a pretty good argument that under the Constitution and under

the case has been interpreted the Constitution because the Constitution is not the only document. The Constitution gave the authority to the courts to interpret it. So, under our Constitution and our cases we have in our state especially, a very strong principle that we should not discriminate because of the harm it causes. It causes harm to people. People that are friends and neighbors of yours. It is very painful. It is very painful when someone says you can't marry someone else that you are in love with because they have a different skin or because they are the same gender. Discrimination is the discrimination against African-Americans was so long in our country and it still continues. It is hard to imagine that people weren't allowed to drink out of the same drinking fountain but just think of all those kids that had to grow up with that. I had cases when I started my law career where children in Marion County were not allowed to swim in the city pool that they lived right across the street from. Just think of those kids hearing all that laughter and the splashing and the fun. Well it is the same when it is this minority. People that didn't choose how they were born and those people are in your family and they probably, some of them have been scared for years to talk about it, but you love them because they are in your family or they are your close friends.

This bill is an invitation to discrimination. It is an invitation to law suits and like the gentleman said we don't want to be on the wrong side of history. Come on you need to vote against this bill because it is in the best interest of the citizens of our state to protect minorities and to not have a subject to a nationwide boycott of companies, of the NCAA and I urge rejection of this bill.

DELEGATE FAST. Thank you, Mr. Speaker. I would like to just take a brief moment to provide some real life examples of where a RFRA law has come in to play. In the state of Illinois after a church's application for a special use permit allowing the church to be located in a commercial zone was denied the church brought an action seeking to enjoin the city from...actually the city brought the action seeking to enjoin the church from committing zoning violations. The Supreme Court of Illinois found that the city had substantially burdened the church's religious exercise and did not satisfy strict scrutiny in doing so. In essence, finding that the denial of the permit was arbitrary and capricious. In the State of Pennsylvania, the plaintiff churches and their leaders who had

served the homeless in a city park for two decades sought an injunction to prevent the city from enforcing further regulations banning free food distribution to groups of people in requiring food safety regulations to be met. In that case the court ruled that determining they determined that the plaintiff's religious exercise was burdened and that the city had failed to show it had used the least restrictive means in achieving a compelling interest. In the State of Texas, plaintiff religious organization that provided food to the homeless brought an action against the city under RFRA relating to food establishment ordinance and it set, the ordinance set regulations for religious organizations that provided food for the homeless through location and other requirements. The court found that the plaintiffs had shown a substantial burden and denied the motion to dismiss by the city. Also, in the State of Texas, a pastor who offered a half-way house that he owned as part of his religious ministry and the non-profit that the pastor directed for such purpose brought an action against the city seeking among other relief a declaratory judgement that a city ordinance prohibiting the location of correctional rehabilitation facilities in defined areas was a violation of RFRA. On appeal the Texas Supreme Court held that the RFRA's strict scrutiny test applied to zoning ordinances. The ordinance substantially burdened the right of religious exercise of these plaintiffs and the city lacked a compelling interest and failed to employ the least restrictive means. Those Mr. Speaker, are real live examples of where this law came into play and will come into play in the future.

Now, the only means to defeat this bill is what we have seen demonstrated here today calling names. Now if you are against this bill one would be a bigot or a hater. That is the only means to defeat this is the spreading of false information. I just read you examples of real live cases of how this law would come into play. This law codifies existing case law. So, why do we need to codify existing case law? If it is already here, why do we need to codify it? Well, ladies and gentlemen, as our chairman told us in 1963 the United States Supreme Court in the Sherbert Case announced this balancing test. That was good up until 1990 but you know what, the United States Supreme Court changed courses. They took away that balancing test. So, courts change. It just takes one case to go up. They take cases in all the time. It takes one case and a court can change its opinion. That is why ladies and gentlemen, the Federal

Government passed the Federal RFRA. But you know what the Supreme Court of the United States determined that did not apply to the states. Therefore, the states needed to, if they had an interest, codify it on their own. That is why we have 21 states that have now codified RFRA. We have eight additional states that have this law in affect through state court action. So, just as the United States Supreme Court announced the rule, changed their opinion several years later, the West Virginia case can be changed at the drop of any case that goes up to our West Virginia Supreme Court just down the hall. That ladies and gentlemen, is why we need to codify what we already have in this state today. I think this makes perfect sense. It is not discriminatory. It is not something that we are changing what we have already. So, ladies and gentlemen, I urge support of this bill. Thank you.

DELEGATE MANCHIN. Thank you, Mr. Speaker. This bill is not about whether we believe in the religious freedom or not. It is not about whether we believe in God or not. I am not all together sure that I know what it is about. I know one thing that the, my esteemed colleague from the 32nd is very wrong in his last remarks about we somehow need this to stop a court from changing the policy. These are Constitutional decisions that are made by the Supreme Court. They override state law. Therefore, any future interpretation will override this law. So, that is not a reason. I don't think that any of the lawyers in this room, other lawyers will disagree with me on that. I am afraid that the Gentleman from the 67th's attribution of motives for this bill is probably correct for some in this room. I don't think that that's true of everybody. I think many of you will believe that this is a vote in favor of religion or not religion.

When I look at this bill there are two other major reasons that are going to cause me to vote no and to change my mind quite frankly from the last time I voted on this. The first of those goes back to what the Gentleman from the 38th talked about yesterday. You may or may not remember because there was a lot of discussion, but he said well maybe what these municipalities need to do is they need to hire a lawyer and pay them for a couple of hours advice before they enact legislation. Well, let me tell you what I would have to advise and I think most of the lawyers in this room would have to advise those municipalities is that if they were going to adopt a measure that prevented discrimination based on

sexual orientation and they asked me, "will we be opening ourselves up for lawsuits?" I would have to say, yes, you potentially will. Not only are we opening them up to those potential lawsuits by somebody who would claim that their religious beliefs prohibit them from serving somebody who is gay at a restaurant or any other type of business activity. But we are opening the door to people who haven't even made a claim or don't even have a claim yet. This bill talks about potential claims. Might potentially be affected. There is not even a requirement in here that says that the person who is aggrieved by that municipals ordinance has to first seek an exemption based on their religious beliefs. Now, that is pretty unusual. We heard potentially one of the things that comes out of that. One of the things that comes out of that is one of the lawyers that appeared in front of our Judiciary Committee who goes around the country. Don't care where it is at. They will go to any municipality, any state and they bring actions, whether they are potential or real and then they seek attorney's fees. That is what this team of lawyers does. They go all around the country looking for these kinds of lawsuits. Guess who pays for these lawsuits. Their municipalities. They are potentially are small municipalities that don't have 30 or 40 or 50 thousand dollars to spare on paying some lawyer for somebody who might potentially be affected or violated by this action or this statute or their beliefs. So, there is the harm that we are basically going to codify and make easier as a result of this statute and that is in my mind something that we shouldn't be doing.

But more importantly, and I go back to the Gentleman from the 3rd, you know for years I have been in this legislature and I have listened to everybody tell us, particularly in this room, about how businesses don't come to West Virginia because we have the wrong kind of tort laws or now it is because we got the wrong kind of labor laws or there is always we have the wrong tax structure, we have this. The number one problem for the State of West Virginia quite frankly if you talk to coaches, if you talk to those who recruit physicians to our hospitals, anybody that is trying to recruit people from out of state is the stereotypical image of West Virginia. They believe we are backward, that we are hillbillies, that we got two legs that are different lengths from each other. What are we doing with this legislation ladies and gentlemen? Do we think we are improving our image? I don't think so. I think

this is something that is perceived and you may say well it doesn't really do any harm. I know a number of you all think that but how many times have I heard in this room we have to do this because this is what they think about us. This is what they think about our laws. Well we know what the Fortune 500 think about this law. We know this is not going to help us bring jobs and we know this is going to perpetuate an image, a backwardness of bigotry and narrowmindedness and for all those reasons I have to vote against this legislation.

DELEGATE SOBONYA. Thank you, Mr. Speaker. Ladies and gentlemen, this bill is not about bigotry. It is not about discrimination. It is not about love and it is not about hate. It is about giving West Virginians a protection that most states, a majority of states, give protections on the state level to their citizens. I am going to read just excerpts of a speech was made by then President Bill Clinton on November 16, 1993, as he signed the Federal Religious Freedom Restoration Act. I won't read the whole thing but I am going to read a few excerpts. I think it really drives home the reason for the Religious Freedom Restoration Act. He said, "thank you very much and to the members of Congress, the Chaplains of the House and Senate and to all of you who worked so hard to help this day become a reality." He went on and thanked the coalition of the free exercise of religion for the central role they played and working so hard for its passage. He said, "it is interesting to know what a broad coalition of Americans came together to make this bill a reality." Interesting to note that a coalition produced 97-3, a vote in the United States Senate and a bill that had unanimous support in the House. I am told that as many people in the coalition worked together across ideological and religious lines. It was a broad coalition of support. We all have a shared desire here to protect perhaps the most precious of all American Liberties, religious freedom. Usually the signing of legislation by a President is a ministerial act often a quite ending to a turbulent legislative process. Today this even seems a more majestic quality because of our ability together to affirm the historic role that people of faith have played in the history of this country and the constitutional protections those who profess and express their faith have always demanded and cherished.

The power to reverse legislation by legislation, a decision of the United States

Supreme Court is a power that is rightly, hesitantly and infrequently exercised by the United States Congress but this is an issue in which that extraordinary measure was clearly called for. This Act reverses the Supreme Court's decision against Smith and re-establishes a standard that better protects all Americans of faith, all Americans of faith and the exercise of their religion in a way that I am convinced is far more consistent with the intent of the founders of this nation and the Supreme Court decision. Well, I won't read all of it, I want to try to keep it brief. "The free exercise of religion has been called the first freedom that which originally sparked the development of the full range of Bill of Rights. Our founders cared a lot about religion and one of the reasons they worked so hard to get the First Amendment into the Bill of Rights at the head of the class is that they well understood what could happen in this country how both religion and government could be perverted if there was not some space created and some protection provided. They knew that religion helps to give people the character without which a democracy cannot survive. They knew that there needed to be a space of freedom between government and people of faith that otherwise government might usurp. They have now seen all of us that religion and religious institutions have brought forth faith and discipline, community and responsibility over two centuries for ourselves and enabled us to live together in ways that I believe would not have been possible.

We are, after all, the oldest democracy now in history and probably the most truly multi-ethnic society on the face of the earth. I am convinced that neither one of these things would be true today had it not been for the importance of the First Amendment and the fact that we have kept faith with it for 200 years. Now this is important to point out, what this law basically says is that the government should be held to a very high level of proof before it interferes with someone's free exercise of religion. This judgement is shared by the people of the United States as well as by the Congress. We believe strongly that we can never, we can never be too vigilant in this work. "I will skip over most of it and he closes," We are a people of faith. We have been so secure in that faith that we have enshrined in our Constitution protection for people who profess no faith. It even stands for people of no faith. Good for us for doing so that is what the First Amendment is all about but let us never believe that the freedom of religion imposes on any of us

some responsibility to run from our convictions. Let us instead respect one another's faith, fight to the death to preserve the right of every American to practice whatever convictions he or she has but bring our values back to the table of American discourse to heal our troubled land. "Thank you very much, and that was Mr. Bill Clinton, the 42nd President of the United States at the bill signing ceremony where it was unanimously passed in the House and only by 97-3 vote in the Senate.

The majority of our Congressional leaders felt that this Federal Protection was necessary. The Gentleman from Fayette County mentioned that because of the Supreme Court if a citizenry of a state is to have that same protection forwarded by Congress that was introduced by Ted Kennedy and Charlie Schumer and they are by no means bastions of the conservative movement if it was so important for the Federal Government to protect its citizens against government intrusion of faith then it is important for people of the states to give that same right of protection to people of the states. Our surrounding states of West Virginia, Ohio, Kentucky, Virginia, Pennsylvania our surrounding states with the exception of Maryland have given the importance of protecting religious freedom for their citizens of the state. Yet here in West Virginia we don't now offer that protection and this bill seeks to do that.

I just wanted to briefly touch on some of the miscommunications that have been communicated here by some of the members in this body. A lot of hypotheticals and I must say that the hypotheticals of the 31 states that have Religious Freedom Protection whether through court decision or through a state statute, none of these hypotheticals have bigotry and hatefulness and discrimination have come true. Our Judiciary Chairman said how minuscule the number of cases have come before the courts. I think he said 147 over 20 years. It is not a thing that is abused. It is not a weapon of discrimination. It is a protection for people. We have heard that the Fortune 500 companies won't locate to West Virginia. I would ask you today how many Fortune 500 companies do we have headquartered in West Virginia without a religious freedom protection? I don't think we have any. Of the 31 states that have the religious protection, I guess I am being corrected over here, maybe one...but of the states with religious freedom protection the sky hasn't fallen,

companies aren't leaving there to come to West Virginia because of religious freedom protections.

I am going to point out yesterday there was an amendment those that made the case for the amendment to take out the local entities, the political subdivisions from that bill and said that home rule should apply, home rule is important...well I would like to remind the members of the bill that passed the West Virginia House of Delegates in 2012 which was by a 92-2 vote. It was house bill 2657, roll call number 97, and it was cast on February 23, 2012 and I will remind you we had these accusations that this bill is being presented today because of a Supreme Court decision defining marriage. This bill that passed almost unanimously in the House of Delegates was three years prior to that Supreme Court decision. That wasn't the motive in 2012. This isn't a new concept for West Virginia. This passed this body almost unanimously and the two members that voted no, they are no longer here. So, anyone that was here in 2012 you cast a vote for religious freedom protection for the citizens of West Virginia. But in that bill 2657, I will read from you the page 2 it was the definition of government entity. Any branch, department, agency or instrumentality of State government or any official or other person acting under color of state law or any political subdivision of the state. That was in there the bill that we passed in 2012. Ladies and gentlemen, how can we be opposed as the legislative body of giving a protection to the citizens of West Virginia based upon their faith and their religious freedom given to them under the Constitution, how can we go home and deny them the ability to have the same protection that the federal government thinks is important, that Bill Clinton thought was important, that the Congress thought was important, that 31 other states feel like it is important. How can we deny the same rights and protections to the citizens of West Virginia?

I am going to close with reading the preamble to the Constitution of the State of West Virginia. Since through divine providence we enjoy the blessings of civil, political and religious liberty. We the people of West Virginia in and through the provisions of the state of this Constitution reaffirm our faith in and constant reliance upon God and seek diligently to promote, preserve and perpetuate good government in the State of West Virginia for the common welfare, freedom and security of ourselves and our prosperity. Ladies



and gentlemen, I am going to push the green button. I think it is important to give the people I represent the same protections that most other states and the Federal Government offer to their citizens. We did this in 2012 overwhelmingly and I urge adoption of this important legislation. Thank you Mr. Speaker.

DELEGATE J. NELSON. Thank you, Mr. Speaker. I know this has become quite cliché but I honestly had no intentions of speaking about this. You know Mr. Speaker, members of the body we have spent an awful lot of time debating issues like this and a lot of times there would be no debate if government were not involved in and issue in the first place. So, regardless of how the vote on this bill comes out, I would like to raise the issue that maybe our legislature should be entertaining the fact that the government should not be involved in marriage whatsoever and that our counties should only be recording transactions. Thank you.

DELEGATE SHOTT. Thank you, Mr. Speaker. As has been mentioned earlier here in 2012 House Bill 2657 was introduced by bipartisan group of three Democrats and two Republicans. I wasn't here during that time, but apparently the allegations that have been made today were not raised at that time. The allegations that the motivations were prejudice, hatred, bigotry because I suspect that those allegations had been raised over 90 other colleagues would not have voted for that bill. So, I guess I have to ask those people many of whom are here and at least four of them have spoken against the bill today, what was their motivation at that time? Because the bill is substantially the same as what you have here before you. Actually this is a little thinner in terms of volume. We have taken out a couple of definitions. The remedies are the same. The cause of action is the same. The test is the same. It is the same. So, what was different? I guess you could say it was a different time and we do live in a time when people say hurtful things to each other. Would that we could adopt a bill that would end that? Wouldn't that be terrific? We could somehow outlaw hurtful things and it is not just one group that the victim of hurtful things. Many of us have voted one way in connection with some of the controversial bills that have been before us and hurtful things have been cast our way. There is no way to change that. It is going to happen. It is occupational hazard I suppose.

I think one way to illustrate and get through some of the misconceptions about this bill is to take an example is to how it would apply. Of course we have heard a lot of hypotheticals they have been in my view kind of unbalanced. Let's start with the hypothetical we are in a community where there are many businesses. Two of which are side by side. One of them is a photographer. One of them is a sign maker. Both of these gentlemen that run these businesses go to the same church. They sing out of the same hymnal. They read out of the same Bible. It just so happens one of them is gay. The sign maker is gay. The photographer is not. On a particular day the photographer is approached by a couple who happen to be gay who want him to photograph their wedding. This gentleman has a sincerely held religious belief, rightly or wrongly, that that conduct of participating in that ceremony would violate his religious principles. That same afternoon a pair of Nazi skinheads come into the sign shop. They say to the operator at the sign shop, we are going to undertake a campaign to educate the people of West Virginia and we want you to prepare 200 billboard signs that say God hates Jews and gays. God hates Jews and gays. Now this particular operator, the sign maker, is also a religious person. He is gay; he is religious. They are not mutually exclusive. He has read the Bible. Not for every verse but for the message. He reads Matthew 7:12, "In everything therefore treat people the same way you want them to treat you for this is the law of the Prophets." To him the message is do unto others, treat everyone the same, so why should he be part of a campaign to encourage the people of this state that God hates Jews and gays. It violates a sincerely held principle. The gentleman who runs the photography studio has parsed his Bible and finds justification in the words of that Bible for his religious belief that he should not participate in this ceremony.

One thing I have learned ... it was a surprise to me growing up. I had an opportunity to be a door to door salesman after my freshman year in college and I sold family Bibles, Bible dictionaries, children's story books and I go door to door and it gave me an opportunity to talk to a lot of people about their religious beliefs and it was an amazing to me how many different beliefs there are out there. One particular experience really impressed me and that was a little old lady that I talked to and we got into a political talk and she I told me that the Bible predicted the assassination of John F. Kennedy. Well, I was

kind of blown away by that so she took the time to go through a verse here, a verse there, a verse over there and sure enough if you gave it some liberal of construction didn't mention John Kennedy of course, but there was the prediction of the assassination of a leader of the Western world. I guess what that impressed upon me is that you can read the same material and get a different impression. You can read judge not that you would not be judged and understand that the role of the judge is not you, that someday if there is a judgement day which I believe is true there will be a much more compassionate wiser understanding person in charge than me. Some people apparently believe they are rehearsing for that position and they feel like it is necessary to start working on that judgementship right now.

The point is that we all have different views and they can be sincere views. In this particular case does this law when you apply it to each of those situations does that encourage that behavior and let me just say to finish the story in each case the operator of the business said no. Not going to do it. Does this law say to one or the other that they are right? No it does not. Does it say to the sign maker he is right? No. Does it say to the photographer? Again no. And the story could end there. Now, are people going to have hurtful feelings in that case? Afraid so. Afraid so. Let's suppose the county or city had an ordinance and that ordinance says if you are in business you will serve everyone that comes in your business. I don't care what they look like. I don't care what their beliefs are. You will serve those people and if you don't we are going to revoke your business license. Let's suppose that each of those unhappy parties whose feelings are hurt go to the city council or the county commission and say here is what has happened I want you to pull the business license and the Town Council or the County Commission says well that is what our ordinance said so we are going to pull their business license. Does this law say whether that is right or wrong? No. But if you are the person whose business license was pulled you can go to court and you can have the judge apply the same standard to the photographer or to the sign maker to determine whether or not the ordinance is going to be enforceable or whether it is not enforceable. The same test will be applied in each case. They will be treated exactly the same by the judge.

The question is why we need that? Why do we need that? I agree with what has been said here so

far. So far, our courts have followed that test. So far, they have. We certainly hope that that continues but this is our opportunity to say to our court system here is a fair and predictable standard we want you to apply because these situations may come along. Not every day. Not every week. Not every month. But maybe they come along and here is the standard and we will codify that just like the majority of states in this nation. But there is another reason. When I was following or during the Christmas season, I went to a Christmas reception or perhaps for fear of hurting somebody's feelings, a Holiday reception, and I was standing in a small group of people talking and there was a group beside me and I heard one, other person say to the other one I went by your house recently, I didn't see your manger scene out front. Why was that? The gentleman he was talking to said well I usually do that but I wasn't sure this year whether or not that was legal or whether or not I was going to run into any problem or whether or not some body was going to complain about that and I just didn't think it was worth the trouble or the risk to do it. That really caused me to pause for a minute and say you know we really live in a country of hypersensitivity. Instead of doing unto others as we would have them do unto you we are offended if somebody doesn't believe exactly what we believe or say what they say in just the right way. This bill will, if not eliminate, at least reduce the chilling effect that the way our society has developed, the way that we have become so paranoid about expressing the devotion that we feel to what is the foundation of this nation and that is religion.

Keep in mind why we have the First Amendment and why it is First. It is because those folks who came over here and many of whom suffered for their religious beliefs and they wanted to be absolutely certain that the priority number one is that we protect people's religious freedom. Yet today there are many people that think freedom of religion is the same as freedom from religion. That we don't want you to say the Pledge of Allegiance and include Under God. That we don't want you to put on your money 'In God We Trust.' There are those among us who are intolerant of those of us who hold those beliefs and cherish the connection we had to God and our religion in this country. It is those people that need to understand that we have rights too. That we have rights and the first among them is our right to express our religion not just in church but wherever we go and, however, we live. This

is our opportunity to codify the test, not to say who is right or wrong but the test that is going to be applied in every situation where our rights come into conflict with government here in this state. Therefore, Mr. Speaker, I urge passage of this bill.

**AMENDMENT TO  
COM. SUB. FOR H. B. 4228**

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REMARKS  
of  
MEMBERS

*February 12 2016*

DELEGATE SKINNER. Thank you, Mr. Speaker. The amendment puts back into the bill the language that was approved last year on non-discrimination. It was approved in the Judiciary Committee. We did not get to vote on it on the floor. So, it replaces a non-discrimination section. The current bill has a non-discrimination section doesn't really offer any guidance. I urge adoption. I ask for the yeas and nays.

DELEGATE FAST. Thank you, Mr. Speaker. I rise in opposition to the amendment. I just wanted to read a little bit. Sexual orientation does not include immutable characteristics. In other words, it is a changeable characteristic. One need not debate whether homosexuality is genetic or social. The definition of sexual orientation includes the status of being or the perception of being heterosexual, homosexual or bisexual. The definition therefore includes the entire spectrum of human sexuality. The lack of immutable characteristics creates a moving target. One they can change from day to day. The lack of immutable characteristics warns against elevating sexual orientation to a protected civil rights category. According sexual preference special status will also create social division. History and reason illustrates the insanity of according special civil right protection to a person's sexual preference. Once homosexual, bisexual and transgender behavior is elevated to a protected status there is nothing to stop bigamy, pedophilia or any other sexual practice from receiving the same protection. It should be remembered that when elevating any activity to special status, opposing activities and viewpoints lose protection. If sexual orientation laws become commonplace, then any person who speaks against sexual practice will be vilified. Their rights will be thwarted and their freedom of

religion of conscious will be crushed. To back up what I just said, there is a 2013 article indicating that from the northern Colorado Gazette that the same tactics and I am quoting, "using the same tactics used by gay right activist, pedophiles have begun to seek similar status arguing their desire for children is a sexual orientation no different than heterosexual or homosexual."

So, Mr. Speaker, yesterday there was discussion of an agenda and I think this matter is going to have to be taken head on here. I think this is an agenda to open up the State of West Virginia to a whole new sphere of protected status that has not been crossed in the State of West Virginia. That line has not been crossed. I believe that is a dangerous thing to elevate as a protected status, a characteristic that is a chosen characteristic. That would be harmful and this is so out of place. If this is something that this state wants to do then it ought to be done in a bill specifically for that purpose, not in a transportation bill. I very much support this bill as it is written. I would love to see Uber and like transportation companies in the State of West Virginia. But I certainly oppose this amendment for stated reason and I urge rejection.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. Well I wasn't planning on talking today either. But I will say what is dangerous in this chamber are the words I just heard from the Gentleman from the 32nd is dangerous for our state. It is sad for our state. I was sad yesterday when we took up the RFRA bill and we heard the debate and it passed overwhelmingly, but when questions arise as to whether we need an amendment I think the statements made by the Gentleman from the 32nd only further tells us that we need this amendment. Because we don't have any protections in place when it comes to sexual orientation in our state because as we said yesterday we like to put bigotry before business and we just did it again and we did it last session with Uber. That is why we don't have it now. That is why we didn't debate it on the floor despite the fact this amendment in Judiciary last term of session passed 22-2, 22-2. Gentleman from the 32nd was one of the two that voted against it, I shall state for the record. But what are we doing here. Every one of you should be embarrassed right now that we are doing this. Embarrassed for the words that have been stated here today. Embarrassed...we are on television. People watch this. I hope every voter in the State of West Virginia will get to see what was just

said in this chamber and they get to react accordingly. Thank you.

**HOUSE RULES 32 AND 35**

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REMARKS  
of  
**HON. PATRICK LANE**  
*February 12, 2016*

DELEGATE LANE. Thank you, Mr. Speaker. Ladies and gentlemen, after the levity by our friends from the 19th and the 23rd I am hesitant but I do want to follow up on the comments of the Gentleman from the 53rd with respect to order and decorum. I would remind the members under Rule 32 of our House Rules we are required in debate and that includes remarks by members to avoid all personalities, all indecorous or disrespectful language and I think that is important because when we are discussing issues, a lot of times we disagree heavily. We may have deeply held personal reasons for disagreeing. It may be something quite frankly that if we were standing out in the hallway we would be yelling and screaming at each other and calling each other names. But in here in this room, in these committee rooms when we are doing the work of the people we are held to a higher standard. We are held to a higher standard. Not because it is me, Patrick Lane, but because it is me, the gentleman who represents 18,000 people in Cross Lanes. So, if someone insinuates that because I disagree with something that I am somewhat less of a gentleman, whether I maybe inebriated or high or whatever the case may be, that is not just an insult to me as a member of this House or me personally but an insult to the 19,000 people who I represent back home.

I would also point out ladies and gentlemen, that under House Rule 35 when someone is called to order for transgressing the rules of the House, that is any rule, which includes 32, that person shall immediately sit down, immediately sit down. That means you lose your right to speak on the floor. You lose your right to speak because you have transgressed the rules of the House. Now, I have been here for twelve years. I have tried to follow the rules as much as possible. I have been called out of order once or twice. I think it is important that we follow that. Every Speaker, whether it is our Speaker now, whether it is my friend from the 48th when he was Speaker, has offered the latitude to someone who

transgresses the rules and is called out of order to remind them to confine themselves to the rules but also to allow them to continue and I think that is probably within the Speaker's judgement to do that. But I would suggest to you that maybe from now on we ought to follow that rule and strictly adhere to it so that if someone stands up and calls someone a bigot, calls them inebriated, engages in personal attacks or language that is indecorous that they should immediately lose the privilege of speaking to the rest of this body. I might also point out that under 36, anyone who takes such actions may be subject to censure from this House. Now, frankly I punched my light but I wasn't recognized next and the rule says if you are not recognized next you may not level a sanction of censure against another member. Maybe the Speaker in his wisdom and to my luck avoided my error in suggesting someone be censured for their indecorous remarks.

I think it is important as we sit here today and we look around the room, I don't see another member. I don't see a Jeff, I don't see a Woody, I don't see a Stephen, you don't see a Patrick. What we see are 18,000 people, 50,000 people, 30,000 people. These are the people we represent. This is not my seat. It is their seat. I would ask us to follow those rules. Be respectful. If you don't like me and you think I am...fill in the blank whatever name you want to call me...that is all well and good. But you will follow these rules because I represent not me. I represent 19,000 people who expect you to treat them with respect.

**PEIA**

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REMARKS  
of  
**MEMBERS**  
*February 16, 2016*

DELEGATE MILEY. Thank you, Mr. Speaker. I just want to take a few minutes to note that today is the 35th day of the legislative Session and as of yet I am not aware of any plan to fix and restore the funding to the PEIA cuts and benefits. I appreciate the work that the Finance Chairman does in his committee. I appreciate the fact that there are numerous hearings by agencies regarding their budgets. But to work on a fix for PEIA as well as conduct those hearings aren't necessarily and don't need to be mutually exclusive. Both can be done while

we are working here during the 60 days. I have heard that there is going to be a bipartisan plan and bipartisan support for such plan, however, I have not been made aware of any such plan to encourage that bipartisan support and at the beginning of the floor session I also conferred with the minority Chair of Finance, who has made himself available to provide bipartisan input and support for a plan to fix the PEIA shortfall. So, once again Mr. Speaker and Mr. Chairman of Finance I urge that work begin in haste on funding and completely restoring the PEIA shortfall that affects so many of our citizens in this state. Earlier today I presented over 4,700 petitions by people who feel that the shortfall on PEIA will have a disastrous effect on their family finances and ask for immediate action to be taken to that end. Today, you will note on the bills introduced is House Bill 4564 which provides a complete funding and restoration of the PEIA benefit cuts. I believe all of the sponsors are from the minority party but if it was taken up and adopted by the majority party that would indeed be a bipartisan plan and support to restore the funding. So, with that Mr. Speaker, I thank you for the opportunity to speak on such an important issue of restoring the PEIA funding cuts.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. Briefly I discussed with the minority leader. Don't tell us what you value. Look at the bills that this House has passed up to this point in session and that will show you what we value. Up to this point we have repealed the prevailing wage, we have passed Right to Work, this House has passed Constitutional Carry. We have passed a bill that now homeschooling teachers don't even require a GED or High School Diploma to teach. We have passed a Freedom of Religion bill and today, I understand the importance of it, but we have passed a bill that you cannot photograph corpses in the State of West Virginia. We are on the 35th day of a 60-day legislative Session. Nearly 60% of the way through. We have yet to hear a plan for PEIA. I stood here three weeks ago trying to make an amendment in this body on a supplemental to half fund that issue. We got \$120 million. We got approximately 25 days left to go before the end of Session and we have yet to see a plan implemented by the majority party, the minority party has implemented a plan, the Governor has implemented a plan and here we are. So, don't tell us what you value. All you got to look at is bills that have come out of this House and see that PEIA is being neglected and it is going to be very unfortunate when we get to

the last day and nothing has been done on PEIA. Thank you, Mr. Speaker.

#### LEGISLATIVE SESSION AND TAXES

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#### REMARKS

of  
HON. JIM MORGAN  
*February 16, 2016*

DELEGATE MORGAN. Thank you, Mr. Speaker. I didn't want you all to think I wasn't going to have something to say today. I am a do-it-yourselfer. I am not a very good one but nonetheless I have a tool box. In my tool box I try to have tools that I use to complete the work that I am doing. In the last couple of sessions West Virginia has added lots of things to their tool box; Right to Work, Prevailing Wage, we have reduced and taken the sales tax off food, we have cut corporate net income tax, we have done away with the franchise tax, we have revamped Workers' Compensation, we took care of Medical Malpractice, we had a lot of legal reforms, we have had a few cuts in personal income taxes and now we have had crowd funding which I understand is another tool in our tool box. I am not sure who is using the tools in the tool box but it doesn't seem to me like we are getting much done with those tools in the tool box and we must be going around a big box store to look for more of them because we are considering taking up something to do with the motto In God We Trust. Certainly we have had conceal carry, we have had religious freedom, we are thinking about redoing education again and again and again and again. We are thinking about regulation on women's rights and equal pay. We are talking about removing taxes on coal but not necessarily knowing how we are going to replace that. While looking through things I found that there is no consensus according to the University of Michigan whatsoever that cutting taxes at a good strategy to boost state economic growth and create taxes. According to our neighbors at the University of Kentucky, they say that Kentucky has not done well and the biggest factor in Kentucky's poor economic performance was its stock of knowledge particularly its low level education among the workers and that corporations looking for places to settle found that the availability of skilled workers was second only to highway accessibility.

So, what have we not done? We haven't done anything about roads. You heard from two of my colleagues we haven't done anything about PELA. We haven't done anything about employee pay; teachers, state workers, correction workers, law enforcement, whatever. We have not done anything to educate our workforce. We have cut budgets in secondary and higher education. We haven't talked about sin taxes, tobacco taxes or other taxes which somebody has talked about on various occasions. We have annotated property taxes that we haven't done anything about and we are certainly hearing about the money that goes in the racing subsidies. I think the few words that I would leave in closing is we can't cut our way to prosperity. What in the hell are we going to do? Thank you.

### THE FIRST AMENDMENT

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#### REMARKS

of

#### HON. PATRICK MCGEEHAN

*February 16, 2016*

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. Permission to return to the previous order of business for remarks by members? I had my light on I thought and this book I had resting on my desk I think turned it off and I had some comments to make. Would that be acceptable? Thank you, Mr. Speaker. I wanted to draw the members' attention to a certain situation. There has been a lot of talk in this chamber lately about the First Amendment especially during the heated debates last week citing the First Amendment over and over. But what is the First Amendment truly mean and truly stand for? The First Amendment was primarily designed to restrict and prevent the government from initiating aggression towards the citizenry for speaking their free thoughts and minds especially when it comes to speaking out against the government and of course no greater example of this comes from the early days of the republic when the federalist passed in July what was known as the alien and sedition acts effectively outlawing any citizen from speaking or criticizing certain government officials back in those early days. Ironically alien and sedition acts were passed just a few years after the First Amendment was ratified by several states and of course this prompted Jefferson and Madison to pin the famous Kentucky and Virginia resolutions.

So, how do these lessons though from history relate to today in our modern times? I want to tell you a story a very recent story regarding one of my own constituents back home in Hancock County which took place this past year. So, glaring example of this deviation from Constitutional Law and the First Amendment within my district had to do with the recent case of a man from New Cumberland, his name is Mr. David Jones, retired Air Force Veteran of twenty years with not even a parking ticket to this man's name. Honorable discharge, this man served in the Air Force did one tour in Iraq and when he retired he moved back home to New Cumberland. In late June of this past year Mr. Jones was arrested in his home and placed in jail. His crime under obscure West Virginia law, Mr. Jones was charged with two felonies for two Facebook posts he made on his personal Facebook page statements were written on his Facebook page which he was charged with over a year prior to his arrest. Statements that alleged to have been retaliation against various government officials. Notwithstanding the complete absence of harm ever coming from anything this man ever typed on the internet, Mr. Jones had his bail set at \$200,000. Now, I know certain people that are charged with first degree murder that had their bond set much lower. So unable to pay this steep sum of money, this veteran sat in prison for nearly 30 days until he was finally released after his bond was suddenly dropped to zero. The charges against this American Veteran; however, still remain. But to understand this case and why it matters we should examine a little bit of background information. Though I never knew this gentleman, Mr. David Jones, I knew of him. In fact, I venture to guess most people involved in politics in my area know about him as well. That is because he is a very opinionated person. For several years now, the last five or six years, Mr. Jones has used his personal Facebook page to post statements that are very critical of government officials in our community and my district. In a sense he is more or less a political activist. You know a political protester. He tries to draw attention to issues he cares about by using provocative, sometimes hostile language. I mean and this gentleman has been doing this for six or seven years and everyone knows that he is more or less a political protestor in our area. He denounces government corruption and he has a few issues like that. Now the language he uses is very malicious and vitriolic. Sometimes the language he has chosen is downright hateful. I came to know this because he has blasted me

several times over the last couple of years on the internet saying very difficult and very hateful things against me. So, you know needless to say we are not friends, ok. Actually, last Halloween he put a giant billboard in his front yard that said something like Pat McGeehan is a complete jerk but it was profanity so I won't repeat what the sign actually said. So, you know that is his right under the First Amendment and he can post that stuff on his property and say whatever he wants on the internet, that is fine. I don't condone the language but you know I believe there is far better ways to get one's point across when it comes to debating government policies.

However, one tenant of the rule of law is that justice must be blind. For that to remain so we should remember government officials cannot think and act with emotion. Simply because a person might be disliked or hated in the community we must always use reason and not emotion when we are dealing with certain matters like this. Furthermore, there is a vast difference between language and action. One is protected by the First Amendment to the Constitution guaranteeing the right of free speech. Just seven months ago, ironically one month before this gentleman was arrested at his home for Facebook posts which were not threatening at all there was a near unanimous decision with the Supreme Court which made a ruling to throw out criminal charges against a Pennsylvania man who had actually written and posted threatening statements on Facebook in the internet not only just using hostile language this man from Pennsylvania that went all the way to the Supreme Court and actually made direct threats against his ex-wife along with other private citizens but the Supreme Court ruled the man had committed no crime and that what he wrote on the internet is indeed protected free speech. Quite simply because of the First Amendment. Now, is it moral to use such language? In my opinion, clearly not but sometimes we can get caught up only looking at the trees and we forget to see the forest.

Nearly every official in government, including everyone in this chamber, must take the oath of office when they first assume their duties to support and defend the Constitution of the United States so help me God. That includes the entire bill of rights. This should be a sacred and precious thing to always cherish for defending the bill of rights is our first and foremost obligation in office. I am reminded by those famous words from John Adams, "to remain a country of laws

and not of men." We must always try to remember that when we protect those in our society that maybe scorned, disliked or hated would have caused no physical harm. We also strength and protect the very fabric of our American way of life.

Now, I actually received a lot of criticism because after this took place, and this man was arrested and thrown in prison, after I got all the details from law enforcement on the case and realized it truly was an arrest made simply because this guy had been critical of different government officials, under this clause in our state law that says you cannot retaliate against public officials and their official performance of their duty. Now, it is being misconstrued by some prosecutors saying well we can go after guys that are critical of government officials because that somehow applies to retaliating against government officials because if we criticize someone on their votes then all of a sudden that is retaliating against them and their official performance of their duty. So I did receive a lot of criticism at the time because I agreed to a lot of news interviews saying "hey look, we don't have the First Amendment just to talk about the weather". But before I chose to actually go out and defend this man, which I just thought I was defending the rule of law is really how I took it, ironically I just finished teaching my high school Sunday school class, the Sunday before about you know that Christ said "not only love your neighbor but also love your enemies." So, even though this gentleman has been very critical of me over the past several, three or four years, that is what sort of made my decision, of course along with my obligation, to uphold the oath of office.

So, you know I will simply quote the stoic philosopher Epitadeus came to mind actually when I was making my decision to stand up for the rule of law up in my district. Epitadeus, wrote according to Arian, "if you want to improve in pursue of virtue be content to be thought foolish and do not bother what others may think of you". So, I will be introducing a bill to repeal this obscure statute. This statute that says no one can retaliate against government officials if they are acting in their public performance of their duties which really I don't believe that anyone in elected office needs some sort of extra legal protection. But since it is also now being misinterpreted by not only prosecutors up in my district, prosecutors around the state is being able to suppress internet free speech. I think this is

something important that we really need to address now. So, sorry to take a little bit of your time here. I know everybody has got some other things to attend to but it is very important to me and it is very important to uphold our oaths of office. Thank you very much.

**COM. SUB. FOR H. B. 4053**

REMARKS

of

**MEMBERS**

*February 19, 2016*

DELEGATE HANSHAW. Thank you, Mr. Speaker. Friends let's be clear what we are doing here under the gentleman's amendment if we adopt it. So, the State of West Virginia like a majority of states in our union exercises what is called delegating authority from the Environmental Protection Agency to enforce the Clean Air Act within the borders of West Virginia. What that means is our Department of Environmental Protection Enforces the environmental laws promulgated by the EPA, not the EPA itself. So, this legislature decided a number of years ago that we would rather be regulated by people in Charleston than by people in Philadelphia. That has worked well for us during the tenure of our delegated authority arrangement with the agency so long as the rules promulgated by the agency have made sense. Before us today is a rule that arguably doesn't make sense. Before us today is a rule that literally reaches into your home and regulates a wood stove and the gentleman's amendment seeks to simply not authorize the rule.

Let's be clear though about the consequences of adopting the amendment that needs to be made crystal clear to everyone because failure to adopt the rule, failure to authorize the rule doesn't mean that the rule doesn't exist, it just simply means the rule isn't enforced by Charleston. It isn't enforced by our government, it is enforced by the USEPA office in region three in Philadelphia. That rule still will be on the books, it will just simply be on the federal books not on the books of the State of West Virginia. The gentleman made an argument, at some point, the State of West Virginia, if it ever chooses to do so needs to push back on federal overreach if there ever was a time to do that. I do want to rise and tell you that we can do so without jeopardizing the overall air quality program that we have. The Title V

Permitting Program that the gentleman mentioned is the air quality program that administers all of the requirements for DuPont, for Belle facilities, for all the facilities up and down the Ohio River for basically every industrial concern in West Virginia, so we absolutely need to be certain that that isn't jeopardized in any way. The gentleman has said that failure to authorize this rule doesn't jeopardize that delegated authority so the question before the body today is whether or not we simply want to make an effort to push back at all on a rule promulgated by the agency. If there was ever a time to do that this may arguably be that time because we can do so without jeopardizing the overall environmental scheme, we have set up to do regulation in West Virginia.

DELEGATE FOLK. Let's summarize in laymen's terms and kind of I understand. I don't want Washington telling me how to burn wood in my house in what wood stove I can burn it in and at what moisture it can be. So, if there is ever a time as the Gentleman from the 33rd said and the Gentleman from the 32nd to tell them to pound sand, this is the time.

DELEGATE J. NELSON. Thank you, Mr. Speaker. Ladies and gentlemen, I rise in support of the amendment. If you look in federal register volume 80, number 50 it goes on to talk about prohibited types of fuel. It goes into talking about wood stoves in the home and it goes down to say you can't burn unseasoned wood. Unseasoned wood is defined as wood with an average moisture content of 20% or more. So, I asked the body how do you enforce that? Does someone come on to our property with a water meter which is quite expensive and come to my wood pile back behind my house to make sure it is the proper water moisture content before I am allowed to burn it in my own home? I would argue that that is quite absurd. It has also been suggested that we are still going to have to comply with that. That is correct unless we take further action and I am going to highly encourage the body to do so. To make it very clear that if somebody comes into the State of West Virginia and into somebody's property without the authority to do so that the State of West Virginia will prosecute them for trespassing on that property. It is the job of this legislature to protect the rights of West Virginia citizens. Make no mistake that this type of legislation is going to affect poor people. People who heat their homes with a fuel that may be cheaper and people like myself who heat their homes with wood just



because they want to be self-reliant. Some may argue that federal law always trumps state law or whatever but might I point your attention to a lot of states that have legalized marijuana which is legal in those states but not in federal law. So while this is a step in the right direction absolutely something we must do, we must draw a line in the sand right here it is not the end all be all answer. The end all be all answer is saying if you come into West Virginia and try to enforce this you are going to be subject to legal prosecution. Thank you.

DELEGATE MOYE. Thank you, Mr. Speaker. Thank you, ladies and gentlemen. If we do nothing this will affect in every district, every one of you will have a constituent that is negatively affected by this. This is our chance to stand up to the EPA and tell them to take a hike. We need to support this.

DELEGATE AZINGER. Thank you, Mr. Speaker. I ran for the House of Delegates last year. One thing I promised to do was stand up against the garbage from D. C. We are a sovereign state, 10th Amendment applies. It is time for us to stand up. I will be standing behind the intrepid delegate from Fayette. I hope you will join me. Thank you, Mr. Speaker.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. I urge passage of the gentleman's amendment. Refuse to comply.

DELEGATE PHILLIPS. Thank you, Mr. Speaker. This past summer you gave me the pleasure to go to Savannah for SLC. I passed a resolution down there asking all 15 states to stand together and draw a line in the sand and push back against the EPA. So, I am in big support of this amendment. I encourage everyone to stand up, vote green and yes I am going to call for the yeas and nays and push back against the EPA for the overreach. Thank you and there is many more.

DELEGATE HOWELL. I rise in support of the gentleman's amendment. It is time we draw a line in the sand with the first link the chain is forged every time a freedom is denied it is another link in the chain. It is time to tell the Federal Government we are a sovereign state and we are saying no.

DELEGATE SOBONYA. Thank you, Mr. Speaker. I just say I support the gentleman's

amendment but I would also like to make a unique request that the Gentleman from the 32nd be added to our Rule-Making Review Committee. We are continually told by the DEP and others even in the industry that if we don't accept what the Federal Government hands to us that we will lose our primacy here in West Virginia, that we would have to be subjected to the federal requirements as opposed to what the DEP looks at in our interest as West Virginians, so I would at one point, I am not sure if this is the appropriate time to add at the number of members that could be on that committee because I think the gentleman would be a great asset on that committee. Thank you, Mr. Speaker.

DELEGATE CADLE. Thank you, Mr. Speaker. I ask for a Rule 49 since I got two wood burners. I have one in my garage and one in my house. Thank you, Mr. Speaker permission to speak to the bill. I am going to support this amendment and you know I would like to say to the Federal Government they won't like the welcome they get if they come to my house.

DELEGATE BUTLER. Thank you, Mr. Speaker. I would like to say that I am going to support the amendment also but to also think that if twenty years ago we had made this kind of statement and stood behind it then we probably wouldn't be where we are at this point with federal intrusion in our health care we are seeing the ramifications of that now, federal intrusion in our education system and the federal intrusion concerning our air and water and so forth so for those reasons I understand that probably the rule is going to be the same either way that I think this is an important statement and we need to make it. Thank you.

DELEGATE MARCUM. Thank you, Mr. Speaker. I also stand in support of this and also want to follow up on the remarks that have been said today. We are standing up for people that burn wood in their houses, wood while they're camping. Let's stand up for the coal miners and run the Intrastate Coal Act and show that state's rights matter. Thank you, Mr. Speaker.

DELEGATE DEEM. Would the Delegate from Fayette yield to a question please? I want you to know I have a wood burning stove too and I am all for you. But I live where I guess is an overall view from the EPA that worldwide more people die from breathing wood smoke other than any other one product and I am just wondering if

they are not trying to reach down to us on their regulation worldwide, not just in this country or West Virginia is that the basis of this wood burning regulation EPAs? Yes.

DELEGATE FAST. Can you, as we say in court, rephrase the question or? ... I think the gentleman is correct. I will answer that way.

DELEGATE DEEM. I just believe that this, I just think that this is an overreach and the worldwide reaction to something adversely affects us very much.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Would the gentleman from Wood please yield? Is this good for Wood?

DELEGATE AZINGER. Is this good for Wood? Is that a joke?

DELEGATE PUSHKIN. No, the amendment.

DELEGATE AZINGER. Wood won't burn. I don't understand your question. Is it good for Wood?

DELEGATE PUSHKIN. For Wood County.

DELEGATE AZINGER. I get it, ok that was hilarious.

DELEGATE PUSHKIN. At the appropriate time I will speak to the amendment. I rise in support of the amendment. We are just talking about wood. Thank you.

#### MILITARY DISCIPLINE

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REMARKS  
of  
**HON. JOSHUA NELSON**  
*February 23, 2016*

DELEGATE J. NELSON. Thank you, Mr. Speaker. Ladies and gentlemen, I will be brief. Earlier today we passed legislation that dealt with sex trafficking and I felt compelled to bring to your attention a story that has been bothering me in regards to Sgt. First Class Charles Martland, who is a Bronze Star recipient and Green Beret of 11 years, who is currently dealing with litigation as to being kicked out of the U. S. Army for actions that happened in Afghanistan in 2011. In 2011, Charles had a young boy who was about 12 years old and his mother approach him in

Afghanistan over an Afghani Police that had taken the boy and tied him to a pole basically and raped the boy brutally over and over and over and over again. The boy and his mom were taken to a medical examiner by the Army and his hands and...the proof was there basically that it did happen; so Charles Martland approached the Afghan Police and confronted him about it and the police officer laughed in his face. So, Sgt. First Class Martland did what any good Green Beret would do and he beat that Afghani Police Officer right on the spot. Now the U. S. Army is considering kicking him out of the military, an 11-year Bronze Star recipient who former General Petraeus praises being an outstanding soldier so with that being said any contact that you may have with Congressional delegation I would suggest you do so. If we are serious about trafficking around the world you know our soldiers go into these places and build relationships with those people. How hypocritical to turn a blind eye to that.

#### BUDGETARY ISSUES

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REMARKS  
of  
**HON. JAMES H. MORGAN**  
*February 24, 2016*

DELEGATE MORGAN. Thank you, Mr. Speaker. I don't expect these to be printed in the appendix of the journal much less the journal itself. Sometimes people like to quote things from the Bible. Sometimes it is taken out of context. But a statement that is often heard is, I feel like a voice crying in the wilderness. John the Baptist said that. He was saying that to point out that he wasn't who was to come. I feel like I am not the guy who is going to be able to make the changes that I suggest, that I have suggested for three years that the remarks of the Speaker whom he just made indicate that the need for what I suggest. So, I say that the Speaker and the chair of the Finance are the men who will be able to get us out of the problem we are in. I expect the Chair of Finance wonders maybe now why he ever took that job, but he is doing a good job I think, considering what he has to work with. Things sometimes happen in threes and I am sure that many of you read the local newspaper. You saw this ad that says West Virginia is the only state east of the Mississippi not addressing its infrastructure. I agree with that. Drive down the highway and you can figure that one out. Today they come and say fix our roads pennies a day.

Gosh that penny term. That certainly sounds good to me. Then from at least the current majority side favored newspaper, the State Journal is an article that says West Virginia tax burdens are not much different from other states, to my friend from Wood, who always says we are over-taxed. I think that House Bill 4679 is an excellent way to take care of the continuing problems that we have. It can have a deadline put in it, or it can have a sunset, or it can have other qualifications. It naturally is my one-cent tax bill. The only thing I think that you may need to do on that side of the House is consider whether you want to make that two cents or not. Thank you.

#### THE COMMITTEE PROCESS

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##### REMARKS

of

**HON. CAROL MILLER**

*February 24, 2016*

DELEGATE MILLER. Thank you, Mr. Speaker. To those people who like to make quotes and quote the Bible, "To everything there is a season." I have been a member of the Finance Committee for five years. I understand what goes on in that committee. The first month we are here it is our responsibility to listen to the agencies present their budgets. That has not changed. I have been here for ten years. That is what I have learned. So, what are we doing now? We are gathered as subcommittees studying the budgets of the Governor of those agencies and we are looking through them with a fine tooth comb. There are only 25 people who are members of major committees so there are 75 of you who are not participating in this committee. But you are more than welcome to come and listen to us discuss what we see when we go through these volumes because we are going through volumes. I also want to point out the fact that we were told for many years to respect the committee process, and I hope that is what you do, because we welcome your input. Thank you, Mr. Speaker.

#### PASSAGE OF S. B. 419

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##### REMARKS

of

**MEMBERS**

*February 25, 2016*

DELEGATE MANCHIN. Would the distinguished Chair yield? I have passed out a

sheet from the tax department that shows the contributions that have been made over the years, and I am not going to go into all of those in great depth, other than my understanding, is that right now the severance taxes would not be scheduled to go off until the earliest would be December 1 of this year. Is that fair?

DELEGATE E. NELSON. No that is incorrect. The severance taxes would go back to the industry. The industry would no longer be charged these extra severance tax beginning July 1, 2016.

DELEGATE MANCHIN. But that is under the new bill. That is under the new bill correct?

DELEGATE E. NELSON. Yes.

DELEGATE MANCHIN. Maybe I should have started out differently. I was talking with Fred there for a second. But let's go back to when we initially started this plan, just so we all understand. We were transitioning from a state run Workers' Comp. system to a privately run Workers' Comp. system. There was a liability, Workers' Compensation liability, that needed to be taken care of in order to make that transition. Is that fair so far?

DELEGATE E. NELSON. That is accurate.

DELEGATE MANCHIN. As part of that deal, and this is what I understand from talking with both Secretary Kiss this morning who was around at that time. For the first couple of years, they were working towards the plan that they would have these severance taxes on oil, gas, coal and timber, that would be paid in a certain amount. That being 56 cents a ton and then 4.7 cents or something or rather. In addition to that, they would then be devoting approximately \$95 million from personal income tax before it went into the General Fund, as well as Lottery Funds of \$11 million, and some policy surcharges, would all go towards this until it was paid off. Is that right?

DELEGATE E. NELSON. Absolutely.

DELEGATE MANCHIN. OK. Moving forward, there were some additional payments we talked about yesterday. I understand those may have been from repayment of the money that the state put up to start the privatization fund. Those were, I think, the surplus numbers that I

discussed yesterday that are shown on this sheet. Is that your understanding as well?

DELEGATE E. NELSON. I am continuing to follow you.

DELEGATE MANCHIN. I just want to make sure you agree with me. Do you agree with that?

DELEGATE E. NELSON. Well I guess. Where are we going with this?

DELEGATE MANCHIN. I am just trying to establish a few things and make sure that you agree with them. I don't want to misstate anything. So, moving forward over the years, we have continued to put our money in, and my understanding is with regards to the surcharge, that the surcharge is divided into two pieces. One piece is a fixed \$9 million by oil, gas, timber and coal, and they just divide that up over their payroll. Is that your understanding?

DELEGATE E. NELSON. There is \$9 million that private self-insured entities are paying. That is correct.

DELEGATE MANCHIN. Then the remainder of that policy surcharge is coming from private employers throughout the state.

DELEGATE E. NELSON. That's correct.

DELEGATE MANCHIN. Now, if I understand correctly, what the bill has now been amended by the Finance Committee will essentially provide that the severance taxes will end as of July 1. And that it will look back, will take these, beginning in March, April, May and June, we are going to direct those amounts into the General Fund to help fill the 2016 hole. Is that fair?

DELEGATE E. NELSON. That is fair.

DELEGATE MANCHIN. And that I guess we are also going to take Lottery proceeds and personal income tax and do the same things for those four months. Is that right?

DELEGATE E. NELSON. Absolutely.

DELEGATE MANCHIN. With regards to the private surcharge, is some of that being used to fill that hole as well?

DELEGATE E. NELSON. Yes.

DELEGATE MANCHIN. So, then beginning in July, all of the severance taxes will end, even though the unfunded, the Workers' Comp. unfunded debt fund is not paid off. Is that fair?

DELEGATE E. NELSON. The additional severance taxes will end. That is correct.

DELEGATE MANCHIN. We are actually going to quit paying under the, perhaps under both of those, we are going to quit putting any money from the personal income tax in there as well. Is that right?

DELEGATE E. NELSON. I think I just described that, yes.

DELEGATE MANCHIN. And the Lottery funds will not go there as well, at least for the year 2017. Is that right?

DELEGATE E. NELSON. As I described earlier, half of the \$11 million in Lottery proceeds will be redirected to the General Revenue for fiscal years '17 only.

DELEGATE MANCHIN. So, after that they would then be redirected back to the unfunded liability debt reduction plan?

DELEGATE E. NELSON. Unless the Governor makes a Proclamation that the fund has been paid off, which can happen at any time.

DELEGATE MANCHIN. But traditionally they don't do that actuarial evaluation until October, is that right?

DELEGATE E. NELSON. Historically that has been the time frame. Yes.

DELEGATE MANCHIN. I don't think he declares it is paid off until he received an actuarial report that says it is paid off. Is that fair?

DELEGATE E. NELSON. It is my understanding.

DELEGATE MANCHIN. I think that is required by code, isn't it?

DELEGATE E. NELSON. I think that is yes.

DELEGATE MANCHIN. So, essentially in the final and going forward, beginning July 1 of this year, the only money that is going to be going towards paying off that unfunded liability will be half the policy surcharge. Is that correct?

DELEGATE E. NELSON. It is estimated to be about \$26 million.

DELEGATE MANCHIN. In my understanding is from Secretary Kiss that under the Governor's plan they initially thought it might take a year to a year and a half to finish paying off the fund, and that under this revised amendment that it could be as long as 2 to 2 ½ years. Is that fair?

DELEGATE E. NELSON. We have heard up to 2 years.

DELEGATE MANCHIN. So, that means then that instead of the severance taxes that were being paid, and had been under statute required to be paid, until the unfunded liability fund was paid off that the private employer surcharge is going to be responsible together with maybe some lottery funds. Is that right?

DELEGATE E. NELSON. You know as I mentioned yesterday, the fund as of June 30 last year was 93% funded. I will also, when this fund was put in place, it was expected that it would take 20 if not 30 years to pay out. And here we are less than half way through, and we are almost within 5% of paying that tremendous unfunded liability.

DELEGATE MANCHIN. I think that is a tremendous accomplishment that we have made here in the last ten years, to be honest with you. We have tightened our belts and done what needed to be done. However, in the final analysis, it is going to end up being, if in fact the severance tax needed to continue to be paid to the end of the year in order to pay off the unfunded debt, that would be approximately another \$50 million wouldn't it? After June, beginning July 1, through the next five months.

DELEGATE E. NELSON. You know it is very difficult to answer that with the loss of coal production this year and the trends we are seeing. Very difficult to answer what that number would be.

DELEGATE MANCHIN. Well and I am just basing it on the first half of 2016 we are still at

\$62 million in severance taxes. So, second half theoretically half a year would still be another \$60 million, maybe less. That is why I used the number \$50 million. Is that fair to say?

DELEGATE E. NELSON. I haven't seen your calculations but yeah we could be all over the place with the numbers.

DELEGATE MANCHIN. I shared those with you. I mean, you can see those for yourself. But anyway, thank you Mr. Chairman, I appreciate it. You know, I made a promise which I don't do often, but before I came down, that I said that I wouldn't vote for any corporate giveaways, until the time came when we could make sure that our PEIA employees and those would not have a pay cut, and also that we would at some point be able to give them raises that they really deserve and need. Those folks are at the very bottom of the pay scale in this country and you know it is not easy to sit here or stand here and take this position against this bill. I know that there are a lot of folks in this room that feel that we have to do something for coal, and quite frankly, if in fact I had ever been presented with any evidence since I have been down here that said that there was one single job that was going to be saved by giving this severance tax cut, this giveaway to coal, I would be able to do that. However, we haven't had that information. We have not been supplied with a bit of information that says that that 56 cent a ton has ever lost a coal contract, a bid in this state. So, this is a giveaway without anything in return for the State of West Virginia or her people. More troubling is the oil and gas severance tax, which is better than half of the amount now, at \$33 million for the first half of 2016. There is not even a suggestion that that has anything to do with jobs. They are not drilling much right now anyway because of supply and demand.

So, I don't know how I could go home and tell my folks that when we have a budget problem, when we can't afford to fix their roads, when we can't afford to pay people a decent wage, when we are still planning at this point and time, as near as I can tell, to give PEIA folks 220,000 West Virginians-a cut in their pay. I can't vote for this bill at this point. Now, if there was another plan before us that took care of some of those other things. If we were raising revenues in some other manner, even that those things weren't going to happen which I have not yet heard, perhaps I could at that point and time. But

right now, given this, I don't know how I can engage in giving \$50 million back to big corporate interests at the expense of our West Virginia voters and tax payers and our employers.

Our private employers face the same problems as any other industry. They all struggle. They all hustle. But what we are doing with this bill is we are going to tell them that they are going to keep paying an additional 1 ½ to 2 years on the private surcharge, so that we can let oil and gas and others on severance tax out of their obligations for the remaining five months of this year. I just don't think that is fair to them. I don't think it is logical and I just can't do it. Even if I see those post cards come out against me this fall during the general election I just can't do that. I am going to vote no and urge the rest of you to do the same to think about the people. Thank you.

DELEGATE PHILLIPS. Thank you, Mr. Speaker. Would the Chairman yield? By taking 56 cents off of coal does any of that money right now go to the general fund?

DELEGATE E. NELSON. It does not.

DELEGATE PHILLIPS. Does any of that money go to the counties?

DELEGATE E. NELSON. It does not.

DELEGATE PHILLIPS. At the appropriate time I would like to speak to the bill. Ladies and gentlemen, Boone County alone in 2011 direct coal jobs: 4,328. At the end of 2015: 1,840. That is a loss of 2,488 jobs. Over \$174 million in lost wages just in Boone County. Indirect jobs, they had 15,148. In 2015, 6,440, 8,709 lost. A little bit over \$296 million lost wages. Up north I think there are, I don't know, maybe six mines up in the northern panhandle. Well actually more than that, seven. They are all in the same seam of coal. If you sold that ton of coal for \$40 a ton, and if people would come to coal caucus, you could have got this information. At \$40 a ton, they are paying \$2.56 per ton. In Kentucky, \$1.80. Illinois, zero. Indiana, zero. Here is the interesting part: Ohio, 10 cents a ton, Pennsylvania, zero. The interesting thing about the Ohio and Pennsylvania: the same seam of coal is in Ohio, and the same seam of coal is in Pennsylvania. How can we compete with those two states in the same seam of coal? Half of the coal that is burnt in this state right now comes from out of state. We got to be more competitive.

If you want more layoffs I encourage you to vote against this bill. Kill it. Lay more people off. The state is in the finance problems we have right now because of Obama and the EPA. They have killed our coal industry, and I will be if I am going to sit here and give him something else to continue to kill our coal jobs.

Ladies and gentlemen, I am encouraging you to vote green on this bill. Is it going to create any jobs? No, it ain't going to create any, but you know what it might save a couple of thousand direct jobs. We have to be competitive. These power plants they are just going to try to get the best price they can. Why do they want...at the end of the day that cost goes to the power plants, the consumers, your constituents? Their power bill is increasing. So, they are going to try their best to get the best price they can, burn what coal they can. But if you want to kill the mines, more layoffs, sure vote against this. In this state alone I think we got 27 coal companies in bankruptcy. That is sad. That is really sad. So, if you want to kill a coal miner, coal miner jobs vote against this. Go for it. Thank you.

DELEGATE SHAFFER. Thank you, Mr. Speaker. I'm standing up speaking today because right now I don't know what to do. We have had a lot of votes this session. I know there has been some that has been real easy to vote even on the hard issues. But this issue here is one that really hits home. Like the Delegate from the 53rd, I was a coal miner for 23 years. I spent almost 20 years of that as a supervisor as a company man. Still had a lot of union brothers though. Got along good with the employees. You know, just like the delegate just said we are just not sure if this is going to save one job. But the hard part on the vote is, is if we don't do this and there are additional lay-offs you don't want to contribute to that. Would have been nice if this would have been down on the agenda just a little bit further today to give yourself a little bit more time but you know we might as well attack it now as later. We have dealt with the livelihood of a lot of individuals this session so far and I know we have been split on the votes.

I guess this is going to be a no win...you know it is like tossing a ball in the air. Do you hurt this group or do you hurt this group over here? I am glad for you if your mind is already made up because sitting here is like tearing your heart apart which way to vote. We had prayer caucus prior to this and that was one issue that

was really on my mind and that is what right now I am still not sure. Coal miners are a brotherhood whether you are a coal miner from Logan County or from Monongalia County, from Wood County or any other place in the state. You are a brotherhood and it is hard to go against your brotherhood. So I guess what I am asking for is say a little prayer in the next few minutes because I have got a big decision to make. Thank you.

DELEGATE FRICH. Thank you, Mr. Speaker. Would the House Finance Chairman please yield for a question? Thank you. Mr. Chair if we were to continue to send all of these revenues into the Workers' Comp. Old Fund Legacy Debt would there be a chance that it could become over funded and that we could not have access to that money to spend in the general revenue?

DELEGATE E. NELSON. Yes, very much so to the extent that if there is any over funding there is not any mechanism to get overfunded dollars back.

DELEGATE FRICH. So, in a way we are trying to avoid that?

DELEGATE E. NELSON. Yes, we are.

DELEGATE FRICH. I was here when we served in the House and we tackled this legacy debt and I am very happy we are almost crossing the finish line and I look forward to working with you to cross that finish line. Thank you.

DELEGATE GUTHRIE. Thank you, Mr. Speaker. Ladies and gentlemen, arguably this is probably one of the most important financial bills that we are going to deal with this year. I am glad that my friend from the 52nd couched it in the terms that he did. I know that it would, probably should, have a requirement to first do no harm just like physicians. Here is the reason why, I know that the Governor needs this bill in order to balance the budget for this year. He has to have it. But going forward what we are about ready to do is to cut about \$110 million from our budget, \$110 million when we are already \$350, or we are arguably more and if you count \$120 million deficit for PEIA, then we are really head over heels on the bottom end of everything. I know because I pay attention how our coal communities are hurting. I am not unsympathetic to that. If we had had one assurance from any of the coal companies that want this bill that the

WARN notices would stop or that they would spend this money in West Virginia putting miners back to work as opposed to putting it into their corporate bottom line, I could have voted for this bill. I don't think it is a great deal for coal miners or anybody in the oil and gas industry for that matter because we once again have no assurance that that money stays here in West Virginia to employ West Virginians. I want the WARN notices to stop too. I want coal miners to go back to work. But not only are we putting another \$110 million on the credit card hoping that somehow we are going to be able to figure out our way out of this mess, this financial mess that we are in but we don't have any assurance that anybody isn't still going to lose their job. That is a heck of a position to be in for any of us. It is a heck of a position for any of us to be in.

I don't know about all of you, and at the risk of somebody calling a point of order on me, but we need to figure out what kind of revenue are we going to raise to get rid of the shortfalls so that we can start reinvesting in our coal communities and that is what we haven't done this entire session. To sit here and to think that somehow magically we can wish all of this bad news away without doing the grown-up thing and going for some tax increases doesn't do anybody in this state any good. We made a huge mistake when we cut our business taxes down to the bone. We made a huge mistake when we didn't address PEIA three or four years ago when we knew that there was a problem. So, today I share the sadness with my friend from the 52nd because I promised all the people in my district that I wouldn't vote for corporate giveaways until we had figured out how we were going to fund our roads and fix PEIA. That was my promise to them and we have done neither one of those two things. Yet, we are about to give another tax break to largely out of state corporations with no guarantee that that money will stay here in West Virginia and employ West Virginians. So, for that reason, Mr. Speaker, I would have to vote against this bill as well.

DELEGATE COWLES. Thank you very much, Mr. Speaker. I rise in support of the bill and I will note it is a high bar to ask for assurances that there will be no more WARN notices or no more layoffs. That is almost impossible to deliver to garner support for this bill but I can tell you that we are going to get the state economy turned around. We are going to get this turned around. I can't give you assurances

but I can tell you I will collapse headed in that direction but that is where we are headed. We are going to get this turned around. This bill is a critical step to fix the budget this year. We are going...it is important to note that the payoff of this Workers' Comp. Fund is 8-10 years ahead of schedule. We are meeting our obligation. We are holding up our end of the bargain. There have been a lot of parts and pieces going into this fund to pay this off but it is fair to say that coal has paid their share. Gas has paid their share. Timber has paid their share. When you look at the list there is tobacco settlement money and surcharges and lottery money. A lot of investment going into payoff that debt. But those industries have paid their share and why should we pass this bill? I care about the industries no doubt but it helps us all. This bill is a critical bill that will help us all. The alternative from this bill is an unnecessary tax increase somewhere. The alternative to this bill might be more layoffs. The alternative to this bill would be a struggle to balance the budget. This is a good bill that is important for us to pass. I do agree it is one of the most critical pieces of budget legislation you will see. So, Mr. Speaker, I certainly support this bill. I think it is a critical part. It meets our obligation. We are upholding our end of the bargain and it is good smart budgeting to pass this bill. Thank you.

DELEGATE TRECOST. Thank you, Mr. Speaker. I just want to say that being from Harrison County, you know 30 years ago we would have done anything to keep our glass plants working. We watched one at a time Anchor Hocking close, Jerry Run close, Adamston Flat close. One at a time we watched people suffer. I commend you Mr. Chair and my friend from the 48th. We have to do what we are doing today. I read the same books as my friend from the First. I understand the economics a little bit. But 30 years ago, I watched people suffer and some of them are still suffering today. We would have done anything unanimously in this room to have kept those jobs. I also represent Taylor County and we would have done anything to keep those railroad jobs because people in Taylor County are still suffering because of what has happened over time. These are hard decisions. I understand how hard it is. I understand exactly what we are asking ourselves to do today. But trust me right now in the Clarksburg Exponent you will read an obituary where somebody worked 36 years in one of those factories. They gave their life to the community and I kid you not today our communities are still suffering because

those factories closed, one at a time they took away something we became dependent on and that dependency was real. It was jobs.

We produced the greatest glass in the world in West Virginia at one time and now we barely produce any. Let's not do the same thing to coal. We are energy in West Virginia. Let's stay focused. We can compete with anybody in the world if we just allow people to do it. If we educate, if we create good work ethic we can compete with anybody in the world. I am encouraging to vote yes today. I am encouraging you to think about what you all have seen in this state, the suffering of hard-working men and women trying to raise their family. Vote yes, it is the right thing to do. It is the hard thing to do but it is the right thing to do. It is never wrong to do what is right. Thank you, Mr. Speaker.

DELEGATE CADLE. Thank you, Mr. Speaker. I wasn't going to speak today and I have got a...I didn't have any information in front of me, if I knew I was going to talk about this I would have brought it so I got to kind of pull figures out of my head which sometimes is not real good. Mountaineer Power Plant I want to talk about Mountaineer Power Plant. That is a mile from where I live. I can see every day, I can see the steam coming off the tower and you know I always look down when I go out because I can tell which way the wind is blowing and some days you know if they are shut down doing a repair I don't see the steam and I worry about the guys, but anyway they burn and my recollection is over a million tons of coal a year. I think I am right. About 300,000 tons was West Virginia coal and I was amazed that the rest of that coal came from Kentucky and most of it came from Ohio. If we knock the 56 cents off the price of coal it brings West Virginia coal cheaper than the Ohio coal. So therefore, we are going to employ the miners of West Virginia and I mean it is a no brainer for me. You know I want to see these coal jobs in West Virginia rather than, I mean I don't wish any bad on Ohio or Kentucky, but I would rather see our people working and all the tax dollars going into our state economy. Thank you Mr. Speaker.

DELEGATE MARCUM. Thank you, Mr. Speaker. Ladies and gentlemen, I also rise in support of this bill. This is a bill that we can sit here and wonder if it is going to do this or do that. I would rather take action that I know may help coal miners go back to work by voting green



on this bill than voting red and wondering if it is going to help or not knowing that my red vote could potentially hurt coal miners. I am voting green today because I think this is a chance we can help coal miners go back to work. I have done some math and you take 121 tons per train car times 100 cars, that is 12,100 tons. That is \$6,500 per train. Ladies and gentlemen, our cost in the State of West Virginia to mine coal is much more than other states. Our severance tax is much more than other states. This is clearly a way we can help make West Virginia coal more competitive. Again, this is clearly a way that we can make West Virginia coal more competitive.

It is a no-brainer to me. I am from the coal fields. I have seen the devastation Obama has caused. I have seen the people that are laid off suffering. I have seen what they are going through on a personal basis. I have been in the mines. I have worked there. I understand it. I understand the industry. It is just like anything else when your cost is not there you are not going to sell your product. The cost on our coal right now due to Obama's EPA is outrageous and this is one way the State of West Virginia can help lower the cost of coal in West Virginia, get it back in the flow of commerce and get coal miners back to work. This is a way we can help our coal miners.

I have spoken about four times this session, when are we going to do it, when are we going to do it, and I come in to the Speaker and we are finally doing something. It is pretty far into the session but we have done something to finally help our coal miners. So, ladies and gentlemen, I am voting for this bill simply because we have coal miners, railroaders and hundreds of people, thousands of people in southern West Virginia who are suffering, and yes we might not be guaranteed a job but this is a way we can guarantee we know we did what we could do for coal miners of West Virginia. So again, I urge your support. I urge you to help pass this bill. Because again, it is for the coal miners of our state. Let's don't gamble with their jobs. Let's vote this bill out of here. Do what we can to put them back to work so I urge your support. Thank you.

DELEGATE ROHRBACH. Thank you, Mr. Speaker. Would the distinguished Chairman of the Finance Committee yield for a few questions? I would like to get a few questions answered exactly about this severance tax. Follow me here

for a minute. On a severance tax if the mineral is not severed or produced, mined in this instance with coal, then there is no taxation from the state is that correct?

DELEGATE E. NELSON. That is correct.

DELEGATE ROHRBACH. And the two parts of the coal severance tax, if I understand correctly, at this time are a 5% tax on the sale price as well as the 56 cents a ton that we are talking about today. Is that correct?

DELEGATE E. NELSON. That is correct.

DELEGATE ROHRBACH. Now, if logic follows then I will take that to be if the coal is not mined, neither the 56 cents nor the 5% are paid, would that be correct?

DELEGATE E. NELSON. The gentleman is absolutely correct.

DELEGATE ROHRBACH. So therefore, if we continue to hurt the coal industry we are going to hurt the general fund where the 5% tax goes as well as the severance tax that goes into the special fund for Workers' Compensation. Is that correct?

DELEGATE E. NELSON. Yes.

DELEGATE ROHRBACH. So, the more coal that would be produced the better it is going to be for the general fund through a severance tax. Would that be correct?

DELEGATE E. NELSON. As long as the price stays up, yes. Correct.

DELEGATE ROHRBACH. Mr. Speaker, permission to speak to the bill at the appropriate time. Thank you, Mr. Speaker. As has just been elaborated by our distinguished Chairman of the Finance Committee, severance tax is solely a tax at production. If there is no production, there is no tax. We could make the rate whatever we want to make the rate. If there is no production, we are not taking anything in the \$56 a ton special tax or in the 5% tax. As my good friend from Logan County showed a few minutes ago, on this piece of paper we have the highest severance tax in the country. Illinois, zero, Indiana, zero, Ohio, 10 cents, Pennsylvania, zero, Maryland, 17 cents. How long can we continue to keep a tax at such an excessive rate and fool

ourselves into thinking that that is not hurting coal, production and folks under a severance tax model if there is no production it doesn't matter what the rate is they don't pay anything. So therefore, I would urge for strong, strong vote in the affirmative on this bill. We have got to help the coal industry and as the distinguished Chairman just pointed out not only are we helping the coal industry a little bit to get competitive that is going to put...the more the production goes up, the more money we are going to have in the general fund to this state and I believe we are going to see that we need all that we can get. Therefore Mr. Speaker, I urge the members to vote green. Thank you.

DELEGATE BOGGS. Thank you, Mr. Speaker. You know as the distinguished Finance Chair is well aware putting together a budget is never an easy thing. It is further hamstrung when the starting point is presented here is a balanced budget with an asterisk. The asterisk being its only balanced if you pass two, three, five, seven, ten, fifteen pieces of legislation to make it balanced. So, that is a hard thing to do from the get go. Mr. Chairman, you certainly...I know it is not an easy task. We have considered a number of very modest amendments to this bill and amendments that I supported because I thought they would have generated a modest amount of money for a short time for PEIA. A modest amount of money for a short time for roads. They were defeated. That is part of the process. I think it would have caused minimal harm and I think they truly could have done more good than harm but we have the bill in front of us now. There is no doubt that this bill is an interval part of balancing not only our...to getting the money in to make the '16 budget balance. So, it has been very difficult for me to make a decision on what to do about this because I care deeply about PEIA. I care deeply about roads and it is something that I am going to continue to work on and I know everyone in this chamber will, right up until the final gavel falls.

I think we have to do this and I think we have to do it in a way that is responsible. But, at the end of the day when we talked in Finance Committee I asked of the coal industry is this going to put people back to work? I have got 240 WARN notices that have been issued in central West Virginia for many people that I go to church with, that I work with, that many of you in this body know. I have miners that work all over West Virginia. That is one of the things about

living in central West Virginia, you can get just about anywhere within an hour or two and so we have a lot of miners that are working or were working in many counties around the state. But I think... while I would like to have had an assurance about the WARN notices being withdrawn if we do away with the 56 cent a ton about the best I could get was it will help. Well, that is really not as definitive as I would like to hear. But if it is a chance, if it is a chance then to me it is enough to at least take that step to support the bill. I supported the bill in committee despite the amendments failing. I intend to support the bill here this morning even though some amendments that I thought were good amendments failed as well. I think it will help timber, with natural gas. I think we have some small natural gas producers that are truly hurting. We talk a lot about coal but we have some small natural gas producers that literally aren't into the shale formations. They are hanging on. They are just literally hanging on because the prices are so low. Will this make a difference? I don't know but if it will help I am willing to take that step to see if it will help.

Mr. Speaker, I...this is not a perfect piece of legislation and I wished this was presented to us under different circumstances. I think that historically the legislature, this and previous legislatures and administration have made some tough decision in order to get to where we are today to have the debt within sight. I would feel better about this legislation and I would feel much, much better about it if we were giving relief to all the other employers that are paying too toward this debt. But they are not addressed in this and they should be or at least we should make some effort to address them. But that is something that I certainly won't give up on until the end of the session as well and beyond. But having said all that, I do support the bill. I intend to vote for the bill because Mr. Speaker, if it will help. Because by helping those families that have WARN notices or helping those that it might help to get back to work or the gas industry it might help. These people are people in our communities, in my community in your communities that work, pay taxes, buy groceries, buy vehicles, they have mortgages...I want to make sure that we give every opportunity, because they do spend money in their local communities and if we can help and if we don't I think the state will be watching and we will all be watching. So, I do intend to support the bill. Thank you.

DELEGATE J. NELSON. Thank you, Mr. Speaker. Almost 6,500 jobs have been lost in Boone County since all this started. I will take any one of you down to Boone County and I will drive you right to ten houses for sale. It won't take very long as soon as we get over 94 right over on the other side we can drop down into Boone County and it won't take very long and you will start seeing house for sale, house for sale, house for sale. I can take you to my neighbors houses where they are laid off. This idea that we are giving a big corporate giveaway, I don't buy that. As a matter of fact, I am quite offended by that. It was even said that this was not logical. You know what is not logical? Killing industries with regulation and taxes until they no longer exist so they stop giving you taxes. That doesn't make any sense to me. Simple economics will tell you that if our coal is more expensive than everybody else's they are going to buy everybody else's. We have also heard about public workers. Ladies and gentlemen, public workers are going to get affected every single time private sector coal jobs, gas jobs, or whatever are lost. Every single time that they get laid off they stop paying taxes. Therefore, there is less money to help our public workers which is what we are trying to do to start with. That is the entire premise of some of the arguments. Seventy-seven teachers are losing their job in my district. You can attribute 100% of that to loss in coal jobs.

You know this is not a hard vote for me at all. Not at all. I am not even thinking about how I am going to vote on it because simple logic will tell you that there is going to continue to be layoffs unless we do something to make our miners and our operations more competitive. This idea that if tax money keeps coming to the government all of a sudden it is going to create more jobs is just not true. This money is not going to be used to help anybody if it keeps going to fund Workers' Comp. but in the meantime destroys all the industries in the process. I hate to bring this up but three sessions ago we gave a tax break to a billionaire coal operator from Greenbrier. So, that is not an issue. It is not about them. I also want to point out that it passed 34-0 in the other House with the Senator Minority leader standing up in support of the legislation. Further, if you pull up the news there is 300 jobs being lost in Weirton, nowhere near coal country because of a plant being shut down. It is affecting us all. This is not a hard vote. It is not political. It is survival. Thanks.

DELEGATE ROWE. Thank you, Mr. Speaker. I rise today, I think it is a vote that is important for us and I too made the pledge that I was not going to vote for any corporate tax breaks when we had PEIA problems to fix and I heard very clearly yesterday from the leadership that there is a plan that will fix PEIA that I should take faith in that and those assurances. I have had that assurance from the Governor's budget as presented. It is my understanding that as we were told yesterday and in effect let this money go. Let it go. Let it support perhaps a lower coal price and more jobs but let this money go for this purpose. We will find it, as I heard very loud and clear. I heard a promise from the leadership that we will take care of PEIA in the budget. The Senate has sent us a \$1.00 increase in the tobacco tax and I am hoping that one of the effects of this as we work on the budget and we find that money, that we agree to that tax increase. I am not sure, I haven't heard a pledge on that from leadership but certainly I think it would be appropriate for us to remember that as we were reminded by the delegate from Beckley that 31,000 people can be benefited by that. The point is that this, I suppose, is part of the patchwork quilt that we have to deal with in terms of trying to juggle the various policy issues that we had. So, notwithstanding my pledge that I would not vote for a decrease in corporate taxes and as I understand this, this a promise that was made many years ago concerning only the Workers' Comp. liability debt. It is not a general decrease in taxes otherwise that in order to do that I will do it in reliance upon a pledge that we are going to fix PEIA. I think that is important and I am willing to work with folks to help those policy decisions be made in an orderly manner. Thank you, sir.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I rise today to support this legislation. In 2005, I was here when we passed this legislation...talked to Governor Manchin. This was the right thing to do. I talked to the parties that this affected, the industry that this affected, they stepped up to the plate. Now we looked them in the eye when this was paid off we promised it would be taken off. I have heard about the war on coal. You know as far as my knowledge is, Illinois, Ohio, Virginia, Kentucky, they are under the same regulations as we are for the most part but they are pushing coal out. How is that? Well part of it is the low cost on the severance of it. We promised when this is paid off we do away with it. Ours is way higher than

the other states around us. Bottom line is it is hard for us to compete on the coal market.

I have been around coal mines myself. I have been in a few of them myself. I have been on them myself. Day and night. Now, all we are asking is to help us survive. We are not looking for a handout. We want to work. We take pride in what we do. This bill here will help West Virginia coal be a little bit more competitive. It is a big number. They have paid and paid and paid. It is bad timing that this thing is being paid off when we are really hurting. I have been here many years. I have seen the surpluses in our budget. The surpluses, the surpluses, the surpluses. When I first came here it was hard for me to get my hands around it. We would have a \$350 million surplus. It is hard for me now to see that we have deficits in our surplus. So, I urge a yes vote, in hopes it will put people back to work in their mines and the eight jobs that supports that one job in the mines. Thank you.

DELEGATE IRELAND. Thank you, Mr. Speaker. It is pretty obvious that we probably got enough votes to pass this, this morning. But I do feel an obligation, as your Chair of the Energy Committee to say a word or two about the two basic extraction industries that are prevalent in our state. As I mentioned the other day in my economics 101, I think the true wealth of West Virginia depends on extraction of coal and extraction of gas and oil. I support what the Gentlemen from the 22nd, 23rd, 24th and the 17th have said about the need of the coal jobs and what this may mean to them. I have understood from some of the discussions on when the coal folks, that contracts have been lost for 20 cents a ton and this is 56 cent. So, push them back in business perhaps to a certain extent. Also, look at the USA Today in the evening, when I get up to the hotel, to see what else is going on in the world besides what goes on in this puzzle palace. I look at the winners and the losers on the stock market. If you looked at yesterday's USA Today, and you looked at the losers' column, who was in the losers' column? Almost every one of them were gas and oil industries. Chesapeake, Consol, Devon, Southwestern Energy almost every one of them.

Now, we know those of you that watch what goes on in the energy business, that know that we have got this big conference going on down in Houston. Out of all the international oil industries, and Saudi Arabia said they are going

to keep pumping. The oil and gas prices are going to continue low. I also mentioned the other day a couple years from now when we get perhaps one, two, three or four of these pipelines that FARK is currently considering to transport natural gas, that that one pipeline would represent \$200,000 a day coming down this aisle in severance tax, just in severance tax. Not the rest of the multipliers that go along with the jobs all, the rest of it that goes along with that. I don't suppose and don't believe and know that I am not the smartest person in this chamber, not even close, but I do believe that the goose that is laying the golden egg for West Virginia and that golden egg may be getting somewhat smaller. We can fry that egg or we can poach it or we can hard boil it, or we can dice it and slice it and make egg salad sandwiches out of it and pass it around; however, we want to. But if we don't feed that goose once in a while we are not going to have that golden egg. I believe we need to take that into consideration. A few kernels of corn once in a while perhaps keep that goose laying that egg.

The Gentleman back there on the 17th I think made that point a minute ago. Ladies and gentlemen, this bill is important to our industries and I don't think any of us have ever gotten a job from an industry that doesn't exist. Lawyers haven't made any money on that type of thing. The car dealerships haven't made any money on that type of thing. So, we need to get with a program, as I said the other day, and this is a piece of that program. Ladies and gentlemen, "Let's git'er done," as you hear me say. Thank you.

DELEGATE PERDUE. Thank you, Mr. Speaker. I don't have whole lot to say. I am not running again, so I don't have to worry about postcards. But I will tell you this. What this bill will deliver today is the one thing that is really missing in West Virginia. You saw the polls that said 71% of West Virginians think we are headed the wrong way. We need to give somebody some hope. Now, I can't tell you where this money is going to go. I can't tell you that some coal barons aren't going to put in their pocket and take it to New York. I can't tell you that they are going to invest in their mining industry. Nobody can tell you that. But I can tell you this. Those coal miners and the people in that industry, we will give them some hope today. That is what this is going to do. Now, 93% we can argue all we want to about tax breaks for this one or that one, and I

don't like corporate tax breaks at all. But the problem is you measure that against those people, especially where I live, who are absolutely desperate. Then yeah, maybe it doesn't work. But for a brief period, they are going to believe it can. That is all we can offer sometimes. Especially when we don't have any money. So, I will be voting green.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. For me this is a very difficult vote. When I speak to groups when I have gone to these PEIA public hearings, when I speak to anybody, I have always railed against corporate tax cuts. I don't believe they work. Don't believe in trickle-down economics. I haven't been here that long but I have sat, read the paper, watched on TV as in this building we have given away to the tune of \$400 million to corporations and not created nor saved a single job. I don't think they work. But I have also, as everybody in the state no matter what county you represent, has seen the devastation that has been brought to the state. You could look at all sorts of reasons and place the blame in all different directions. Especially you, could place the blame right here at ourselves for not being forward thinking enough to look to new industries. Do I think the voting for this is going to create a single job? No. Do I think it is going to save any jobs? I hope it does. I hope it does. I don't think it will. But I am going to vote for it. I am going to vote for this bill today and like I said I don't think it is going to create a job, I don't think it is going to save a job. I think a lot of this money that we are giving back is going to go to people out of state that actually own the coal companies. But I just, I am going to go ahead and make a prediction that when we take this vote it is mostly going to light up green and this is going to pass. I am also going to say that I hope you are right. I really hope you are right; I hope this does something to save jobs. I really do. So, I am going to vote with you on this. I hope you are right.

DELEGATE FAST. Thank you, Mr. Speaker. Big corporate giveaways. Did you hear that Mr. Speaker? Big corporate giveaways. That is how this is being categorized. Last week it is our beloved coal miners. Today our coal miners are being categorized as big corporations just giving money away. I have a real hard time with that Mr. Speaker. These industries have carried this state. They have paid their debt. Now it is time to restore to evenness. There have been a lot of questions, Mr. Speaker, about job bills. Where

are the jobs bills? Well you are looking at one right here. Senate Bill 419. This is a jobs bill. If we make it lucrative to do business in this state, business will happen and that is what we are doing here today. The strongest urging this needs to be a green vote. Thank you, Mr. Speaker.

DELEGATE R. SMITH. Thank you, Mr. Speaker. You are lucky everyone has pretty well said everything I was going to say so I am not going to go over that. You know as it has been stated we have the highest severance tax in the land which puts us at a huge disadvantage on bidding on contracts. I can remember it has been a few years ago, the company I work for lost a contract over 35 cents. We was underbid by 35 cents, so for those of you that says 56 cents doesn't make a difference, believe me, 56 cents does make a difference sometimes. Especially in this global economy that we are in now. You know the coal industry is the main reason that this Workers' Comp. debt was paid off so quick. No one dreamed that it was going to be paid off that quick, and the coal industry is the main reason that that was paid off that quick. Because the coal market was good, prices were high and everything was booming, and it all worked out. Everyone thinks, well, we take away 56 cents a ton (which remind you above and beyond already the highest severance tax on coal in the country) but they believe it is not fair to take it off. I ask you: why is it not fair to take it off? I mean they came to the table in good faith and agreed to the 56 cents a ton, as well as the other industries, gas; everyone came together and agreed on this. The deal was: when it is paid off, it will go away. Well, it is paid off.

You know, coal miners, I am not the most educated person. Most of you are probably a lot more educated than what I am. The same way with most coal miners, but coal miners have a sort of a code of ethics. Usually when a coal miner tells you something, you can trust his word. You can believe what he tells you. I mean he is going to lie to you once in a while with each other. Don't get me wrong, we joke around a lot, but as the Gentleman from the 50th will agree to this, they are a good bunch of guys. And they are honest guys, honest hard working men and women. They don't ask for much. They ask for a job to go to. They pay their taxes. They complain like everybody else, but they contribute to the economy. They just want the American dream, is what most of us want. So, I feel we owe this to them. To keep our word. We made, a lot of us in

here weren't involved in that, but as a state we made, we gave them our word if they would help out the state on this. And they were a big reason for the problem at the time. But I remind you even today, once this goes away, the coal industry, the coal companies are still going to pay the highest Workers' Comp. rate in the state I believe. So, it is not like they are getting a free ride, they are still paying their Workers' Comp. rate so that stays the same and like I said it is the highest in the state.

You hear a lot of talk about budgets, budgets, budgets. Corporations have budgets. Small businesses have budgets. Mom and Pop shops they have budgets. Us with our households we have budgets. Just like the state has a budget. But you know what the difference between all these other groups that I mentioned here? They earn their money for their budget. As a state we take these people's money for our budget. I mean that is a huge difference. The state we have no money. The only money we have is what the citizens of the state gives us. That is our budget. So, when you say that you are taking away from one group and you are hurting another group because of the budget, that is untrue. Because everybody in this state has a stake in this game because everyone contributes and it is our responsibility to make sure we do what is right and honest with it.

So, one thing that bothers me it seems in the last especially five to eight years energy has become a bad word. I mean they are even teaching our grade schools, junior high, high school coal, gas, energy is bad. Energy is a bad word. We can't do anything about that, in here, as a body. But the one thing we can do is keep our word, 56 cents might not seem to a lot of people and my colleague back there said he didn't believe in trickle-down economics. I believe in it. Let's say we drop the 56 cents a ton. A company is able to get a contract for coal because of the 56 cents a ton. To produce that coal they got to call miners back to produce that coal, to sell that coal and once the miners come back then the miners start stopping at the convenience stores buying coffee and tobacco. You know cigarettes with the cigarette tax on it. So, it all trickles-down everybody wins. So, for you that think 56 cents won't make a big difference believe me 56 cents makes a difference. Like I said before I seen contracts lost on 35 cents so don't think 56 cents won't make a difference on this. I urge your support. Thank you, Mr. Speaker.

DELEGATE E. NELSON. Wow, thank you Mr. Speaker. Let me please remind everyone that we are constitutionally bound to balance our budget. This bill does that for fiscal year '16. Everyone received the handout of how we are narrowing our fiscal year '16 deficits. Keep that in front of you please. There is no additional burden put on anyone with this bill for fiscal year '16. This is about jobs, both private and public sector jobs. It is about the future. It gives many great certainty. This bill is about a positive path forward for our state. Mr. Speaker I strongly urge passage of this bill. Thank you.

**S. B. 411**

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REMARKS  
of  
**HON. MIKE PUSHKIN**  
*February 27, 2016*

DELEGATE PUSHKIN. Thank you, Mr. Speaker. I promise to keep it brief. I know everybody wants to go watch basketball as much as I do but this is the last day to make remarks. Hopefully, this isn't the last chance I am going to have to make remarks on this subject. Hopefully, I will get to speak about it again here on the house floor. Because of the late start today I was able to visit the lower chamber over on the other side of the hall and watch a bill pass through there unanimously 34-0, Senate Bill 411. That is the second chance for employment act. It is a bill, an idea that is very near and dear to my heart. I think it is a very good piece of legislation but before it passed the Senate Floor today on third reading unanimously it also passed through Senate Judiciary unanimously and actually took what I feel is a very good idea and made it even better. What they did, what the bill says is it provides a pathway for which someone who has a non-violent felony when they were younger, on the record, to petition the court for a clean record so they can get a better job, so they can get housing and even restores gun rights. What they did over in the Senate, to it though, is you could apply for it a year after your sentence is complete and I think it is very smart what they did. You can apply for it then and then it would be sealed for ten years which is what it would do is create an incentive for people to stay on the right path for ten years after they are off paper, after they are out of jail, after they are off probation.

I think this bill and I hope we get to, I mean it passed unanimously through the Senate so it is my hope we get to discuss it again. I think this bill is probably one of the best things we could do to address the drug problem in this state. It creates an incentive for people who have had problems in their life to stay on the right path, keep doing the right thing, jump through all the right hoops and then ten years later that expungement, that felony goes away. It is sealed for ten years. It is going to put people back to work. It is a jobs bill. It is a bill that addresses the drug problem and it also restores gun rights.

I talked to a gentleman before the session started. He was probably in his 60s. He committed a crime that he regrets when he was in his twenty's. He said are you the guy that has been talking about that second chance bill? I said yes. He said I hope it goes through I would like to be able to hunt with my grandchildren at some point. He just wants to hunt with his grandchildren. He did something 40 years ago. He just wants to hunt with his grandchildren so all I can say is it is my hope, and I am hopeful, that a bill that has such bipartisan support in the Senate is something we can take up and let it go through the committee process here and hopefully it makes its way to the House floor here and if you are for it I hope you support it and if you are not you can vote against it but let's vote on it. If anybody has any questions at all about it feel free to ask me about it. I appreciate it. I am sorry I took up your time today. Thank you.

**COM. SUB. FOR S. B. 10**

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REMARKS

of

**HON. KAYLA KESSINGER**

*February 29, 2016*

DELEGATE KESSINGER. Thank you, Mr. Speaker. Safe, legal, and rare, we have heard it over and over since 1973. We have heard it in this room today that abortion should be safe, legal and rare. Well, out of those three words the only thing I can think abortion is, is legal. It is not rare, with more than 55 million unborn children being aborted since 1973, and it is not safe. The CDC says that more than...in 2009 the CDC said that more than 400 women have died because as a result of a D&E abortion. The CDC also says that 40%, more than 40%, of women who receive a D&E abortion have serious complications. Everything from lacerations of the cervix or

uterus to infections, to death. Death in the case in Chicago in 2009 where a young woman 24 years old, Tonya Reeves, died just hours, 12 hours after having a D&E abortion procedure done. She bled to death because her uterus was perforated because a D&E is a blind procedure. In 2002 a 25-year-old woman named Diana Lopez in a Los Angeles planned parenthood lost her life after her cervix was punctured and bled to death in a hospital five hours later. We can sit here and say that this bill is going to put women's lives at risk, and we do that every single time any type of restriction or regulation is tried to be placed on an abortion procedure. In 2003, when President Bush signed the partial birth abortion ban, after being vetoed twice by the former President Clinton, people said this is going to hurt women; this is going to take women's rights away. This is going to leave women without adequate health care, and women are going to die because they can't have a partial birth abortion. Not one time, not one time since 2003 has a woman died because she couldn't receive a partial birth abortion. Last year we passed a 20-week pain capable unborn child protection act and we heard these same conversations, "This is going to take women's health away, this is going to put women at risk," and not one time since last year have we heard that a woman's life has been lost because she could not receive an abortion after 20 weeks.

My friend from the 36th compared a fetus to her hip replacement. The last time I checked your hip doesn't have a heartbeat. It doesn't have fingernails. It doesn't have fingerprints. It doesn't have eyes. It doesn't have a beating heart. We are not talking about just another limb on our bodies, we are talking about a completely separate individual that has a right to life and should be protected, and that is why it is our business. It has been said that it is none of our business to get involved in women's health. Well, let me tell you, a fetus is not just another part of a woman's body, it is a completely separate entity, and if you believe life is inherently valuable then you believe that. I am not going to sit here and say that any of my friends in this room, whether you vote for or against this bill, are pro-abortion. I don't think anybody but abortionists are pro-abortion. We all value life in all of its stages.

I am asking you today to look at the humanity not only of the fetus who is being ripped apart limb by limb, but even the risks that these procedures present to women. You know I don't want to be too vulgar, but I do want to read something from a former abortionist who has

since laid down his abortion tools and it says, "the toughest part of a D&E abortion is extracting the baby's head. The head of a baby that age is about the size of a large plum and is now free floating inside the uterine cavity. You can be pretty sure you have a hold of it if the sofer clamp is spread apart about as far as your fingers will allow. You will know you have it right when you crush down on the clamp and see the white gelatinous material coming through the cervix. That was the baby's brain. You can then extract the skull pieces. Many times the little face will come out and stare back at you. Congratulations, you have just successfully performed a second trimester suction D&E abortion. You just affirmed her right to choose in less than fifteen minutes." Fifteen minutes, that is all it takes to rip a baby apart. A baby with a heartbeat. A baby with fingerprints. A baby with its own completely separate own set of DNA. So, I am asking you, Mr. Speaker and members of this body, to think very hard about the decision we are making and I would urge a green vote on this bill.

**COM. SUB. FOR H. B. 4352**

REMARKS  
of  
MEMBERS  
*February 29, 2016*

DELEGATE MANCHIN. Continue to yield? I note in reading at the bottom of page two that the hiring of the consultant has described in subsection A of this section is not subject to the purchasing requirements of Article 3, etcetera. Can you explain to me why a \$200,000 contract is not subject to our normal purchasing requirements?

DELEGATE E. NELSON. I think one of the main reasons that specific language was not included was because of the time frame of having this report back to us and the need to answer all of the critical concerns that have been voiced here today. We cannot continue to let these four facilities go unanswered.

DELEGATE MANCHIN. Is there anything in the statute that requires them to study and report back on what it would take or why we are not having full utilization of the facilities?

DELEGATE E. NELSON. That is something I would expect to come out of this report and plan.

DELEGATE MANCHIN. But I don't see it specifically set forth like all the other things we have talked about already.

DELEGATE E. NELSON. Again, we set out...or the bill sets out minimum standards. Feedback from...and number 4 feedback from relevant internal and external stakeholders so that is quite broad across many spectrums.

DELEGATE MANCHIN. Permission to speak to the bill when it is appropriate? I want to point out to the members that what is also created in this bill now OK, not when we get to the end and once we have got a report what is created now is a healthcare facilities transition fund. I suggest to you that the decision has already been made, and that this is just a matter of a self-fulfilling prophesy in a study and therefore I am voting no.

DELEGATE CAPUTO. Thank you very much, Mr. Speaker. I certainly rise in opposition to this bill and I want to first talk about some comments about the possible sale of these facilities and the employees remaining there and working there and making more money. I think that is just absolutely false. I think it is absolutely impossible and I think it is misleading. I think if these were sold what would be sold would be the beds of these facilities. These beds can be located anywhere in the State of West Virginia, so please, however you vote don't think for one second that if we allow the sale of one of these facilities that it would be undoubtedly remain in your district and some private entity would take it over and give all these people wonderful jobs with wonderful benefits. That just ain't happening. I can tell you that right now. You know I also want to echo some of the comments of the Gentlelady from Lewis. I have been here a day or two and most studies come via a resolution. I don't know that I can recall one coming via legislation, maybe it has I just can't recall it. But, one thing I do know it says the Secretary shall, shall contract with a consultant and there is no doubt about it usually the person who is ordering the study and paying for the study usually gets the results they want.

I am not sure why we want to single out these facilities, but I am very concerned about those 452 beds. I am very concerned about the people who are in them. I am very concerned about the employees who take care of them every day. Something smells bad about this legislation. There is no question in my mind about it. I think



someone's mind is made up and I think they want these places closed. I think they need a study to back up what their wishes are. Now, I can't speak for every one of these facilities because I only have one of these facilities in my district. Delegate Longstreth talked briefly about what they do; They take care of people that can't take care of their selves. They take care of people who has no family. They take care of the poorest of the poor. This is home for those people in Marion County, this is home. They administer primary care to people who can't get care otherwise. They prepare tens of thousands of meals on wheels at a cost of \$2 a meal, \$2 a meal. That feeds our seniors in Marion County on a daily basis that otherwise might not be able to get a nourishing meal. That is what my facility does. I find it extremely troublesome, and unless I am missing something, I am looking at the five sponsors of this bill and not one of them represents a district where these facilities lie. I find that troubling. I find that very troubling. I would think that the delegates who represent these districts would know best what these facilities do and we would look to them for guidance. I can't speak to the one in Mason or the one in Preston, but I can speak to the one in Marion. I think we should heed to that advice.

I can't remember who said it but someone talked about the economic ramification if these facilities close. Are we going to look at that? Are we going to talk about what it does to that district? No. No, the answer is no. If the decision is made to close it there is no discussion about the economic impact to that district. All those beds will be filled. Those beds will be filled. But they won't be filled in the districts where they are right now. You can take that to the bank. They will be spread out all over West Virginia and I dread to think, I dread to think where those folks in Marion County and Preston County and Mason County will wind up. I dread to think that. I think we need to vote no on this bill. No disrespect to the finance committee or the health committee or the sponsors of this piece of legislation but I think we need to scrap this bill and we need to have some good discussion with the delegates that live in these districts and represent these districts and decide what is best for the people, not the bottom line but for the people. Those folks who can't take care of themselves, those folks who can't afford to feed themselves and those folks who have nowhere else to go. Please vote no.

**H. B. 4578**

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REMARKS  
of  
**HON. MICHAEL IHLE**  
*March 1, 2016*

DELEGATE IHLE. Thank you, Mr. Speaker. I feel like I should preface some of my remarks with some personal background from myself and it is only to I think to speak to what I am about to say. I am what you might hear of as a confirmed tee-totaler. I don't even drink coffee let alone alcohol, let alone smoke or do anything else, and that is not to make any comments or judgements about anyone else that is just to make clear what my motivations are from my position on this bill. Also, I think I have spoken numerous times about how serious I personally take the drug problem. You know I am in the second safest city in West Virginia and yet we are constantly, constantly on the evening news for the amount of drugs we are taking off the streets. This is serious stuff. I want to start out by pointing out something. One in three African-American males are prevented from voting. Lest I be called to a point of order by one of my colleagues, let me point out that this is shockingly not a statistic about Jim Crow laws half a century ago, rather 1/3 of African-American males are unable to vote due to the war on drugs. The war on drugs has disproportionately harmed young black males. Studies show that blacks are many times more likely to be convicted for drug crimes even though African-Americans and Caucasians use drugs at the same rate. You know on my side of the aisle when it comes to the economic issues we are often really good at judging policies, not by their intentions but by their results. We recognize that in the business world government laws can have severely damaging consequences. Frustratingly; however, we almost always put the blinders on when it comes to issues of justice. We often feel that because we hold no racial bias in our hearts that that must be good enough. It is not. Why are the arrest rates I spoke of earlier so high? It is not because the cops and lawyers are racist because that is just not true. Rather it is simply much easier to make arrests in densely populated urban areas rather than rural areas, and it is a statistical fact that those urban areas are decidedly more populated by African-Americans. Also, arrest conviction statistics are very important for police departments, and again I

speak from experience, who rely on federal money.

Unfortunately, is therefore the machine of big government which often produces an outcome skewed against minorities. Now you might ask yourself why am I saying all of this? After all West Virginia is an overwhelmingly white state. Certainly the same is true for my district and I can guarantee you that my comments thus far are very unlikely to score me any political points. So, maybe let's just take a step back and analyze the legislation before us. I notice that of the approximately two dozen house bills before us on the calendar before we got to this point, this is only the second one for which there is no committee substitute. This is not an accident. This is because H. B. 4578 was lifted almost verbatim from Title 21, Chapter 841 of the United States Code. You know for all the complaining we do in this room about big government, Washington busy bodies telling us how to manage our affairs, we sure seem to be copying a lot of the plays from their playbook. Right down to the amount of drugs used the language is largely the same. This is why an analysis of federal drug law outcomes is more than fair.

Number one, federal drug offenders are overwhelmingly low level non-violent offenders. Of the approximately 22,000 federal drug offenders sentenced in fiscal year 2014, 93% did not play any leadership or management role in the offense, only 0.7% used violence or threats of violence. Number two, this bill doles out punishment based on drug quantity. Drug quantity does not properly reflect role and culpability. Mandatory minimums are based only on two facts: drug type and drug quantity. Quantity doesn't usually mean the person was a leader or kingpin. For example, drug mules may carry a large quantity of drugs only once. Perhaps under pressure from a cartel to pay a debt or maybe for a small profit leading to a long sentence. Also, street level drug sellers may sell small quantities of drugs for little profit or to fill their own addiction over a long period of time leading to a long sentence. I want to give just a short example of one of those cases if you will bear with me here. When Telishia Watkins was 33 years old in 2007 she got a 20-year prison sentence for arranging a cocaine deal for an old neighbor who was actually a police informant. Watkins thought the deal she was arranging involved just cocaine but it turned out there was also crack in the package. She was then given a

sentence that was three times severe as it would have been if she had only arranged a cocaine sell. Watkins also got a severe sentence because she had three prior drug convictions. She lived a troubled life. She was addicted to drugs by the age of 14 and dropped out of high school after her freshman year because she was pregnant. Her brother was murdered in 1994 and she appears to have spent most of her life struggling with drug addiction. Her projected release date is 2024. The dealer who actually sold the drugs was released from prison in March 2008. Keep in mind this started in 2007. So, I move on to reason number three. Conspiracy plus relevant conduct equals you are guilty of it all. You personally don't have to sell or distribute. The quantity of drugs that triggers a mandatory minimum sentence outlined in section D of the bill. You may be held to account for all the drugs sold or possessed in the crime including by other defendants even ones you may have never met. For example, you sell one gram of meth as part of a conspiracy in which all the participants sold 50 grams. Instead of being locked into a sentence range of 5-15 years, which is harsh itself, you may be sentenced anywhere from 20-60-years in jail. Another example, you are part of a drug ring for a month. You sell 1 kg of marijuana. You leave and it continues for two years totaling a thousand kilos. Instead of a 2-10-year sentence range, you are also now open to a 20-60-year sentence. Number four, high level offenders avoid mandatory sentences by giving substantial assistance. Higher ups in drug conspiracies trade their knowledge of the crime and other offenders for sentences below the mandatory minimum term, something their low level counterparts usually lack the information to do. For example, in fiscal year 2010, the U. S. sentencing commission and by the way we passed a bill establishing the West Virginia sentencing commission, today, found that 32% of high level suppliers and importers, 40% of leaders and 50% of managers did not receive mandatory minimums because they gave substantial assistance.

So, in summary, I am not trying to build sympathy for people who deal drugs, and while yes they are grossly unfair in many cases ruining the lives of low level non-violent offenders, they also failed to achieve the policy objective a porting the evil doing drug ring leaders behind bars for a long time. Former Ronald Regan federal judge located in San Diego said it best: "These laws have destroyed the discretion of

judges and that judge resigned for that very reason. These facts and opinions support the most damning statistic of all. The United States leads the world with 700 of every 100,000 people incarcerated. 48% of federal prisoners are in there for drugs. This can lead to one of two possible conclusions. Either the United States is home to the worst people on earth or our drug laws have failed us miserably." Myself, I will choose the latter. Therefore, I urge a resounding rejection of this catastrophic and incompetent bill. Thank you, Mr. Speaker.

**COM. SUB. FOR H. B. 4576**

REMARKS

of

**HON. BILL FLANIGAN**

*March 1, 2016*

DELEGATE FLANIGAN. Thank you. Would the Gentleman from the 2nd yield? Is the Federal Government still prosecuting marijuana transportation, are they actively seeking it out?

DELEGATE WELD. To my knowledge they do, but like with any federal drug case they tend to have a fairly high bar when it comes to cases that they choose to prosecute.

DELEGATE FLANIGAN. The states that have legalized it either recreationally, medically are they going in and hammering them?

DELEGATE WELD. Can you repeat the first part of your question, sir?

DELEGATE FLANIGAN. So, the states that have legalized either recreationally or medically is the Federal Government going there to get them?

DELEGATE WELD. I don't know what the Federal Government does in other states.

DELEGATE FLANIGAN. Would chocolate chip cookies with medical marijuana in it be considered under this bill if it was brought to somebody say, going through chemo, would that have them arrested and spend 5 to 15 years in prison?

DELEGATE WELD. I hate to answer a question with a question, but did somebody transport that over the state line?

DELEGATE FLANIGAN. I would have come across state lines, yes sir.

DELEGATE WELD. With the intent to deliver to another person?

DELEGATE FLANIGAN. Intent to deliver to another person.

DELEGATE WELD. Then yes it would.

DELEGATE FLANIGAN. May I speak to the bill? I can fully appreciate and understand why we want to stop people from bringing heroin and cocaine and drugs that can kill you in one shot into our state. Why we needed to include a drug that is clearly being used for medical use in this bill can cause somebody 5-15 years of their life is beyond me. Take away the name of marijuana remove it from the equation, call it prescription whatever you want 245, I don't care what you call it. It is very helpful. My grandfather, I remember this started his cancer in '89, died in '96 so seven years of battle. Went through three to four treatments of chemo at that time I begged him to try medical marijuana. He was wasting away. That is almost 25 years ago. People were telling him, why don't you try it. He was an ex-law enforcement officer, no way, no how was he going to try something that was deemed illegal. In 1997, my wife's mother went through an eight-month battle with pancreatic cancer, received her treatments in New York. Twenty years ago they had a hospital room set aside for use of medical marijuana to help her while she went through her chemo therapy. Has anybody else in here been through chemo therapy? I still have the ridges on my finger nails. When I came here I hadn't had my hair grow back yet. This is something that affects your loved ones and if it hasn't yet it might. This is something that God forbid that they ever have to go through it. If you are going to want any medical opportunity to provide them with this compassionate care that they need. I was prescribed 150 pain pills, three prescriptions worth to walk out after just...I was only eight days into it. Less than...just over a week and was told that should get you through to your next month. I was given four different medications of anti-nausea medicines to get me through the two and a half, ~ three weeks until I came back into the hospital. My very dear loved one brought me chocolate chip cookies and I started using those because they had THC in them. I guess whatever the marijuana is that they can put into those cookies. I finished up my chemo. I had gained 18

lbs. I hadn't withered away. I had 142 out of 150 pain pills left and all four bottles of anti-nausea medication were untouched.

We have passed bill after bill out of this body finding ways to treat people that are addicted to opioids. Finding ways to help them save their lives, go with Suboxone or whatever the next drug is that we can get them off of it, but when we are presented with a good alternative to the opioids we still want to lump it in. You know I heard somebody say that it is addicting. I have never once craved it. I never once had a physical reaction that I wanted to and I needed to have this. You know jogging, if you jog every day that is addicting. I believe I read a study that said marijuana addiction is about 9% and they couldn't even prove that that addiction was metaphysical, it was more the addiction of wanting to get to feel better. If you get addicted to wanting to feel better this is what they are talking about. Jogging, I believe is 16%. I am pretty sure self-pleasure is even higher. I think the internet is used for that. Maybe not the best example but it is there. This bill could have been perfect. We could have put every one of these guys bring in heroin, cocaine, illicit OxyContin, anything else that we can think of under the prison, but to classify a medicine, and there is 27 states right now that have already decided it is a medicine in the same category, kills the purpose of what we are trying to do. We can prevent people from getting on opioids. I was scratching four days after being in the hospital. I am itching like the guy you see on the movies looking for my next dose. I am watching the clock count down calling my nurse, "can I have another one yet?" Eight days later a simple chocolate chip cookie prevented so much. Helped me so much. I urge rejection.

#### MARION COUNTY RESCUE SQUAD

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REMARKS  
of  
**HON. TIM MANCHIN**  
*March 2, 2016*

DELEGATE MANCHIN. Ladies and gentlemen, in Marion County, Delegates Caputo, Longstreth and I are very fortunate to have a very outstanding rescue squad as well as several outstanding law enforcement organizations. In September of this year, they were both involved in a very heroic effort that changed the course of

one Marion Countian's life. I'd like for these individuals to stand, and then I'd like to tell you the story. First of all, we have White Hall Police Chief, Deno Guerrieri. Next, we have Marion County Deputy Sheriff, David Forsyth. We have Marion County resident, Patty Satterfield. We have members of the Marion County Rescue Squad and their chief, Mike Angelucci. Now back in September of this past year, there was a dispatch for 911 for a woman, Patty, who had collapsed and was not breathing and Chief Guerrieri and Deputy Sheriff Forsyth both overheard the call and recognized that they were closer to the scene than was the emergency squad and so they went above and beyond the call and went over and checked on the woman and found her to be nonresponsive and began CPR. They performed CPR for over ten minutes on Patty until the rescue squad was able to get there and stabilize her, and then provide for rapid transportation to the local hospital. The doctors were convinced afterwards that had it not been for their outstanding service and action that Patty would have suffered permanent damage or death. So, as a result of their above and beyond the call of service, she's now able to lead a normal life. Would you all please give these folks a warm welcome and round of applause in appreciation for their outstanding public service?

#### TREVOR NOAH

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REMARKS  
of  
**HON. DON C. PERDUE**  
*March 3, 2016*

DELEGATE PERDUE. Ladies and gentlemen, I want you to understand that these comments are directed toward Trevor Noah of the Daily Show. I don't know about you but I come from the good Virginia. I thought for a long time about delivering a little poem I wrote. I am not very good at it. But it speaks to the anguish we all feel about the way this country feels about us or seems to, especially Mr. Noah. We provided his power. We put his lights on and we heated his home. Additionally, this state has provided more casualties to this Nation's wars per capita than any in this country. So, I wrote this eight years ago. I always meant to deliver it on the floor during my last year but the moment is now. Bear with me. "On that bright, shiny day, as you race on your way. Climbing fast to the great blue alive, know that we here below, see you fly over

slow, from a land where the sky is not so wide. But the scars on our hills, should remind you that down here is where the spark starts. They gave you light, and warmth in the night. For our mountains, down into your dark. From way up there, in that still clean air. So far from this place, you can't see. Lie the stones in rows, when wars you chose. Freedom's heart buried generations deep. So, the stones and the scars mark our passage from no man's land to this land you'd leave unknown. Be glad we were here for all you hold dear. Then fly over, we will be here when you are gone. Go on, fly over, we will be here when you are gone."

**S. B. 416**

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REMARKS  
of  
**HON. JOHN B. MCCUSKEY**  
*March 9, 2016*

DELEGATE MCCUSKEY. Thank you, Mr. Speaker. Ladies and gentlemen, if you will indulge me for a moment this is a bill that is important to me. It is a bill that I worked on for two years and it is important to me for one pretty specific reason but before I get started I would like to thank Gary Howell, the gentleman from Mineral, who actually isn't sitting there hilariously now. But he was one of the main reasons that I became sort of turned on to this bill and understood what it did and realized how it could help, well could help me as much as a friend of mine named Ben. The other person is Delegate Byrd who I wasn't even thinking about putting Ben's name on this but he brought it to my attention and I appreciate that.

So, whether you are going to vote for this bill or not, I appreciate your brief indulgence. So, Ben was a guy I grew up with and he is the best dude you will ever meet. He is the funniest guy on earth, hard-working, great at sports, girls loved him, the whole nine yards. So, we palled around together and, you know, we went off to school and we ended up in law school together. And first year of law school rolls around, Ben comes home for break and he goes to play basketball and he has a seizure on the basketball court. People have seizures before but this wasn't just any seizure. Ben was in brain surgery within essentially five hours of surgery, brain surgery that was completely debilitating. He basically had to learn how to do everything that he could do before,

again. He went from waking up in the morning, first year law student, to basically brain surgery in six hours and then the next day full complete...full and complete rehab to try to learn how to walk and talk and do everything he could do before, again. It is one of those things "That either break some people or make them better and stronger" and Ben was thankfully in the latter of those two categories. And so Ben ended up, you know, he finished his rehab and he continued his chemo and he ended up having a pretty rare form of brain cancer. So, he went to Duke to get his treatment. If you have never been down to the cancer center at Duke, it is something else. It is truly something else. Those people are doing the kind of work you couldn't even imagine being done on the planet earth. It is a great service to Ben and it is a great service to this world that they exist.

So, Ben continued his treatment and you know we thought he had gotten better. Interestingly, he had a great big scar on his head and his hair never grew back right. And we were sitting at dinner one night and I couldn't finish this joke because of the lewdness of the finality of it but some guy looked at Ben and said you know, "How much did you pay for that haircut?" As it turned out, the guy really wished he hadn't asked him that question because it was pretty humorous the response that he got. So, we thought he had gotten better and then as it turns out Ben started practicing law and the cancer came back. And as it does, and it came back not better than it was before, but Ben continued to work. He went to work every day, even when he was on chemo. Some days he had to go lay in his office and take a nap. And some days he went home and took a nap but every single day he went to the office and practiced law, every day. Every day he went and had lunch with his dad who he practiced law with. That is sort of a dream right? But what was really remarkable about it was it didn't change his daily life. His daily life was changed more than any of ours could be. He still got up every day and went to work because that is what you did. Some days he didn't feel very good but he went to work. He got married to another one of my best friends. They had an awesome wedding and they had a great time knowing full well that you just don't know where these things are going to lead. Somebody has a rare form of brain cancer but they were married for a couple of years before Ben passed. But I can tell you they were more in love than any two people I ever saw and probably

experienced more of a marriage than many of us will get to experience in our whole lives. All of these things that I am trying to tell you is that Ben was really a special guy. He was really truly a special human being I was really thankful to know. But all that being said, his life wasn't defined by his disease.

In my mind, what he did about his disease and how he battled is what defines his legacy. Ben didn't complain about cancer once. I never heard him complain, ever. He never was bitter about it. He never had a problem with his place in the world and "Why me?" "Why not?" These other guys. It just was what it was. He never lost his sense of humor either. He was perfectly happy to sit around and talk about his treatment and talk about cancer. Didn't make him uncomfortable and I mean he would make a joke just as funny about his brain tumor as he would about my hair cut or whatever I was wearing which typically was pretty funny as well. But most impressively about Ben is that his disease peaked his curiosity and this curiosity manifested itself in a compassion for other people and a desire for his life and his disease to mean something to others in the form of hopefully a cure. In my mind this bill is a perfect reflection of the values of my friend Ben. It illustrates the dignity of human life and the indelible nature of the human spirit even till the very end. Ladies and gentlemen, I urge passage of this important bill. Thank you.

**AMENDMENT OF DELEGATE  
REYNOLDS TO H. B. 4017**

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REMARKS  
of  
MEMBERS  
*March 10, 2016*

DELEGATE E. NELSON. Thank you, Mr. Speaker. Quite interesting. I could have saved, I think, the Finance Committee and staff could have saved a couple of weeks if we had done the same thing and just waited on the other body to put a budget together. Very interesting. For the members' benefit, on page 79 right at the top, total general revenue in this amendment \$4.3 billion, \$4.326 as a matter of fact. The one that is being proposed, it is to insert in is at \$4.2 billion. The interesting thing \$122 million difference. The \$4.2 is built on revenue measures that we have passed in this body and have survived. House Finance took up a revenue measure, took up a

couple of revenue measures. Obviously, 2704 failed here on the floor but cigarette ... three people voted for that revenue measure which this \$4.3 is assuming that the tobacco tax was passed.

I will be honest with the body. We are at a structural imbalance without a doubt. But to put these monies... well let me also step back. What this, in essence will do, if this budget was passed, we are done. We are done on Saturday night with an imbalanced budget that the Governor, the Governor will veto because it is not funded. It is not funded. This body, it is incumbent upon them to pass a balanced budget. So, we can talk about the PEIA. We are about ready to talk about two funding measures right behind this. Supplemental that brings in the necessary dollars to fund our \$4.2 billion budget. Which does include PEIA premiums or \$67 million. Taking \$80 million out of what is proposed here and putting it in the PEIA trust fund I, am not sure where those dollars come from. So, we may be further in the hole. As it relates to the road subject that the gentleman said, I believe the other body passed bill 555 which had \$300 million from various taxes. House Finance did not take that up because bipartisan support was not there for any portion of the taxes within that bill. Mr. Speaker, this is just the absolute wrong thing to do. We have a structurally balanced budget and I urge strong rejection of the members of this body. Thank you.

DELEGATE REYNOLDS. Thank you, Mr. Speaker. This body has the power to fund this budget. We have all these bills and we have several options. Now we have taken the approach of putting the revenue measures out there first and they have been met with some skepticism. I will give you that. But, if we pass this budget today, if we agree with the Senate, all 18 Republican senators support it. Eighteen Republican senators supported it and I think all but 5 Democrat senators did. We can pass this and we can say, "How do we fund this?" We have some choices with the bills in this House. We have 555. We have those supplemental that are following it right then. There is about \$70 or \$80 million in supplemental we can decide which of those supplemental we want, which ones we don't. We also have the tobacco tax. We can recall that and take a look at it. If this is what it takes to have a balanced budget that doesn't go into rainy day funds, that fully funds PEIA, that meets our obligations to our kids, to our seniors and one more thing. If we pass this budget,

structurally if you look out to 1819, we can also take up 705, that coal severance tax, and we can pass that too and get our miners back to work. Mr. Speaker, I urge passage.

**H. B. 4742**

REMARKS  
of

**MEMBERS**

*March 10, 2016*

DELEGATE ROWE. Yes, would one of the sponsors yield? I am just wondering what the reduction is per county, do you know?

DELEGATE FLEISCHAUER. I don't know the answer to that. I think that it is taking out \$1 million across the state but everybody uses this radio system. So, it's really not a county by county thing. It is a state-wide interoperable radio.

DELEGATE ROWE. OK I see, because I just divided and got \$18,000 per county and I didn't know if that was the actual cut but you are saying it is actually taking away a program that they all rely upon.

DELEGATE FLEISCHAUER. It takes away a program that all of us rely on and the EMS relies on.

DELEGATE ROWE. Thank you.

DELEGATE E. NELSON. Yes, thank you, Mr. Speaker. House Bill 4742, part of our budget process is expiring a number of funds and not all the funds from 30 plus different accounts. One thing that the House Finance Committee did this year we had some subcommittees that were structured. These subcommittees reviewed many of our special revenue accounts. We have hundreds of these. There were a number of House Finance members that would probably have liked to see this list much larger because of various excess balances. But let's talk about this one account. So, 6295 the interoperable radio project account. It receives special revenue monies on a regular basis and it expends monies on a regular basis. However, those expenditures are always below what the account is receiving. The account balance on this account right now is \$4.2 million. It has been growing every year. Their inflows of a little over \$2 plus million a year, that may be \$4

million a year that go into this account. It grew by \$1.2 million in this last fiscal year. Probably have a number of members saying why aren't we taking more. But for the very reasons that we do not want to take away needs that may be there in the future. But when an account has \$4.2 million in it and \$1 million that is coming to fund next year's budget, I think is a prudent measure to take and, Mr. Speaker, I urge rejection of the amendment.

DELEGATE MARCUM. Thank you, Mr. Speaker. Ladies and gentlemen, you can vote for your counties, you can vote for your local 911, your local EMS and you can save the money that they need to operate. You can vote for your county and your EMS and the money they need to operate. This is a serious issue that the Governor's Office approached me and numerous members on this side of the aisle about and told us they need help with this. So ladies and gentlemen, I am asking for your support of this because if not every one of us are going to be coming back to the table next year because we got complaints from our local EMS and our 911, our homeland security. So, we can try to put a band aid on PEIA while on the same sentence we are going to hurt our local 911s. So, I encourage support for the amendment and ask for the yeas and nays.

DELEGATE E. NELSON. Thank you, Mr. Speaker. So \$72 million and what this amendment will do is take that away as a funding source for our 2017 budget. So, we would have a hole of an additional \$72 million which I guess we would maybe plug that hole by going to the revenue shortfall fund. The way the budget is presented right now it's projected, it's proposing that we are ... could go into our rainy day or revenue reserve short fall fund by the tune of about \$30 million. So, the gentleman's amendment here will take these dollars and put them into a PEIA trust fund and then our revenue shortfall exposure would be \$100 million. We are at \$788 million in our revenue shortfall fund right now. This body passed the ability to draw \$50 million to basically fund our workers, our unfunded workers' compensation fund. So, in essence we have \$738 million that would be available. You take another 100 off that and we are down around \$600 million. That is below the 15% that our rating agencies are looking at. I think we all want to do what we can for everybody in the PEIA plan. Again, it is unfortunate that here we are trying to do

something with that plan for the first time in five years as far as adding dollars to it. We are adding \$67 million. Yes, there is a participation that we are having from our employees of 12% and on average that is \$10. I'd be remiss to say that out in the private sector, I think the private sector employees are seeing something much, much greater. But that is not to take anything away from the valuable employees of this state. But Mr. Speaker, for the purposes of funding our 2017 budget these monies are being redirected by this amendment in a place they shouldn't be and I urge rejection.

DELEGATE SPONAUGLE. Will the Chairman of Finance yield for a second? We have heard throughout this whole session that your plan was to fix PEIA in the budget. Did you attach an income stream to PEIA or is this one-time money?

DELEGATE E. NELSON. So, there is \$43 million in the general revenue and there is \$24 million in special revenue. So, there is \$67 million new dollars going in and its base building.

DELEGATE SPONAUGLE. So, will...is that tied to an income stream? Like a revenue stream in this budget or are we going to be back here in August or September this year people are going to hear that there is going to be \$100 million shortfall again?

DELEGATE E. NELSON. Nope, it is part of our general revenue budget so it is a line item in our budget. Part of that \$4.2 billion in expenditures that I talked about earlier.

DELEGATE SPONAUGLE. So, it is one-time money?

DELEGATE E. NELSON. No it is ongoing.

DELEGATE SPONAUGLE. You've got this dedicated full time?

DELEGATE E. NELSON. We are dealing with the '17 budget right now and this is in the '17 budget. If I may to the gentleman what is being proposed, this is one-time money with this expiration.

DELEGATE SPONAUGLE. This is a building block for your budget. Correct? This

supplemental that we are talking about right here, correct?

DELEGATE E. NELSON. Yes, this is.

DELEGATE SPONAUGLE. Would the sponsor of the amendment please yield? You have sat on the Finance Committee and you are aware of the PEIA issue, correct?

DELEGATE BATES. Yes.

DELEGATE SPONAUGLE. How much money in the budget is going into fix PEIA?

DELEGATE BATES. There is \$43 million I believe in general revenue funds and that is matched up with that \$24 million in special revenue funds. That is allocated throughout the budget. It offsets the cuts that were anticipated that holds that level harmless.

DELEGATE SPONAUGLE. And what were the prior cuts to PEIA?

DELEGATE BATES. So, I think going back to 2016 there is about \$30 million worth of cuts that were in the 2016 plan year.

DELEGATE SPONAUGLE. The '17 so there is \$30 million in cuts. What is the 2017 cuts?

DELEGATE BATES. There are a bit of changes. When we started this whole conversation we were talking about \$120 million problem. So, as we have gone along, we kind of broken that down in different pieces. So the \$43 million which is allocated within the budget of general revenue is there and that brings down about \$24 million worth of special revenue. Then you have got about \$23 million from a renegotiation of a drug contract and there is about \$6 million worth of changes to benefit design. So, the difference, the hole that we have is related to premium increases that will go to retirees and active workers. That equates to \$24 million so our fund, the PEIA problem is not fully funded or fixed if you consider those premium increases.

DELEGATE SPONAUGLE. And this amendment that you are doing, are you filling in that \$24 million hole?

DELEGATE BATES. So, this essentially, instead of putting them into a holding account for Medicaid, I am putting the money into a holding



account for PEIA. What that does, you know we got to go to conference. The significant difference is between the budget that the Senate passed earlier today and the budget we got on third reading tomorrow. So, we are going to kick this to conference. Now by doing this, what we do is we preserve the opportunity to be able to negotiate that out. We only need \$24 million next year to stop these cuts. By putting it in that line item, that specific non-premium line item that allows us to sit back and take a look and say, "O.K. What do we need to do moving forward?" If we put it into the medical trust fund account, the medical trust fund account, the Medicaid account then that eliminates the opportunity to negotiate with the Senate about how they fund these premium increases for 2017 and moving forward. Now we may not need, we may choose not to take any more than 24; so that would still leave approximately \$48 million available for general revenue purposes if necessary.

DELEGATE SPONAUGLE. So, if we pass your amendment then there is the opportunity at least to house all the PEIA, the 220,000 West Virginians they would not see premium increases if your amendment passes.

DELEGATE BATES. If our amendment would support, is adopted, then there will be a line item that will be adequate to stop premium increases next year for actives, active state workers and for retirees. An additional money in that line item that then could be used moving forward for PEIA or be redirected for other purposes within general revenue budget.

DELEGATE SPONAUGLE. If we reject your amendment, then we are pretty much guaranteeing that...

DELEGATE BATES. Would die...so that is off the table.

DELEGATE SPONAUGLE. So, we are guaranteeing that there is going to be a \$24 million short fall that the 220,000 West Virginians...

DELEGATE BATES. That those that are on PEIA, 230,000 West Virginians that are on PEIA are going to absorb.

DELEGATE SPONAUGLE. This is one-time money, correct?

DELEGATE BATES. Yes.

DELEGATE SPONAUGLE. Permission to speak to the bill. I fully support this. We were here the very first supplemental that came through this house. I made an amendment, I think it was around \$58-\$60 million to try to fix PEIA. It was rejected throughout the entire year we have focused on PEIA to fully fund \$24 million shortfall with premium hikes to \$220,000. West Virginians are not in anybody's mind. Maybe there are in some lawmakers' minds. Start July 1, when you go back home you can ask all these people if they think it was fully funded. It is not. This gives an opportunity to this legislative body to go. I don't necessarily know we fixed it because we haven't tied it to any long term income stream. We are going to be right back here this summer but for at least this upcoming year we have fully funded PEIA where no more money is coming out of pocket. Let's mind you there are \$30 million in benefit cuts that they have absorbed this past year. They are looking at another few million dollars in benefit cuts and, oh, by the way, we are going to ask them to pay another \$24 million in premiums for less policy actions. So, this at least stops. It doesn't do anything for the back \$30 million benefit cuts but at least stops them from having to pay more for less. I think that is the proper thing to do and I support the gentleman's amendment.

DELEGATE FOLK. So, we can clarify a little bit of misinformation being espoused in this body right now. There is a statutory, a current statutory requirement that anytime we put money in, there is an 80/20 split for premiums.

DELEGATE E. NELSON. That is correct.

DELEGATE FOLK. So, the 12% premium increase is due to that statutory requirement of 80/20 split. Correct?

DELEGATE E. NELSON. That is correct.

DELEGATE FOLK. Thank you.

DELEGATE BOGGS. Thank you, Mr. Speaker. I rise in support of the gentleman's amendment. I just want to touch base briefly about my reasoning for this. This would send a considerable amount of money from the Medicaid Trust Fund that is in this supplemental to PEIA. However, it would not be there for long. I don't believe the way that we have been

structuring supplementals over the last several years that we would have been able to have just taken \$24 million out to be able to go toward that to offset those 12% premiums. But when this bill goes to conference, the conference committee will have the opportunity to move the necessary monies at least in the short term over to PEIA or, excuse me, to Medicaid Trust Fund again and leave the \$24 million if they so choose in PEIA to offset those premiums. Now, it is not a new phenomenon that we haven't fully funded the Medicaid Trust Fund. As a matter of fact, for several years, the budget has been balanced by taking money out of the Trust Fund and moving it around but at the end of the day we have always put the money back in. That is why we ran supplementals this year for the '16 fiscal year to backfill from where it was underfunded last year. So, I think it is a good solution. I think it causes...it allows our active and retired employees, especially our retirees. I mean that is something that I think we cannot overlook. Some of those folks are going to have huge, huge premium increases even if 12% doesn't sound like a lot but if you are not making much or you are not drawing much, every little bit helps. In essence, it is a benefit cut or pay cut. So, I think we need to be cognizant of that.

Also, more than anything else, I think we have an opportunity to do the right thing here. We can meet in conferees. The conferees can move necessary monies back and throughout the course of the year when we come back in after the first of the year the next legislature can move monies. I am sure we will be here many times going forward we will be allowed to do that. All the Governor would have to do is to give us the go ahead. But I believe that this would be a really good solution to help our retirees and our active employees. It doesn't overfund PEIA permanently. It would just put that money in PEIA as a hold until the conferees met and then the necessary money could be moved back over, and then we can deal with that as we go. PEIA is something people depend on when it comes to Medicaid. It is a program, and we pay the bills when we get them. We will have that opportunity to pay those bills, but I would urge you to support this amendment to help our retirees and help our active employees at a time when they really need it. Thank you.

DELEGATE MOFFATT. Thank you, Mr. Speaker. The Delegate from the 23rd brought up a good point. So, I have a question for the

Chairman if he would yield. If you would Mr. Chairman, I am trying to understand. I have looked through all this stuff and he mentioned 80/20, but the Governor proposed 75/25. Isn't that right? Isn't that going to be the cut or what are we doing there?

DELEGATE E. NELSON. You know the Governor introduced a bill to change the 80/20 to 75/25 and if that would have passed, the employee premium increase would have increased by 25%, and that bill failed to see success in Banking and Insurance. But it was included in his fiscal year '18 projections.

DELEGATE MOFFATT. Okay so, by it dying, we are actually keeping the premium increases down, then over what the Governor proposed?

DELEGATE E. NELSON. Maybe said another way, we are keeping our eye out on the state employees absolutely to keep their premiums as low as we can.

DELEGATE MOFFATT. Thank you, sir. Thank you, Mr. Speaker.

DELEGATE FERRO. Thank you, Mr. Speaker. Would the gentleman yield? Mr. Chairman, could you tell me again what the percent raise in PEIA premiums are, and what that would equate to active employees?

DELEGATE E. NELSON. Twelve percent on average, single people or single employees \$10 a month, and again this is what the Governor proposed in his budget to us.

DELEGATE FERRO. Is that the same increase for non-Medicare retirees? Is that the same increase: 12% and \$10 for non-Medicare retirees?

DELEGATE E. NELSON. Yes, on average 12% across the board for current employees as well as all retirees.

DELEGATE FERRO. So, for non-Medicare retirees their premiums will only go up \$10 a month?

DELEGATE E. NELSON. Well, single payers it is \$10 a month. So, it just depends if you have a family coverage or what type of coverage you may have.

DELEGATE FERRO. What about with a family coverage? Would it go up considerably then?

DELEGATE E. NELSON. I don't have the exact number in front of me.

DELEGATE FERRO. You don't have that with you, ok.

DELEGATE E. NELSON. No maybe you do.

DELEGATE FERRO. I do, and if I could speak to the bill, Mr. Speaker. Thank you. I am going to talk about this selfishly. Also, I wanted to dispel a myth here, because the general public thinks that each and every one of us in here gets free insurance from PEIA and we don't because we are legislators. So, if you are out there listening I hope you understand that. But secondly, as a non-Medicare retiree, our premiums are based on how many years that we work, not how much money we make. And just for example, I have 35 years in as a non-Medicare retiree family plan, and my current premium would be \$529 a month. Now it has been reduced because I am a non-smoker and I also have a living will, so it is \$475 a month. But based on that \$529, with 25 or more years, my premium would go up \$59 a month or approximately \$720 a year. Now that doesn't have anything to do with my income, that is just based on how many years I have worked. Let's go down a little bit to someone who has 20-24 years. Their current premium would be \$726 a month. Theirs would go up to \$808 a month. Now again, it depends on how much money you have made and what your average is as to what your pension would be. All I can say is that some of these retirees would not be getting any take home money or very little. Their PEIA premiums would be eating up almost their entire retirement. That is what is keeping a lot of these people in, and in fact the biggest question that I get asked and I worked in schools and service personnel, all my life, is: I want to retire but I can't. I can't afford the insurance. With these increases it is going to make it even worse. It is going to keep people working that perhaps should get out of the business a little bit. All I can say is that this is going to be extremely devastating to an awful lot of retirees who do not have a high enough average to pay their premiums. For that reason, I support the amendment.

DELEGATE MOYE. Thank you, Mr. Speaker. To build upon what my colleague has

been speaking of with regard to the premium increases to our retirees and current employees, the service personnel like aides and cooks and school bus operators. Their starting salaries are under \$20,000 a year. Aides and cooks are at \$16,700 a year. It takes an aide or a cook over ten years to break \$20,000. In the event that my colleague was talking about it is easy for you to retire and not have enough retirement to even pay for the insurance. That is common. That was pointed out to us in committee by a gentleman from the retirement board and that is not unusual for that to happen. Now, the way our budget has PEIA funded now, it's a help but it is not a fix for PEIA to keep the benefit reductions and the premium reductions from these employees and these retirees. You put the money, as my colleague is proposing, into the PEIA special projects fund, or you can call it other things if you wish, and that would offset that so that they would not see these premiums increase. Our retirees have had a fixed income. It is always going to be a fixed income.

Let's face it, we don't have the funds to give them a cola. They are not getting raises. We have not given raises to the teachers or service personnel or state road workers for quite some time now. So, if we do not fully take care of the PEIA issue, in essence they are getting a pay cut. It is costing them more. Not only is it going to cost them more in premiums as has been said, they are going to have a reduction in benefits which will also cost more. Now, if we were giving them raises if they were making even reasonable salaries, you might justify that. But we have folks working for the government, for the state and county that are eligible for public assistance working for the state, and if we don't take care of this then we are not... we are going to be taking more out of their pockets. For those reasons, I think it is a good idea we move it over there, and as my colleague pointed out it can be moved around later if necessary. Thank you.

DELEGATE LANE. Thank you, Mr. Speaker. Ladies and gentlemen, this is a bad idea. I appreciate my friend from Raleigh concern and effort to fix PEIA. And that is why I am so pleased that the Finance Committee has fully funded PEIA in the budget we are going to vote on tomorrow. But just make no mistake. What this amendment does that the gentleman is offering, is take \$72 million away from the Medicaid Trust Fund. Does anybody know what the Medicaid Trust Fund is? That is the fund that

is set up statutorily for us to draw down dollars from the Federal Government and match for Medicaid spending. What is Medicaid spending? That is medical services provided to poor people in West Virginia. Now, there is a thing called an M-MAP which is the federal matching of state dollars. Our current percentage match is 28.2% state dollars receives 71.8% in federal dollars, so if we put up \$28.20 then give us \$71.80. So, let's extrapolate out these numbers. The gentleman's amendment proposes to sweep \$72 million out of the Medicaid matching trust fund. Do the math real quick. Where does that land us? \$255 million of medical services for poor people in the State of West Virginia, goes away. Poof. That is what the amendment does. That is what the amendment does. It cuts a quarter of a billion dollars of medical services for poor people out. I think it is a bad idea. I urge you to vote no.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. I would like to speak to the amendment please. Thank you, Mr. Speaker. I rise in support of my neighbor's amendment. I know whenever, before I came to the session this year I had numerous, numerous people who are state employees saying, "are you going to do something about PEIA?" They were already upset about the changes that had already happened to them. Not what could be actually coming down the road. They were already upset. I shared with this body several weeks ago of a story of a family where both family mother and dad are both state employees. They have a recently diagnosed insulin dependent daughter that is eight years old, that what they pay out of their portion of being a PEIA insured is over \$200 a month for just the insulin. Not any other pharmacy costs that they have. Mr. Speaker, I felt with confidence that I was going to be able to be true to my word saying, "yes we are going to do something to fix that." You know when we talk about the increase of 12% probably to people who make \$100,000 or more, you know that is probably not too much but when we are talking about individuals that are making \$30,000, \$20,000 that is a significant amount of money.

When we talk about our retirees who PEIA will be forced to cut their benefits and we use that word lightly, cut your benefits. Does anyone have an idea of what kind of benefits we might be talking about? We are talking about them being able to be approved to go and have rehab if they have a fractured hip. We are talking about limiting the number of visits for physical therapy.

Limiting the number of visits for occupational therapy. We are talking about individuals who have strokes who have a need for speech therapy. We are talking about all those benefits being cut, possibly done away with. Who are the people in our state that need to access health care? Those are individuals who are retired who have worked for the State of West Virginia for multiple and multiple years and they were promised that we may not pay you much on the hour or a yearly income but you know what? You have got great benefits and you know, Mr. Speaker, some of those benefits and some of the increases are your increase when you go to the emergency department. The increase is going to be on your co-pay on your prescriptions. Some of our seniors who have been retired for 10, 15, 20 years who have never seen an increase in their monthly income, now are going to be forced to make a choice; do I pay the electric bill or do I go and get my prescription filled? Or do I go to the emergency room because I am having chest pains or am I worried that I am not going to be able to pay the \$40 or \$50 co-pay when I walk through that door? I would urge this body to consider this amendment and help our state employees, help our retirees. These are our seniors. These are the people who took care of us and they are relying on us to take care of them and we made promises to them and I hope that we will keep them. Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I would like to echo the comments from the Lady from Randolph. I have received many emails from several constituents but one has written me many, many times and sent me copies of letters that she sent to the Senate President and she is a retired and disabled 70 year old and what she said to Mr. Cole was, "Your refusal to fully fund the current PEIA insurance has made it so I cannot go to all the doctors I need to go to for chronic painful conditions and the one I have to go to will not be paid in a timely fashion which could lead to my, for the first time in my 70 years having a bad credit rating. Shame on you. By not fully funding the current years PEIA retiree Medicaid Insurance my deductible quadrupled. My co-pays went from \$20 to \$40 each and my drug deductible is now \$100 too. I cannot afford these rates." A lot of times we talk about the premiums going up we are not thinking about how much everything has already gone up for these employees who didn't get a pay raise last year or aren't going to get one this year, didn't get one the year before and of course the

retirees didn't get anything extra. So, I think it is, this is like a seventh of our population and those, I think that is something like \$30 million just the co-pays and the deductible. We are not just talking about the premiums. We are talking about these other extra costs that are being loaded on these retirees and disabled citizens so I support the gentleman's amendment.

DELEGATE MARCUM. Thank you, Mr. Speaker. Will the gentleman yield? Will the Chairman yield? Is PEIA fully funded under this budget?

DELEGATE E. NELSON. Yes.

DELEGATE MARCUM. How can you say it is fully funded with a premium increase?

DELEGATE E. NELSON. Well just like how it is in code with an 80/20 match when the employer, the state puts in a dollar according to the 80/20 in code, the employee matches it 20% and again let's remember how has this been funded the last five years? Nothing has gone in. Our trust fund has been basically depleted, I won't say depleted but run down to its minimum balance. The plans have changed. So, it is costing, it is now costing more for our employees because of those measures and higher co-pays whether they go to get prescription drugs, go to the hospital, a doctor's visit and it is unfortunate.

DELEGATE MARCUM. OK so premiums are going up. Co-pays are going up. That is what you just said.

DELEGATE E. NELSON. No, I said over the last four years because there have not been any premium increases or other measures, that certain benefits have in fact decreased for our employee base. But again with this right now there is absolutely no change from today going into '17 for an employee as it relates to out of pocket expenses or deductibles. No change.

DELEGATE MARCUM. What is going to happen in July?

DELEGATE E. NELSON. No change.

DELEGATE MARCUM. OK, previously you said there was going to be a change in July and there would be increased premiums in July.

DELEGATE E. NELSON. There will be an increase in premiums that is exactly right.

DELEGATE MARCUM. So, let's be clear. There is going to be increased premiums. There is going to be higher co-pays the way this budget is written.

DELEGATE E. NELSON. Gentlemen, there is no change in out-of-pocket or deductibles.

DELEGATE MARCUM. At the appropriate time I would like to speak to the amendment. Thank you, Mr. Speaker. Ladies and gentlemen, we can dodge the issues all we want. We can get around the questioning all we want. If something is fully funded premiums don't go up, deductibles don't go up, co-pays don't go up. It is plain and simple. We have not fully funded PEIA. This is an attempt to help lower the co-pays and premiums that is going to be put on our middle class citizens. This is an attempt to help the lower middle class of this state. Ladies and gentlemen, I encourage adoption of this amendment. I mean we are here to fight for the middle class and I will stand by them and I encourage a yes vote on this amendment.

DELEGATE MILEY. Thank you, Mr. Speaker. Would the Gentleman from the 30th yield for a question? To the Delegate, I have heard some references to the extent that putting any additional money in PEIA will result in premium increases because if you put \$1 in for PEIA the employer pays 80%, the employee still pays 20%. Will that occur if this amendment is adopted?

DELEGATE BATES. No.

DELEGATE MILEY. Explain what you mean by that.

DELEGATE BATES. So, what we do is, we are directing it to a special fund. Like most agencies there are multiple funds, funded multiple ways. So, we were able to identify within the agency an account that is non-premium dollars that we can direct this money to as basically a holding location.

DELEGATE MILEY. So, this account, if this money were put into it, would be for non-premium dollars.

DELEGATE BATES. Non-premium dollars.

DELEGATE MILEY. Out of which that money can be used to offset any premium deductions.

DELEGATE BATES. That is the plan.

DELEGATE MILEY. Did you get that information from anybody?

DELEGATE BATES. Yeah, from the gentleman that is in charge of Mr. Cheatham, who is the director for PEIA.

DELEGATE MILEY. So, Mr. Cheatham was the one who told you that this was the account into which the money you are proposing to be placed could be made which would not cause any increase in premiums.

DELEGATE BATES. Yes, as the gentleman is aware since the beginning of the session we have been actively working on trying to find a solution to fully fund what was anticipated in 2017.

DELEGATE MILEY. Thank you. Would the Chair of Finance yield? Did you just hear the back and forth between the Gentleman from the 30th and me?

DELEGATE E. NELSON. Not completely.

DELEGATE MILEY. He indicated that he worked with Mr. Cheatham in identifying an account within PEIA into which these monies can be placed which would not cause an increase in premiums. Do you have any reason to disagree with that?

DELEGATE E. NELSON. Yeah, I guess our budget which is the \$43 million line item that was referenced in prior discussion earlier back in January, I guess has been divided amongst all the accounts right now so it is in our budget. The state will be funding \$43 million and as it relates to code an 80/20 match there will be a premium attached.

DELEGATE MILEY. That wasn't my question. The question was do you agree or not that this account into which this money is being paid or transferred would not result in premium increases as instructed by Mr. Cheatham?

DELEGATE E. NELSON. There is still the 80/20. If the state is putting in \$47 - \$67 million there is an 80/20 match there. I have not had that same conversation with Mr. Cheatham. What is in front of us now is what the PEIA board approved in January unanimously.

DELEGATE MILEY. So, for the last 57 days you have not made any inquiry into the Director of PEIA as to what steps if any we can make to avoid premium increases on current employees and retirees?

DELEGATE E. NELSON. We have had a number of meetings with Mr. Cheatham. He has been to the Finance Committee a number of times. Had many questions as this relates I don't think that came in front of the Finance Committee.

DELEGATE MILEY. Well we have invited Mr. Cheatham to our caucus which he willingly came. We invited him into my office which he willingly came and we asked these questions. Are you telling this body and anybody listening and watching that you failed to ask Mr. Cheatham what steps we could take as a body to avoid premium increases?

DELEGATE E. NELSON. We have looked at many measures, many measures.

DELEGATE MILEY. Did you ask him?

DELEGATE E. NELSON. Looked at many measures.

DELEGATE MILEY. Did you ask him, Mr. Cheatham?

DELEGATE E. NELSON. Looked at many measures.

DELEGATE MILEY. So, your refusal to answer I think is indicative of my question and what likely happened. Thank you, Mr. Chairman. I want to speak to the amendment. Ladies and gentlemen, I think it is very clear what happened and what failed to happen. We came in here from day one prior to the start of the session trying to restore the cuts to PEIA. Now, there has been a lot of use of the words fully funding PEIA and that is perhaps our fault but I think we have always made it clear that our desire was to restore, fully fund and restore all of the cuts that PEIA beneficiaries have experienced. Now, the Finance Committees own power point it says this budget fully funds the plan adopted by the PEIA Finance Board. Well they adopted a plan that calls for 12% increases in the premiums of retirees and current employees. That is not fully funding and restoring the benefits that have been cut. So, you can say all you want and try as you

might to claim that you fully funded PEIA but you haven't. At least be honest about that and say we can't afford and shouldn't afford to fully fund PEIA.

But those on our side and I know the Gentleman from the 30th has worked tirelessly on this issue. He made it a point to call Mr. Cheatham, the director of PEIA, who has vast knowledge of this issue, invited him to our caucus. He was peppered with questions for at least an hour. Additional questions were raised and he was invited into my office with six or eight other people where he was peppered with questions for an extended period of time. On each occasion, he said there was a way to do it to avoid premium increases. In fact, it had been done before. He preferred not to go down that road every year but it is doable. If you want to do something bad enough, you will find a way to make it happen. This was the way he gave the Gentleman from the 30th to accomplish funding PEIA so that our retirees and current employees wouldn't experience any premium increases. You don't have to like it. You don't have to like the fact that you didn't make the same requests to find the solution to that problem, but those are the facts unless you don't believe the Gentleman from the 30th.

Now, the reality is as the Gentleman from the 30th stated when he opened on his amendment is that this money is to be transferred to the PEIA special projects account and it is clearly more than enough than what is needed. But you can draw down or take away from that amount through negotiations and conference with the Senate's budget and the Senate conferees. But you can't if it is not there. You can't go up you can only go down. So, you start with a level that is high enough to take away from so you can get to the level of avoiding premium increases. To suggest there is no cut in benefits is not true either. In fact, they had to cut benefits during the 2016 year plan to the tune of about \$37 or \$38 million in benefit cuts. This year even with the PEIA board's proposed plan there is another \$6 million in benefit cuts plus 12% premium increases. Those are the facts. Those aren't my facts. Those are the facts that we have been given by the PEIA board and Mr. Cheatham. So, this is an opportunity to fund the PEIA special projects account such that we can avoid the premium increases on retirees and current employees. Now, you can choose to vote for the amendment or not but let's not act like or pretend we have not

had an opportunity to do what we all, I think, claim or will claim when we leave this place in a few days we were trying to do for the people who vote for us and send us here. Many of whom vote for us and send us here. Now, I know every one of our constituents aren't beneficiaries of PEIA and some like to talk about how in a private sector the premiums go up at a lot faster clip than 12%. Those same people in the private sector often times make far more than public sector employees. Our teachers, our troopers, our retirees. So, you can't compare apples with oranges. These are public employees who have gone without any raise for quite some time. It is quite frankly embarrassing what we pay some of these public employees and to ask that they take a pay cut in this year is just wrong and we stand up as a caucus against that and we ask for bipartisan support in that.

Now, some have talked about, we haven't put any money in the reserve fund for five years which extended back when the Democrats were in charge, you are right. You are right but when you have a surplus and you have cuts that you are having to make to your budget in other places like we have had to do including taking from the rainy day fund isn't that what a surplus is for? Our rainy day surplus or revenue shortfall fund is being used this year as it has been in the past few years. That is what those reserve surpluses are for. Why would you put more money into it when you are having to make cuts elsewhere in government and take from our rainy day fund? What we have is an efficient amount to offset any increases. Now, the mistake that was made in my opinion was that there weren't incremental increases on an annual basis, so that when someone got an increase of 12% in their PEIA premiums they wouldn't be so outraged by it. But the fact is we are where we are here today with this situation, the financial situation we are facing. Not once, I know people have claimed that I blamed the Republican majority for not fixing it or creating it. I never once blamed anybody for creating the situation where we are. All I have ever said was we are where we are, we need to fix it. We had a proposal on our side as to how to fix it.

Whether you choose to adopt it may or may not be right for criticism, but I have never said anything about who caused us to be in this position, what party, what administration downstairs. We are where we are and we need to take steps to fix it and that is what we have tried

to do from day one and that is all this amendment is trying to do. So, Mr. Speaker, thank you for the opportunity to get up and share my thoughts on what I believe this body ought to do and sometimes necessity is the mother of invention, usually is. So, we are in a situation where we have an opportunity to fix the PEIA problem. We have missed opportunities to increase revenue streams this session. Let me go back, we haven't missed an opportunity because if the other side would like to take those up I suspect we could muster enough votes to suspend rules to do that, but I don't think that is likely to happen. But we are where we are. We have an opportunity to fix it and ask that we all do the heavy lifting together and make that happen. Thank you, Mr. Speaker.

DELEGATE HOUSEHOLDER. Thank you, Mr. Speaker. Ladies and gentlemen, I haven't heard any legal authority to get around this 80/20. All I have heard today was hearsay. I have talked to someone. But there is nothing in the code that allows us to get around the 80/20 mix. There is no legal authority. I haven't heard one legal authority that gives us the provision to get around what is in state code right now. Now let's go back early on at our very start of this session. We attempted, the Governor attempted to put \$50 million into a supplement to pay for TANF and the Age and Disabled Waiver Program. We had to pay our bills. What has this body attempted from our colleagues on this side of the aisle? The first thing they tried to do was to make sure that poor people couldn't get paid. Now, today we have another amendment from the Gentleman from the 30th, same exact amendment. We have a medical service trust fund where we have federal matching dollars and we are going to lose the opportunity to have \$250 million because of some short-sighted amendment that doesn't give us anything in code to get around this provision, this 80/20. I haven't heard one argument but hearsay.

Yeah, I have talked to Ted Cheatham. Yes, he says this but there is nothing in code that allows us to do that. But let's go back to 2010. There was an audit done on PEIA and that audit found that there were 11,000 ineligible participants on PEIA costing the state \$23 million a year. OK, 11,000 ineligible participants, \$23 million a year. 2011, how much money was put into PEIA funding? Zero. 2012 budget, how much money was put into PEIA? Zero. 2013 budget, how much money was put into PEIA? Zero. 2014, 2015 how much? Zero. First time in five years we

have attempted to put funding into PEIA. The first time in five years. For five years this body has kicked the can down the road and done absolutely nothing. This time around we put \$67 million to fund PEIA. Now ladies and gentlemen, you know I am sure my friend from the 30th has good intentions. But his amendment is wrong and I just urge rejection.

DELEGATE MANCHIN. Would the gentleman yield? Do you realize that the reason why premiums didn't go up over these past few years is because money came out of the very account that the Gentleman from the 30th proposes that we put money in to? Do you realize that?

DELEGATE HOUSEHOLDER. The reason the premiums did not go up because you drew down the reserve fund. That is the reason why premiums did not increase.

DELEGATE MANCHIN. You have said that there is no legal way and it has been done legally for the last three or four years. Prudent or imprudent.

DELEGATE HOUSEHOLDER. There is no legal authority. It is in the code right now with an 80/20 mix. You had the opportunity to take out the 80/20 mix.

DELEGATE MANCHIN. Thank you. Permission to speak to the amendment. Mr. Speaker, I have heard discussion about short-sightedness. I have also heard discussion about what occurred in a Banking and Insurance Committee meeting. One that which I attended. One that which was devoted, or in large part devoted, to this very issue, the very bill the 75/25 that was brought up. And during that meeting what occurred was that the leadership of that committee proposed an amendment that was going to reduce what the state had to put in to this PEIA premium fund down to 20% from its 80%. Then we are going to increase the amount that the employees could be required to put into this fund from 20% up to 80%. When those of us who were irate and shocked by that proposal started asking questions, and when we got to the point where we discussed with Mr. Cheatham a matter that apparently, the distinguished Chairman of Finance never heard, and where we talked about how we were able to get around the problem of the 80/20 rule such as being able to perhaps change the state's share to 88% and the



employee's share 12%, at least for some short time period, so that our employees wouldn't suffer a loss. And when we got to the point where, "Mr. Cheatham would you give us the number that we would need to have in the budget in order to accomplish that?" The meeting was adjourned. Immediately adjourned. Never to return to that subject again. Now that tells us where the priorities of this body are. There was plenty of time to take up bills to help insurance companies afterwards. Plenty of time to take up bills to help bankers after that. But no time left to spend on working out the PEIA problem because we might learn too much. Now the real problem here when we start talking about short-sighted and I will accept that the matter has not been addressed in the past few years. However, what I know is that there are people in this room who have signed pledges to refuse tax increases or revenue increases no matter what. No matter what state this state comes to they say they will not increase any revenues. I know in my heart that that is a major reason why we are at this point where we are going to balance the budget and why we can't take this money right here and put it over into the special projects fund. The reason why we can't do that is because nobody will vote for increases over there. Nor will anybody vote for cuts. We are not going to do cuts because that would be politically unpopular too. So, here we are. They are going to take these one-time monies and you are going to strip every account that we can get our grubby paws on, instead of putting it over into PEIA for a one or two-year fix, until we can get to the point where we have got political will. We are going to continue to ignore it. That is a shame. I urge adoption of the amendment.

DELEGATE ANDERSON. Thank you, Mr. Speaker. We had before us on the agenda of the Finance Committee a measure, a Governor's bill to increase cigarette taxes by 45 cents a pack. I never signed a pledge to do anything for any organization in this legislature. I do not wear any adornment on my jacket except the lapel pin as a member of the House of Delegates. I voted for the Governor's bill, on a roll call vote in the House Finance Committee. There was one amendment offered to the Governor's bill which proposed a 45 cent a pack increase which was rejected by the Finance Committee on a very close roll call vote. The vote was 13 to 11. It was rejected. For the record, I voted against that amendment because I was concerned about businesses on the border areas of our state. I wish

nobody smoked so we wouldn't have to deal with the cigarette tax issue. But that was a potential revenue source sent up here by the Governor of this state. I could not support the \$1. As to how other people voted, they can check with the Finance Committee and get the roll call.

We then undertook the proposed committee amendment raising taxes by 45 cents a pack. It was defeated on a roll call vote in the House Finance Committee by a vote of 21-3. I confess I was one of the 3 that supported the Governor. Not a member of the minority supported the Governor's bill. That is all I am going to say on that subject. But that was a potential revenue source. So, that we did not put at risk, possibly draw down federal money, for one thing.

The second thing I would say, it would provide potential revenue so that we did not have to increase premiums upon employees. So, some people in here got us to where today in this situation. I just cannot believe some of the games that we are playing here. We need to deal with the problems facing the employees of this state. The retirees, and I am a retiree and I am on PEIA in full disclosure, but ladies and gentlemen, there are people across this state who are losing their jobs. There are construction workers losing their jobs in this economy. We have heard of countless coal miners that are losing their jobs in this state. We don't mine an ounce of coal in Wood County, but ladies and gentlemen, of the House, I am sympathetic. I have friends that live in southern West Virginia. I will do everything I can to help mitigate the losses down there, but in a few months without employment they may have no health insurance at all. As a West Virginian, a PEIA retiree I know that we all have to step up collectively as a state and meet these needs of people throughout the state. Needs of the people that are on Medicaid. PEIA retirees on Medicare and those who retire prior to 65 who are not on Medicare. There are a variety of premiums but we put additional money.

Chairman Nelson did not entertain the Governor's bill to change the ratio from 75/25 contribution that would have resulted in premium increases. That bill was not considered by the Finance Committee. That would have raised premiums. This is I think a wrong way to go, as much as I would like to not see an increase in my premium on a personal basis. And I am especially concerned retirees that have been out there for 20 years or so. But ladies and gentlemen of the

House, this state is under siege by economic forces that have attacked it far from beyond the borders of this state. As West Virginians have a tradition. Everybody is going to have to step up to the plate here and try to meet the needs of every citizen of this state as best we can. That is just the facts of life. I would like to have passed that. It was rejected. This is where we are. A modest premium increase in my opinion is much better than the copays. At this point in time the premium increases for people that are not eligible for Medicare are going to be substantial, not as bad as they would have been, not as bad as if this budget fails. Because then when we hit July 1, we are in terrible trouble. So, I have to support the position of this right now that would result in modest premium increases for people because we simply have no choice. West Virginia is hurting from the Northern Panhandle to the southern coalfields. There are few pockets of prosperity in the state but we have to rally together and not play games and get a budget out of here that is balanced that brings relief to the original proposals of the PEIA Finance Board. It's not going to be 100% restoration but quite frankly we are just going to have to do it. Thank you.

DELEGATE GUTHRIE. Thank you, Mr. Speaker. Just to ratchet down the accusations. To the Gentleman from the 8th, this is a tough year. There is no doubt about it. The Senate gave us a gift. They gave us a gift of a revenue measure in the form of a \$1 increase in the cigarette tax. That was the bill that we all wanted to vote on because we all knew that what the Governor proposed still did not fix the PEIA problem. A dollar would have. A dollar would have fixed that. But there was no appetite by my fellow Republicans to increase any tax. That is why that measure failed and the Gentleman from the 8th knows that. Secondly, to the Gentleman from the 68th, 64th excuse me. To the Gentleman from the 64th, unless you were in a brain coma you were in the same meeting that we were all in with the PEIA director at which time we were asking, perhaps you weren't paying any attention, but we were asking how do we avoid benefit increases, increases in copays. What is it we can do and he very clearly outlined exactly what is in the amendment that we are dealing with.

Now, as far as the Medicaid Trust Fund and everyone's hair being on fire over that, let me tell you that PEIA is a program that we have all felt very strongly needs to be funded now so that there is no suffering and no increases in benefits,

no increases in copays. This amendment simply gives us time. It buys us some time. The Medicaid Trust Fund is a parking mechanism that we have been using every year and everybody that works on that finance committee knows that. Why do you think we have supplements every year that refund it? We pay our bills. We pass a supplement and then we pay our bills again. That's how that account works. There is no magic to it. It's a parking mechanism. So, what the gentleman from Raleigh is saying is let's take the director's advice from PEIA and park money in the PEIA Special Project account. That is all he is saying, so that we can buy some time to work through conference and see whether or not we can avoid increase in premiums and copays for state employees who have not had a pay raise in ... I can't remember the last time or retirees who are living on a fixed income and cannot afford premium increases or increases in their copays.

Now, you can accuse all of us of anything you want but the facts are simple. We have an obligation in times like these is clearly stated in our constitution that when we are facing a deficit we shall tax, it is Article 10. Look it up. So, I am suggesting to most of you in here is that a refusal to pass any tax revenue is shirking your responsibility as a delegate. I don't see that there is any pride in going back home and saying well we just, we just increased your benefits and copays a little bit. It is not what I wanted to do. My three big priorities whenever I came here was to fully fund and fix PEIA, put money in our road fund and try to fix our roads and to put money in a fund so we could start dealing with treatment centers for those folks in our communities who are addicted to drugs. Now, we are trying to make excuses about how we have done a great job. Well, we haven't. I think this is a sensible amendment. I think it buys us time for conferees. I would suggest to you that the time for games is over. This is not a game. This is an alternative measure. One that we could very easily adopt and buy ourselves some time to see if we can work something out. For those reasons, Mr. Speaker, I would ask that the gentleman's amendment be supported.

DELEGATE PERDUE. Thank you, Mr. Speaker. Thank you, ladies and gentlemen. I will try to keep the volume control down a little bit. Want to talk a little bit about, and I am speaking to the amendment Mr. Speaker, a little bit about Medicaid and the Trust Fund. Over a number of

years, I was on the Finance Committee and served as a conferee on healthcare and dealt with the Medicaid budget. This Trust Fund, you know the passion about PEIA is the same passion I had about this Trust Fund that we didn't spend. OK, for a whole long period of time we not only many years spent only a portion of it for Medicaid and the rest was used to balance the budget in other ways. It was kind of a little bit of a shell gain. But some years we didn't do it at all so we flatlined Medicaid, which got us to where we were with the AD Waiver and the IDD Waiver because we flatlined Medicaid. We really didn't put that money to use. In this particular case I would dispute the fact that we are going to be pulling money away from poor people. Because my experience that being with Medicaid Trust Fund is that it was used as a kind of a holding area to see what would happen in the budget over a period of time. I think that's a good possibility that's what's going to happen this year.

At the same time, we got to understand and we don't seem to quite get this but because as my friend from the 8th pointed out because we are in such doldrums because there are so many people out of work because their construction workers out of work for various reasons, miners out of work. The F map that was referred to earlier is going up. Every percentage point, the F map goes up is another \$20 million for us. So, next year that F map is going to go up almost four tenths and the year after that it certainly will go up substantially more because of our strengths. So, I would suggest that the issue of the Medicaid Trust Fund while it is important to consider and I am going to come back to my argument of my passion if we were going to use it for what we should use it for and had over the years and that includes last year, if we were going to use it for the things we were supposed to use it for I could accept the argument that somehow this was dangerous to Medicaid recipients but I can't do that because I know the F map is going up because I know past history tells me that we have not done that we have actually used it to close budgetary holes. Medicaid has been the whipping boy in the state budget for the last 18 years as far as I know. We pull them out when we need them and we say that we are going to do certain things and we don't then we use the money someplace else.

So, where we are at today is dealing with the issue of PEIA and the folks that haven't got a

raise in who knows how long. So, instead of trying to do something about a raise and I admit the fact that we did not do that we are going to give them a cut. It just doesn't ogger well I don't think. The public employees of this state to be treated as cavalierly as we have and I say we have. I think that this is an opportunity, our last opportunity probably to speak to them directly, to stand up to them directly and say we are going to do this. We are going to make you a priority this time. We haven't done it for a long time. We have the opportunity to make them, public employees a priority today. So, for that reason I speak in favor of the gentleman's amendment.

DELEGATE BATES. Thank you, Mr. Speaker and I appreciate all the comments. It's been a long day and a long 60 days so like many of you I attended the PEIA Finance Board Public Hearings that were held around the state where I too would hear from of the almost 230,000 West Virginians working, and retired, that receive their insurance out of this plan. It's been a long time since I been to a meeting, a community meeting, where I sensed the fear and the anger that I felt in that room. They were concerned that we were not going to act and that if we were going to act it wouldn't be enough. What I would like to kind of say to them is we kind of heard you and the Governor did include money in his budget to stop the cuts and the House has included money in its budget to stop the cuts and the Senate has included money in its budget to stop the cuts but we don't have a budget. What this amendment does is simply provides a mechanism for us to continue the negotiations and discussions to be able to stop the anticipated 12% increase in premiums that the state workers and retirees will experience in July. In a couple of days, we are going to get the chance to go back home again. We are going to have to tell our constituents, our friends and neighbors and some of our family members that they are going to be paying more for less and that we heard them and we chose not to act. Unless we vote yes on this amendment you and I will go back home and go back to those public hearings again that start in November and say we didn't fix PEIA. We patched it, we stuck a Band-Aid on it and we sent you the bill. We are going to have to go back home own the problem and some of us will be back next year to do it all over again. This is the last opportunity we have to make it right. I ask for your support of the amendment. It's the right thing to do. Thank you Mr. Speaker and I ask for the yeas and nays.



## FIRST EXTRAORDINARY SESSION

# APPENDIX

### COMMITTEE ON FINANCE

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#### REMARKS

of

#### MEMBERS

*May 20, 2016*

DELEGATE BUTLER. Thank you, Mr. Speaker. I stand today and I usually try to avoid doing this because it is never good when you get aggravated and you respond to something, but to say that we are here doing nothing, I think is a total mischaracterization. I would also like to inform everybody in the House here and I think everyone knows this, we all have votes on the budget. We all have access to the information. Those of us on the Finance Committee have amongst probably 50 pounds of books we have. We have two major books here that we go by. One of them is special revenue. Myself and several other Delegates have been here for several weeks, not being paid for being in session, going through these numbers. Finding not millions of dollars in special revenue that we could use to keep from going into the Rainy Day Fund or taxing our citizens more, we are finding money in little slush funds and piggy banks, these different departments, to try to make things a little bit easier on our constituents. So, I would say we are not here doing nothing. We are finding money to do the task that we have been charged with in balancing this budget. I would like to remind everyone that we did have a balanced budget. The House had a balanced budget that funded PEIA, that funded Promise Scholarship, that funded all the things that we are charged to fund without tax increases. All this has been done and we all know what happened. The Governor changed the revenue estimates on us. Not saying that was, I mean the revenue estimates changed because the economic situation is changing rapidly and we are trying to stay up with all this. Ladies and gentlemen, we can get this done. The Finance Committee is meeting every day. There is lots of room in the Finance Committee meetings for anyone that wants to participate, to come in and listen, and you can communicate with your fellow members whether it be myself or someone else. So, if you have concerns let us know. We are getting the work done. I appreciate everybody. Thank you.

DELEGATE E. NELSON. Thank you, Mr. Speaker. I do appreciate the comments and the interaction. Without a doubt your Finance Committee has been working its tail off like it should be. To think that we haven't, shame on you. There has been plenty of time put in since session ended. Hasn't included all the members. There is so many moving parts with this. We are at unprecedented territory. Never before, I don't even think in the Caperton years, how many years ago was that, 30 some? That we are faced with the consequences that we are now. Communication, yes communication could have always been a little bit better. We always strive for better communication and we will continue to try to work on that.

The committee has been busy this week, so we have 25 members of the 100. We had an open meeting here on Monday, Joint Committee trying to do everything we can as efficiently as we can to move this as quickly as possible. There is some good ideas that came out of that. We started up in House Finance, boy, was it crowded. We have moved to Gov. Org. Every meeting, every meeting has been announced. Everybody has been welcome. We have had a number of non-Finance members show up and welcome that and they have had some excellent input which we have acted upon. So, what have we done these last five days, meeting in the morning, meeting in the afternoon, meeting late into the evening. We have looked at various cost cuts. Many members have talked about the inefficiency of our government. Yes, there is some serious inefficiencies. Some of this that we can correct in a short time. Some that is going to take a little bit longer but with these budget meetings, members have asked questions of agencies. We have had some agencies come back in a second time. So, not only about operating expenses but also about their special revenue and what is interesting about our budgeting process which must change in my opinion.

There is three components to our budget as you all have heard: the general revenue, the special revenue and the federal revenue. Obviously, the federal revenue, this body doesn't have much control over. The special revenue, we have even...we don't have much, as much, control over. But what we are doing right now is going through a lot of these special revenue

accounts in excess balances that may be in those accounts that in this difficult time could those excess balances be more appropriately used to meet our shortfall of \$270 million. There is a lot of vetting that is going on with that. We passed a bill. This body passed a bill during session expiring \$72 million which then had changes as it went to the Senate. But we are going those extra steps with this extra time to further vet that and other accounts. I very much appreciate, seriously appreciate, the effort of the Gentleman from the 14<sup>th</sup> cause as he stated he has been in here more than anybody other than myself on the Finance Committee. I may have to hire you as an analyst. Is that OK? And there has been other members that have joined him that are outside Finance Committee going through various line items. Been tremendous. We have got an open book. Anyway, to say that we have not been doing anything, I think is a misrepresentation. We will begin our budget process with the document no different than we have during session on Monday. Our intent is to present something to this body and be out here next week so that we are meeting the needs of West Virginians, getting our budget balanced in an efficient manner given the circumstances that we are in. Thank you, Mr. Speaker.

DELEGATE FAST. Thank you, Mr. Speaker. Mr. Speaker, I am not even on the Finance Committee and I know what's going on. Why? Because I have gone to some of the Finance Committee meetings and this committee has been working diligently. They have been vetting agencies. They have been going line by line through the proposals and finding fund after fund after fund and uncovering millions of dollars that can be used to try to shrink this budget shortfall we are facing. There has been a great deal of work going on and I would suggest, if anyone doesn't know what's going on, than simply open your eyes and open your ears and you can see and hear what is going on. A lot of work has been going on. Secondly your honor... your honor, I'm sorry it's a habit. Mr. Speaker, I would just like to state just a small bit of information but I just happened to be in the Secretary of State's office this morning on other matters and just learned, just accidentally that since we passed some legislation in March there have been five transportation network company filings in the State of West Virginia. That is thumbs up. We are doing something right. Thank you, Mr. Speaker.

DELEGATE ZATEZALO. Thank you, Mr. Speaker. I really commend the Finance

Committee for doing their fine work. I really think it is something that has to be done because the Governor's fix for this whole thing, if you want to talk about kicking the can down the road, raising taxes kicks the can down the road, not only that it causes big problems to bring business into this state. That is the critical thing that we must do. We must do that and raising taxes probably isn't the greatest of ideas. That doesn't mean that raising taxes isn't part of the fix to our current problem. I am not saying that, but to me the total thing is absolutely wrong. Now, I am going to tell you the work that the Finance Committee is doing and the work that the Gentleman who been looking very deeply at special revenue and that type of thing, and they are doing a good job, is not just for this year.

This week I think has been very productive because, ladies and gentlemen, we are going to need this understanding of where money is in this government really badly next year and probably in the year after because we are just finding out now where it all is. It is going to pay dividends in the future because whatever mix we have to do to get the budget done we are going to have to do, and these are all elements that are going to play into it. So, as far as a waste of time, I think that is laughable. I think it is incorrect and I just like to say we are here to do a job. Let's continue the process. Let's get it done and we will move on and it will happen. So ladies and gentlemen, the hard work continues. I realize that it doesn't seem so as far as sessions go but as far as everything else that has been going on this week, that I have been watching and helping where I can, this is good stuff. We need to stay the course and let's keep moving. Thank you.

DELEGATE HOUSEHOLDER. Thank you, Mr. Speaker. To my good friend from the 55<sup>th</sup>, I understand your frustration but I am very disappointed in your characteristics of calling this worthless. I really don't appreciate the slight to me or to the Chair or to the members of the Finance Committee, even to your own members. I think maybe your frustration should be possibly directed towards the Governor's office. We have been diligently working on this. It has been an open and transparent process. The Chairman has asked for ideas. Every committee meeting that we have been having has been open and we are trying to vet through every one of these agencies. Like I said, I am a little disappointed and it is my hope that maybe next time you would learn to subdue your passion, but anyways, I understand your frustration. Thank you.

DELEGATE J. NELSON. Thank you, Mr. Speaker. A couple of months ago there was an article that came out, I think was about West Virginia Public Broadcasting calling the struggle to stay, and it really hit home to me, I am 29, fairly young with a wife and two children, and like most West Virginians see what is going on in our State and realize that we are in very unprecedented times. This is not normal. It is not something we have dealt with in the past to this magnitude. We have had struggles before. I don't deny that. I have been one of the members of the House that I feel has been very open to working with whomever it takes to get a topic done that I feel needs to get done regardless of the consequences or whoever happens to get mad about that at times. I got to be honest when I say that the time spent sending out mailers, putting out press releases and spending time on this floor pointing fingers at each other is a waste of time. We are where we are. We all realize that the revenues changed on the last day of session. That is not a secret. We are in a very tight spot. Might I suggest that we all stop pointing fingers regardless of your feelings. Suck it up. Let's get it done. Thanks.

DELEGATE SOBONYA. Thank you, Mr. Speaker. I am going to be very brief. My parents taught me a very important lesson young in life and they said, "Lead, follow or get out of the way." We have two decisions to make. We can lead or we can follow or I guess we could get out of the way. This is going to take a team effort. We are in a very bad budget deficit. We have a very bad financial problem and we need to be pulling from the same rope. We need to be on a team.

The people of West Virginia whether they are Democrat, Republican or Independent, they are looking to us for solutions. They want to know without a doubt that their kids who worked hard and played by the rules are going to receive a Promise Scholarship. Our public employees and our retirees want to know that they are going to be a priority by this legislative body and we keep hearing rhetoric. Well, I support PEIA. It is time for the rubber to meet the road, Mr. Speaker. We have all inherited a major problem with the decline in our coal industry and the failure of previous leadership, failed to diversify our economy. But you know we are up to the task and we are going to be able to lead and I hope that we can do it as a team. The definition of initiative, it means to access and initiate independently. Initiative means a step leading to action.

I am not a member of the Finance Committee but yet I took the initiative upon myself, I didn't complain or whine to anybody else about our budget problems. I came in here for the last three or four weeks calling state agencies because I know we have a Finance Committee and there is members, Democrat, Republican, that are on the Finance Committee and I do have a trust factor. I do thank you for the hard work that you have done but when the buck stops with me and my constituents, they are going to look to me and say, Did you do everything you could do to turn over every rock, leave no stone unturned to make sure that we have the leanest government that we can ever have before we dip into the pockets of the tax payers? So that is why I took the initiative. This is available to any member of the Legislature. It is not just something given out automatically to the members of the Finance Committee. Take the initiative. Don't sit there and complain and point fingers across the aisle saying we are wasting time.

We have a quorum call during budget session every year. I have been in this legislative session for 14 years. I don't remember a floor session lasting more than five or ten minutes to ascertain a quorum. That is what the quorum call is. We have to be here to do the work of the people. It is a quorum call. You can choose to be here and do your legislative duty or you don't have to come. If you think it is a waste of time, don't come. But we are mandated to be here to have a quorum call so we can conduct the business of the people of West Virginia. If people think this is a new concept that we are here maybe for five minutes for the quorum call, fourteen years I have been here, two years under the current majority leadership and it hasn't changed. It is exactly the same. So you can point fingers. You can whine and cry. It is not important to me but I am taking the initiative on behalf of my constituents to do the best job I can to make sure the priorities of the people are going to be recognized. I challenge each of you to do the same. Thank you, Mr. Speaker.

#### THE EXTRAORDINARY SESSION

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REMARKS  
of  
**HON. ISAAC SPONAUGLE**  
*May 20, 2016*

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. Briefly we have had a pretty worthless week down here. We have spent \$175,000 and

we have yet to cast a single vote in this body. Each and every day the only thing we have done is hit the green or red button to show that a quorum is present. \$175,000 and this body, for a full week, has yet to pick up a single vote. I don't know what we are doing down here. I thought we were called down here to fix the budget. We haven't even cast the first vote yet and we are here on a Friday. The Senate, they have passed at least some legislation. Some of their members even got up and walked out. They walked on important votes. We haven't even given the ability for some of our members to do that in here. We are just sitting here doing nothing. We come in here, we are here five minutes, hit a button and leave.

Now, if we are going to talk about cutting waste in this state, I think the House of Delegates ought to look internally at the \$175,000 that we just burnt this week doing nothing, absolutely nothing. The only committee that is meeting is the House Finance Committee meeting and it is like a high school student that had a math class in the spring semester, flunked, and now taking summer school and having to go through the same hearings that occurred for 60-day legislative session. We had some members in this body, in the majority party, that reached across the aisle and said let's have some bipartisanship and then they get admonished and shot down for having the audacity to reach across and do some bipartisan things. We have had our Minority Leader ask for literally weeks, "what the budget plan is?" What cuts are we looking at doing? We have gone a whole week down here. We don't know what budget cuts we are even looking at. If we are going to get this done and there is going to be any type of productive session, we ought to start working together and we ought to have some communication. We have done nothing for a full week and burnt \$175,000. I hope when it is all said and done on this special session, it's going to be my belief although certainly not my hope, that there is going to be a lot said and not much done. Thank you, Mr. Speaker.

#### THE BUDGET

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#### REMARKS

of

**HON. JIM MORGAN**

*May 20, 2016*

DELEGATE MORGAN. Thank you, Mr. Speaker. It's 11:30. If any of you in your other

time listen to that radio show done by Mr. Kercheval, 11:30 on Friday is the time when the guy says, "I'm mad as hell and I'm not gonna take it anymore." Well I'm not mad. I'm not sure but what we all may be a little mad after being up here for a while. The budget hearings, I appreciate what the Finance Committee is doing. It is certainly possible that in the well-known 80 years of the past that the method of budget hearings hasn't been efficient enough as the Chairman might say, to find all of these things that you all I think are going to find, may find, may not find. As I understand it, we are looking for money that we can fix 2016 with by sweeping these accounts. You're going to present us with a list of cuts which will with possibly some tax, maybe not. So, the cut list may be larger or smaller depending on what you need for 2017 and that brings up the fact that those are one time moneys as I think we have discussed.

What happens in 2018? I have stood here and said it before, other than as a concerned West Virginian, it's not going to affect me other than as a West Virginian, other than not being a member of the House of Delegates and I really am embarrassed to stand up here and ask you to think back so you can think ahead. We have kidded. We have laughed at me, at my ideas. I'm going to do this. I have an award which is a cup of pennies. 2013, \$200 million a year and my suggestion was to use that money to fund a billion dollars worth of road bonds. 2014, I suggested the same thing. 2015, it became apparent that there were going to be other needs besides road funding. 2016, we messed that up completely by trying to tax everybody on all services and other things. We can pass the budget that you all are going to give to us. We won't fix roads. We won't do anything about teacher's pay. We may fix PEIA. How about those correction officers that are there, the state police officers? Those people that are hurting. I guess though, they are the same ones that at the beginning of this session we said, "Oh we don't need prevailing wage and we will bring some people in from out of state to work for less and have less quality with their work. We don't need right to work, so we will bring them in too and they can enjoy the benefits that union members would get and pay for."

It just seems to me that in all your work, which I appreciate, we are being short-sighted and not planning ahead. You are doing what we have done many times before and it is a phrase that you have heard, we are kicking the can down



the road and that never works. You eventually... the can catches up with you and it seems to me that you need to give more thought to how you are going to correct this rather than do it one year at a time. Thank you, Mr. Speaker.

**COM. SUB. FOR S. B. 1005**

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REMARKS

of

**HON. JEFF ELDRIDGE**

*May 24, 2016*

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. You know I have been here for a while. I hear a lot of stuff about this and about that. I took pride on coming here over twelve years ago to put our state in a position to compete with other states. I think that is what we are sent here to do so we don't have to raise taxes. We did away with the food tax. We have a lot of counties in this state that border other states in hopes of bringing grocery stores back to West Virginia. I don't know if that is happening or not, I haven't seen any statistics on that. That was the purpose of doing it. You know we talked about lowering the corporate tax. We did that in hopes of bringing corporate businesses to West Virginia. I haven't seen the statistics on that either. Hopefully that happened. The business franchise tax, we brought that up. We worked on that in hopes of bringing more businesses to West Virginia. Keep on lowering taxes. I come here to lower taxes. Take that to heart.

I am from District 22. I live in Lincoln County. Lincoln County probably has the second highest unemployment rate there is in the State of West Virginia. We heard statistics that the lower income people are more apt to be smokers. That would be my county. I voted for one tax increase the whole time I have been here and that was to fix our Workers' Comp. It was over a billion dollars. That has been taken care of. That makes our state more appealing. That is when coal was probably \$300-\$400 a ton, not \$22. Times are different. We could blame whoever we want to about coal. Fact of the matter is; we can't mine it cheap enough to put it on the market. You got countries bringing coal into West Virginia for less than \$30 a ton. Takes a couple weeks to get here after it has been mined. I thought we were sent here to lower taxes. I thought we were sent here to create jobs. Love it or hate it, hemp is not a drug and that could help my county which is mostly farmers but no let's don't do that. Let's

don't work on jobs here. People says, "Eldridge, you don't get up and talk very much." I said, "no I don't. I listen mostly. Try to figure it out for myself." But I do know lowering taxes would help my co-delegate from the 3<sup>rd</sup>, from the 1<sup>st</sup>, from Wood County, from Mingo County. I could go on and on, on other counties I think we are one of the states that has the most counties that border other states. That makes all kind of sense to lower taxes on cigarettes for the Lady from the 3<sup>rd</sup> to draw business from across the state not raise the taxes.

Now, we do have some severed arms and some severed legs and some broken legs and some broken arms and we are trying to put a band-aid on it. That would fix maybe 2016 but then we are going to be right back here in 2017 to do what? We going to work on jobs this time or are we going to raise taxes again? Everyone wants to be in charge. Everyone wants to be the leader. It is not easy to lead. It is not easy doing the right thing. It is not easy doing the wrong thing. You only have a green and a red button here to push. Special Session is winding down and I don't think we have passed anything yet. I haven't seen jobs bills either. I do want to concentrate, I do want to work across the aisle whether we introduce the \$1 increase or you all introduce the \$1 increase, who cares. We did have someone that reached out to us to help fix this problem. We do need to work across the aisle. State of West Virginia is hurt right now. Instead of us coming here and working on tax increases, let's come here and let's put our brains together and work on jobs. No matter what it may be. Whether it be farming or whether it be industry, let's continue to create jobs. More jobs, less taxes. I have heard that and seen that so many times on campaign trails it is not funny. I have not used it but I think I will. We need jobs in West Virginia. That will fix the problem, create jobs, I promise you. I am a Democrat and I am not going to raise taxes. Period. Thank you, Mr. Speaker.

**THE CAN**

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REMARKS

of

**HON. JIM MORGAN**

*May 25, 2016*

DELEGATE MORGAN. Thank you, Mr. Speaker. I believe that we all can acknowledge mistakes have been made. Democrats may have

made them for 80 years. Republicans may have made them for two years. One of the benefits of history is that you should learn from it and not repeat those mistakes. At the early part of this session, really not the special session, the regular session, and continuing on through from the Democratic side, at least there were bills passed that got very little input from the Democratic side of the House and whether those bills are correct or not I think it was the manner in which it was done which tended to set the tone for the regular session which certainly was not as pleasant as other sessions that I have been through.

The vote yesterday on that tobacco tax bill seems to indicate there are 20 people in here who will vote no for any tax increase. But that leaves 80 of us and the way my math works, 80 is enough to pass most anything that needs to be done. I guess I should throw in on the side, 64 is enough to do that and you all know what that number is but that doesn't seem to work right now. It would seem to me that we have all talked about compromise. We have all talked about give and take. We have talked about input. We have talked about all those kind of things.

When I was Chair of Government Organization and we had problems we often had people come in and sit down, depending on the size of the problem, bigger meetings, smaller meetings. Called them stakeholders meetings. We had people from all of the interests. Wouldn't it be interesting if we had Democrats and Republicans from the House, Democrats and Republicans from the Senate and the Governor's office. I have thought about where all sit down in the Governor's conference room downstairs, open meeting but those people who would be invited who would be not empowered to bind the side but certainly to present the interest of those sides that they represent, sit down and in open discussion talk about what we can do. I have heard that on Finance Committee that there have been various things passed out that maybe the Democrats didn't get. Maybe they weren't there to pick them up but there was information available that didn't seem to be available to everybody. So, it seems to me that if we had something that rather than sneak in with what a proposal is that it was very open and all worked on. I'm not sure what the Delegate from Boone County had in mind when he talked about bigger things.

I think you all will remember on the last day of the session and I took it in good humor, that I

was presented with an award if you would, a cup with pennies in it. Two hundred million dollars worth of pennies. Mr. Speaker, once again in the same good humor, but I hope making a point, I did manage to find the can that we have been kicking down the road and I looked in the can, Mr. Speaker, and the answer is in the can. I am going to give this back to you, \$200 million will go a long way towards really fixing the problems. We'll need to do some other things. We can make cuts; that's fine. Sweep those accounts that have more money in them than they need but this organization, meaning the State and the House, have a long way to go between now and 2018 and need all the help we can get to get the job done. It seems to me that this is reasonable. It may not be. Obviously the tobacco tax, at least the way it was presented didn't work. I want you to accept this, Mr. Speaker, in light humor, good faith. Just pointing out that when I started this in 2013, I said I hope I can come back sometime and say I told you so. Now whether this is the time to be able to say I told you so or not I don't know. We can patch. We can do 2016. We can patch and do 2017, 2018, maybe I can stand back there and be introduced as the past member and mumble to myself I told you so, but I think this group, this Legislature, this House of Delegates, from conversations I've had with both sides at various times should give serious consideration to quit messing around and trying to patch things up and fix it once and for all, and as a reminder, Mr. Speaker, I'm going to bring this up and give it to you and hope that you will make good use of it. Thank you, sir.

#### COMMITTEE ON FINANCE

#### REMARKS

of

**HON. CINDY FRICH**

*May 25, 2016*

DELEGATE FRICH. Thank you, Mr. Speaker. I've only been on the House Finance Committee for two years and apparently every year the Legislative Auditor's Office creates a publication with special revenue accounts in it that all House Finance Committee members have with their names on it. This year all House Finance Committee members were given an assignment during the regular session to try to find money. They were assigned certain accounts. They were to find money. Now some Finance Committee members have continued

their homework into this special session looking for money and that is what's been happening. We have been looking very deeply into the special revenue accounts which again is just one-time money like the Rainy Day money and looking more deeply into where we can find cuts. Now we can work and do our homework. We can continue to work to find money and the choice is ours. Thank you.

### MEDIATION

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#### REMARKS

of

**HON. STEVEN SHAFFER**

*May 25, 2016*

DELEGATE SHAFFER. Thank you, Mr. Speaker. Wanted to talk about two things today. I believe it was the Delegate from Ritchie County yesterday that talked about there being twenty some attorneys here in this body. Those attorneys know a little bit about what I am going to talk about and that is mediation. We talked about compromise yesterday, but I want to talk to you about mediation. Mediation is when the parties get together and they work out an agreement between themselves and years ago when mediation first started, I'm a licensed mediator here in West Virginia also, but years ago when mediation first started, it was the plan to get the parties together that morning and have both parties make an opening statement. So, usually the plaintiff would be the one to go first. They would stand up and they would tell about their case. They would tell how bad the defendant was. Then it would be the defendant's turn and the defendant would come in and they would tell all the things in the plaintiff's past that they had did and how they wasn't really hurt or you know whatever the case was about. Well, you know we learn from our mistakes and what you found out when you are trying to bring the parties together as one and get an agreement the worst thing you can do is to have them together first thing and have them badmouth each other. It just stirs up bad blood.

Now, Mr. Speaker, as you know my vote was in the air yesterday. I wasn't sure how I was going to vote and I sat and listened, never said a word. Had a lot on my heart too. My brother had open heart surgery yesterday, but I sat and listened. I heard talk about this body back in 2002

and all the way up through. You know, I think the license plate we have on the front of our car, I believe it says it is the 82<sup>nd</sup> Legislature this year, is that correct? It's not the 45<sup>th</sup>, it's not the 70<sup>th</sup> we are the 82<sup>nd</sup>. We are one body and if we are going to come together we are going to have to come together as a group. Mediation, it doesn't do us any good to sit and bad mouth the other party and then ask them to join in with us to vote.

The second thing I want to talk about is: I told you my brother had open heart surgery yesterday. He had a heart attack last Friday. When they did the catherization and they told him he had to have open heart surgery he didn't really want to have it done right now. He has a farm. He has longhorn cattle. He works. He is also 76 years old and he wanted to put it off. Can we put it off till I get the hay made? Can I put it off till this happens? The doctor down at Mon General said you might not like the ramifications if you put it off. That's us. We might not like the ramifications if we keep kicking the can down the road as everybody has talked about. Our Constitution requires us to have a budget by July 1. So, that means we are going to have one. We can send eight or ten budgets over to the Governor and he can veto them. But you know the buck stops here and the room right down the hallway with the Senate. It's up to us. So, just like the doctor won out with my brother and he had his open heart surgery yesterday and he is doing real well. Everything went great. You know we need to quit looking down the road.

We need to get together. As I heard stated here this morning, I'm sure there is a group of people in here from both sides that can get together and solve this problem. But if we are going to get together and work on this we shouldn't be bad mouthing each other before we start. A little story from the Bible. When Jesus was with the adulteress and he reached down and wrote something in the dirt and everybody dropped their stones. "He who is without sin cast the first stone." I am looking at everybody here. We need to forget about what happened in 1995, 2003 and even 2014, 2015. We are the body in here that needs to get together and get the job done that the people of West Virginia sent us down here to do. I sure pray to the good Lord above that we are adults and we can do that. Thank you, Mr. Speaker.

**TAXING OPIATES**

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REMARKS

of

**HON. FRANK BLACKWELL**

*May 25, 2016*

DELEGATE BLACKWELL. Thank you, Mr. Speaker. You know during the regular session and during the special session I really been racking my mind just where can we get some dollars that might get all of us out of this mess. This morning's paper in the Raleigh-Register there was an article there about Senator Manchin wanting to tax opiates on the federal level and you know, as we all are aware, the drug issues are very, very serious problem in our nation, in our world and definitely West Virginia so that had been on my mind. I had actually talked to a pharmacist about a week ago or week and half ago and asked him is there any tax generated whatsoever on all of the opiates and controlled substances that you sell at your pharmacy and the answer, no we do not charge one penny sales tax on all of these controlled substances, opiates that are sold.

When I read the paper this morning I said, you know, I just got to stand up and talk about this idea briefly because I believe it is an area that we need to deal with. We spend millions of dollars on the drug problem here in West Virginia and unless somebody knows a whole lot more about this than I do, I do not know of any revenue that is generated specifically for this problem or this purpose. This may be an area that we need to take a serious look at. I really would like to see this house have 100 votes for an issue. I believe we could pick up those 20 votes if we would tax some of these things that are causing our youth and our citizens such grief in this state and this nation. So, I believe this is a revenue area that we could put in the pot of money that we are looking for to solve some of these issues that has been discussed here. You know we are not doing anything on the front end of this problem. We are doing it all on the back end.

I know when I was growing up I could get a summer job. There was a federal program, even though I was from an average income family, I could get a summer job. You could actually get a job during the school year, your youth that were poor and needed some help and would like to

have some new shoes or a new coat or something. We had job like that and I think we have got to look back on some of our prior history. If they needed to make some income to help themselves, help their family, whatever it was available. That doesn't exist today, not in areas like southern West Virginia, not in some of the poor communities that we all represent. There is not enough industry to employ our youth.

So, I believe there is an avenue somewhere if someone much brighter than myself can figure out what are some things we can do. I don't serve on Finance and if I happen to be re-elected I am going to ask to be on Finance next time. May not get to. May not get that assignment but I just think that we got to start looking at something to solve this problem on the front end and I think it will also help us solve our problem financially here in the State of West Virginia. There is revenue that can be generated that we are not drawing a penny from. My understanding on many things it is causing us some of our serious problems in this great state and so I just wanted to offer that out to the membership. Maybe that is another thing we can put in the revenue pot, take a look at. Maybe that is something we can generate some dollars. Get some of these no votes on the opposite aisle here and do something for our great state and our youth let's start working on the front end of this problem instead of the back end and I think that we can come up with some answer that we are not coming up with nationally or across the world. So appreciate the time Mr. Speaker. Thank you.

**THE FUTURE**

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REMARKS

of

**HON. WOODY IRELAND**

*May 25, 2016*

DELEGATE IRELAND. Thank you, Mr. Speaker. Let me say a word or two about the future, and we have kicked the can down the road apparently or we are talking about kicking the can down the road, so let's talk about what 2018 might look like. We have talked about various taxes plus minus for and against it. Let me point out to you that we have seven interstate pipelines before FERC for consideration. Seven interstate pipelines. I know the Gentleman from Boone County concerned about coal. I'm from gas

country I'm concerned about gas. My elementary economics tell me that West Virginia's bills in the future and today are basically going to be paid by the extraction industries. We are not going to pay our bills with white water rafting, although we all like to do that perhaps. We are not going to pay our bills by mimosas at 10:30 in the morning. I keep coming back to that guys. We are going to pay our bills on the backs of extraction industry. We are not going to do it by me raising a few beef cattle.

We have done it in the past on the backs of coal miners. Apparently, we are going to do it in the future on the backs of the gas industry along with the coal miners. So, the importance of these seven interstate pipelines are what? The combined capacity of those pipelines, I understand, is 13.7 billion cubic feet per day. We have wells sitting around in West Virginia currently that are shut in as they say. In other words, closed off because we don't have the ability to move the gas. If you do some rather elementary math on 13.7 billion cubic feet a day at the price of gas of \$2 per thousand at 5% severance tax which is today's severance tax rate, comes out to \$1,870,000 per day. \$1,870,000 per day. So, my point is, I guess, if we had those pipelines available to us today we wouldn't be down here today. So, when we talk about kicking the can down the road we better be thinking about what it is are we going to continue to do to help the coal miners and also what it is we are going to continue to do or not do to enhance the natural gas and oil industry.

Now why is that important to us in the future? Many of you, many of us, live in parts of the State that some of these pipelines are going to go through but you aren't necessarily saying the wells or receiving the royalty. There is going to be a lot of pushback from various environmental groups saying, and landowners saying, we don't want that pipeline going through us and the minion is already redirected some of their proposed pipeline, I understand, through some of the national forest. So as you go back home, if we ever get there, and people talk about, "Well, I don't want that pipeline going through my farm, I don't want that pipeline going through my county," understand the importance of it. It's what's going to fund your school systems. It is what is going to fund your senior centers. It's what's going to fund all those things that we all think are important particularly in our own backyard. So, since we have had kind of an

abbreviated session today, and we are not having three hours-worth of debate on a particular bill, I thought it might be an appropriate time to remind us of the importance of the extraction industry, whether it be coal or natural gas. I really think that that's basically what's going to pay West Virginia's bills. If you look at what's going on in the southern part of the State, coal miners are laid off, obviously, and the result of that is what? Walmart's are shutting down. I think you shut down some schools actually in Boone County. So, that is what pays the bills folks. So, remind your citizens when that pipeline comes through, and one of it Columbia line 36" I understand is coming through my farm, and they haven't paid me a dime yet and we may not agree. I'm not particularly tickled about that quite frankly. They are going to tear up a hell of a lot of my pastureland and some of my forest. But from an overall standpoint it has to happen and obviously with it being FORK, they have got imminent domain. So, that kind of hobbles my leverage with them perhaps when it comes to compensation. But I am going to sit down with them and talk about it. It is going to happen through my farm so, I am impacted. But I truly believe that we need to remember that as we go back, and our environmentalist, and our landowners say not here, it's got to happen. \$1,870,000 in severance tax at the current rate per day 365 days a year. Thank you, Mr. Speaker.

#### TAX ON PAIN PILLS

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REMARKS  
of  
**HON. AMY SUMMERS**  
*May 25, 2016*

DELEGATE SUMMERS. Thank you, Mr. Speaker. I have respect for the Gentleman from the 25<sup>th</sup> coming up with an idea to help fund our budget with a tax on pain pills. However, as a health care professional, I know in the State, we only see the bad side of pain pills. But many, many people are suffering from cancer and chronic pain conditions that use these pain pills. This would provide an additional burden on those patients. Also senior citizens who are already on a fixed income that have astronomical medication costs. I respect the idea but I think it could be too harmful to the patients that are suffering. Thank you.

**AMENDMENTS TO  
COM. SUB. FOR H. B. 101**

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REMARKS

of

**HON. DENISE CAMPBELL**

*May 26, 2016*

DELEGATE CAMPBELL. Thank you, Mr. Speaker. I also rise in opposition of this amendment. Even though Fairmont State is not in my district, I as a person have personally benefited from the programs that Fairmont State has. They reach out across West Virginia to provide services to students in Randolph County, Upshur County, Barbour County at the vocational Centers and right now they are starting a pilot program working with high functioning autistic individuals and I would not want to see some of the programs that they are trying to start up to meet the needs of our students in West Virginia with various needs and I would ask all members to reject this amendment. Thank you, Mr. Speaker.

**THE FIRST EXTRAORDINARY SESSION**

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REMARKS

of

**MR. SPEAKER, MR. ARMSTEAD**

*May 26, 2016*

MR. SPEAKER, MR. ARMSTEAD. Thank you, Mr. Speaker. Mr. Speaker, ladies and gentlemen, I have always been proud of being part of this house. The eighteen years that I have been a member of this house I have been proud of it and there has not been a day that I have not been proud of being a member of this house. But I will say that there are things that occur in this house that make me more proud than others. I would say that I have seen that in this special session that we have had some things that have made me very proud I have seen people take principle stands whether you agree with them or don't agree with them. To me when someone takes a stand on something because of principle and they believe something whether you agree or don't agree that is respectable and that is something we should admire in this house and I have seen that on both sides of the aisle. But I have also seen what I think is not quite as

admirable things take place during these last few days, through these last few weeks.

Now, we have a very serious task in front of us, a very serious task. That task will affect the lives of every single West Virginian that sent us here, every single one of them. Not a person in this state isn't going to be affected by what we do here and I can't say that about that every bill. Some of these bills are very specific to things but this bill is going to affect every single person that we represent. We need to get together and put our minds together and stop game playing and stop maneuvering and stop any of these other things that don't get us there.

Now, I realize everything we do here is done through a prism of times of politics of perhaps trying to out maneuver one or the other. I understand that that takes place. But I really believe we are bigger than that. I believe this house is bigger than that. I believe this Legislature is bigger than that. I believe this government of West Virginia is bigger than that. Daggone it, I think the people of West Virginia expect us to be bigger than that. We have a job in front of us and that is to establish a budget.

Now, legislation has been put in front of this house, some of which has passed, some of which that hasn't. Some of which the failure of which it makes it more difficult to do what we have got to do. We still have to do it. I will say this, I don't intend to vote for this particular amendment. I am not going to cut higher education unless I absolutely have to. I am not going to start cutting colleges and specific colleges. I am not going to do that. But I will say this, if we don't come together on certain things to fill these budget holes we may have to cut some of those. I don't think any of us want to do that but it is truly incumbent upon us to put this budget together, to fill this hole that none of us created.

Now, you can say this action or that action caused it. I think we all know that the main thing that caused us to be where we are today is, maybe I will say we all know I think it is evident, maybe some won't admit it, but is what is taking place in our coal industry, our energy industry. The downturn energy and stream. I think a great deal of that does, whether you want to debate or not, result from what's happened in Washington about our coal industry. That is what got us here. Maybe some other policies or lack of policies help to get us there faster or at a different way or

different extent but I think that is what got us there.

We have been entrusted by the people of West Virginia to solve this problem. We are going to come together and do it like they expect us to do and leave out of those doors, whenever that is, proud of what we accomplished and the fact that we put aside all of our own differences, our own biases about things, our own positions and came together and worked together or we are not going to do that and the people of West Virginia will hold us accountable for that. I don't think it is going to hold one party or the other accountable or this body or across the hall or the Governor's office, I think it is going to be holding us all accountable, every one of us. If we can't come together and establish a budget that responsibly funds what needs to be done that we can look the people that we go home and represent in the eye and say I don't like everything in this, I wish we didn't have to do this or that but this is how we put it together as a body and as a government as a legislature and this is what we had to work with. This is the amount of funds we had to work with. This is what we did to solve this issue.

I truly have confidence that this house could do that because I have worked with each of you for years, some longer than others but I think I have confidence that we can do that. We are not going to do it playing games. We are not going to do it trying to do gotcha moments. We are not going to try to do it trying to score political points on either side of the aisle. It is not going to happen. So we need to make the decision tonight. Are we going to work together to make this happen? Now, I will tell you that I will be quite frank. I have been having discussions with the Minority Leader. I think those have been productive discussions. I think we have been trying to work together and see if we can come to a conclusion. I have had discussions today with the Senate with both Republicans and Democrats. I know that all of us have been talking with the Governor. I know someone invited yesterday or the day before for us to do that. That has been taking place and we are trying to work toward that goal. I got to say that I am very proud of what the Finance Committee has done to bring these agencies before that committee and talk about what we can cut and what we can't cut. What we can do. I think that is what we need to do. We need to do more of that. But I truly think that this is a defining moment and it is going to be defined by either pettiness and politics or it is

going to be defined by statesmanship and we just need to make up our mind which way it is going to be.

I know what I want it to see it to be, and I think I know what most of is people in this body want to see it to be. So, I am going to go back up there. I am going to do the job that you have honored me to do and to make sure this house is conducted with civility between our members. But I do think it is time for us to put some of what's been going on aside and let's get to work and we have been at work. Many people have been hard at work but we all need to be willing to come to the table and get this solved and I have every confidence that we will do that but it is time to put some of this ranker and partisanship and game playing aside and get to work doing that. Thank you.

**DELEGATE WALTERS' AMENDMENT  
TO COM. SUB. FOR H. B. 101**

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REMARKS

of  
**HON. RON WALTERS**  
*May 26, 2016*

DELEGATE WALTERS. Thank you, Mr. Speaker. Lines in the sand. Is that what we are about? Lines in the sand. If we go over this. If we go under this. Is that what we have really reduced ourselves to? It is shameful. There have been a lot of words used, disgusting, shouldn't offer this amendment. It shouldn't be something we are doing. Let me give you something that is disgusting. On July 1, if a budget is not passed 760,000 people lose their health insurance. How many women and children and families does that affect? Is that a crisis for Marion County that I just offered this amendment? It created a crisis. It's how ugly it could get here. I don't like that. I have never liked that. But we have got issues we got to deal with. On July 1, the state police don't work. The public employees quit working. We don't renew license. We don't do environmental inspections. People have to decide are they going to get drugs or are they going to get nothing. Teachers aren't going to go back to work. You want to talk about a crisis, that is a crisis. One university, that is a crisis to that county and to my friends from that county I apologize for offering these amendments. That is all I am going to say. I am going to withdraw every amendment that I am offering but I want

you to see really what a crisis looks like and you just saw it. We will be up on this floor if we don't work together and we will find a resolution to solve this issue and a crisis in this state will be so catastrophic you won't recover from it. Mr. Speaker, I ask to remove the amendment, all the amendments.

**COM. SUB. FOR H. B. 101**

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REMARKS  
of  
MEMBERS  
May 27, 2016

DELEGATE MOORE. Thank you, Mr. Speaker. Would the Chairman yield please? Mr. Chairman, thank you and kudos to the Finance Committee. But in southern counties that are dependent on coal and we have an erosion of the tax base and precipitous population loss, has there or will there be some contemplation on recalibrating the school aid funding formula to balance those counties out that are suffering at this point?

DELEGATE E. NELSON. You know that is going to have to be a subject that is really looked at by the Education Committee and others as we move forward. Not just southern West Virginia but I think across the whole state.

DELEGATE MOORE. Thank you. Thank you, Mr. Speaker.

DELEGATE LONGSTRETH. Thank you, Mr. Speaker. Would the Finance Chair yield for a question? Thank you. Just for point of clarification for maybe for myself and all of us. I am on Finance but when you direct transfers to the medical service trust fund can you explain the medical service trust fund? Is that just all Medicaid?

DELEGATE E. NELSON. Yes.

DELEGATE LONGSTRETH. OK, that answered my question. Thank you.

DELEGATE MANCHIN. Chairman continue to yield? There are a couple things that I was looking for a little explanation on. I see or at least, I can't go to the budget, I just have kind of a sheet of changes but I see increases in the Division of Forestry personal services and

employee benefits of \$715,000 and then also a current expenses by \$364,000 and something else from Forestry that is another total of \$1,080,000. Can you tell me what the explanation is for the increase in those budgeted amounts over the Governor's budget?

DELEGATE E. NELSON. Also if you remember during session we made some changes to severance taxes and Forestry has been taken up in the Governor's budget as a result of some of those changes in the severance tax legislation.

DELEGATE MANCHIN. I'm not understanding that yet. Are you saying....the only thing that I can think of you might be referring to would be the fact that because we cut the severance taxes they don't have the money to operate out of those severance taxes and now the taxpayers are going to pick up that load and pay those extra expenses?

DELEGATE E. NELSON. Everything dealing with Forestry is as presented by the Governor. So the various additional funding is coming out of special revenue now to fund various services within the Forestry Division.

DELEGATE MANCHIN. First of all I am not understanding why the Governor has the money there but that is OK. What I guess I am really trying to figure out is why we increase the amount of money over the Governor's budget when generally what we have done is decreased almost everything the Governor did?

DELEGATE E. NELSON. I'm sorry can you repeat?

DELEGATE MANCHIN. I'm saying that I still don't quite understand but what I really don't understand about this is why we have increased what the Governor's request was when almost everything else we have cut from what the Governor, well mostly what we did were cuts, let's put it that way.

DELEGATE E. NELSON. Yeah, that is just a transfer coming out of special revenue into their general revenue area.

DELEGATE MANCHIN. So those are just special revenue. But why did we increase? Tell me that.

DELEGATE E. NELSON. I guess what are you looking at?



DELEGATE MANCHIN. I'm looking at the cheat sheet that we had to draw up ourselves. I mean are there not increases in the amount of money that have gone to personal services and employee benefits from the Governor's amount of \$1.9 million to our proposed amount of \$2.6 million? Is that accurate?

DELEGATE E. NELSON. Now I have got a better piece of information in front of me and it is real information. The Forestry Division was all lumped in to unclassified \$2.5 million and in fact Forestry over all, so I will correct myself for maybe a prior misstatement, had an actual drop in general revenue of \$51,000 to their budget. But everything was collapsed into unclassified and allow the Forestry Department head to allocate the dollars.

DELEGATE MANCHIN. So are you telling me that the House budget cuts Forestry's revenues or that we over the Governor's proposed budget or are you telling me that we increased it? Which did we do?

DELEGATE E. NELSON. General Revenues we dropped by 2% and it is cut. The General Revenues their \$2.5 million line items are cut 2%, \$51,000.

DELEGATE MANCHIN. I have another question with regards to the expiration of money and this is the one that I told you about yesterday. It is the Division of Labor, Contractor Licensing Board Fund or \$1.2 million.

DELEGATE E. NELSON. Would you help me out with a fund number?

DELEGATE MANCHIN. I am afraid I cannot.

DELEGATE E. NELSON. 3187 Contractor Licensing Board Fund, OK, what is your question?

DELEGATE MANCHIN. So my question is that during the regular session part of an expiration dealing with the Division of Labor was actually taking money from the manufactured housing board fund which was a fund that was paid into by manufacturers and retailers of manufactured homes that was designed to provide a safety net for people who essentially got cheated by companies that went out of business and we had expired that money and then my

understanding was that the senate did not expire it and I am asking you if this is that same kind of money?

DELEGATE E. NELSON. Well, I can tell you as I understand this account there is \$2.3 million in it. The proposed transfer is \$1.2 and it is license fees to ensure that all persons performing the contracting work are duly licensed and if we go through a history of this... so again, I can't speak to what you are talking about as it relates to manufactured housing but that title doesn't quite seem to hit manufactured housing. But this account has regularly higher revenues than expenses. We had the Department of Labor people come to Finance Committee. Questions were asked and subsequent to our committee the \$1.2 was on the list.

DELEGATE MANCHIN. So these are moneys that are raised from fees that are charged to contractors, is that correct?

DELEGATE E. NELSON. That is what I understand.

DELEGATE MANCHIN. And they are used for what?

DELEGATE E. NELSON. To dysregulate the profession.

DELEGATE MANCHIN. So there is no consumer protection involved in that? There is no bonding funded in that? That is simply money that comes in that is more than what the board needs to administer its functions. Is that what you are telling me?

DELEGATE E. NELSON. As I understand it.

DELEGATE MANCHIN. Thank you, sir.

DELEGATE SKINNER. Thank you, Mr. Speaker. Would the Gentleman continue to yield? Just a really quick topic. Does this budget prevent the 12% premium increase on teachers and state police and other folks on PEIA in the State of West Virginia?

DELEGATE E. NELSON. No, this budget...so this budget has \$43 million in general revenue expenditures across all agencies. It has another \$24 million in special revenue agencies so the State has put in an additional \$67 million and according to code, according to code

it is an 80/20 match. So for every dollar of a premium, the State or the employer covers 80 cents of it and the employee covers 20 cents.

DELEGATE SKINNER. We could as the State put the funds in. I think it is called different things as special projects account. It is basically a Rainy Day Fund for the PEIA. Could we not, which is what they have been drawing down from to prevent the increase in premiums for the last five years?

DELEGATE E. NELSON. You know the last four years there has not been a premium increase. We could do a lot of things if we had different financial situations in this state right now.

DELEGATE SKINNER. I just want to confirm. We could do it that way but we are not, and this budget will result in, a 12% premium increase for everyone on PEIA.

DELEGATE E. NELSON. It is \$10 a month for singles. It is \$26 a month as proposed by the PEIA Board back in January for families and that is versus the alternative, should this budget not pass and we are unable to put the \$67 million in. The alternative is \$500 increase for singles on their out of pocket, a \$1,500 increase in their deductibles and families would see over a thousand dollar out of pocket increase and a \$3,000 increase in their deductibles.

DELEGATE SKINNER. Of course if we don't have a budget at all, no one gets anything. Thank you, Mr. Speaker.

DELEGATE ZATEZALO. Gentleman, can you yield? Quick question. Is it my understanding that the Governor floated a 75/25 reallocation of PEIA.

DELEGATE E. NELSON. I believe that that bill was introduced.

DELEGATE ZATEZALO. So basically we held the line at 80/20 and I still commend the Finance Committee for doing such an outstanding job, but is that my understanding?

DELEGATE E. NELSON. Well, I believe that bill was handled in the Insurance Committee and you know what that would have done is, in fact, had a higher payment that would have been born by the employees of the State of West Virginia.

DELEGATE ZATEZALO. Thank you, Mr. Chairman.

DELEGATE GUTHRIE. Thank you, Mr. Speaker. Would the Gentleman continue to yield? I am curious, last evening when the correction was made to fund the ABLE account, the needed money was coming from Tiger Morton? Is that correct?

DELEGATE E. NELSON. No.

DELEGATE GUTHRIE. Where did you end up taking that money?

DELEGATE E. NELSON. So that was a fund. Two parts to that. The fund was in the Treasurer Department Fund Number 1301 and it was called the College Prepaid Tuition and Savings Plan Administrative Account.

DELEGATE GUTHRIE. OK, got it.

DELEGATE E. NELSON. The offset to that was obviously the Rainy Day was increased by \$500,000.

DELEGATE GUTHRIE. OK, so that leads to my second question. Now that we don't have a tobacco tax and we don't have the funds from the infrastructure bill that we decided not to run or recommit it to committee, what is the lean on the Rainy Day Fund? How much does this budget propose to take from the Rainy Day Fund?

DELEGATE E. NELSON. OK yes, as I mentioned the net dollar affect is going to be \$143 million.

DELEGATE GUTHRIE. Which was over...what were...in committee we started out with...

DELEGATE E. NELSON. In committee we were \$61 million with \$75 million assumed from the tobacco bill.

DELEGATE GUTHRIE. Thank you. Thank you, Mr. Chairman.

DELEGATE PERDUE. First of all I think, if I am going to criticize any cut I need to applaud you for the things you didn't cut. I am sincere about that. I think you did a marvelous job. Having said that...it looks like you brought the A-Team minus some first string players, at any

event. The Commerce Department and I am speaking specifically of the local Economic Development. These are the grants that local Economic Development Authorities get, that is where that money came from? This was in the original budget with the House.

DELEGATE E. NELSON. Yes.

DELEGATE PERDUE. And that is that? Am I correct?

DELEGATE E. NELSON. Correct.

DELEGATE PERDUE. So it was cut by about 47%?

DELEGATE E. NELSON. Correct.

DELEGATE PERDUE. OK, also I noticed here the Mingo County post mine land use line was cut by 50%. Is that correct?

DELEGATE E. NELSON. So that particular line item, as most every other line item in the Commerce Department, were all moved in to unclassified. So not necessarily that they were zeroed out but it is up to the secretary to now determine the dollars to go to some or all of these other line items.

DELEGATE PERDUE. So the secretary could basically move any of these lines he chose?

DELEGATE E. NELSON. That is correct.

DELEGATE PERDUE. This is true of not only the Commerce Department or the Development Office but other areas as well?

DELEGATE E. NELSON. Yes, again, throughout this budget there is a number of agencies and departments that were handled in such a way to give more efficiency into the budget and authority to department heads to make appropriate choices.

DELEGATE PERDUE. Alright, thank you very much sir.

DELEGATE HICKS. Thank you, Mr. Speaker. Looking over the proposed budget and cuts can you tell me if any of the Promise Scholarship moneys have been cut and if so where are they in this budget?

DELEGATE E. NELSON. Thank you very much for the question. Promise Scholarships are funded in two separate areas totaling about \$47 million, \$18.5 million is in the general revenue budget and it's in higher education portion of the budget and then \$29 million.

DELEGATE HICKS. I guess my original question was are there going to be any cuts proposed to those moneys made available for Promise?

DELEGATE E. NELSON. You vote for this budget and the Governor signs it and there will be no cuts.

DELEGATE HICKS. Thank you.

DELEGATE DEEM. Thank you, Mr. Speaker. On the PEIA, if you are an active school teacher, my daughter is, how much are her premiums going to go up? Do you know?

DELEGATE E. NELSON. Well, if she is a single participant in the plan, \$10 a month.

DELEGATE DEEM. How about deduct she will pay an additional \$10 a month.

DELEGATE E. NELSON. Yes, \$10 from what she is currently experiencing right now. There will not be a change if this is passed and funded to her deductible or out of pocket expense overall.

DELEGATE DEEM. So the deductible won't change?

DELEGATE E. NELSON. No, I believe for singles right now it is roughly \$125. I believe that is a year deductible. Pretty good plan.

DELEGATE DEEM. Thank you.

DELEGATE CAPUTO. Thank you, Mr. Speaker. Thank you, Mr. Chairman for yielding to my questions I appreciate that. I think I understood when Delegate Perdue was asking but I am looking at the Division of Commerce and you have moved \$248,000 from the Division of Miners Health Safety Training. That money is still in the Commerce account but it will be totally up to the secretary if he allocates that money back to the Division?

DELEGATE E. NELSON. That is correct.

DELEGATE CAPUTO. Do you know what that \$248,000 was utilized for?

DELEGATE E. NELSON. I do not.

DELEGATE CAPUTO. So you never had any conversation with the director to verify if he could or could not do without that quarter of a million dollars?

DELEGATE E. NELSON. I didn't ask. No. The Commerce Department also has rather large, some balances and very special revenue accounts that I am sure could be handled, other expenditures could be handled out of this special revenue accounts.

DELEGATE CAPUTO. Well, I guess my concern is, and I don't want to labor this too long but a quarter of a million that I don't even know what it is used for if the Commerce Secretary decides not to allocate that money. I am just concerned will it affect that Department and the Health and Safety of Coal Miners. But you are telling me that you never had any conversation with the director about that. OK, then the same I am sure with the Board of Coal Mine Health and Safety as well but also I see you have swept \$2 million out of the Miners Health Safety and Training Program as well. Did you have any conversation with the Director about that?

DELEGATE E. NELSON. That was vetted in our committee process and so yes is the answer.

DELEGATE CAPUTO. The director was comfortable with that \$2 million coming out of that account?

DELEGATE E. NELSON. That is what the committee heard, yes.

DELEGATE CAPUTO. Thank you, Mr. Chairman. I appreciate it.

DELEGATE ROWE. Thank you, if the Gentleman would continue to yield? I wanted to ask about the account involving the Secretary of Education and the Arts. I know it is on page 42 at least of the strike and insert it is account number 51. I know there is language beyond the amount of the appropriations that says that the purpose is to eliminate the office of the secretary and distribute administrative responsibilities. Is that within the purview of the budget? I am told that we can't put a revenue increase in the budget.

Can we reorganize the Executive Branch in the budget? I mean is that common?

DELEGATE E. NELSON. Is that common? No.

DELEGATE ROWE. Is it available to us?

DELEGATE E. NELSON. Is it available to us? Well, we cut a personal line item and we suggested that that function and its purposes be distributed to other agencies, so yes.

DELEGATE ROWE. Were there presentations in the Finance Committee as to why we would want to do that, to eliminate that secretary?

DELEGATE E. NELSON. We heard from the secretary and then we have had additional discussions with the secretary and in fact through discussions since session and now this was one of the line items that was heavily discussed with the Governor's staff, Senate and us and at one time there were greater cuts than what you see in front of you so this is part of the compromise that has been going on.

DELEGATE ROWE. So it is your understanding the Governor supports this?

DELEGATE E. NELSON. He better support the whole thing.

DELEGATE ROWE. No, I mean eliminating the secretary.

DELEGATE E. NELSON. You know this is what is going to be presented to him.

DELEGATE ROWE. But he hasn't agreed? You have had discussions but he has not agreed to eliminate the secretary?

DELEGATE E. NELSON. You know I can count on my hand how many times I have talked directly to the Governor through this whole process.

DELEGATE ROWE. But the answer to the question is the Governor has not agreed to have the secretary's position eliminated.

DELEGATE E. NELSON. Like I said I have talked to him less than five times directly and I have not heard that from the Governor.

DELEGATE ROWE. Alright. Very good. Thank you, sir.

DELEGATE E. NELSON. Lastly he has the power of the pen. He can draw a line right through that paragraph if he chose to.

DELEGATE ROWE. Thank you.

DELEGATE MORGAN. Thank you, Mr. Speaker. I have no questions. I have comments if it would be better at some other time? Thank you, Mr. Speaker.

I have done some thinking as I hope all of us have in here concerning this budget and it certainly is a starting point and I appreciate that so I did some heavy mathematics and figured out that there are 64 Republicans and 36 Democrats in here. Pretty heavy. I figured that there are probably 24 Republicans who will not vote for revenue enhancement in any form, shape whatsoever. I said there were 11 Democrats who would not do that so out of the 36 and 64 which make the 100 of us, that leaves 65 people who might consider revenue enhancements. Assuming that out of that 65, 14 wouldn't consider revenue enhancements. That still leaves 51 people and that is what it would take to pass a budget that I believe would work for everybody, and as I said, to speak to this budget I think it is a good starting point.

I believe there is a simpler plan, maybe it is a more simple plan that would do this job better. It would fully fund PEIA, no 12% other things that we have talked about. We could remove some of the reductions that have been made and it wouldn't take anything from the Rainy Day Fund and I know we have kidded a lot about this and Mr. Speaker, I hope you won't mind me using an item I gave to you personally. You told me you had the can and as near as I could tell you weren't doing anything with it. If I put this in here and call it, so it has a catchy title, "The Plan in the Can", \$200 million that does just what I said it would do, fully fund PEIA, remove some of the reductions, no drawing from the Rainy Day Fund. The plan is already in place because the Governor has it on his call, the one cents sales tax increase. The collection procedure is already set up. We need to change one word, six to seven. It is easy to start. It is easy to stop if we do that if we find some other way to do this.

It is my personal feeling that I will vote "no" on this budget that we have before us and I don't

think that will surprise anybody, and think that out of my 65 possible and 51 absolutely hopeful people if the rest of you don't want to talk about how we could solve this problem, then don't. There is always "no" votes on things. There will be "no" votes on this. But if you think about it, if you really think about it since 2013 this has been around. Glad the Governor finally picked up on it and it just seems to me when we talk about reasonable people sitting down and thinking together I don't know what cuts you could remove. I don't know what else you would do but if 51 of us could get in here and figure that out then I think we would have something that the Senate would accept and the Governor would accept and we would have to work next week admittedly but we are going to be here anyhow I believe. That is my suggestion, I plan to vote no on the budget that is presented.

DELEGATE MOORE. Thank you, Mr. Speaker. Mr. Chairman would you yield again please? We are saying a reduction in the Health Science Technology Academy line item, that's the program? Maybe I shouldn't have said anything. Maybe you guys didn't look at that one.

DELEGATE E. NELSON. No, we did and we got some emails but I am just double checking. My first answer is going to be no. That is one thing through this whole process since January, many times have put out myself and other members have put out various information or information request of agencies and it is amazing the amount of information flow that comes back, both good and more often false. We have unfortunately not done the citizens of our state a good service by all these false rumors being spread. But anyway, we are looking at that right now but my answer is no.

DELEGATE MOORE. Thank you, and what is that amount at this point? The dollar figure.

DELEGATE E. NELSON. \$1.7 million.

DELEGATE MOORE. It has not changed.

DELEGATE E. NELSON. No.

DELEGATE MOORE. Thank you, sir.

DELEGATE MANCHIN. In terms of expiration of accounts is it my understanding that there is \$20 million in those one-time moneys?

DELEGATE E. NELSON. No there is just under \$36 million.

DELEGATE MANCHIN. \$36 million. So in those raw expirations?

DELEGATE E. NELSON. Expirations of what I would call excess funds. We are sweeping excess funds. Not a single account is being closed.

DELEGATE MANCHIN. So those theoretically would not be available next year. Is that correct?

DELEGATE E. NELSON. You know in fact gosh we must have 8 maybe 900 different special revenue accounts through all our agencies totaling hundreds of millions if not a billion dollars and the amount of vetting that has gone on with some of these and we looked at the big ones. We didn't look at many of the small ones. This process as I have mentioned to this body will continue through our interim session into the extent that the end result is finding out those accounts that may not be necessary may be over burdensome and over taxing on some of our consumers we will work to eliminate those. But all of these accounts will have excess balances and continue to operate and will they be available in the future? Possibly, it all depends on the balance between revenue and expense.

DELEGATE MANCHIN. But there are \$36 million. What we have been talking about are one time moneys other than the Rainy Day. Is that correct?

DELEGATE E. NELSON. That is correct, yes.

DELEGATE MANCHIN. Rainy Day is \$143,036 for the one time monies and that gets you the 180 or whatever it is in one time funds to balance this budget, is that correct?

DELEGATE E. NELSON. That is part of the balancing, correct.

DELEGATE MANCHIN. Alright, thank you sir.

DELEGATE FAST. Thank you, Mr. Speaker. Not for the Chairman, just comments on the bill. Mr. Speaker I rise in support of this budget. This budget fully funds PEIA and that is something we

have heard over and over and over again in regular session that needed to be done and that is true it does need to be done. Per the Governor's own words, \$43 million would fully fund PEIA this budget puts \$67 million into PEIA.

Also, Mr. Speaker, regarding the can that is becoming a center piece. After the can was presented to yourself a couple of days ago I actually went and looked at that can and when you received the can you so rightfully noted where the can came from and I did analyze that can a little bit and that can has 8 dents in it all around the sides and the bottom. So, I can tell you that before the can was presented to yourself, Mr. Speaker, that can has been kicked quite a few times and a proposal of a 1% sales tax increase, if a person goes....a hard working person. Someone trying to make it to buy a car, let's say a \$30,000 vehicle. They are going to pay \$300 additional dollars on top of the \$1,800 that they would have already paid. Now, it would be \$300 additional dollars and they have to pay that out of pocket before they can get their license plate at the DMV. You think about someone wanting to build a home and they are going to go purchase \$30, \$40, \$50,000 worth of lumber from Lowe's. That is going to add up quickly. It may not hurt so much if you are buying a candy bar or a can of soda pop from a small vendor but when you start purchasing items it is going to hit really hard. Just 1%, it is going to hit really hard to the families. Again, our taxes go directly to the people. This budget does not raise taxes. Now we had an opportunity here to pass a tobacco tax and the ones that presented the can to yourself, Mr. Speaker, all but one voted against that and so here we are there is no tobacco tax in this budget. It is a balanced budget. It does fully fund PEIA and I will vote for this budget and I hope it gets to the Governor and if the Governor decides to veto this that will be the Governor's call. I hope that he doesn't. I think this budget makes sense. This budget does dip into the Rainy Day Fund. What is the Rainy Day Fund for? We are having a rainy day. So there it is, Mr. Speaker, and I urge passage of this budget. Thank you.

DELEGATE REYNOLDS. Thank you, Mr. Speaker. Last night I was up here at the House with all of you, it was my son's, ... up in the west galleries, and he is 12 years old. He has been coming up here for the last 10 years and I guess last night was probably his last trip up here. Probably won't be back here again and it went a lot longer. So, we came downstairs and first thing

he said is, "Daddy, what is everyone so mad about?" I said that is a tough question. We have money problems. I spent the next 30 minutes on our drive back to Huntington trying to explain to him everything that has been going on and gave him a pretty inadequate explanation. Maybe that wasn't enough time but I think it goes a long way back about kicking the can and this week we have had debates about things that have went on since 2002 and a lot of other things, but what I found is when you have money problems, whether it be in business or your family life or anything, I think it applies up here. You really probably have deep trust problems. I think that is really the bigger thing that is going on here and it has been going on this week and I would say that yesterday is probably in some respects the worst we saw some of the worst aspects of that.

But over the last week I have also seen some of the best aspects and our Chairman in Finance many times has rolled these ideas out there and when something looked like it was going to hurt someone or hurt something that was important he tried to pull it back. Even yesterday when we had our issue with the ABLE Act it would have been real easy to say, well you know tough, or even that the amendment wasn't crafted right, so not going to do it. I do believe that we all want to go in the same place, don't believe that people have ulterior....I mean we always have political motives, I know that. I do think we all want to get there and we have a lot of different ways we want to get there. I think we want to fully fund our schools and fully fund the PEIA benefits for our retirees and for our current workers. If I genuinely believe that voting "no" and rejecting this budget would get us closer there I would tell you to vote "no". But I don't think that is where we are at. We have got a serious structural imbalance and we are going to have to continue to deal with that or you are going to have to continue to deal with it next year when I am not here. But in order to get there you got to get to first base before you can get home. So I am going to ask that you vote yes and I will be today. Thank you.

DELEGATE FOLK. Thank you, Mr. Speaker. It is probably not any secret since I have been in this body that I have been very concerned about the financial affairs of the State. 2014 I voted against the budget that took .... the budget that came out of the Legislature took \$140 million from the Rainy Day Fund. \$140 million from the Rainy Day Fund when the State was actually

much better financial shape than it is today, especially economics, the overall economics of the State. That budget went to the Governor. If you recall if you were here and if you were not here maybe you followed it but of course that was right before the last election. The Governor line item vetoed around \$40 million. The only thing I ask everybody in this body to do today is to be consistent. If anything I ask for everybody in this Capitol Complex is to be consistent including the Governor.

I still have grave concerns. I am still uncomfortable with voting for this budget. I think for the financial safety of this state I am hoping the Governor will also be consistent as he was in '14 and line item vetoes. He has the pen. He has the executive authority. The man probably knows the budget as well as anybody in this state cause he used to be the Finance Chair in the Senate. He knows where the money is. He knows where we can efficiently cut the budget without hurting doing the least amount of hurt to anybody in this state. I hope the Governor gets the message and is consistent with what he did in 2014 and does just that. Quit playing ...costing the tax payers money for us to be down here. Hopefully this two-week session will wake up everybody's eyes. I know there is a lot of people in here that never really looked at the budget before and they got a rude awakening in the last two weeks to a lot of phrases they never heard before. Like reappropriated dollars. So, again, I am just going to finally say that I hope the Governor...I will be voting against this budget to be consistent with what I stood for and what I have been speaking about this is my fourth year down here. But I hope the Governor is also consistent and line item, instead of vetoing the budget all together, taking his line item veto pen out. He knows where the money is that could be cut and he does it with hurting the least amount of people as possible and we get on with actually doing the business of the state allaying the fears of our citizens that are concerned about what might happen on July 1 if he doesn't do that. Then we sit down, both sides of the aisle between now and November and after November whoever is here after that and take a serious look at how we have to reform government in this state. Thank you, Mr. Speaker.

DELEGATE BOGGS. Thank you, Mr. Speaker. Speak to the bill. First, I want to commend the Finance Chair and the entire Finance staff because absolutely I know what it

is like to keep those long hours and I know what staff has to go through and I know the sacrifices that they make with their time and their effort and lack of sleep. So, ladies and gentlemen, the ones that aren't here and the ones that are I want you to know that I appreciate you and I think that comes from every member of the House. We have obviously we can throw around a lot of catch phrases and I appreciate the Gentleman from Cabell because I know how sincere, I know how sincere he is and I know that can truly has had a lot of toe prints indented into it over the years. Having said that, I have some concerns because even though and I got a few love notes on my desk this morning from some of the members, and I want you to know I appreciate everybody in here and I truly appreciate and respect and love each and every one of you because I know you are here to represent your constituents in the State of West Virginia. I am very concerned because with, even with, the 45 cents that was proposed earlier I think everyone in their heart of heart knows despite all of the hard work, the many cuts, the many sweeps, many things that took place over the past couple of weeks we are still in a world of hurt as far as inspiring confidence with the citizens of the state.

We have and we are not just looking at '17 it took a lot of money just to close the door on '16 but when you look at what we have facing us in '17 and that's as we know it now, the 270 that is how we know it right now. We don't know what is going to happen later on and with the predictions for '18 even more dire. So, I think it is incumbent upon us to look within and there is many good things in this budget. Many, many good things and a lot of hard work. A couple of things that I know that one thing with when we talk about transparency and the lack of transparency sometimes in government I know one account that we have always tried to make sure that we put all in unclassified. That was the Adjutant General's fund because over the years they have had such a close relationship with our Congressional Delegation specifically Senator Byrd, the late Senator Byrd and they have been able to use their moneys and maximize them in ways that we quite frankly don't even know about but it has been tremendous matches and tremendous things for our state. But when we collapse a lot of different accounts into these unclassified and that kind of kicks the can to the agency to make cuts that maybe we all may not want to or our constituents may not want to see happen. We've basically taken that aspect of

governing in the legislature out of our hands and placed it in their hands so I am troubled. I am troubled by that.

I am also concerned that and I have heard and I think each and every person in here has heard that there has been a lot of talk about even if the 45 cents had passed well let's just get it down the road and then we will see about coming back after the election is over. I am not talking about being re-elected I am talking about coming back in a lame duck session. I think that sends a terrible message. You know if we are going to go home and we are going to take a hit we need to do it now. We need to do it now and do what is right and I so much appreciate the comments that I have heard from many people from both sides of the aisle but were very strongly articulated by the Gentleman from Wayne and also from the Gentleman from Cabell, I believe it was yesterday about getting a small group if necessary of people in a room with or without the Governor and coming up with a plan that may not please everybody in here but it certainly would do what we need to do to move the state forward.

Now, I think that making cuts is admirable, needs to be done and I support a lot of the cuts. One time moneys, they are one time moneys. After that they are gone. I think the citizens are looking for stability. I think the bond houses are looking for stability. You know I didn't put the thing on everyone's desk this morning about the layoffs and quite frankly, I had no idea that article was even coming out in the paper. It just happened to be that way but that is first wave. That is first wave because they have to give 30-days notice. It is 55 employees so in pertaining to the budget we have to, we have to do the heavy lifting and I don't think it is any secret that the Governor has said that he is not going to accept this kind of deduction out of the Rainy Day Fund. Over the years that fund has shrunk less and less and less and I don't think that is going to happen and I think we all know even with the 45 cents what we were looking at we were still going to be back here and even worse case scenario coming back after the election. I would love to vote for this budget, but I can't vote for this budget even though there are many good things in there.

I look forward, if indeed the Governor does veto this budget, I look forward to working very hard in a bipartisan way to find some common ground on both sides of the aisle that we can



come up with creative solutions to where a broad section of our population can share in what we all are concerned about, making cuts but providing adequate revenue and fully funding. I hear that a lot. When the director of PEIA and others say what we are doing here its funding PEIA but it is not fully funding and it is not fixing

Now, I am not going to point fingers. I think the time for that is over, long over. I would like to see the Governor act promptly on the budget whatever his decision may be but if it is to send us back, Mr. Speaker, I would hope that we could work together. I have had conversations with you. I have had conversations with the Finance Chairman hoping and I believe that there are people here that are willing to find common ground and I want to state publicly that I am willing to work night and day as a former railroader I know what it is like to work night and day. So give me coffee and give me the proper tools and a lot of people with a good attitude to move off of their preconceived positions and move forward and I am with you. But in the mean time, I reluctantly have to cast a "no" vote on this budget but I have every confidence that this body before we reach a crisis situation which we are very close to now and work with ourselves and Senate and the Governor's office and do something that will be positive for the citizens of West Virginia. Thank you.

DELEGATE WAXMAN. Thank you, Mr. Speaker. I think everyone in here needs to recognize that our state is in incredible financial crisis. When we have the reductions in the income to our state because of the death of a huge portion of our industry. We need to as a government respond by reducing the size of government. There have been study after study after study showing the inefficiencies with our overly bureaucratic government. So, to choose to cut services to the people rather than cutting the bureaucracy that's the people in charge. Our job is to produce a budget to give them funds to work with. I believe the adults were in the room on Monday. There has been so many calls about getting adults in a room. We are the adults in a room. The people sent us here to do their work. We need to all be working in the best interest of our people.

By raising the wrong kinds of taxes, taxes really matter but what you tax matters the most. The tax that many of us had to compromise to come to a common sense solution for the people

of West Virginia, we voted on Monday. We made the right vote to supply more income to the government but if we raise the wrong tax and make us evermore uncompetitive we will just kill off the last of the industries that are there. We need to find ways to make this government work better for the people. We have spent two years working on that. There is a lot more that needs to be done. There is a rules bundle that is very harmful to the last of our coal industry that didn't get passed because of things that happened on the last day of the session. Maybe we should be looking at that. Those are things that we can control to make our state more competitive and to get off the backs of the people that are still working. So, I suggest that when we look at this budget there are painful things in it. But as the Delegate from Kanawha tried to point out to everybody yesterday the future is much more painful if we don't remain competitive and allow the people that are left in this state to continue to work so I support this budget and I urge everybody in here as an adult to do the same thing.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. I think we know that at the end of the day a lot of the work we have done this week is going to be a work of fiction because we are likely going to be back when the Governor vetoes this budget bill. I am not going to point fingers at those in charge and those who may have voted a certain way but I keep hearing this term kicking the can and how many times we have kicked it and who is doing the kicking. I am just wondering as a body how much longer we are going to keep kicking the cannabis down the road. See other states are not kicking the cannabis down the road. Ohio is not. Pennsylvania is not. But yet we just debated tobacco for over a week, tobacco. Something a product we know causes cancer but yet we haven't debated for one iota a product that helps treat cancer.

Now, during regular session the Gentleman from the 51<sup>st</sup>, who is not here today, took to the floor and probably the bravest moment that I have seen on this floor and he spoke with passion and heart on how he was going through chemotherapy and we applauded him afterwards. Many of us were brought to tears for his bravery and the words that he said. But what did we do after that during regular session? We turned our back on him and the thousands of residents in our state that could use our help. I found that to be rather deplorable as a body. We have this

opportunity now because we have not just an economic crisis in our state we also have a health crisis. It is intertwined. The facts are the facts. We know that states that actually take action. We have an opioid epidemic in the state. Legalization decreases opioid overdoses by 25% in states that enact medical marijuana and also legalizing it straight forward. We can talk about the economic impact and how the State of Colorado is essentially printing money right now. You want to fully fund PEIA? You want to allow the state to not be scared of what is going to happen next by our actions in here which we can all agree are not always for the best interest of the state because we like to bicker and fight? Then let's have a serious discussion about this issue. The time is now.

The reason I felt motivated to bring this up is I received a message from a constituent in Wheeling and I want to read it to you because it really touched me, and I thought you know given that it is Memorial Day weekend and you are going to have some time to think about some things, this is important. He saw that we introduced legislation HB 114 and he sent me this message. I won't reveal his full name because in this state he could be charged with a crime as we know. "Thank you for cosponsoring House Bill 114. It is a common sense bill with more positives than negatives. As a disabled veteran marijuana has given me relief from my TBI induced migraines when nothing else would. I am forced to choose between medicine that works and being a criminal or worse getting hooked on pain pills with a chance to overdose. Again, this Wheeling resident thanks you." We have a duty and obligation to look out for the health and safety of our citizens. We are not doing that right now. We must look at the facts, sit down, have the conversation and at the same time as we look for the health and safety of our citizens we can derive a lot of revenue and we can solve a lot of problems. So as we send this fictional bill to the Governor and it gets vetoed we have a real opportunity when it comes back. Let's make that part of the discussion. We owe it not just to ourselves, not just to the budget, not just to the State of West Virginia but to all of us as one if we really want to be bipartisan. I think this is a great way to do it. Thank you.

DELEGATE ZATEZALO. Thank you, Mr. Speaker. Mr. Speaker, I have sat in this body for now two sessions and interims and that type of thing and I have always tried to be a reasonable

reasoned fellow and I am coming to the conclusion that maybe that is not the way to be to get your point across. So, I have looked at some examples around the room and I have tried to figure out what I need to do to convey the message a little bit better. I looked at possibility of going off like a Roman candle. I don't think that is going to work. I have looked at my father's training tells me that I can't get too emotional over much of anything. That is not going to work. There is a third option and I am going to choose to do that right now. I think I have seen the hypocrisy of the other side and I don't know what it is. It is all garbage, this is garbage. We voted for a 45 cent tax that was loaded down. There was a news thing today, press conference where they were asked to vote for \$1 tax and nobody raised their hand. What is going on here. I don't understand it. I can't imagine what is going on here?

I will go back to my normal way of speaking, but I was having fun. I just wanted to see how it felt. I am really happy to see the bipartisan light finally come on. Thank you. I have talked to a lot of people in the Finance Committee and it hasn't been on for a while. This is a good thing. This is a good thing and I see good things coming from it because that is the way I figure we would do this and that is what I thought I was doing when I voted for the 45 cent tax. It hurt me deeply to do that but I did it. I would do it again if I thought it would help the State of West Virginia and that's what I intend to do. Now that there is some bipartisan buy-in I suspect maybe the Governor may veto this bill and we will have to get on with it and we will. But I look forward to working with everybody. Thank you very much.

DELEGATE DUKE. Thank you, Mr. Speaker. We are in a legislative body, legislative bodies there are two things that swirl around. One is policy and one is politics. I absolutely love the first part. The first of those two, policy. I absolutely detest the politics. In 2003 when I first came down here it was one of the biggest surprises that after the election was over the politics was so thick that you could cut it with a knife. There have been different years in my 12 years of elective service where that politics again was so thick in the room. We all have a desire for perfection. A perfection in the budget. A perfection in everything that we do. As people we want to be perfect, as spouses, as parents, as citizens and as legislators. Perfection isn't there. It never is attainable. It is never attainable in a

budget. I voted for budgets. I voted against budgets. None of them I voted for or against were perfect, but they were the best thing that came out of the circumstances at the time.

We all wear hats. We either wear an R or D hat. Too many times those hats stay glued on our heads and they need to be pried off both sides. We also wear an eyewear a philosophical hat. I need to pry that off and put instead in place a practical hat. We also wear a theoretical hat and I do too, but I need to put on a today hat and take off the theoretical. There is too many times we see gamesmanship we see grandstanding, we see one-upmanship instead of working more towards solving solutions of the current problems. And I have been proud to serve in this body when we have come together and unfortunately usually takes a natural disaster or some other calamity to do that, whether it is a flood or whether it is another coal mine disaster or whether it was another disaster of another sort. It actually was sort of a 2x4 wakeup call beside the head of a lot of us that we need to focus on what is the real and what is the important and what is the need to be done today. Too many times we are too rancorous and our actions to me it is repulsive, repugnant and reprehensible.

What we need are other R's. We need to reconcile and repair and rebuild and we need to work together so we can rejuvenate and reform West Virginia for that long-term solution. We need two things and it gets all mixed up in these last several weeks of budget it gets mixed up during the budget week after regular session and too many times and I credit my colleague Delegate from Cabell County a phone call conference where he said what we need is a short-term fix and a long-term solution and that is what we need. This budget is the short-term fix. What we need to do then is work together and collaboratively in the next four or five months to start the ground work for fixing the long-term solution and we need to come back. Not wait until next January for you all to come back.

I won't be here but we need to come back before next session in my opinion to work together toward that long-term solution. But if there is a fire in an apartment building across town and we are the fire department and we get called out and we are heading to the fire and it's a bad curvy road we are probably going to be talking to one another, wonder why this road is so curvy? Who is responsible for that? Why wasn't

a better road built so we could get there faster? But that is not the time to do that. The time should be involving ourselves in getting to the fire and putting the fire out. If we get further up the road and there is a train wreck and we have to detour, well who caused that train wreck? Why do we have to detour? That is not the time to talk about that. If we could get there in a faster route on a faster road but we only have a half of tank of gas in the fire truck it is not the time to point the blame as to who didn't fill the fire trucks. If we finally get to the fire we only have a 2" hose and somebody didn't put the 5" hoses on there you got to deal with what the realities are at the time. You don't have the 5" hose. You got to deal with the 2" hose. You got to deal with the 20' ladders because somebody forgot to put the 40' extensions on. Short-term fix that is this budget. Long-term solution, that is what we need to work together on right after this is over. So Mr. Speaker I would urge people to support this budget which is a short-term fix and I would urge the Speaker and everyone else in here to start the process immediately for the long-term solution. Thank you.

DELEGATE ROHRBACH. Thank you, Mr. Speaker. The State is at a crossroads. Don't kid yourself. The State is in trouble. We are going to talk about a crisis here as I go forward. But I want to reflect back to my youth and start from there. I am a native West Virginian as probably a lot of people in this chamber are. I look around my city alone. I can show you 10-15,000 manufacturing jobs that existed when I was a young person and they are not there. My father worked one of them. He worked in a glass factory. He ran the machine that made the glass. Those jobs are gone by and large in this state and it is not just Huntington, it is Charleston. Most parts of this state, Parkersburg, Wheeling, we have had tremendous loss in our economy, but we were able to get by for a long time. Kick the can down the road so to speak because we had the extraction industry and it was running pretty strong and we were able to glean a lot of taxes out of the extraction industry.

Well for a lot of reasons, and I am not going to belabor them they have been belabored enough in this house, we are in trouble in the extraction industries. The crisis that we really have in this state is a jobs crisis. Don't kid yourself. We are here trying to make a short-term solution. We are going to come up with something and I don't know where this is going to go. We are going to

probably get a budget today and it is going to go across the chamber, down to the Governor. We may be back we may not be back but don't kid yourself. The real crisis right now. The long-term solution, the only long-term solution is to fix the economy of this state long-term. I think this body has taken a lot of steps towards that but I liken it to a restaurant. Right now outside business is not coming to eat our cooking. We are trying to change the menu, get some people coming here with some jobs because folks that is the only long-term solution. Otherwise, this is just like going out hunting for crabs. You don't need a lid on the crab bucket because when one crab starts to pull out the other one pulls it down we are just sitting here pulling each other down because of lack of economic opportunity in our state. That is the only fix. That is the long-term solution.

Now, I am going to call for the people in this body to put differences aside. Pass this budget out. Let's get a budget. Let's get this state moving forward. I don't know where it is going to go. I don't think any of us do. We very well maybe back in this chamber dealing with this. I ask for people to come in a bipartisan manner and let's get this state moving forward. But I also am going to call for people just as my colleague from Berkeley just said over the interim process we need to come in here and 100 people work the right size state government, streamline state government and get this state moving because if we don't it is not going to happen. Every year we are going to be in here like the bucket of crabs just pulling each other down and we can't govern like that. We have to move forward as a state so I beg passage of this budget and I beg bipartisan work to get this state turned around and get it headed in the direction that I too believe we all want this state to go. Thank you, Mr. Speaker.

DELEGATE KELLY. Thank you, Mr. Speaker. I have sat here for two weeks and I have listened to people talk about the budget. Our State is in dire straights. We are in a deplorable position right now. Our coal mines have closed. Our miners are out of work. Our natural gas and oil industry is shutting down because of low prices of natural gas and we have lost a lot of revenue because of it. During these past two weeks we have talked about an increase in tobacco taxes. Some of my friends on the other side of the aisle didn't want to vote for the 45 cent increase in taxes. Some of my friends on my side of the aisle didn't want to increase those taxes and I will say I didn't either. We have to do

something for the State of West Virginia. We have to realize that we have to pay the bills and we have to keep things moving. To vote against a 45 cent tax for general principles was it the right thing to do? I'm not going to say you were right. I'm not going to say you were wrong. For those to vote against it just because they didn't want to increase the tax, I'm not going to say you were right. I'm not going to say you were wrong. We have heard the word compromise, I don't know how many times in the last two weeks and for one who did not want to vote for a tax increase I compromised. I didn't want \$1. I really wanted zero but I compromised at 45 cents. I think I can go to bed at night and I can go to sleep and I believe that I did the right thing in compromising.

We have heard the word politics. We have heard the people... we have heard folks refer that this body is playing politics. Has anybody really sat down and determined what the definition of politics is? Let's break it down a little bit. Politics means many. Ticks is a blood sucking insect. That is what we are turning into right now because of this little game that we are playing. We are turning into many blood-sucking insects. It is time that we grow up. It is time that we accept the responsibilities that we need and let's pass this budget. Let's come back and work on fixing the solutions and let's make this state move forward. Mr. Speaker I support and I would ask for a green vote on this motion. Thank you.

DELEGATE O'NEAL. Thank you, Mr. Speaker. Mr. Chairman, I want to say thank you for the time you have put into this budget. The expertise you have shown. The leadership that you have shown is incredible. Not only have you had to deal with difficult committee members on both sides of the aisle, not only have you had to deal with changing revenue estimates sometimes not just day to day but seemingly hour to hour but you and your staff have been working seemingly around the clock for not just the two weeks we have been here, but really, since January and before and the product that you have put before us is outstanding and based on the restrictions that have been put on you, I think we all should be incredibly grateful for the product that you have put fourth, so thank you and thank your staff.

We are in a tough spot, ladies and gentlemen. We have obviously.... we understand that our revenues have fallen off. Some of that is a result

of market forces. Some of that is a result of dramatic federal overreach into our energy industries that have caused them to dry up. Many of us are not necessarily happy with the budget that we have in front of us. There may come a day when we have a budget in front of us that has more revenue. Whether that be from increased taxes or whether that be from an economy that is growing and producing more income. There may come a day when we have a budget in front of us that is little bit more efficient where we have had a little more time to weed out a few more non-essential programs maybe sweep a few more reserve accounts in a way that makes our government a little more on the right size but that day is not today.

There may come a day when we have a budget in front of us that doesn't require that we take quite as much money out of the revenue reserve shortfall account. I think we would all like that but that is not today. On this day, we have in front of us a budget that funds the essential services of our state in a way that allows us to live within the revenue that we have on this day. On this day, we have a budget in front of us that will fund health insurance, medical services for the most vulnerable and most needy among us, for our public employees. On this day, we have a budget in front of us that will allow every medical provider to get paid after the first of July. On this day, we have a budget in front of us that will fund education k-12 as well as our Universities. On this day, we have a budget in front of us that will allow our law enforcement, our courts, our state police and others to continue to function to provide the primary security and service purposes that they provide. On this day, we have a budget in front of us that will provide vital infrastructure funding that is needed. So, ladies and gentlemen, there may come a day when we have something better in front of us that each of us in our own way decides what that means. But on this day, we have a choice before us and as for me I am going to choose to fulfill my oath to the Constitution of the United States and to the Constitution of West Virginia and my solemn duty to pass a budget. On this day, we have that choice, and ladies and gentlemen, I would ask you to hit green and support this budget. Thanks.

DELEGATE MOFFATT. Thank you, Mr. Speaker. This morning on my way in here I was called by a state employee and was questioned about PEIA about the 12% premium increase and why that was going on and how we could fully

fund PEIA. I explained to them what the situation was as far as the requirement of WV Code §5-16-5G passed in 2006 to the cost sharing. The cost sharing requiring 80% to be paid by the state and the 20% to be paid by the participant. He was very upset when he first called me. He said he didn't want to see his premiums increased. He didn't want to pay more and heck no one wants to. But after it was explained to him he understood the situation. He understood the troubles we have down here as far as the lack of revenue. He understood that the code is the code and he asked that we ask the press to report it properly. He was very disappointed that he was not getting the full story from the press. He never heard of West Virginia Code §5-16-5G. He never heard of the cost sharing. He never heard of the 80/20 requirement and that is disappointing.

I, too, like many of my colleagues on my right here I am going to vote green on this and hopefully some of my colleagues on my left. I know for the past four weeks myself and the Delegate from Mason and Cabell and Monongalia Counties and a few others were down here going through the 850 lines of special revenue looking through the spreadsheet analyzing every single one where we had extra money, where we had surplus balances, where we were sitting on \$100 million. According to the Constitution we can't use the \$100 million because it is for DNR. The Constitution 655 says DNR fees have to go to DNR services and they are very restricted. The stuff that I never knew, I am not on Finance and being a new guy here it is a mess. We heard during the testimony of the Finance room though how it would take hundreds of hours for the lawyers to go through and fix our budget process. I encourage us to do that. I know it is going to take a lot of time and a lot of effort but the process we have stinks. It is not a good process. No fault to these guys but we been piling on and piling on and tweaking this and tweaking that for years and years. It is not a Democrat thing. It is not a Republican thing. It is just a government thing. We need to fix our process and I think we now know we have asked a lot of questions, we have analyzed a lot of data and we truly understand that the process stinks.

So, thank you to the chairman. Thank you to the staff. It is great getting to know you guys this past month. I am sorry we had to and I appreciate you guys indulging us in all our questions and for the chairman for setting up some meetings for us to ask the questions that we need to ask. If I wasn't always sharing I do apologize. It wasn't

meant to slight anybody we were just trying to get things done and we thought we were being efficient. Let me close by saying I urge everyone to press green. It is not a perfect budget. But it does save the tax payers of West Virginia from having to put more money from their savings into the savings of the government. Thank you.

DELEGATE LANE. Thank you, Mr. Speaker. Ladies and gentlemen, I would urge your support for this budget and I will tell you why. If you look at the third page of the handout that was provided to us by the Finance Committee, it is titled historical perspective on the budget bill appropriations sections. If you go to FY17 and you look at the General Revenue appropriation it is \$4088 billion. If you look at FY16 it is \$4305 billion. If you look at FY15 it is \$423 so if you look across that line, if we take a look across that line the trajectory of our General Revenue budget has gone up, up, up, up, up until this year. Through the good and strenuous work of the House Finance Committee the FY17 General Revenue appropriation is down 5%. It is down \$217 million. Now, you have heard the problems discussed with special revenue and other things that need to be taken care of to fix the structural imbalance and those can be reflected, you can see those reflected by the numbers down below. But the General Revenue budget which is what we predominately have control over without other substance of legislation is reflected in that top line and that is down 5% in these times when the budget needs to be cut, the budget has been cut. I think you all recognize that I would like to go deeper with cuts but that wasn't the will of the body so far. So I am fine. I am compromising to borrow a line from my friend from Mercer. This is the compromise. We are cutting both the passage of this budget 5% from General Revenue, \$217 million.

I would also remind the members we are fully funding PEIA. We are fully funding Promise Scholarship. We are avoiding those furloughs. We are avoiding those Higher Ed cuts. We are avoiding the straw man arguments that have been presented by so many in the press, in the public to gen up arguments and sour feelings about trying to balance this budget. Those straw men no longer exist. This budget is balanced. This budget is fully funded. Ladies and gentlemen, I would ask you to vote yes on the budget and if I might just wrap up, Mr. Speaker, by asking our friends across the aisle in the Minority Party put in a good word with the Executive. Do us all a favor,

ask the Governor, Governor don't raise the cost to PEIA members with our veto pen. Governor, don't cut Promise Scholarships with your veto pen. Governor we have passed a balanced budget, do not shut down this government with your veto pen. Sign this balanced budget.

DELEGATE MANCHIN. Thank you, Mr. Speaker. I have listened to some good things today and I have listened to some not so good things today. But, I want to take a few minutes and I want to go back and let's review how we have gotten to where we are. There was a time in my childhood when we couldn't pay the bills in this state. When I came into office things were starting to get better and we went through a pretty good run for 6-8 years where we had, were doing well with the coal revenues. We were doing well with gambling revenues. We were doing good with oil and gas revenues and during that period of time we were lectured about waste, fraud and abuse and over taxation and during that same time we were putting money away in a savings account for the State of West Virginia. We were building up what would make us look attractive to Wall Street. What would make us look attractive to businesses who might be moving in here. We were creating a stable economy by building up a very large Rainy Day Fund that would allow us to withstand bad spots in the economy, not bad years, continuous years. During that time we cut taxes. We cut hundreds and hundreds of millions of dollars through reduction of the corporate net income tax through elimination of the business franchise tax and through elimination of the food tax. Everybody was sharing in that prosperity.

Now, during that time period national politics continued to change, and here in the last couple of years our coal industry has suffered problems most notably, if anybody really reads, we know that the biggest problems that we have at the present time are that China, who is buying most of our coal, has cut back on their production of steel and they are not buying it anymore. We know that natural gas prices are way down, I think a buck fifteen or something like that unheard of prices and that that has cost us money but it is also driving coal into the ground, back into the ground because it is now very attractive to produce electricity from that. We know that we still have challenges because the EPA that foot has not yet dropped but it will cost us in the future because it is going to make it difficult. But even if the EPA doesn't happen there is a strong

argument that our cost of getting coal out of the ground is never going to allow us to see those days once again. So, and unfortunately during the last few years we haven't always shared our good times with our teachers or our Department of Highway's workers or our social workers or our retirees or other folks that have given their life of service to the State of West Virginia and they haven't seen much of that bounty here over the last few years so what has happened now is because of this reduction in gaming revenues and coal severance tax and not so great increase in gas taxes lately we are faced with the \$270 million deficit this year. We know that we are looking at least \$300 million next year. Now, what we are doing here today with this budget is that we are going to guarantee that every retiree of the State of West Virginia is going to take a pay cut on a fixed budget. We are guaranteeing that every teacher and social worker, Department of Highway worker and every other employee is going to take a pay cut in the State of West Virginia and some of these I have heard these number of \$10 a month bandied about but when you start looking at the deductibles and you start looking at what happens to retirees we are talking about thousands of dollars for some of these families and some of these people.

Here we are looking at...staring these deficits in the face, and the only thing that we are doing now is saying, "Well, let's solve it with the Rainy Day Fund, \$143 million." We have already had a reduction in our Wall Street rating which is going to cost us money on bonds in the future and so, we are going to risk further degrading that. Now, what message does that send to businesses who might be looking at coming into the State of West Virginia if we can't pass a balanced budget without relying on moneys that we have saved in the past that they look to for strength? I understand, I mean the Finance Committee has done a wonderful job. I have looked at this budget. There are cuts there that most of which I agree with because we do have to reduce. I agree with cuts. There is no question. Maybe not all of them that are in here. There are things that I think are not good for us in the long run. But what we are doing and what people have run on that are in this room, the majority and I don't want to be critical at this point in time, I just want to point out what the facts are. I mean the people of West Virginia elected a majority on the basis that they didn't want taxes because there was waste, fraud and abuse and that we were overspending and

that we shouldn't have to spend all this money and we shouldn't have all that.

Well, here we are today and we are not passing a balanced budget. Now, what that tells me based on all the work that the Finance Committee has done is, is that we can't find any more of that. I think they have cut about as far as they can. I have heard everybody praise them for not going after the Promise, for not cutting Title 19 for not cutting education. I think we are there. Now, if structural changes would have changed it then maybe that should have been done over the last two years, but it hasn't and I suspect that it can't be. Maybe there is some more there. Here we are in this room and I think that there are about four different groups that we fit into in this room if you want to get down to it. You know there are some of us who are somewhat progressive and we believe the government can still do good for people in various areas.

None of us, none of these four groups want to raise taxes. Nobody wants to raise taxes. That is the last thing anybody wants to do. We haven't had a general tax increase since perhaps the oldest member of the body has been here, I am not sure of that but I know many of the folks who are veterans have never seen that. So, we have never wanted to do it. We have got the folks who are here and we are talking yes we probably would raise some taxes if it does certain things. But we want to make sure that we are doing something for the people that we care about that need to be done. We have had a tax proposal that didn't accomplish that and we are being criticized now which bothers me for not having voted for that which didn't accomplish what we thought it should accomplish.

There is another group in this room that are veterans that now in their hearts as we know that other group that we have probably cut all that we can cut and we are going to have to find revenue. They are somewhat concerned because their majority doesn't have all the numbers that they need to do it within. We are not quite prepared to go in some places because we want to make sure that we are not going to take all the political heat that we are not called tax and spend liberal Democrats even though that is not what we have done for the last twenty years. There are folks in this room that are philosophically opposed to any kind of increases whatsoever. But I got to tell you and they feel government shouldn't I don't know what level of government they think there should

be quite frankly I haven't heard any sweeping proposals on how to get down to living within our means and that is what we are talking about. If you don't spend Rainy Day money you have to live within your means and that is what we need to do, we need to live within our means. There is another group in this room that are concerned because their electorate is making it pretty plain to them that they still believe that it can all be done on waste, fraud and abuse and that they don't want any taxes and so that combined with afraid of not being reelected they are not prepared to or hadn't been prepared to tackle the difficult issues that are ahead of us.

What I guess I am suggesting at this point and time, is that I think we all know what needs to be done. Some of us can't go there because we have pledged otherwise and I have the greatest respect for those who made pledges and said look this is different, my first obligation is to the people in the State of West Virginia and if I break that pledge, I break that pledge. Others of us has been suggested by I think the Gentleman from the 61<sup>st</sup> over there is that we are going to have to rethink our position some. We are not going to get nobody is going to get everything they want. What we need to do is start having that dialogue with our constituents about what we know in our hearts really needs to be done. Quite frankly what we need from the media is some support for that as well. They need to let folks know how hard we have worked to cut as far as we think we can cut without damaging essential services and without failing to do that which needs to be done in this state. They need to help educate our public and get them to understand that we got to do something different even though this body doesn't want to do it. So, I guess what I am coming down to is I can't vote for this budget because I don't think it is a responsible thing to do.

We have already invaded Rainy Day more than I wanted to and more than I think we probably should have. We have got to step up to the plate and I don't think that we can put it off until after an election. You know it reminds me of the old saying if not now, when? Well, I think it needs to be now. We have spent the time on it. We have spent taxpayer money being here. It is going to take a little longer but let's back up and start thinking about those things. Let's quit blaming people who voted for something or didn't vote for something and let's start to look for those compromises and doing what the State

of West Virginia and her people and God's children need done. Thank you.

DELEGATE E. NELSON. Boy, that brought some movement. Mr. Speaker, thank you. Some great discussion and first again I have got to give sincere thanks to the staff and they have been thanked a number of times but once again without our staff not only in Finance but all of you all we wouldn't be here and be able to do what we can do for the citizens of West Virginia but thank you all. Thank the members of the Finance Committee and the many other members that have rolled up their sleeves. Thank you all for your patience here and this is a team effort. Citizens of West Virginia are looking down upon us right now. Wanting to make sure that we do the right thing. This is the right thing. It is a balanced budget.

You know what we have been dealt a very unfortunate situation here in the state due to the losses in our energy sector. They benefited us very well during the mid-2000's, but unfortunately times have changed and we are doing our best to overcome that. We do have a structural imbalance. I will be the first to say it, what we have in front of us is a bridge stepping into things that we need to do as a body as a state to structurally change things that have been in place for years. We have got to move into the new economy. One thing let us pass this budget but while the Senate is working on this let's not forget we can still work on measures to come into this budget next week. They maybe revenue measures. They maybe other things. Our time is not finished. That can still come into this budget. I have been reminded. I think the body deserves to hear a little bit about Rainy Day, our revenue shortfall reserve fund. It is currently at \$800 million. With the passage of this bill and the passage of the supplemental yesterday that account would drop down to roughly \$630 million. Still one of the top five accounts in the nation relative to General Revenue. Greater than 15% of our General Revenue budget. That is the bar that the rating agencies have put there as it relates to the strength of a revenue reserve or Rainy Day Shortfall Fund.

So, yes we have dipped into that but that is what it was set up for during difficult times to let's put that one to rest. What you have in front of you is a balanced approach. It would have been more balanced with some other measures that failed. It attempts to prioritize where some of



our expenditures may need to be now and prioritize where we need to look to in the future. Yes, there is a lot of compromise here. You know what this takes us all coming together. This is part of this we can do it. We are West Virginian's.

You know we have heard a couple of references as to what a vote is with this budget. When you push green today and I am asking all of us to do that for the citizens of West Virginia, we are funding the Promise Scholarship for our kids the future, the corrections, higher ed, seniors, how about all of our debt obligations. How about our pensions, \$470 million in this budget just for pensions, wow 10% of our budget and yes once again the PEIA we are looking to our state employees but most of all a green button is for our Constitutional duty to provide a balanced budget. The citizens of our state are looking at us right now. They are dependent upon services. We are just a short time away to July 1 and all the services that we have come to expect the obligations we have to our state employees, many of them out there that do a heck of a job that we should all be appreciative of. Now is our time to come together and continue to build upon that.

Mr. Speaker, I urge every member to vote for this and then all of us must get over the Senate will have this next week. They will pass this and then it is up to the Governor to sign it. He said a veto but no let's ask the Governor and the citizens of West Virginia. We pass this budget and have the Governor sign it. Please vote yes. Thank you Mr. Speaker.

**COM. SUB. FOR H. B. 114**

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REMARKS  
of  
**HON. BILL FLANIGAN**  
*June 1, 2016*

D E L E G A T E  
FLANIGAN. Thank you, Mr. Speaker. Yesterday, my daughter had her tonsils taken out. I know she is stuck in the house. She told me she would be watching me, so I want to tell you I am thinking of you. I love you. Second, I am going to start with what was said to me a couple of months ago about you can save lives and it was really difficult to understand how me telling about my story could save lives, really difficult, how a simple tool that assisted me during chemo could

save someone else's life. Sure it made mine more bearable when I went through a rather trying ordeal, but how would that really save anyone's life? Tools can be hard to use sometimes and hard to understand.

About eight years ago my sister-in-law came from California to live with us and this story is likely to cause me to never have any more babysitting, so I hope you appreciate it. She wanted to help out around the house. She asked for some work to do. I was landscaping the yard and I said, "Well I've got something you can do." I brought her outside a big rock pile and showed her the wheel barrow and showed her the shovel and said, "I need this moved from here to there." A pretty simple task. I came back about 45 minutes later and there was about, I would say there might have been 10-foot-long just big gouges just cut into the yard, and she is covered in sweat just beading off her face and she is really cursing the wheelbarrow. She said, "it is the dumbest thing I have ever seen. It is the worst tool in the world." I said, "How are you using it, what is going on?" So, she gets ahold of it and she is showing me she is pushing and she is pushing, she pushes a couple more inches and she is practically falling over the wheelbarrow. I walked over and I said, "you are kind of using it wrong." I showed her to pick up on the handles and use the wheel and right across the yard it went. It was hard to explain it to her because she has never seen that tool used and never actually been around a wheelbarrow, one of probably the most ancient tools we have got, probably helped civilization come together today.

I passed out a list of drugs on everybody's desk. I want you to imagine some landscaping. Each of those drugs represents a tool. You have got quite a few and I am not familiar with all of these. Some of them may not even be spelled correctly. Some of them you might consider it a small tool, a backhoe. Some of it like fentanyl, morphine might even be considered an explosive. You want your pile of rocks moved really get them going. These are prescribed on a daily basis. Everybody around the state and they all have got some side-effects with them. Take some time and look them up and see how many of them and see how many of them actually have a warning on them that says can cause suicide or suicidal thoughts. So, you go into your doctor and you say, Hey, I've got this pile of rocks that need moved and I need some help." He says, "I got just the thing for you let's try this valium. You

take it home and you start using the valium.” So, your contractor comes in now with his little backhoe and he starts moving the rocks. “Oh by the way sir, I am really sorry we had to run over your fence to get in here, really sorry about the ditch we cut out. Sorry that the backhoe created a giant hole where that little pile of rocks was at. Don’t worry I’ve got something that will fix that.” So, he prescribes you another pill. Before you know it you are looking at a list. If I were to tell you one person’s taking these pills over the past thirty years your initial assessment would be what? A druggie? A junkie? An addict? Suboxone is on here, methadone is on here. This guy can’t be good for anybody. What you don’t see is a loving father, a husband, a brother, a son, an uncle, what you see is a druggie. All prescribed, he had a prescription for each one of these. Was given to him by a medically trained doctor. Did he need this type of hardware each time, each time his landscaping changed? He went back to the doctor and you get something else handed to you, and before you know it your contractor walks in and says, “Oh, I am really sorry, we cracked your foundation.” You don’t recognize your landscape anymore it has been wiped out. Maybe a wheelbarrow would have been what he needed to start with. Something that has been around an awful long time. Something that is pretty simple to use.

I haven’t had a lot of regrets in my life. I try to consider myself a regret free person. Last Thursday at 4:47 I had a regret. I got a phone call while I was sitting on the back mezzanine joking with two other delegates about legalizing marijuana and the benefits it could have. How it could save people’s lives. I felt like it is kind of important, maybe I shouldn’t take the call. About 18 minutes later the person who tried to reach me tried to commit suicide. He was saved. Really quite lucky that he was saved. But boy, I regret not making that phone call. Boy, I regret not understanding that as a delegate, as a leader of our districts we have the opportunity to save lives. We have the opportunity to lead.

Yesterday, I just told you my daughter had her tonsils taken out, she was high as a kite. They gave her medications and I don’t think there is a person in this room that would have said you don’t want her to remember what she is going to go through, you don’t want her to be here with a cut to smell it, any of the other things because we all have compassion in our hearts. We all understand that sometimes people do need

medicine and sometimes people need help. I was worn out, tired, tired of holding my sadness, pain, anger, depression, trying to keep living while feeling dead. I just had enough. One other thing this list doesn’t show you the injury that started most of this was while he was serving as a veteran in our Navy, serving us our country like all the other veterans. That number at the bottom one in twenty-two. I found this number out over the weekend. One active military member and twenty-two veterans commit suicide every day, and we continue to hit them with lots of big things when maybe a little wheelbarrow could help. The reason I say it might help, I was contacted by hundreds of people after my last remarks. I would say over 30 were current or serving or just discharged military members that wanted to let me know, thank you so much for making me not feel like a criminal anymore because I swore to uphold the laws of our country and the only thing that really helped me was using some cannabis at night. I sleep without nightmares. This isn’t one person, this is multiple people that have contacted me and I hope this goes out to people. I hope a lot of people see it and I hope that they send the same polite letters but not to me, to everybody that is here. To everybody that is left because the conversation needs to happen.

I understand right now we don’t want to talk about it, we are going to triple reference bills. I signed on to this bill. It wasn’t a medical marijuana bill I don’t think now that I really looked at it, but I wanted the conversation to proceed. I want us to understand we have options and we can provide options to people that is as simple as removing something from a class one schedule narcotic because there are a lot of benefits. I don’t know that this would have helped the person who called me last Thursday. It may have been just another drug on the list, but I know he couldn’t try it because he wanted to keep his job. As long as you have a script for these you can keep your job. It doesn’t matter if it cracks your foundation. It doesn’t matter if you no longer recognize the landscape that you grew up with because trust me these alter it. These change you. The last medications he was given was Ambien to go to sleep, Adderall to wake up. This isn’t an addict. This wasn’t a druggie. He has been working as a paramedic or a nurse for the past 30 years supporting a family, he was a loving father. We need to have the conversation. We can’t keep tabling things. If it doesn’t happen now please let it happen next year. Thank you.

**COM. SUB. FOR H. B. 101****REMARKS**

of

**HON. CINDY FRICH***June 2, 2016*

DELEGATE FRICH. Thank you, Mr. Speaker. In West Virginia we have 80/20 rule for PEIA. We are the employer of the State of West Virginia. We pay the 80 and we are funding PEIA. We are funding \$67 million in PEIA, \$43 million of that is being put in the line items in the various agencies. What does that mean? That means that the draconian measures that the PEIA board had to adopt because the Governor did not extend the regular session, the extended session budget after he dropped the \$92 million and we couldn't complete a budget because of that, the PEIA board because over the years the party in charge did not take care of business and the PEIA board spent down the reserves. So, now to make ends meet and provide insurance to state employees, draconian measures have been adopted. These are draconian measures that will go beyond July 1, even if we pass this budget tonight.

Eventually things will be made right because we made things right in this budget. There will be premium increases because the employees make the 20 match but what there will not be are the draconian measures that PEIA recipients now have in their plan of for a single person, \$500 copay, \$1,500 deductible, a family \$1,000 copay, \$3,000 deductible. Instead, a single person will have \$10 a month increase in premium and a family \$25 a month increase in their premium which is a lot better. That is the plan we will have when we pass this budget. That is a lot better than what is in place right now. Because we are funding PEIA. Again, something that was not done when you were in power. You just let the reserves be spent down.

What does this budget do? It doesn't touch higher ed, it doesn't touch public ed and it doesn't touch corrections more than the Governor's original budget. Despite the fact that revenues are declining probably as we speak. The coal industry is in a free for all. Why? Because our President promised to do that to us. So, I plan to vote for this budget. Do I like the fact that we are using all this Rainy Day money? I do not. That is why I voted for a 45 cents cigarette tax. That is why I promoted a 45 cents cigarette tax. Do I like taxes? I do not. This state is in trouble.

We cannot delay passing a budget. Like I said, PEIA even when this budget goes into effect July 1, the PEIA board is not going to be able to fix that problem July 1, but it will be fixed. There is students graduating from high school right now that probably earned the Promise Scholarship. They should be applying for college but they don't even know if they have a scholarship. We need to pass this budget so those students can know how much money they have to work with to go to school and better their lives. I want them to better their lives. I hope that you would too.

We don't have time to dilly dally and delay. We had a chance to pass a revenue measure. We had a chance. Now, I keep hearing about \$1 cigarette tax. I never did see that amendment. I never saw an opportunity to vote on \$1 cigarette tax. You know stop it with the \$1 cigarette tax. We had a 45 cent cigarette tax for revenue measure it didn't pass too now unfortunately we have to dip into the Rainy Day Funds. Now, this budget as we sent it to the Senate had \$130 million total cuts or that is how it was this morning after work with the House and the Senate Finance Chairs. That is a lot of cuts. I seem to remember couple days ago a lot of the cuts that the House Finance Committee worked so diligently to achieve. There were a lot of amendments to restore money so that we wouldn't have those cuts.

So, you don't like cuts. You don't like revenue measures and you don't like using Rainy Day money. What on earth do you like? We need to have a budget. We need to get out of here and there needs to be certainty in people's lives. Now what would a government shutdown mean? It would be pretty devastating. It would be much worse than using Rainy Day money. I say let's get this done. Let's pass this budget. Let's put certainty in people's lives. I have a lot of state employees in my district. I am sure a lot of the other members do as well. This isn't fair to them. I am tired of politics and I am tired of games and let's pass the budget. Thank you.

**COM. SUB. FOR H. B. 114****REMARKS**

of

**HON. JOE ELLINGTON***June 2, 2016*

DELEGATE ELLINGTON. Thank you, Mr. Speaker. Please, indulge me for a few moments. I would like to make a few remarks regarding

medical marijuana. I have had a number of members come up to me and ask me what my positions were on that and where things were going with that. So, I would like to clarify that for you and also each of the members here. As a physician I try to use different means to help and treat my patients and also open to new methodologies. I personally believe that there may be some benefits to certain components of marijuana that may help patients with cancers, chronic conditions, seizure disorders among others. I am not opposed to exploring these options. With respect to the Gentleman from the 51<sup>st</sup>, I empathize and sympathize with his plight as with others with similar situations. I believe that most Americans and West Virginians would also be supportive of these efforts.

Last session, I cosponsored House Bill 4713 with the Delegates from the 30<sup>th</sup> and 51<sup>st</sup> as an attempt to undergo this issue. In past sessions the Health Committee also entertained discussion on medical marijuana and it is also planned as a study topic for these interims in the next session. Now federal law currently has marijuana as a schedule one drug and is considered illegal. In my opinion this would still place individuals associated with either the production, distribution, prescribing, etc. to be liable if an individual using the product had an adverse outcome or caused some other problem, such as a motor vehicle accident. Now, legislation that has come before us seems to limit liability with respect to WV Code but does not protect against federal code. Despite the fact that our President and our Attorney General chooses not to enforce the law and again, I fully agree with the state's 10<sup>th</sup> Amendment Rights to do their own thing. I don't believe that this absolves us of our responsibility to enforce federal law.

In my opinion, many supporters of legalizing marijuana use the medical indication to justify recreational use and that is their goal. Alcohol and tobacco, illegal products that people use that have potential health risks proponents suggest that marijuana is no different. I don't disagree. I prefer that people don't do this but it is their business. If someone wants to smoke two to three packs a day, get drunk, get stoned, drop out of school, not work, get pregnant, that is their business. The problem I have is, as long as they take responsibility for their own actions. That is where I draw the line. The problem is many don't and we as a society unfortunately have to bear the consequences of their potentially bad decisions.

Mr. Speaker, the greatest generation of Americans is currently fading away and along

with that are values they held such as their work ethic, their respect for individuals and other property, patriotism, duty to their country, state and community. Now, I don't like to generalize but with today's generation with some exceptions, which does give me hope for the future, I believe we have a youth that essentially expects things to be given to them. They expect others to provide for them. Many want high paying job without skill level or much effort expended. They want free education, free healthcare. They want others to pay for them having their children. They want the state to support them through all the services that are meant as safety nets. The state makes it easy for them. For example, lets raise minimum wage to \$15 to flip burgers. Many teens have CHIP and Medicaid so it doesn't cost them to have kids and not just one but two, three or more. For example, just this weekend I had to deliver a lady that had her 8<sup>th</sup> child on Medicaid. So, we seem to make it easy to do this. Those are just some examples but these are all tax payer supported endeavors.

Now, we have the lowest workforce participation in the country, have the highest tobacco use, drug use and overdose death rate in the country. Have one of the highest teen pregnancy rates in the country, which the feds just reported today that there was an 8% decrease in the country, yet we still have one of the highest rates. We have an education system in my opinion teaches mediocrity at best. It is admirable that we try to raise everyone up but exceptional students in my opinion are held back and usually don't excel unless they themselves are extremely motivated or have parents that have urged them on or have the occasional teacher that will stay after school to help them. Yet, we have many that aren't college ready, although we provide the opportunity and the funding. Now, recently I heard that students at several colleges and universities throughout the country are wanting to get away from grades. They just want to have pass/fail only. In other words, no competition, no desire to excel. Now we give trophies for participation and sometimes we even give them when they don't participate. That is our society. That is my opinion on that. It is no wonder the youth today get bored. They look for alternatives, turn to drugs, get pregnant, and much of this is very permissive by our society without any significant consequences for their actions or acceptance of responsibility.

Yet, we want to add another substance to their regiment and have the state regulate it for revenue. So, these youth can get high, stay

unmotivated to work or excel and be competitive in the workplace or the world market for that matter. Now Mr. Speaker, believe it or not marijuana is a gateway drug to other substance abuse. Many deny that but it has been well documented and studied. If we legalize recreational use and run it like a business the general public will have a false sense of safety in its use. We already see many pregnant women who smoke marijuana and I expect a significant increase. We already have one of the highest rates of tobacco and substance abuse in our pregnant population. If you don't think marijuana causes health problems with a developing fetus, then stop by your local NICU. In adults you will see also an increase in cardiovascular disease such as COPD and Emphysema from chronic use, and I suspect with a longer range data, we will also see the onset of lung cancer despite claims from others. I anticipate greater stress on our healthcare system. Therefore, when it is suggested it treats cancer, will fix our budget woes and is the cure all panacea for West Virginia's problems, I would suggest one take a trip to Colorado and see what is happening to our youth there before we open up our state to this potential problem.

On the other side my colleague from the 27<sup>th</sup>, not the one that is present but the one that has disappeared, visited Colorado to see his daughter before the session started and he witnessed the effects of legalized marijuana on their youth. He texted me at that time to tell me that he will support every bit of legislation that comes out of my committee. He was totally convinced. For those of you convinced the state needs to add recreational use, growing distribution and taxing of marijuana in West Virginia to our already ailing citizens' health and drug crisis and work force, then I would suggest you stop smoking the product if you are already doing so, and for those of you that believe that legalizing marijuana is a no brainer, in my humble opinion, I suggest it is no brain. Thank you, Mr. Speaker.

**COM. SUB. FOR H. B. 101**

REMARKS

of

**HON. TIM MANCHIN**

*June 2, 2016*

DELEGATE MANCHIN. Thank you, Mr. Speaker. Last Friday, if I recall correctly I felt that I made a speech that held out an olive branch that encouraged both sides to try to come together

that encouraged the media to go back and try to explain to our people the situation that we now faced in this state. That was a situation in which we had a \$270 million shortfall this year in revenue and a projected \$350 million next year with no end in sight. No expectation that coal revenues were going to change. No expectation that gambling revenues were going to do anything except decrease and no real expectation that oil and gas severance tax was going to increase. Instead of hearing some other folks, perhaps reach back and say, yeah we need to talk about this. All that I have heard since that day has been politics. I've had to listen to people sit in a room who I know have run on and professed cut state government, there is waste, fraud and abuse, we can do this, who now says this is a wonderful budget.

I've been attacked on Facebook because of that speech last week because somehow pointing out that there is more involved in our coal severance tax and coal industry dilemma other than just the EPA is somehow fallacy and sacrilege that somehow, we would recognize what the industry itself knows about that. That will not change, that being that China is not buying our coal that being that natural gas is undercutting those prices. So, today I think it is time for us to talk about what is going on here. What is going on here is my good friend from the 67<sup>th</sup> pointed out is that we are passing a budget when our state employees are woefully underpaid that will result in a pay cut for each and every one of them. A pay cut for each and every retiree of state government, who are living on fixed budgets and cannot pay anymore.

As my friend from the 58<sup>th</sup> pointed out this measure fully funds state government. It fully funds all the necessary programs. That is an important admission folks. They have cut in Finance all that they can cut without doing serious damage. Everything is being cut that the majority party will and can do without hurting services and costing themselves votes next fall. So, they have stopped the cuts, and instead of doing the responsible thing such as considering the many measures that were introduced in this House during the regular session, the 60 days when we all knew this was coming, when we didn't discuss a single revenue measure except one bill, which wasn't a bill that most of us on this side of the aisle didn't support. Our heads stayed in the sand. Just as they are right now. Nobody has talked about the millionaire's tax that could have raised revenues off of those

making more than \$500,000 or those making more than \$1 million, \$60 some million could have been generated by that. No discussion about that. The majority controls the agenda. Those bills were introduced. Those bills were never considered.

Now here we are prepared to lie to the people of the State of West Virginia and this bill. This budget is a lie because we say it is a balanced budget and it is not a balanced budget. Ask any family out there, if when they look at their family's budget and they spend 20 to 25% of their savings just to meet their daily needs whether that is a balanced budget. They may not know much about numbers, but they know that is not balanced. That is a deficit. They are going downhill. They are spending their lifesavings. That is what we are doing in this house today is we are spending this states generation of savings. The savings we have worked hard to put away. Now yes, there may have been expenditures from Rainy Day before. A lot of us didn't like it then, but that makes no difference at this point in time because we are at the point where they have already cut our ratings. Wall Street has cut our ratings. That is the message. If you continue down this fiscal path where you don't generate sufficient revenues to pay your bills, we will downgrade your ratings, and every county every school board every municipality will pay more when they issue their bonds. We can't and shouldn't lie to the people of West Virginia any longer. Certainly, we should not lie to them just so they will vote for us in the fall and send us back so that we can then do what we should have done now. When we will be deeper in the hole than we are now, when our savings will be 20% lower than they are now. That is wrong. Every member in this body knows that is wrong. It is time to step up and start talking about the things that need to be done. It is time to tell our people the truth. We have got it down as far as we can get. We can't find any more cuts that we think anybody wants to have, and we have got to find the revenue, and we have got to make unpopular choices. Let's talk about what the choices are for a change. I will be voting no.

**COM. SUB. FOR H. B. 114**

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REMARKS  
of  
**HON. MIKE PUSHKIN**  
*June 2, 2016*

DELEGATE PUSHKIN. Thank you, Mr. Speaker. I will be brief. I truly did not plan on...I

kept my mouth shut through the entire budget debate. There was a whole lot of things that I wanted to say. I realize it was a kind of exercising futility when we are debating a bill that we all know is not going to be signed anyway. We are going to be back in here very shortly to actually work on a real balanced budget that plans for the future of this state and not just raiding a savings account. We just heard about bad decisions that people made. We just all participated in one. I got to sit here and watch it. So, I wasn't prepared to say anything today. I don't have a prepared diatribe or any kind of cultural warrior type of thing to speak about. I just wanted to point out one thing. Everybody knows I introduced a bill during this budget session because I believe that all options should be on the table when we are talking about basically giving the options of bad or worse, tax hikes or massive cuts that we weren't able to come up with in order to balance a budget. Instead we didn't balance a budget. What we did was we raided a savings account, by that logic, we can come back next year and raid the same savings account again, come back again. We won't have a savings account, left and I would like to see a state that has some sort of future, and I simply wanted to put another option on the table and it is not that far-fetched considering 30 some states are now acting, including three states that border us..

I believe California was the first state to have medical marijuana. It was enacted, I believe, in the mid 90s. So. Yeah it is a schedule I narcotic as seen by the federal government. It has gone through three different, very different administrations that have not enforced in that state. It has been the law since 1996 there. So, I think we should at least be talking about it. We can talk about all the horrors that is causing the state of Colorado. Colorado isn't having a budget debate like we had tonight. Colorado isn't weighing gouging hard working citizens with taxes versus cutting essential services or raiding a savings account. They are not having that discussion in Colorado. Instead they are adding jobs. I read somewhere just a couple years ago, not long after they did enact the marijuana law in Colorado, Google moved a, opened up a big campus close to the University of Colorado's campus in Boulder. Something like 1,500 jobs. High paying, tech industry jobs. People are moving there because it is a state that has the future. I want to work together with whoever is here next year to come up with some real plans for the future of the state if that is it fine, but we have to come up with something because I don't

think our future is turning the state into a vast waste line with a couple of pipelines sucking everything out of it. That is not a future for this state.

**COM. SUB. FOR H. B. 101**

REMARKS  
of  
**MEMBERS**  
*June 2, 2016*

DELEGATE MARCUM. Thank you, Mr. Speaker. I have some questions for the majority leader. You said this was a minor change from the House position as it went out?

DELEGATE COWLES. No, I think in most of the accounts it went to the House position but there are some substantive changes in the bill no doubt.

DELEGATE MARCUM. You said \$192 million out of Rainy Day?

DELEGATE COWLES. The net amount is \$182.69 million.

DELEGATE MARCUM. OK, how much money is in the Rainy Day Fund now and what is the percentage rates as of what would be left?

DELEGATE COWLES. 806 and it is 15.2% of our General Revenue budget.

DELEGATE MARCUM. OK, so we have \$806 million in the Rainy Day Fund taking out approximately \$2 million, we are taking out of ¼ of the Rainy Day Fund for a one-year fix.

DELEGATE COWLES. It brings us down to 15.25% of our General Revenue.

DELEGATE MARCUM. With all due respect you are not answering the question that brings...that is 20% of our Rainy Day Fund, correct? Almost?

DELEGATE COWLES. Yeah, it is about that way in the budget bill but it depends on some actions by the Governor, too.

DELEGATE MARCUM. OK, in regards to...I watched the Senate debate talking about funding pensions. Taking this type of money out of Rainy Day Fund, wouldn't that have an effect on our bond rating?

DELEGATE COWLES. It could.

DELEGATE MARCUM. Therefore, it could hurt our pensions?

DELEGATE COWLES. To withdraw that amount of money, the level of Rainy Day Fund or reserve fund does have some impact on our bond rating. Finance Committee received a letter earlier in the year about that, but certainly a government shutdown would do more to harm than that using some of the Rainy Day Funds today.

DELEGATE MARCUM. Would you agree that we should slow down and try to work on this instead of rush through and take out more than \$200 million out of the Rainy Day Fund? I mean if we are going to do it let's do it right. We are going to be right back here. Would you not agree with that statement?

DELEGATE COWLES. I don't know about the slow down but, yeah this is final passage of the bill that would be before us. This is the Senate message for your consideration too.

DELEGATE MARCUM. Last question. If we knew this was going to happen why didn't we do this on day one instead of day 13?

DELEGATE COWLES. Do what? Pass the budget?

DELEGATE MARCUM. Dip in the Rainy Day Fund and get out of town.

DELEGATE COWLES. This is the product of a lot of work and consideration between the two houses, the Governor's office and consideration of a lot of other bills and this is what is before us to fund the government and keep the government going as of July 1.

DELEGATE MARCUM. So the Governor had his hands in making this budget? Is it going to be vetoed or is it going to be approved?

DELEGATE COWLES. Well, you have to talk to the Governor. I don't know what his stance is going to be.

DELEGATE MARCUM. I mean you said he had part in it so I was concerned...

DELEGATE COWLES. Certainly he introduced the bill to begin with no doubt.

DELEGATE MARCUM. Yeah, but that was way before we dipped into Rainy Day, correct?

DELEGATE COWLES. No, it was a couple weeks ago.

DELEGATE MARCUM. OK, thank you, Mr. Speaker.

DELEGATE WAXMAN. Would the Gentleman yield?

DELEGATE MARCUM. No.

DELEGATE HAMRICK. Thank you, Mr. Speaker. Would the majority leader yield for a quick question? Thank you. I just have a quick question. Two years ago when we weren't necessarily in a budget crisis, how much did the Legislature take from the Rainy Day Fund?

DELEGATE COWLES. I don't have those numbers. Over the last couple of years, we have taken several amounts out of the Rainy Day Fund.

DELEGATE HAMRICK. The \$140 million sound about right?

DELEGATE COWLES. \$149 million is what I am being told.

DELEGATE HAMRICK. Alright. Thank you.

DELEGATE SPONAUGLE. Would the majority leader continue to yield? Two years ago when we did the budget, did we do it during regular session?

DELEGATE COWLES. I believe it was in extended session.

DELEGATE SPONAUGLE. The week after regular session?

DELEGATE COWLES. Thank you.

DELEGATE WAXMAN. Would the majority leader yield? Can you remind the House what the vote was on the revenue measure regarding the tobacco tax that we recently had that had passed the Senate and was sent to the House?

DELEGATE COWLES. 44-55 if memory serves, sounds about right.

DELEGATE WAXMAN. Do you remember how many members of the minority party voted for that?

DELEGATE COWLES. I think we picked up one vote from the minority party.

DELEGATE WAXMAN. Thank you.

DELEGATE FOLK. Gentleman yield? Two years ago when we took \$149 million was there a \$92 million surprise at 10:00 on the last day?

DELEGATE COWLES. No there certainly wasn't.

DELEGATE FOLK. Thank you.

DELEGATE SKINNER. Thank you, Mr. Speaker. Let's be very clear what this budget does not do. It does not fully fund PEIA. I am going to repeat that. This budget does not fully fund PEIA. Every public worker in this state who receives PEIA as a part of their package is about to get a pay cut. That is what is included in this budget. Every state trooper, every teacher. In the eastern panhandle starting in July, the folks who have to struggle to live at the highest cost of living in the state are going to get paid less money as a result of this budget, as a result of the total failure of leadership to give us a budget that is responsible and keeps the promise to all the state employees at a time when our education is under attack when we are incapable of paying a competitive wage we are actually cutting the pay of teachers. PEIA is not funded by this budget. This is not a balanced budget. The money used to make this budget is money that we need to make sure that our bond rating does not plummet. So, what we are doing in this budget is shifting all the costs right now onto our children and our grandchildren. They are going to have to pay higher costs in the years to come on all of the state's debt on every single building that needs to be built. PEIA is not fully funded with this budget and it should be rejected.

We have plenty of time to come up with a solution. We have been here, this is the third week I have been in Charleston. Yesterday, we had a bill in Judiciary that had been sitting around for two weeks but we had to jam it through in four hours. We still have plenty of time to solve this problem and we all know exactly what is going to happen. We are going to be back here and I am not going to use, I refuse....I am not going to talk about the can. I am tired of hearing about the can. Cause the can is right here in the room and we are all in it and we are going to be back because we all know



exactly what is going to happen. So, this is a fictional budget, it is a fictional budget and by the way to my good friend, I happen to recall that in what seemed to be a critical vote and the reason why we have to have this budget people stood up and spoke in favor of the tobacco tax and then sat there and voted no. Yeah, they did. So, don't try and shift the blame onto the 36 members or the 35 members of the minority who voted no when there is plenty of blame to go around. Let's put this aside and work together. Thank you, Mr. Speaker.

DELEGATE FRICH. Thank you, Mr. Speaker. In West Virginia we have 80/20 rule for PEIA. We are the employer, the State of West Virginia we pay the 80 and we are funding PEIA. We are funding \$67 million in PEIA, \$43 million of that is being put in the line items in the various agencies. What does that mean? That means that the draconian measures that the PEIA Board had to adopt because the Governor did not extend the regular session, the extended session budget after he dropped the \$92 million and we couldn't complete a budget because of that, the PEIA Board because over the years the party in charge did not take care of business and the PEIA Board spent down the reserves. So, now to make ends meet and provide insurance to state employees, draconian measures have been adopted. These are draconian measures that will go beyond July 1, even if we pass this budget tonight.

Eventually, things will be made right because we made things right in this budget. There will be premium increases because the employees make the 20 match, but what there will not be are the draconian measures that PEIA recipients now have in their plan for a single person a \$500 copay, \$1,500 deductible, a family \$1,000 copay, \$3,000 deductible instead a single person will have \$10 increase in premium and a family \$25 a month increase in their premium which is a lot better. That is the plan that we will have when we pass this budget. That is a lot better than what is in place right now because we are funding PEIA. Again, something that was not done when you were in power. Let the reserves be spent down. What does this budget do? It doesn't touch higher ed. It doesn't touch public ed and it doesn't touch corrections more than the Governor's original budget despite the fact that revenues are declining probably as we speak. The coal industry is in a free for all. Why? Because our President promised to do that to us. So, I plan to vote for this budget.

Do I like the fact that we are using all this Rainy Day money? I do not. That is why I voted for a 45 cent cigarette tax. That is why I promoted a 45 cent cigarette tax. Do I like taxes? I do not. This state is in trouble. We cannot delay passing a budget. Like I said, the PEIA even when this budget goes into effect July 1, PEIA board is not going to be able to fix that problem July 1 but it will be fixed. There are students graduating from high school right now that probably earned the Promise Scholarship. They should be applying for college, but they don't even know if they have a scholarship. We need to pass this budget so those students can know how much money they have to work with to go to school and better their lives. I want them to better their lives. I hope that you would too. We don't have time to dilly dally and delay.

We had a chance to pass a revenue measure. We had a chance. Now, I keep hearing about \$1 cigarette tax. I never did see that amendment. I never saw an opportunity to vote on \$1 cigarette tax. You know, stop it with the \$1 cigarette tax. We had a 45 cent cigarette tax for revenue measure it didn't pass. So, now unfortunately we have to dip into the Rainy Day Funds. Now, this budget as we sent it to the Senate had \$130 million total cuts or that is how it was this morning after work with the House and Senate Finance Chairs. That is a lot of cuts. I seem to remember a couple days ago, a lot of the cuts that the House Finance Committee worked so diligently to achieve there were a lot of amendments to restore money so that we wouldn't have those cuts. So, you don't like cuts, you don't like revenue measures and you don't like using Rainy Day money. What on earth do you like? We need to have a budget. We need to get out of here and there needs to be certainty in people's lives. Now what would a government shutdown mean? It would be pretty devastating and it would be much worse than using Rainy Day money. So let's get this done. Let's pass this budget. Let's put certainty in people's lives. I have a lot of state employees in my district, I am sure a lot of the other members do as well. This isn't fair to them. I am tired of politics and I am tired of games. Let's pass the budget. Thank you.

DELEGATE WALTERS. Thank you, Mr. Speaker. You know I was here when the now, minority was the majority for most of my time here. I was here when they passed and they introduced the 80/20 measure that we are stuck with. That didn't come from this side it came

from the other side when they were the majority. You know I also think this, I think that people would like to have a paycheck than a total shutdown of this government. Even if that paycheck means they have to pay a little more for insurance. The Governor appointed the board to PEIA and let's talk about how responsible that board has been. In the last five years, no premium increases because the Governor told the board not to raise the premium to spend down the reserve fund so that there wouldn't have to be a premium increase. At the rate of inflation in medical care you just exacerbated the problem. He just made it worse by a multiple of many numbers. So this budget is important so everyone can get paid and not go home without a paycheck. Yeah, it may be a little less. May have to pay a little more for insurance. But in the private sector my average client has higher than a \$500 deductible. Their deductible is much less and this budget assures that that deductible and copay stays less. We have met our obligation. It seems to me that the Governor has not with his board and not making minor adjustments over the year and again it was not this majority that introduced the 80/20 bill it was the minority when they were in the majority that introduced it and hog tied us to this. Thank you very much.

DELEGATE ROWE. Thank you, Mr. Speaker. There is so much discussion while we are on the budget bill about history. We heard it so many different times about who did what and when they did it and who did it and so on. I would like us to return to the budget bill. What this budget bill does not have in it is anything for roads, anything for roads. I will point out while we are talking about taxes, you know, one penny on the soft drinks in West Virginia would bring in \$14 million, one penny. Now we take a penny already and donate it to WVU Medical Facility and that is important and I don't propose to change that. But just think about if we decided that we wanted to do a nickel on soft drinks. A nickel tax on soft drinks that doesn't have to be paid, sort of like tobacco. We could have done something for roads. There is nothing for roads in here. We are going to be bumping along and replacing our tires and wheels and it is just going to continue. There is nothing in this budget to help us with our road problem. Where is the vision on that? I would point out to people, that instead of looking backwards and saying this is what happened ten years ago in 2003, or last year, when other folks were in the leadership, why don't we have a vision for the future? Let's

start looking forward and it may involve a tax increase, sure enough. But I think if people go back and talk to the people in their districts, they will discover that they are willing to put five cents on soda pop or who knows maybe even an increase in tobacco tax. We have talked that one to death. The liquor profits, the wholesale liquor profits. We get \$17 million out of that right now. If there was an increase of say 10 or 15% on that we could collect another \$9 or \$10 million on liquor profits and certainly liquor causes a lot of family and domestic problems and DUI's and everything else. There is the wine tax only brings in about \$2 million. The beer barrel tax hasn't been increased since the early 1970's. It is \$5.50 a barrel and what it brings into the state revenue is \$7 million.

Now you know I am not on Finance and I was reminded very clearly when the Speaker came and spoke to us, came off the podium and spoke to us early in the session and said there is a plan and you have to wait on the Finance Committee to do its work as you do in Judiciary and other committees. I am not on Finance. I am not very good with numbers actually but let me say at some point as we look to the future, not backward but to the future. We are going to have to look at some of these things that have legions of lobbyists that surround us when we start talking about soda pop, liquor, beer or wine taxes. Those taxes are just like tobacco. You don't have to pay them. If you don't like them, don't buy it. It is very simple. I hear over and over the people say why don't we look at increasing the grocery store food tax? You know that is a little harder. That is a tax you got to pay everybody pays. You've got to pay that one, but just think about soda pop. Do you really have to and do you think that it would help the health in this state if people actually did drink less soda pop? Same thing is true on tobacco but we have heard too much about tobacco. I think if nothing else, the failure to do anything to help our roads is an indictment of this budget. It is an indictment of the process.

You know for many years we have done an incremental budget process and you get to when you've got money. You just go in, you look at it, you sit in committee, you pick up, you add something here, you take away a festival there, you do something. That is incremental budgeting. You can do that but we are not in a position to be able to do that anymore. Our budget process has to be streamlined and I heard the Chair of

Finance say that he thought we needed to look at the budget process. Please remember that we have spent hours going through, I've been comparing the Senate budget and our budget. Every single non-profit that I have ever involved myself with uses a simple budget with a side by side. They will tell you what was last year spent, what we are going to spend this year and what we predict next year. Every single non-profit can do that but we don't. I have no clue from any of the paper, right now I am up to a hundred. I think I am up to 120 pages. I'm sorry not a hundred excuse me, 600 pages of paper and I don't have a side by side other than what has been crafted by folks privately. Why do we have this budget process? You know, I think we need to look forward. Unfortunately we are probably looking forward to less and less revenue but we are going to have to be creative and let me say this, it is very important that when we do approach a tax or something that may affect people's consumer choices that we look at the health factors that are involved in that and if you want to do it just from an economic standpoint. Look at it, if you just want to look at the money just think about how much money we would save if we have less obesity including me and less cigarette smoking, less drinking, less beer and wine, liquor. Just think of the health aspects and then how does that come back to us? It comes back in less incarceration, less domestic violence, it comes back in less hospital charges, less lung cancer. The smart money says that we do increase consumer taxes generally. Now we are at the point. Now we been through a long process and we are now going to send the budget to a Governor who has promised, I mean it is loud and clear that he will veto this budget. So I would just suggest that instead of looking backward, and what we did in the last month or so, let's look forward because I predict that we are going to have to come back and be in some way creative. Now I don't know what the Governor's veto would be. I don't know if it is line by line. I don't know if it is the whole budget. I don't know if we have to start from point zero but whether it is this year or January and February of next year we need to start envisioning what kind of state we want and whether or not we are going to be able to pay for it and there are lots of taxes that we can look at and be creative with. I would encourage the members to look forward rather than backward. Thank you.

DELEGATE GUTHRIE. Thank you, Mr. Speaker. I want to echo some of the things that

my colleague from the 36<sup>th</sup> mentioned. Truth of the matter is, I'm real tired of all of us pointing fingers at each other and yelling at each other. It is the most unproductive exercise I can think of. The thing that really caught my attention the other day was something that the Majority Leader said when we sent this budget over to the Senate for their consideration. He said well, "It is the best we can do." I thought to myself, no its not. It is not even anywhere close to being the best that we can do. You know, it would have been easy just to get out of this hole by doing three simple things: Restore the business taxes that we cut to the tune of \$278-\$350 million, that would have bought us some time just with our general revenue budget. We could have really fixed PEIA with \$1 tobacco tax, and as my colleague said, gone a step further and added the alcohol, wine, beer and soda. Most of the folks that I represent say that is fair. That would be fair. On the soda, I'm with the Lady from Cabell. Let's dedicate that to Marshall University and let's make a penny of it go to your medical school but a penny also to creating a forensic science curriculum. The other penny going to create a world class autism training and teaching center. That would have been new. That would have been something that we all could have looked forward to. There would have been enough money left with those taxes to also enact an earned income tax credit. For those folks who we would then ask to pay a food tax, restore the food tax to the six cents that we had and dedicate that money to roads. We have got to get right-side up on our roads. Those three things voluntary taxes, restoration of the food tax and the restoration of the business taxes that really did get us to this budget crisis that we are in right now if you want to be honest about it. So we could have bought ourselves some time to have bigger conversations, bigger conversations about where this state wants to go in the future. We could have talked about medical marijuana, compassionate medical marijuana use. Expansion of industrial hemp. Establishing a program for unemployed coal miners and veterans. To reclaim our land and our water that has been degraded by coal and its use. We could of, as the Gentleman from Ritchie, talked about those pipelines. We should probably do those pipelines but I think it should be our route, our rules, our rates and our union workers. Git'er done. Finally, we never did anything for treatment programs or the scourge that is killing our communities. We could have talked about establishing a state registration fee for anyone who has a DEA license and use that money for treatment centers. Use that money to rebuild our communities. They are beginning to

look like ghost towns. Those are broader conversations that don't enjoy partisan bickering but they are the conversations that we need to be having. This budget robbed our savings plan and now we are going to try to call this a balanced budget. Ladies and gentlemen, it is not. I think all of you know it is not. I wish that it were. I wish that we were talking about the future instead of bickering about the past. It is unbecoming and it really makes me ashamed to be a member of this body. For those reasons Mr. Speaker, I just wish you would get into a bigger conversation. A conversation about what we can give to our children, to our grandchildren, to those people who want to stay who are looking for a reason to stay in West Virginia. Those are the things that I would like to be talking about. Thank you.

DELEGATE DEEM. Thank you, Mr. Speaker. You know there has been a lot of talk about leadership around in the Senate, House, both and I believe we have had good leadership and the Finance Committee for the House is equally represented by percentage of both Democrat, both parties and Republican and they had a cigarette tax down there and the Governor's 45 cents got three votes I believe. Mr. Speaker, I put a bill in for \$1 a package which never came up. The Senate passed \$1 tax and literally had six votes against it and what did we do? We wouldn't even pass the Governor's 45 cents tax. Mr. Speaker as you know, I have been here through many budget sessions like this. There was a time, maybe worse than we are having now, we couldn't pay our bills and guess what? The current Governor and legislature raised taxes \$500 million in one year and the next Governor came along and raided a teacher retirement fund to balance a budget and not only did they not fund the teacher retirement system but took money out of it to pay for a teacher raise and we are still paying back the debt on the teacher raise. We were at one time 20% funded with a teacher rate we are now up to over 15%, so we have done a lot along that line and you know when the House voted against a 45 cents tax increase on cigarettes and we all know that PEIA spends more money on cancer because of tobacco smoke than they get from the tobacco tax. I would like to ask the Delegate from Kanawha how did you vote on the cigarette tax? How did you vote on cigarette tax which was defeated here in the House?

DELEGATE ROWE. As was said so eloquently by the Gentleman from.... no, I get a chance to answer sir.

DELEGATE DEEM. Give me yes or no.

DELEGATE ROWE. I get a chance to answer. It is not cross examination. What I did was to....Gentleman, sir, I voted for what I thought was a helpful tax which was a tax that would be for \$1 as it was said so eloquently by the Gentleman from Wayne. The Gentleman from Wayne said very clearly that the 45 cent tax had to die so that the \$1 tax could live. I will point out that I got numbers from the Department of Revenue today that a 45 cents tax increase raised \$71 million. A 65 cent increase was recently considered by the Senate, because and only because the 45 cent failed, it will raise \$92 million. Now what is interesting about that is that you will discover if you divide 45 cents into 71 you would get...

DELEGATE DEEM. Mr. Speaker, would he answer the question? How did you vote on the tax of cigarettes that failed in this house?

DELEGATE ROWE. Thank you, Mr. Speaker. To finish up, if one divides 45 cents into \$71 million it is about \$16 million, a dime. But if you get the price of that increase up to 65 cent and then to 75 cent the dimes only bring in about \$4 million and what that tells you is that people are stopping smoking because you are selling fewer cigarettes. My position is, and I too introduced a bill for a \$1 tobacco tax, and dedicated to fixing, when I say fixing PEIA I mean providing a stream, multi-year stream for funding of PEIA. So in answer to the question, the question was I voted for a \$1 tax because we in the Minority cannot control.... is done. We were presented only with a 45 cent tax and I voted against it.

DELEGATE DEEM. You voted against the only cigarette tax that was before this body. You voted no.

DELEGATE ROWE. That's correct. I am happy to report in 1998 that when I was a delegate with now Senator Capito, She invited me to join her on one of the first tobacco tax increases in that recent time and Delegate Mahan also voted for that and we joined....of course it wasn't passed until much later.

DELEGATE DEEM. But you never had a chance to vote on \$1 tax and the only tax you had a chance to vote on you voted against.

DELEGATE B. WHITE. Thank you, Mr. Speaker. I'd like to make a motion to move the

previous question. We are either going to vote for this budget or we are not and we need to quit wasting time.

DELEGATE MORGAN. Thank you, Mr. Speaker. Pass the budget. Sounds pretty simple. I would love to pass a sound budget. A budget that is soundly balanced by actual revenue matching expenditures. There is some conversation that this side of the House may not want cuts, may not want revenue enhancement and may not want to use the Rainy Day Fund. At least speaking for myself and I think many of the folks on this side, I don't believe that's true. I believe we would be more than willing, which we have done, to vote for sweeps which got us through this year. Prudent cuts, ones that can be considered not in a hasty manner and revenue enhancements to cover what we need to cover. If you balance this budget by spending the way the present budget is before us and spend that now, what are you going to do if 2017 happens to turn down unfortunately? Or when 2018 actually comes and you don't have any more pot to dig into? We have offered and it was beaten up if that is a good term, a revenue enhancement measure which the Governor picked up and nothing became of that. Concerning the 45 cent tobacco tax, unless my mathematics are terribly wrong, there is 64 Republicans in this House and 36 Democrats. That is a majority, I think, in anybody's consideration and if the Republican Party wanted a 45 cent tax, why didn't they all vote for it and pass it? It seems to me though that this budget before us is a shame. It is a scandal and it is a slander for the people of West Virginia when you present it to them. I continue to believe that there are people in this house who would sit down, work together, take all the ideas that have presented here today, restoring some of the previous tax cuts, taking on other revenue enhancement measures so that we could then work together to find a mutual solution which everybody would agree to. But it seems to me that as of right now this session is coming to an end the same way that it started and that is some people saying we are in the majority, we will do what we want to and you take this and we will shove it. Thanks.

DELEGATE P. SMITH. Thank you, Mr. Speaker. Like all of you I am not too happy with the budget we have here. Everybody in here, we are unhappy about what we are taking out of the Rainy Day Fund and I am upset about the cuts and I want to fix the roads in Lewis and Upshur

County. None of us is happy that our state's major industries died. I had a relative who works in the mines and is laid off. I know what it has done to him and his children. But I also know what is happening to people at home as we get closer and closer to July 1, day by day, hour by hour, minute by minute. We sat here and try and we worked, oh we have worked, and I took this stuff home and worked. We have all worked hard but we can't close down state government. We can't get any closer to it. We cannot shutdown West Virginia government. I had a call a week and a half ago from a young man, middle aged man, I guess, who works for state government and this is what he said to me, "Peggy should I sell my house?" I said, "Oh heavens no. Don't sell your house. It will be OK. We will work this out." But every night I go to bed and I think about him. I hope I told him the right thing because, you see, he has got a family and he can't go a day without his pay. He can't go a week without his pay because he couldn't make his mortgage and then there were the other state workers who met me at Wendy's for Christmas. Not this year, a couple years ago, and we all went in and sit down and they wanted to talk to me about how poorly paid they were and they are poorly paid. We sat down there to meet in a little room and I was the only one that ordered a soda. I didn't realize it at first then I looked around. You know why they didn't order a soda? Because they wanted to buy their kids presents for Christmas, shoes and the things we buy our children. We are scaring them to death. We are scaring state employees to death when they think they are going to be laid off in a few days and it is scaring me to death. I had a neighbor who said to me when I was home last weekend, she is a teacher and she works three jobs and she teaches Sunday School, she said, "Should I apply for a job in another state?" She is a world-class teacher and I said, "No, no don't do that." She said, "I can't work another job." She works three jobs. Another neighbor stopped and asked me if she could count on the Promise Scholarship for her child, to college, and I said, "Sure you can." But you see we are getting closer and closer, minute by minute to June 30 and it is upsetting everybody in this state and it is upsetting me and it is 28 days and tomorrow it will be 27. So I am reaching across the aisle and I think we ought to all be doing it. You reach over here to me and I am going to reach to you and I am going to vote yes. For heavens sakes, let's not shut down state government. Thank you.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. No one in this room wants to shut down state government, nobody. That is not going to happen. What those of us who are not happy with this budget would like to do is have more conversation and work a little bit harder to get a budget that is real. Now I'm going to....the biggest problem with this budget, and there are many, many, many, many problems, is that it raids the Rainy Day Fund and like one of the gentlemen said before we are \$270 million short this year and we will be \$350 million short next year and this year we have swept up all the one time money and we are taking \$182 million out of the rainy day fund. Well what does the Rainy Day...what is the Rainy Day Fund for? How is it described? It is for revenue shortfalls for emergency revenue needs caused by acts of God or natural disasters or other fiscal needs as determined by the Legislature but the reason we have to have that is because there are unexpected emergencies that happen in every family and in every state government. I have been here when we have had special sessions for flooding six times. That is when I realized what a Rainy Day Fund was for. It is for serious needs that are unanticipated. We had that money because we planned and we tried to deal, we decided we were going to put our fiscal house in order. We were going to pay our pension obligations and we were going to do it right. That is why our bond rating gradually went up. With this budget we will not have any money if McDowell County suddenly has another horrible disaster; if Preston County gets totally wiped out like it did in 1985. We will not be able to come up with that money and we will risk our bond ratings in the future. One of the people in this room said that state workers want certainty. Of course they do. We all want certainty. We would like to get this over with. Nobody is having fun down here. But one thing is certain, every single state worker that hasn't had a pay raise in years is going to have a 12% increase on July 1. That is a certainty with the passage of this budget. We can do better than this and I do know so many of you in here. I know there are good people who think that we have health problems that we need to work on, who think that there are ways that we can do this. I am not ready to give up. I know the Governor is going to veto this. We all know that. We all know that we are going to be right back here very soon and starting over again. Well, I am ready to start over again but I want to fix the problems. I want to fully fund PEIA. I want to make sure there is a Promise Scholarship next year, not just this year

because the people that go to school go for four years. They count on a Promise Scholarship for their whole college education. We are not thinking about the future. I wish I could support this budget. I would like to go home, and I have plenty of things that I am missing and that I need to attend to, but I think we can do better. I urge the rest of you to think harder about ways that we can bring in the extra money. We talked about having a balanced plan that would do sweeps, that would do cuts and that would generate the revenue that we need to have a balanced budget. This is not the real thing. This kicks the can down the road. We need to do better. We need to consider some of the revenue increases that the Gentleman from Wyoming County mentioned, the Gentleman from Kanawha. This just doesn't work and it is irresponsible. I am voting "no."

DELEGATE ANDERSON. Thank you, Mr. Speaker. I rise in support of the passage of this budget. This is very tough times our State is facing. I am not going to go back and revisit the past and I am not going to revisit the projections of the future. We are at this point and time considering the budget that will fund this state next year. I agree totally with the Lady from Lewis County. It is time that we remove this needless worry from the minds of the citizens of our State. Young people still wondering is the Promise Scholarship going to be there when I go to WVU or Marshall or are there other institutions in the state this fall. With the passage of this budget and hopefully it being accepted by the Governor and signed by the Governor, it will result in that question being answered for those students. Now we can argue about the semantics of PEIA and I am not going to mince too many words. This budget funds PEIA to the extent it complies with the state law that requires an 80/20 match with the state putting in 80% and the employees putting in 20%. It certainly will get away from the problems that were brought upon the employees of this state by the actions of the finance board as we have gone a number of years without any increase in employee premiums. The State cannot continue picking up totally that. I will just make this remark, the small town of Williamstown that I am from went many years when the city council did not want to face up to.... They needed to raise the water rates. They had to put through a pretty hefty one. Well, the PEIA Finance Board went through a number of years and the Legislature both Democrats and Republicans passed budgets that did not require some modest increase of maybe 2% per year on

the employees of the State to meet the 80/20. Now we are making up for that mistake. I have been here a long time, both Democrats and Republicans in passing budgets that didn't expect a little more contribution from employees. We made that mistake together. This rectifies it this year and it probably was only brought on by the severe financial crisis this state faces. The Gentleman from the 36<sup>th</sup>, Delegate Rowe, mentioned highways. I am very sympathetic in an agreement. We have to address the highways in this state and this budget really doesn't do what I would like to see done but it is the budget before us. We are not going to be able, we have shown to pass revenue measures between the House and the Senate, between the Democrats and the Republicans. I am not pointing fingers; we just haven't gotten that job done. We have gone after re-appropriated funds, we have swept funds, we are doing everything we can to put together a budget this year that will meet the needs of the people of this state. Maybe not the type of automobile we want to ride in but it is one that will meet the needs and continue to fund the state police. It does not cut the institutions of higher education any more than they have been cut and they have been cut as far as I am concerned enough the last few years. But this is the vehicle we have in front of us right now. It may not be the vehicle we prefer to ride in for different reasons but I rise in support of this budget. It needs to pass. It needs to go to the Governor. Hopefully, Governor Tomblin will sign this bill into law or let it become law without his signature, whichever way it goes. But it answers a lot of people's questions. It gives certainty and I am willing to reach across the aisle. I am willing to talk to people in my own party, to look at what we need to do because next year's budget is going to be even more difficult and the one after that equally difficult to next year's budget and we are going to have to have these conversations. We are going to have to have these dialogues. We are going to have to put aside some of our past disagreements and look to the future of this state. The people of this State expect us to do that and they should expect nothing less than that. But this is the vehicle before us now. I will vote for this budget. There are things in it I like and there are things in it I don't like but it is the budget that I think we have to accept at this point in the history of our State while we look forward to making the tough decisions we are going to have to make in subsequent years. Thank you, Mr. Speaker.

DELEGATE MARCUM. Thank you, Mr. Speaker. Ladies and gentlemen, I am going to speak against this. We are free to choose how we are going to vote on this but we are not free from the consequence of our choice. Ladies and gentlemen, we heard things about certainty. One thing is certain, we got hints from it from the Majority Leader in the questioning earlier this budget is fictional. It is going to be vetoed or we are going to be right back here wasting the taxpayer's dollars. He hinted around to it. He wouldn't come out and exactly say it but we all got the jest of what he was saying. Twenty percent of your savings in one budget. What are we going to do in the future? What are we going to do moving forward? We have been here for this special session plus the general session. We have not seen one jobs bill. We have not seen anything to bring jobs to the State of West Virginia. With this budget we have seen, before the downturn in the coal industry, with this budget you see a one-half cut in post mine land development projects. How are we to diversify southern West Virginia, bring jobs to southern West Virginia with a budget like this? Not to reiterate all the other points that have been mentioned. This is a fictional budget that is dipping into our savings account more than 20%. Let's put politics aside. We are here to do a job. Let's focus on the policy before us. Let's focus on the future. Let's focus on the people of West Virginia. We know that PEIA is not fully funded. We know it is not. It is not there. We can say it and get all the sound bites we want but in closing, let's quit worrying about November and worry about doing our jobs. This is shameful that we are going to sit here and argue back and forth over a fictional budget that is going to get vetoed. So the only certainty in this budget, Mr. Speaker, is that we will be back here next week in another special session called by the Governor because this budget is going to get vetoed and we all know it. We can put the blame at the feet of the Democrat Governor all we want. This budget is irresponsible.

DELEGATE COWLES. Thank you, Mr. Speaker. Ladies and gentlemen, a little truth I guess, if that is what we are looking for, is clearly the choices are hard. It is difficult time. It is a structural imbalance in our budget. Revenue is in decline. Washington, DC administration determined to punish West Virginia and our people. Meanwhile the needs of our people are great. But we have reason for hope. We have been pretty aggressive in trying to reimagine and

restructure state government and change some things for the future prosperity for our people and growth in our economy through liberty and freedom and opportunity. Those things are coming. But in the short run I want you to please remember a shutdown helps no one, not our bond rating, not our roads, not our state workers, not our students or our seniors or our West Virginia working families. Let's pay our pensions, meet our obligations, do the things we have been sent here to do, fund our government. That is the bill that is before you. I'd like to express my appreciation and thanks to the Finance Committee, the Chairman, Vice-Chairman, staff. A difficult task and a reasonable budget is before you. For all those reasons, Mr. Speaker, I urge support and passage of the budget for the State of West Virginia and her people.

**S. B. 1012**

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REMARKS  
of

**HON. MICHAEL FOLK**  
*March 10, 2016*

DELEGATE FOLK. Thank you, Mr. Speaker. There has been a lot of talk in this chamber about plans. Who's got a plan. The only plan I have seen especially from the other side of the building or the Governor's mansion is tax, tax, tax. A pretty good economist one time said, this is a quote, "If you have been voting for politicians who promised to give you goodies at someone else's expense then you have no right to complain when they take your money and give it to someone else including themselves." That is one Thomas Seoul. It is all there has ever been, is a plan to tax. This year, of course they are going after cigarettes. Who is going to be next year? because that \$100 million is not going to cover the shortfalls that are coming unless things change? So after this budget was passed it went to the Governor, almost 200-page document. I sat in two hotel rooms last weekend, one in San Francisco, one in Houston and I went line by line. The parameters I used were pretty simple. I tried to go back to one of two things, 2015 spending levels for this state or back to the Governor's recommendation for spending for any particular agency. My wife put together this spread sheet; I inputted the data. I've got 14 copies and I will give you the spreadsheet if you want to play with it a little bit and see where you can save some more money. I was very conservative. It worked

out to less than a 2% cut to get me to \$81 and one-half million and that is less than 2% from the budget that we passed and sent to the Governor. If anybody in here can tell me with a straight face that that's irresponsible, that we expect our State to go back two years on spending levels when anybody in southern West Virginia that has lost their job, I guarantee they went down more than 2% in their spending levels. So here is your plan. The challenge I have is are we going to sit down and actually shrink government or are we going to continue the hyperbolic dialogue that says that we are cutting when for the most part the budget we sent to the Governor was no cut at all. I call it financial engineering. Again, I ask you are we going to expect this state which is increased...these are just general revenue cuts, these are only general revenue cuts. Two percent of our general revenue budget that we pass gets us over \$80 million. I think there are other places the numbers could be increased more if a few questions are answered. That is out of over \$333 million of accounts that have re-appropriated money. This is their Rainy Day Funds inside the agencies. There is not even.... like I said we can cut more. I was being conservative. Is it too much to ask our State to do what every family in this state, that has lost income for whatever reason whether because of coal job losses, teachers getting laid off in Boone County, whatever it may be, is it too much to ask for our State to cut? Thank you.

**THE BUDGET BILL AND THE  
LEGISLATIVE SESSION**

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REMARKS  
of

**MR. SPEAKER, MR. ARMSTEAD**  
*June 13, 2016*

MR. SPEAKER, MR. ARMSTEAD. Thank you, Mr. Speaker. I want to take a minute. I know we have had a very long day so I do not want to take a long time here but there are some remarks that I wanted to make but I kind of wanted to wait till we got to this point to make them. I think we have taken a huge step forward today and I think it has been a hard way to get here but I do want to take just a minute and kind of talk a little bit about again where we have been and where we are now and where do we go from here. I just want, I read a great deal, I don't read a lot of social media but some social media in the media about how long it has taken us to get this budget



done and we aren't quite there yet but we certainly, I think, are pretty close but I want to keep in mind a couple of things and looking back at where we have been.

I would remind both, each of us as members, but also the citizens of our State that gave us the honor to be here that we have never, in my years at least here, ever passed a budget during the regular 60-day session. I don't remember, perhaps I am wrong, but I don't ever remember that happening, so it is not unusual to go into a special session. It is unusual to go into a special session that has taken this long. I would admit that. But it is not unprecedented. There have been times that we, I believe it was in....I don't remember the exact year but while I have been here, we passed a budget in May. So we have taken breaks at times to let things develop and passed a budget at a later time, but that aside, there are reasons why you don't pass a budget in the first week of session because of the things that change during the session that change line items in this budget. So I've never known of us ever to pass a budget during the 60-day session. Last year, we passed a budget three days after the end of the regular session, which is the earliest I ever remember us passing a budget because usually it is a week after we finish the 60-day session that we even in a normal year get our budget passed. So, this year I think we were very much on course to be about three days after the 60-day session ended to pass a budget.

Then we had, and I am not saying this to point any fingers, but we did have revenue estimates that changed about \$92 million. I would say to anyone that has been here, including my colleague from Berkeley, that I don't remember ever having to go into a budget being in the process almost completed with that budget and suddenly we got to figure out what to do with about \$92 million in shortfall. We are not in normal times. Because of what has happened with our economy, with what has happened with our energy industry we need to keep in mind that we are not in normal times. We are in unprecedented times in terms of having our severance tax basically cut in half, basically cut in half which is such a huge part of our economy.

So, I wanted to say today that when it comes to talking about why didn't we have this done early in the session, why didn't we have this done early, and you know it is right after the session, I think there are tremendous reasons why it took

the time that it has taken to get here. Now, so that is where I think we have been and where are we now. I think we have now, today, passed a budget that will, I believe, be signed by the Governor, will be adopted by the Senate, signed by the Governor and we will have a budget for the State of West Virginia that will keep government functioning, that will fund PEIA, that will fund Promise Scholarship, that will fund Public Safety, that will keep our education system working, will do the things that this budget is designed to do and will truly fund West Virginia's government.

When it comes to how we got here, I as a lawyer, and anybody that is a lawyer in here knows that when you talk about a settlement that the old adage is a good settlement is when nobody leaves happy. Well this may be a good settlement then because I can tell you this, I am not happy to have to increase taxes. I am not happy to do that. But I will say this, neither are people happy who wanted to cut more and I would like to have cut more. I think there are areas that we do need to cut, and neither were people who really felt like we should go into the Rainy Day Fund because, truthfully, that money has been, represents money that is collected above and beyond what it takes to run government. That is the taxpayer's money. So I don't think it was irresponsible as some has said, the budget that we passed that took from Rainy Day. I don't believe that or I wouldn't have supported that but having said that, we have said all along that this is a budget that is a number of working parts.

Revenue, perhaps revenue measures its cuts, its sweeps and it is Rainy Day and no one is going to get exactly what they want when you bring all those to the table. When you bring all those factors to the table and so we have passed a budget that went to the Rainy Day. The Governor did not want to do that. We passed a budget that had additional cuts, the Senate did not really want to make those cuts. The Senate passed a budget originally that had additional revenue and we were reluctant to do that so this has been truly government working, in my opinion, perhaps not as quickly as some would like, but government working as it is supposed to work which is everyone bringing their ideas to the table and building a consensus around a set of ideas and that is what this process has been. So if people want to say we shouldn't have been here, and yes we are, there is certainly criticism out there. I understand that. But when I look in this

room, I don't have that criticism because I think the people in this room brought their ideas forward, brought their values forward and we came to what I believe is a consensus, while certainly not a unanimous consensus, but we came to a consensus of what this body says is the best route to go and amazingly, after all the debate, what does this consensus include? It includes revenue measures, it includes cuts and it includes Rainy Day. Maybe not the balance you would like to see. Maybe not the balance I would like to see but it is a balance of those three factors and sweeps which I included in those cuts.

So that is where I think we are, and I think with this budget, we will put to rest a lot of the concerns that citizens throughout the State have had and, I think, those are serious concerns that I have been very sympathetic to those concerns and I think we had put those to rest. Now, where do we go from here? I think this has been throughout this regular session and this special session, a tremendous exercise for all of us to really let it sink in where we are in terms of our energy sector and our economy and what we need to do moving forward. I think if we let that opportunity pass us then we will have made a grave error because I think all of us now recognize that perhaps there aren't all the cuts that we thought might be there and it may not be as easy to make as we thought, but they are there and they can be done and we need to continue the work to make additional cuts because we cannot continue to run a government that is not actually responsive to the downturn that we have had and the future of our economy.

We also need to take a real look at the other factors that we need to do to make sure our economy does run better moving forward and I think we have started that. You may not agree with some of the things that have been done over the past couple of years but I think we made a tremendous start on that and we continue that because truly that is the key. The key isn't raising taxes more so that we can continue to run government at the same level we had. That is not the key. It isn't living out of our Rainy Day savings account permanently. That is not the key. The key is getting our economy moving again so that we can actually have a broader tax base so that we can continue to fund the essential services and at the same time look at ways to streamline our government and make it more, as I have said, responsive to where we truly are in terms of our economy today. So I think that the, well again

what has happened here today is significant, it is important, it is a tremendous step forward.

I want to applaud every member of this House, Republican and Democrat, the members of the Senate, the Governor. We have been certainly not in agreement in a lot of this last few months on a lot of this, and again we may not be totally in agreement with this, but I think we have reached a consensus that we have shown now as the majority of the members of the House and the Senate. We still have some work to do to address the PEIA issue which I think is important to all of us and will continue to do that over the next day or two but I do think this is a tremendous step forward and I wanted to take a minute to say both to you and the citizens who sent us here that we have taken our work seriously, that we have worked very hard to gather, brought all these ideas to the table, and while again you might criticize how long it takes or when it is done or whatever but that is what government is. It is a series. It is a process. It is a process of checks and balances between us, the Senate and the Governor. It is a process of debate and discussion between the political parties and the different ideologies and that worked here to get us, I think, where we are today. So we have again a great deal of work to do, work left to do. We can't necessarily pat ourselves on the back. We got a lot of work left to do and a lot of work we got to start so I hope we take from this day forward and start the process of really truly looking at every single aspect of our state government and making it work more efficiently and seeing where we can make cuts and seeing where we can do the job better for the people of West Virginia. Thank you.

**S. B. 1012**

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REMARKS  
of  
MEMBERS  
*June 13, 2016*

DELEGATE D. EVANS. Thank you, Mr. Speaker. Will the Gentleman yield? One question sir, when we tried to pass the tax for 45 cents we added this amendment to that bill. Correct?

DELEGATE FAIRCLOTH. Pardon?

DELEGATE D. EVANS. We added this amendment to the bill when we were voting on 45 cents a couple of weeks ago.

DELEGATE FAIRCLOTH. Yes, we have actually gone through this once before.

DELEGATE D. EVANS. How did you vote on that bill once we got it ready when we voted on the bill for the 45 cents tax with your amendment to it?

DELEGATE FAIRCLOTH. I believe that is probably irrelevant but....

DELEGATE D. EVANS. I don't know whether it is or not, sir.

DELEGATE FAIRCLOTH. I mean is there a question towards the amendment?

DELEGATE D. EVANS. Yes, there is. Did you vote yea or nay, sir? The bill failed.

DELEGATE FAIRCLOTH. The question towards the actual amendment.

DELEGATE D. EVANS. I'm talking on the bill.

DELEGATE FAIRCLOTH. The bill is not on the table.

DELEGATE D. EVANS. Thank you, sir. May I speak to the amendment? Ladies and gentlemen, I would speak against this amendment and the following amendment. These two amendments were put on the bill for 45 cents we voted on a couple of weeks ago and the gentleman I believe, if I remember correctly, and I could go back and look at the vote, he voted against the bill. So if he voted against his own amendments two weeks ago, why wouldn't he vote against it again today? I would urge rejection. Thank you.

DELEGATE MORGAN. Thank you, Mr. Speaker. I would say I will be brief because I notice when people say they will be brief they talk a long time. I may talk a long time. I don't know. I figure I may not get another chance to say what you all know that I am probably going to say anyhow. To my friend from Cabell who said nobody came here to raise taxes. That ain't true. I came here to raise a tax. I came here to raise a tax in 2013 to fix highways. We haven't done much to the highways. We didn't raise the tax either. 2014 would have been for the same reason to fix highways. 2015 would probably have been because we needed it to pay our bills and not take from the Rainy Day Fund. Today we

do need to raise a tax. Naturally I would have chosen a one cent sales tax. That didn't work. I would have voted yes for \$1 tax on tobacco products. That obviously didn't work. We have heard about we ought to make cuts. Now I admit that as we age we may not remember things as well as we should or maybe even pay as close attention as we should but I don't remember any of those cuts being introduced to any great degree. \$100 million or the \$200 million that we can find, what happened to that? If the future tobacco of this state is dependent upon the tobacco sales of border counties we are in big trouble. I am here to tell you. If we are not going to vote for this, that is before us now, because we are afraid people are going to neighboring states to buy tobacco products we better rearrange this and put a whole lot more money in our Department of Commerce so that we can figure out how to really to get people here and help our income. This is a compromise that nobody likes, nobody appreciates, I think, the work that has been done by the Finance Committees, by the leadership. At times we have questioned whether they are right or wrong. We have something that is not pleasing anybody so we might as well vote for it. I don't like the fact that we keep saying so we can get out of here. We have been here a long time. I hope that the work that comes out is approved by everybody after all is said and done. If we don't do this I am not sure exactly where we will be. Having read stories in the paper, the Gazette that is, over the weekend we may not even be able to base our economy on...let me read how that is...harmonically tuned rifle shells. I mean, what are we going to do? So I would urge support of this. I will think that after all is said and done I may bronze this, I'm not sure. I think we will have kicked the can down the road because you haven't really solved the problems. I don't know whether a one cent sales tax will ever come up. It is reasonable. It is easy to collect. It is easy to put on, and for most of us in here, if I could have the votes show up on the board, that you all individually have told me, "Yeah I support your one cent tax", it would have passed. I really believe it would. I think there is 51 people in here who would be in favor of that if they didn't have to have their name up there in green and that would have been a whole lot better solution. As it is we don't have that so I recommend passage of what we have before us. Mr. Speaker, if you want the can, or maybe I will keep the can to see who is Speaker next year and give that can to them when I come back. Thank you very much.

DELEGATE O'NEAL. Thank you, Mr. Speaker. Ladies and gentlemen, I come before you today to show appreciation to a number of people who have put in a lot of hard work. I have heard several people speak from their heart about where they stand on this issue. I feel like the process we have been through has been incredibly valuable. For many of us on both sides of the aisle who really were reluctant to be faced with a bill where we had to raise taxes. It has been a difficult time. Actually not just the last couple of weeks but really for five months we have been dealing with the issue of how do we balance a budget in a fiscally responsible way, and how do we do this in a way that is consistent with our core values, our principles. We are at a time today when the option that is before us is to support a tobacco tax or not. Some of you may know that up to this point, I for one, have resisted. I have been a no vote on any effort to increase taxes. I have been there in the Finance Committee watching the incredibly hard work of our Finance Chair, our staff, our Vice Chair. The Gentleman from the 27<sup>th</sup> has put in an incredible amount of work into researching, trying to find ways to save money for the taxpayers of our State. The Gentleman from the 14<sup>th</sup>, the Gentleman from the 22<sup>nd</sup>, came in way outside of session volunteering on their own time searching through these accounts. We have as a Finance Committee. We in the House have done the hard work. We brought the agency heads, bureau heads into our committees and we went through their budgets line by line by line. We asked them what is this money needed for? Can we take \$250,000 out of this fund? Nobody better than the Gentleman from the 39<sup>th</sup> in terms of, explained to me why you need this money and could we possibly take a little money out of this for the taxpayers to save the tax burden on them. We as a House on two separate occasions now, we passed balanced budgets without tax increases. We sent them to the Senate. The two previous times the Senate concurred and we sent these well one time it didn't get to the Senate one time it did and the Senate concurred and unfortunately our Governor didn't like the budget that we sent them, wanted it done a different way and that is his prerogative. As all of you in here know, our founding fathers, in their wisdom, set up a system of government that involves a separation of powers. All power is not controlled in one particular person or body. We are supposed to have three co-equal branches of government; the Executive, the Legislative and the Judicial. Even within the Legislative there is two chambers. We

in this chamber, those who are conservatives can be proud that we have turned over many stones. We have put in much labor to try to find ways to right-size government and we have done that. Unfortunately, at this point it would appear that the pathway to a balanced budget in keeping government open come June 30. It would appear that the pathway to do that without a tax increase has closed. It would appear that because this time around we do not have a willing partner in the Senate; they have chosen to go a different direction. They have made it clear they are not going to support a budget that does not have new revenue in it. The Governor has made it clear he is not going to sign a budget that does not have new revenue in it. There is no way forward that does not leave an unacceptable consequence for the citizens of our state in the form of a potential looming government shutdown. I would urge the members on our side of the aisle to take comfort in the fact that we have fought the good fight. We have done our duty. Unfortunately, it takes three participants to cross the finish line and we are unable to get this budget done without additional taxes because we have an unwilling partner in the Senate, and we have an unwilling Governor, so at this point I am going to urge my friends here on the Republican side of the aisle and on the Democrat side of the aisle, as well, to join with me in supporting this bill in an effort to secure a balanced budget to keep our government open and then I am going to say let's have an election in November and let's let the people decide going forward if they want to continue gridlock with opposing points of view in different positions or if perhaps the people want to have a different philosophy that eliminates gridlock. But I urge you let's pass this bill. Let's pass this budget. Let's do it for the people of West Virginia. Thank you, Mr. Speaker.

DELEGATE E. NELSON. Thank you, Mr. Speaker. Gosh we wouldn't be here today if we hadn't seen the unfortunate decline in our energy sector. We have lost over \$300 million in a short time frame. This bill is a critical component and I would say the main component to our fiscal year '17 budget. This bill as we have heard is a compromise and a balance. We have attempted many different approaches. We have heard many times, many of the members of this body, some wanted a much, much higher tax on tobacco while others didn't want any at all. What we have before us is a compromise. You know this is viewed as a usage tax in my opinion. Others call it a tax on a luxury item. One chooses to use that

particular item and pay whatever costs are associated with it. A “no” vote, you would be presented with a budget with over \$170 million out of our Revenue Reserve Shortfall Fund instead of the \$70 million that we talk about in a little bit. A “no” vote, we would be revisiting many of our program and agencies that are untouched in this budget, especially education. A “no” vote, we would see an immediate drop in our rating. You know Illinois just had a big drop the other day because they have a budget impasse. That would cost the citizens of our state hundreds of millions of dollars. A “yes” vote, it’s a balanced approach to our fiscal year ’17 budget. It fully funds many of our programs. I won’t go through all of those we have heard that enough. Most of all a “yes” vote assures our government stays open July 1. Mr. Speaker, I urge passage.

DELEGATE ROWE. Thank you, Mr. Speaker. Just a couple points. I think what is important here is that we look at this. I don’t think this is a tax. I think this is a help to families. You know tobacco is the gateway drug. We are dealing with an opioid crisis in West Virginia. It is pretty easy when kids see their parents sacrificing financially to smoke and drink and low and behold the children smoke and drink and then they have an accident or something they get some opioid drugs and then low and behold they are addicted. Addiction is addiction. They see themselves through their parents and their parent’s activities. Their parents were addicted to smoke and to drink and the family as a whole suffered the financial sacrifice that went with it and so the kids just do what they grew up with. Low and behold let’s look at the numbers. A carton of cigarettes in my hometown is \$55 that is Marlboros. Those are the good ones apparently, \$55 a carton that is \$5.55 a pack. Multiply, I tried to do it on paper couldn’t do it had to go to a computer but multiply 365 days. How much money does that family spend for one pack of cigarettes in their household? Two thousand seven hundred and fifty cents a year. Mom smoked, dad smoked both, how about packs? You are up to \$4,000 a year in tobacco taxes and when people tell us about “Oh gee, we are going to have people going across the line to buy their cigarettes,” I hope that we raise the tax high enough that we deter smoking to the point that \$2,000-\$4,000 stays in West Virginia and goes to our stores and to our grocers and to the people to make this state a better place. \$4,000 a year for a two-pack a day habit. Unbelievable. This is not a tax. This is a help to families to try to survive to

get off addiction and to teach their kids addiction is wrong whether it is addiction to tobacco, addiction to alcohol, opioids or whatever it may be. This tax, of course folks probably know I would prefer to have seen \$1 tax. I think that we would have seen a greater drop off, perhaps as many as 31,000 people. But this is a beginning. We do have a session next year. Maybe we can also provide even more family help. People who can take \$4,000, put it in the bank and send their kids to college. That is what we are talking about, is money that stays in West Virginia because let me, please understand that that \$55 for the carton of cigarettes has only 55 cents for West Virginia in it. That is the tax we get. The rest of it all goes out of state and a lot of it is going to Virginia. That is why they have a low cigarette tax. Their other taxes aren’t low but they have a low cigarette tax because they are making the money off of tobacco addiction. Profiteers on tobacco should not be supported. A vote for this measure, family help, is a vote for us to get West Virginia turned around. Mr. Speaker, I strongly urge adoption of the bill.

DELEGATE GEARHEART. Thank you, Mr. Speaker. I would like to preface my remarks as I have before in here to indicate to everyone that I have no affection for smoking cigarettes. I don’t allow people to smoke in my home. I don’t allow people to smoke in my car. I don’t like to be around cigarettes. However, it is a legal industry in our state.

I sort of feel a little bit like Yogi Bear today. If you all are Yogi fans this is déjà vu all over again. I was in committee when only three members of the Finance Committee voted to increase cigarette taxes. I was here on the House floor when only 44 of our members voted to increase cigarette taxes and once again we are here to vote for those taxes. I sort of feel like my world is flipped a little bit upside down. My friends in the Republican party who espouse lower taxes to create economic benefit, not only are supporting but promoting a tax increase. The Governor’s Office who campaigned underneath a banner that said lower taxes, more jobs. For my friend, the Minority Leader, I have no, I understand your questioning and the trust you might have in those promises because all we have seen from the Executive Office are tax increase proposal upon tax increase proposal upon tax increase proposal back for the third time until we can find one that might stick. My friends in the Democrat party who claim to be those who take

care of the common man. Those in the lower socioeconomic status have voted against the tax increase because they weren't taking enough from the people in the lower socioeconomic. I just don't get it. I have a hard time understanding any of this. I spent last summer here in the Capitol, 90 degrees, working on the Joint Select Committee on Tax Reform and studying our tax system and what we can do to improve our tax system here in the State of West Virginia. Not once do I remember someone saying that we needed to target a specific single tax at one group of taxpayers to improve our economy. I remember it. We worked hard and long it just didn't happen.

I've taken to social media in the last couple of weeks simply to ask the question of what economic theory that there is. What economist, what wise person since the beginning of time says that increasing tax will improve a declining economy? Now, I can put a picture of a puppy on Facebook and get 500 responses. There are still crickets singing from that question. I think the reason and maybe my friend, my Gentleman from the northern Panhandle who seems to study economic theory or my friend from Berkeley County can answer me, "Who says that increasing taxes are set to improve an economy? For the last two years, I think we have done a tremendous amount to put West Virginia in the position to take off here. My friend and colleague from the 27<sup>th</sup> District, has worked long hours and lost weight to see that we have a better legal climate. We dealt with the reform of the Alternative Affordable Energy Act. We have dealt with Right to Work legislation. Many things that we believed improved our economy. I believe this is a step back and I believe that we are saying to West Virginians that we don't have the capability of utilizing the funds we have available to balance a budget. We have got to take more out of your pocket and damage your economy. I just cannot find the logic in it. There is no economic theory in it. We simply are allowing the Executive Office to bully members of the Legislature by continually pounding the fact that the only way to make a budget work is increasing taxes. As much as I would like to support this tax and the budget it is predicated on, I can't do it. I would urge a no vote and us to find a way to utilize the resources we have available without taxing our economy further to pass this budget. I urge rejection of this bill. Thank you.

DELEGATE LANE. Thank you, Mr. Speaker. Ladies and gentlemen, I would urge support of the Gentleman's amendment not for any reason that I am a friend of tobacco or that I am a friend of necessarily the vape industry or anything else but frankly, we are here to balance the budget, and we are trying to make systemic changes or we have heard that we need to make systemic and structural changes and that is the cause for the deficit. What you have before you in the Gentleman's amendment, I believe is probably the only structural or systemic change that you are going to see that might actually drive down one of the biggest cost drivers that has created the deficit that we are dealing with and that is the healthcare costs attributed to smoking in West Virginia. Now, if you look at the cost in the Medicaid system related to tobacco use in West Virginia those costs are \$300 plus million per year in tobacco related costs to state taxpayers through the Medicaid program. The tax the Gentleman is trying to amend out would create reduction in the revenue generated by the tobacco tax of \$1.8 million. However, if a percentage of those smokers and it is a high, high percentage of Medicaid recipients or Medicaid beneficiaries are actually tobacco users, so if we shifted some portion of those tobacco users who are on the Medicaid roles from using tobacco which the public health entity in England has recently found cost \$35 in additional healthcare costs per pack of cigarettes smoked, if we can shift those tobacco users from tobacco the more deadly product to an e-vape product that is less deadly, has less healthcare costs that necessitates a structural downshift in the cost of healthcare provided by the taxpayers to Medicaid recipients in West Virginia. So, if we can take that \$1.8 million, yeah, we are going to lose it today but if we place an emphasis on through the Medicaid program encouraging some type of a shift from tobacco products to whether it is patches or gum or in this case vape products that is going to save us money as taxpayers in the long run, it is going to drive down that cost curve and I would hate for this body, today, for the sake of expediency or the sake of doing what the Governor wants or the sake of doing what the Senate wants to pass on making a smart structural decision, a structural change that will save money. Frankly, I believe it would be a penny-wise and a dollar foolish and I would urge adoption of the Gentleman's amendment.

**S. B. 1013**

## REMARKS

of

**HON. MICHAEL FOLK***June 13, 2016*

DELEGATE FOLK. Thank you, Mr. Speaker. I got a document here it is called the CAFR, Comprehensive Annual Financial Report. Comprehensive Annual Financial Report is what actually happened in our state in the budget year 2015 that ended last year, the most recent numbers. You have heard many times, on this floor and elsewhere, how there has been 20% cuts over the last two years. Well, this budget document, actually it is not a budget document, it is our annual report; it is actual numbers. What took place in this state in 2015 fiscal year. Total expenditures from the general revenue \$4,075,089,000. You look at the budget we are looking at right now, it is \$4,187,000,000 and change. I don't know about you but that math doesn't add up for 20% cuts or anything close to it. There has been articles written. The Gentleman from Mercer wrote one in the State Journal talking about the...I don't know if he used this phrase but I will use the phrase...smoking mirrors. It is what we have in front of us, smoking mirrors. There was an editorial in the Martinsburg Journal not too long ago where the Gentleman, Mr. Meyer, Mike Meyer worked for Ogden Newspapers and he talked about how the 20% cuts that the Governor had done over the last couple of years had equated to a 1% reduction in the expenditures. Only in government can you get away with this. I will continue to vote no on this kind of budget.

**S. B. 1013**

## REMARKS

of

**HON. DAVID PERRY***June 13, 2016*

DELEGATE PERRY. Thank you, Mr. Speaker. Ladies and gentlemen, most of you I have talked with informally indicate what is the West Virginia Center for Professional Development. I think we have heard today through many of the discussions and many of the questions today most of us are very unfamiliar with the West Virginia Center for Professional

Development. Unfamiliar with what they do, and unfamiliar with what their mission is, and unfamiliar with what they have done. We talk about right size, down size but we always lose track quality, and we always lose track of the influence and the effect this would have on, or could potentially have on, children. We just restored money to the college up in the eastern Panhandle without any question. We are looking at \$1.5 million. \$1.5 million, which the effects affect teachers, principals, and more importantly it affects students. The staff of 16 for the West Virginia Professional Development provided training to more than 4100 educators last year, just last year. We have talked about advance placements. The West Virginia Center for Professional Development is the only organization in West Virginia that provides advance placement training for teachers and principals. Five hundred advance placement teachers who will miss state mandated training annually. This will impact the quality of instruction to the classroom, the student's ability to pass their AP exams and their ability to earn college credit. Five hundred teachers were trained last year. Sixty thousand dollars was spent by the Center for Professional Development last year to manage help low income students to take an AP exam. This means students would go to college with credit hours already under their belts, so it helps students, yes.

Principals Leadership Academy, I tend to differ from my colleague, but the West Virginia Center for Professional Development is the only organization in the State that certifies and recertifies principals, which is required by statute. So, statutorily required to do that is the only agency provides training support to new principals. Last year, approximately 150 new principals received this staff development and support. West Virginia Center for Professional Development is the only provider of evaluation training for perspective teachers. We all know that evaluation in the classroom is what makes or breaks a good teacher and what makes or breaks the presence of a good teacher in the classroom. With reoccurrence of mass violence, the center addresses issues of school safety. The West Virginia Center for Professional Development has responded to the needs of principals by partnering with law enforcements to provide safe school summits statewide covering topics ranging from active shooters to bullying and crisis decision making training. Teacher training and support, facing the large turnover rate among teachers especially in border counties. The West

Virginia Center for Professional Development offers the only statewide three year support for West Virginia beginning teachers. Seventy-eight percent of educators who participated in the West Virginia Center for Professional Development National Board Certification Sessions successfully achieved the gold standards of certification.

My colleague from Raleigh referred to highly qualified teachers in the classroom. According to external evaluations, external evaluations or West Virginia teachers, not an outside agency, Mr. Chairman, but educators within the State of West Virginia. 98% of 1,958 educators would recommend West Virginia Center for Professional Development sessions to others. Ninety-eight percent of 1,973 educators indicate improved skills and knowledge as a result of participating in the sessions. These are West Virginia teachers that are doing this evaluation, not an outside agency. Ninety-nine percent of 1,973 educators indicate that the West Virginia Center for Professional Development provides quality materials that can be used in the classroom. At a time when all studies and all education indicates an ongoing staff development should be an integral part of our educational system, we are looking at abolishing one agency which does this, which has done an incredible job within the state and will continue to do an incredible job within the state.

For those reasons and many others, I would ask that we fund this agency, fund an agency that is statutorily required to offer AP training, to fund an agency that is statutorily required to provide principal training and fund an agency that is statutorily required to provide evaluation training. For those who are unaware, I hope that I have enlightened you a little bit today and changed someone's opinion as to the necessity for the continuation of this agency and the investment we have in so doing. Thank you, and again Mr. Speaker. I would ask for the yeas and nays.

**REMARKS MADE DURING THE XIV  
ORDER OF BUSINESS**

REMARKS  
of  
MEMBERS  
*June 13, 2016*

DELEGATE IHLE. Thank you, Mr. Speaker. I am sorry that I have to talk now. I wanted to

talk earlier but I didn't push my button in time and that is my fault. I have been really proud the past two years to work side of you all. We have got a lot of good stuff done. Granted, not everybody voted for all the things that I think are good stuff so maybe what I am about to say won't be fully appreciated, but the things that I think are good, some of them are Right to Work, Prevailing Wage, you know junk law suit reform, Regulatory Reform. We fought back against Obama and EPA and war on coal. We have done so much good stuff and we failed to pass forced pooling, which I think is also good. Not everything that we have passed is good, but I think on balance we have done a lot of good stuff to move this state forward, and the rationale that I think the majority of us that supported these things, the primary reason is because they are going to benefit our economy. They are going to help the people of this state get back to work and earn more money when they are in work.

That is why I am very disappointed by what we have done today. We have in one vote undone all of that. We have sucked out \$100 million every year from our state's economy. Makes me sad. Really does. You know it is certainly not the first vote I have lost, not to say that I have lost, but I am sad for the people of this state and I want to offer my sincere apologies for what we have done. The people of this state and the people of this country, they are mad for a lot of reasons. They are fed up. I think that is a big reason why Donald Trump is popular. Frankly, he is not even my guy, but people are mad. And why are they mad? They are mad because too many politicians on both sides of the aisle don't keep their word. They can't be trusted to keep their promises to the voters. Today is proven to me what I have known for a long time. Don't just believe somebody to tell you to vote for team R or team D if you are wanting lower taxes and more liberty. It really doesn't matter. What matters is the individual. And I am sure people who like what I am saying and people who don't like what I am saying will agree with that.

Another thing is bipartisanship. You know we have heard the bipartisanship praised today. Better late than never I guess. Wasn't that long ago that people got kicked out of their own party's caucus because they practiced bipartisanship. I don't get it. Now, I am not offended that there was bipartisanship today. I have no problem with people working together. My problem, my problem is the end result which



is higher taxes for the people of our state. You know the people on my side, we have also been criticized we didn't offer enough cuts in the budget, that we were just totally opposed to tax increases and we weren't going to offer any solutions. Well, some of us have both directly, and frankly, some of us have both indirectly caused, there is one thing I have learned in my 4 plus years in politics is, sometimes with some folks, you got to get the right person to offer the idea because if the wrong person offers it, it won't go anywhere. So, both directly and indirectly, I know that each one of us that were opposed to this tax increase have offered cuts. A lot of them. Real cuts and cuts that won't hurt people.

If this is the last words I say on this floor, then I am happy with that. I don't...probably several a lot of you ... I'm not under any illusions that the big dollars is the special interest money, and all these things are going to come my way. I get it. It reminds me of scripture, "What good does a man to gain a world if he sells his own soul in the process?" That is how I look at it and yet, I know that nobody in recorded history in this country lost because they didn't raise a tax. If I lose maybe it will be because some of the other dumb stuff we have done or said. But it won't be because of that. I think even though people don't entirely agree with me and often times they don't much at all, they appreciate somebody who will speak with boldness and conviction and without fear. It is not so much that our constituents entirely agree with any of us but it is that we kept our word and we told them where we stand and we held convictions and we acted on it. I've done that and I know all of us on both sides of the aisle have done that too, but there is not enough of it. Let it not be said that no one cared, that no one objected once it is realized that our liberties and our wealth are in jeopardy. Raise hope not taxes. Thank you, Mr. Speaker.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. Briefly, I should address what was mentioned by the Gentleman from the 27<sup>th</sup>. I sent the tweet. I'm guilty of sending a tweet and the tweet was not anything degrading towards the Gentleman from the 27<sup>th</sup>. It was very illustrative. Illustrative of the fact that those who practice medicine have the option to dispense opioids, but yet a current option is not medicinal marijuana in the State of West Virginia. That is a fact. I will not apologize for facts. I find it amusing that in 140 characters online, people start getting

offended, but when we have one of the highest opioid overdoses in the country, we have silence. When we have members of this body stand up and say, "Well kind of sort of for medicinal marijuana," but yet, we don't actually do anything to pass the legislation. When you say in a floor speech that maybe those who want to pass medicinal marijuana are more interested in recreational, but yet states that do have it, now half the country, see a decrease in opioid overdoses by over 25%. That is what we should be talking about. That is what we should be offended about. Offended that we have done nothing this entire session to address that issue. That is what we should be doing.

So, I hope that when we return here that maybe we care a little more about that issue. That we care a little more about the citizens. That we care a little more about those who serve in our body that are going through treatment that stood on this floor only a few feet away from those who oppose him, that was highly offended that day in particular that he was referred to as a stoner because maybe that is true intention. A cancer survivor, somebody who is struggling. I'm offended for all the people that I have received emails from that are wondering what we are actually doing down here, bickering over a budget instead of solving the real problems, and that disabled veterans that send me letters and say, "What are you guys doing? We need to have this. Why are other states?" In Ohio with a Republican Governor just signed into legislation last week.

We can't even agree on tobacco tax increases but you know we are cool to shut the door on medicinal marijuana. Something that really helps the citizens of our state and at the same time produces a little bit of revenue. I find that to be offensive. Thank you.

DELEGATE COOPER. Thank you, Mr. Speaker Pro-Tem. I pushed my button a while ago and I am 71 years old and I have already forgotten what I was going to say. So, let me just say this: I want to publicly say that I appreciate the remarks from the Gentleman from the 48<sup>th</sup> concerning the tobacco issue a while ago and now, I remember what I really meant to say. If this tobacco tax gives any of you heartburn and I suspect it does because you sure are voicing a lot of sour grapes, then when you leave this building today. I would invite you to get yourself home or to your motel room or wherever it is you are

going without going on something that some taxpayer hadn't paid for. Everything we do and enjoy in this state is paid for by taxes. It don't take, what I pay in taxes in a year does not buy a whole lot of asphalt. I suspect it is the same way for most of you. So, if we have to increase taxes

to continue services to the citizens of this state that is our job, if we can't find any other way to do it. But again if you can get home from here today without going over a piece of property paid for by a taxpayer, let me know what direction you took. Thank you, Mr. Speaker.

## SECOND EXTRAORDINARY SESSION

# APPENDIX

### FLOODING THAT OCCURRED ACROSS THE STATE

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#### REMARKS of

**MR. SPEAKER, MR. ARMSTEAD**  
*September 18, 2016*

MR. SPEAKER, MR. ARMSTEAD. Thank you, Mr. Speaker. Normally I need to make a procedural motion or procedural request, but before I do so, I wanted to take a minute to reflect upon what has occurred over the last few months and what occurred in June of this year and to thank each of you for what you have done to assist the people throughout our state. I think no one had imagined when we left our extended session that just a few weeks after that, that we would be facing what so many in our state faced.

In my area I saw it first-hand but I have seen it throughout the state in a number of different areas and the devastation has just been hard to put into words in so many of these areas. In our area broke the 1888 record for the Elk River. The only record that was on record. We set the record for as long as they have been keeping records of how high the Elk River got. No one would have expected this to occur. The devastation I think has only been matched in magnitude by the outpouring of support that the people of our area, the people of Greenbrier County, the people of

Richwood and so many different areas have seen. It has been something unlike anything I have ever seen.

But I wanted to take a minute just to thank those of you in this body. Many of you who came to these areas even though they were not your areas to help out and not just to be there and see but to roll your sleeves up and help clean out houses and do things that is not always pleasant work. But I want to thank you and certainly to thank and I hope we will collectively thank our firefighters, our first responders, our National Guard who went way above and beyond the call of duty to help our citizens in West Virginia. I think we, I hope we will be able to add to that assistance here this evening and to be able to assist in the monetary aspect of that. Before we do I wanted to just say a very heartfelt thanks to all the people who have given so much of their time and effort and their lives over this summer to help those who were affected by this flood and the devastation if you have not seen it is hard to describe. It is really unbelievable. But again the hearts of West Virginia opened up and helped the people and not just of West Virginians but people throughout the country and I just wanted to take a moment to thank each of those and particularly thank our first responders and our Guard so if we would stand and give them a hand for all that they did during this period of time.

