

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2027**

BY DELEGATE GEARHEART

[Introduced February 8, 2017; Referred  
to the Committee on Roads and Transportation then  
Finance]

1 A BILL to amend and reenact §15-2-12 of the Code of West Virginia, 1931, as amended; and to  
2 amend and reenact §17-16A-10 and §17-16A-18 of said code, all relating to providing for  
3 the transfer of ownership, operation and maintenance of certain assets of the West  
4 Virginia Parkways Authority to the Division of Highways; reimbursement to the West  
5 Virginia State Police for performance of police duties on the West Virginia Turnpike after  
6 the transfer; requiring that the parkways authority bring the West Virginia Turnpike into  
7 compliance with Division of Highways standards by June 30, 2019; requiring assessments  
8 of the turnpike by the Division of Highways to identify certain deficiencies; requiring the  
9 division to report its findings upon the assessments to the Joint Committee on Government  
10 and Finance and the Governor; requiring the division to certify certain findings upon the  
11 assessments to the Joint Committee on Government and Finance and the Governor;  
12 requiring certain bonded indebtedness of the Parkways Authority to be satisfied by June  
13 30, 2019; prohibiting new bonds from being issued; directing the Governor to issue a  
14 proclamation upon finding that certain bonded indebtedness obligations are satisfied and  
15 certain other conditions are met and directing the transfer of certain assets and employees  
16 of the Parkways Authority be transferred to the Division of Highways; providing for  
17 employees of the Parkways Authority whose positions are eliminated as result of the  
18 transfer; requiring certain moneys be used for operation and maintenance of, and for the  
19 provision of police services by the West Virginia State Police on the West Virginia  
20 Turnpike; cessation of tolls and removal of toll collection facilities; providing an exception;  
21 establishing the "Turnpike Transition Fund"; funding sources and administration of the  
22 fund; providing that all obligations and responsibilities of the parkways authority for the  
23 West Virginia Turnpike cease and remaining assets be transferred to Division of Highways  
24 on or before June 30, 2020; and authorizing rule-making.

*Be it enacted by the Legislature of West Virginia:*

1           That §15-2-12 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted; and that §17-16A-10 and §17-16A-18 of said code be amended and reenacted, all to  
3 read as follows:

**CHAPTER 15. PUBLIC SAFETY.**

**ARTICLE 2. WEST VIRGINIA STATE POLICE.**

**§15-2-12. Mission of the State Police; powers of superintendent, officers and members;  
patrol of turnpike.**

1           (a) The West Virginia State Police shall have the mission of statewide enforcement of  
2 criminal and traffic laws with emphasis on providing basic enforcement and citizen protection from  
3 criminal depredation throughout the state and maintaining the safety of the state's public streets,  
4 roads and highways.

5           (b) The superintendent and each of the officers and members of the division are hereby  
6 empowered:

7           (1) To make arrests anywhere within the state of any persons charged with the violation  
8 of any law of this state, or of the United States, and when a witness to the perpetration of any  
9 offense or crime, or to the violation of any law of this state, or of the United States, to make arrests  
10 without warrant; to arrest and detain any persons suspected of the commission of any felony or  
11 misdemeanor whenever a complaint is made and a warrant is issued thereon for the arrest, and  
12 the person arrested shall be immediately brought before the proper tribunal for examination and  
13 trial in the county where the offense for which the arrest has been made was committed;

14           (2) To serve criminal process issued by any court or magistrate anywhere within this state:  
15 *Provided*, That they may not serve civil process; and

16           (3) To cooperate with local authorities in detecting crime and in apprehending any person  
17 or persons engaged in or suspected of the commission of any crime, misdemeanor or offense  
18 against the law of this state, or of the United States, or of any ordinance of any municipality in this

19 state; and to take affidavits in connection with any application to the Division of Highways, Division  
20 of Motor Vehicles and of West Virginia State Police for any license, permit or certificate that may  
21 be lawfully issued by these divisions of state government.

22 (c) Members of the West Virginia State Police are hereby designated as forest patrolmen  
23 and natural resources police officers throughout the state to do and perform any duties and  
24 exercise any powers of forest patrolmen and natural resources police officers, and may  
25 apprehend and bring before any court or magistrate having jurisdiction of these matters, anyone  
26 violating any of the provisions of chapters twenty, sixty and sixty-one of this code. The West  
27 Virginia State Police is at any time subject to the call of the West Virginia Alcohol Beverage Control  
28 Commissioner to aid in apprehending any person violating any of the provisions of chapter sixty  
29 of this code. They shall serve and execute warrants for the arrest of any person and warrants for  
30 the search of any premises issued by any properly constituted authority, and shall exercise all of  
31 the powers conferred by law upon a sheriff. They may not serve any civil process or exercise any  
32 of the powers of an officer in civil matters.

33 (d) Any member of the West Virginia State Police knowing or having reason to believe that  
34 any person has violated the law may make complaint in writing before any court or officer having  
35 jurisdiction and procure a warrant for the offender, execute the warrant and bring the person  
36 before the proper tribunal having jurisdiction. The member shall make return on all warrants to  
37 the tribunals and his or her official title shall be "Member of the West Virginia State Police".  
38 Members of the West Virginia State Police may execute any summons or process issued by any  
39 tribunal having jurisdiction requiring the attendance of any person as a witness before the tribunal  
40 and make return thereon as provided by law. Any return by a member of the West Virginia State  
41 Police showing the manner of executing the warrant or process has the same force and effect as  
42 if made by a sheriff.

43 (e) Each member of the West Virginia State Police, when called by the sheriff of any  
44 county, or when directed by the Governor by proclamation, has full power and authority within the

45 county, or within the territory defined by the Governor, to direct and command absolutely the  
46 assistance of any sheriff, deputy sheriff, chief of police, policeman, natural resources police officer  
47 and peace officer of the state, or of any county or municipality therein, or of any able-bodied  
48 citizen of the United States, to assist and aid in accomplishing the purposes expressed in this  
49 article. When called, any officer or person is, during the time his or her assistance is required, for  
50 all purposes a member of the West Virginia State Police and subject to all the provisions of this  
51 article.

52 (f)(1) The superintendent may also assign members of the division to perform police duties  
53 on any turnpike or toll road, or any section of any turnpike or toll road, operated by the West  
54 Virginia Parkways, Economic Development and Tourism Authority: *Provided*, That the authority  
55 shall reimburse the West Virginia State Police for salaries paid to the members and shall either  
56 pay directly or reimburse the division for all other expenses of the group of members in  
57 accordance with actual or estimated costs determined by the superintendent.

58 (2) The superintendent may also assign members of the division to perform police duties  
59 on the highway now known and designated as the West Virginia Turnpike after it is transferred to  
60 the Division of Highways pursuant to section eighteen, article sixteen-a, chapter seventeen of this  
61 code. The Division of Highways shall either partially or fully reimburse the West Virginia State  
62 Police for the cost of providing the police services in accordance with section eighteen, article  
63 sixteen-a, chapter seventeen of this code.

64 (g) The West Virginia State Police may develop proposals for a comprehensive county or  
65 multicounty plan on the implementation of an enhanced emergency service telephone system  
66 and may cause a public meeting on the proposals, all as set forth in section six-a, article six,  
67 chapter twenty-four of this code.

68 (h) By July 1, 1993, the superintendent shall establish a network to implement reports of  
69 the disappearance of children by local law-enforcement agencies to local school division  
70 superintendents and the State Registrar of Vital Statistics. The network shall be designed to

71 establish cooperative arrangements between local law-enforcement agencies and local school  
72 divisions concerning reports of missing children and notices to law-enforcement agencies of  
73 requests for copies of the cumulative records and birth certificates of missing children. The  
74 network shall also establish a mechanism for reporting the identities of all missing children to the  
75 State Registrar of Vital Statistics.

76 (i) The superintendent may at his or her discretion and upon the written request of the  
77 West Virginia Alcohol Beverage Control Commissioner assist the commissioner in the  
78 coordination and enforcement of article sixteen, chapter eleven of this code and chapter sixty of  
79 this code.

80 (j) Notwithstanding the provisions of article one-a, chapter twenty of this code, the  
81 Superintendent of the West Virginia State Police may sell any surplus real property to which the  
82 West Virginia State Police or its predecessors retain title, and deposit the net proceeds into a  
83 special revenue account to be utilized for the purchase of additional real property and for repairs  
84 to or construction of detachment offices or other facilities required by the West Virginia State  
85 Police. There is hereby created a special revolving fund in the State Treasury which shall be  
86 designated as the "Surplus Real Property Proceeds Fund". The fund shall consist of all money  
87 received from the sale of surplus real property owned by the West Virginia State Police. Moneys  
88 deposited in the fund shall only be available for expenditure upon appropriation by the Legislature:  
89 *Provided*, That amounts collected which are found from time to time to exceed the funds needed  
90 for the purposes set forth in this subsection may be transferred to other accounts or funds and  
91 redesignated for other purposes by appropriation of the Legislature.

92 (k) Notwithstanding any other provision of this code, the agency for surplus property is  
93 hereby empowered to transfer funds generated from the sale of vehicles, other equipment and  
94 commodities belonging to the West Virginia State Police to a special revenue account within the  
95 West Virginia State Police entitled the West Virginia State Police surplus transfer account.  
96 Moneys deposited in the fund shall only be available for expenditure upon appropriation by the

97 Legislature: *Provided*, That amounts collected which are found from time to time to exceed the  
 98 funds needed for the purposes set forth in this subsection may be transferred to other accounts  
 99 or funds and redesignated for other purposes by appropriation of the Legislature. Any funds  
 100 transferred to this account may be utilized by the superintendent to defray the cost of normal  
 101 operating needs of the division.

102 (l) If the State Police or any other law-enforcement agency in this state receives a report  
 103 that a person who has Alzheimer's disease and related dementia is missing, the State Police or  
 104 any other law-enforcement agency shall immediately open an investigation for the purpose of  
 105 determining the whereabouts of that missing person. Any policy of the State Police or any other  
 106 law-enforcement agency relating to a waiting period prior to initiation of an investigation of a  
 107 missing person does not apply in the case of a person who has Alzheimer's disease or other  
 108 related dementia of the type referred to in this subsection.

109 (m) Notwithstanding any provision of this code to the contrary, effective on and after July  
 110 1, 2007, the expenses and salaries paid to the members of the West Virginia State Police for the  
 111 monitoring and enforcement duties defined in chapter seventeen-c of this code may not be paid  
 112 from the State Road Fund or subject to reimbursement from the Division of Motor Vehicles but is  
 113 subject to appropriation by the Legislature.

## **CHAPTER 17. ROADS AND HIGHWAYS.**

### **ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND TOURISM AUTHORITY.**

#### **§17-16A-10. Parkway revenue bonds generally.**

1 (a) The Parkways Authority is authorized to provide by resolution for the issuance of  
 2 parkway revenue bonds of the state for the purpose of paying all or any part of the cost of one or  
 3 more parkway projects: *Provided*, That this section shall not be construed as authorizing the  
 4 issuance of parkway revenue bonds for the purpose of paying the cost of the West Virginia

5 Turnpike, which parkway revenue bonds may be issued only as authorized under section eleven  
6 of this article: Provided, however, That no bonds may be issued or reissued following the  
7 reenactment of this section during the 2017 Regular Legislative Session. The principal of and the  
8 interest on bonds shall be payable solely from the funds provided for payment.

9 (b) The bonds of each issue shall be dated, shall bear interest at a rate as may be  
10 determined by the Parkways Authority in its sole discretion, shall mature at a time not exceeding  
11 forty years from their date or of issue as may be determined by the Parkways Authority, and may  
12 be made redeemable before maturity, at the option of the Parkways Authority at a price and under  
13 the terms and conditions as may be fixed by the Parkways Authority prior to the issuance of the  
14 bonds.

15 (c) The Parkways Authority shall determine the form of the bonds, including any interest  
16 coupons to be attached thereto, and shall fix the denomination of the bonds and the place of  
17 payment of principal and interest, which may be at any bank or trust company within or without  
18 the state.

19 (d) The bonds shall be executed by manual or facsimile signature by the chair of the  
20 Parkways Authority, and the official seal of the Parkways Authority shall be affixed to or printed  
21 on each bond, and attested, manually or by facsimile signature, by the secretary and treasurer of  
22 the Parkways Authority. Any coupons attached to any bond shall bear the manual or facsimile  
23 signature of the chair of the Parkways Authority.

24 (e) In case any officer whose signature or a facsimile of whose signature appears on any  
25 bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or  
26 facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained  
27 in office until delivery. In case the seal of the Parkways Authority has been changed after a  
28 facsimile has been imprinted on the bonds, then the facsimile seal will continue to be sufficient  
29 for all purposes.

30 (f) All bonds issued under the provisions of this article shall have all the qualities and



31 incidents of negotiable instruments under the negotiable instruments law of the state. The bonds  
32 may be issued in coupon or in registered form, or both, as the Parkways Authority may determine,  
33 and provision may be made for the registration of any coupon bonds as to principal alone and  
34 also as to both principal and interest, and for the recorders into coupon bonds of any bonds  
35 registered as to both principal and interest.

36 (g) The Parkways Authority may sell the bonds at a public or private sale at a price it  
37 determines to be in the best interests of the state.

38 (h) The proceeds of the bonds of each issue shall be used solely for the payment of the  
39 cost of the parkway project or parkway projects for which the bonds were issued, and shall be  
40 disbursed in a manner consistent with the resolution authorizing the issuance of the bonds or in  
41 the trust agreement securing the bonds.

42 (i) If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be  
43 less than the cost, then additional bonds may in like manner be issued to provide the amount of  
44 the deficit. Unless otherwise provided in the resolution authorizing the issuance of the bonds or  
45 in the trust agreement securing the bonds, the additional bonds shall be deemed to be of the  
46 same issue and shall be entitled to payment from the same fund without preference or priority of  
47 the bonds first issued.

48 (j) If the proceeds of the bonds of any issue exceed the cost of the parkway project or  
49 parkway projects for which the bonds were issued, then the surplus shall be deposited to the  
50 credit of the sinking fund for the bonds.

51 (k) Prior to the preparation of definitive bonds, the Parkways Authority may, under like  
52 restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for  
53 definitive bonds when the bonds have been executed and are available for delivery. The  
54 Parkways Authority may also provide for the replacement of any bonds that become mutilated or  
55 are destroyed or lost.

56 (l) Bonds may be issued under the provisions of this article without obtaining the consent

57 of any department, division, commission, board, bureau or agency of the state in accordance with  
58 this article: *Provided*, That the Parkways Authority shall comply with the provisions of section  
59 twenty-eight, article one, chapter five of this code.

**§17-16A-18. Transfer of powers, duties, functions, assets, liabilities of parkways authority  
to the Division of Highways; cessation of tolls.**

1 (a) Except as provided ~~herein~~ in this section, when all bonds issued under ~~the provisions~~  
2 ~~of this article in connection with any parkway project or projects and the interest thereon shall on~~  
3 those bonds secured by West Virginia Turnpike toll revenues have been paid or a sufficient  
4 amount for the payment of ~~all such~~ those bonds and the interest ~~thereon~~ on them to the their  
5 maturity ~~thereof shall have~~ has been set aside in trust for the benefit of the bondholders, such  
6 project or projects, ~~if then in good condition and repair to the satisfaction of the Commissioner of~~  
7 ~~the state Division of Highways~~, shall be transferred to the state Division of Highways and shall  
8 thereafter be maintained by the state Division of Highways free of tolls in accordance with this  
9 section.

10 (b) On or before June 30, 2019, the Parkways Authority shall bring the West Virginia  
11 Turnpike into compliance with all quality standards promulgated by the Division of Highways for  
12 interstate highways in this state. The Division of Highways shall conduct an initial assessment to  
13 determine compliance and identify any discrepancies that need to be corrected not later than  
14 January 1, 2018, and shall thereafter monitor all action to meet compliance requirements  
15 periodically to ensure that deficiencies are being corrected in order for the turnpike to be in  
16 compliance by June 30, 2019. Upon identification of any deficiencies, the parkways authority  
17 shall make all reasonable efforts to correct the deficiencies on or before November 1, 2018. The  
18 Division of Highways shall thereafter conduct a follow-up assessment to determine whether or  
19 not the West Virginia Turnpike substantially complies with the quality standards. The  
20 Commissioner of the Division of Highways shall submit a report of its findings and  
21 recommendations from the assessments to the Joint Committee on Government and Finance and

22 the Governor on or before January 1, 2019. If the report finds that there is substantial compliance  
23 with the quality standards, the Division of Highways shall certify the findings of the same to the  
24 Joint Committee on Government and Finance and to the Governor on or before January 15, 2019.  
25 If the report finds that there is not substantial compliance with the quality standards, the report  
26 shall identify all deficiencies that are preventing substantial compliance as material deficiencies  
27 and make a further finding on possible remedial action that can be taken to correct each of the  
28 material deficiencies together with: (1) An estimate of the time period and estimated date of when  
29 each of the material deficiencies can be corrected; and (2) whether or not there are adequate  
30 funds from all funding sources available, including the State Road Fund, to correct the material  
31 deficiencies on or before June 30, 2020. If the division further finds that there are adequate funds  
32 from all funding sources available to correct all material deficiencies by June 30, 2020, then the  
33 Division of Highways shall certify these findings to the Joint Committee on Government and  
34 Finance and that the West Virginia Turnpike can substantially comply with the quality standards  
35 promulgated by the Division of Highways by June 30, 2020.

36 (c) On or before June 30, 2019, all bonded indebtedness of the Parkways Authority  
37 secured by West Virginia Turnpike toll revenues shall be paid and satisfied.

38 (d) Upon the full satisfaction of the bonded indebtedness of the Parkways Authority  
39 secured by West Virginia Turnpike toll revenues and upon certification pursuant to subsection (b)  
40 of this section that the West Virginia Turnpike either: (1) Is in substantial compliance with; or (2)  
41 by June 30, 2020 can be in substantial compliance with the quality standards promulgated by the  
42 Division of Highways, the Governor shall issue a proclamation finding that the bond debt of the  
43 authority is fully satisfied and that the West Virginia Turnpike in substantial compliance with the  
44 quality standards promulgated by the Division of Highways for interstate highways in this state  
45 and directing the immediate conveyance of the West Virginia Turnpike to the Division of  
46 Highways. The conveyance shall be made immediately upon the issuance of the proclamation  
47 and shall include, but not be limited to, the West Virginia Turnpike, buildings and land dedicated

48 exclusively to its maintenance, current and future use, travel plaza buildings, roads and parking  
49 facilities, leasehold properties, all maintenance material and equipment assets specifically  
50 dedicated to its maintenance, and all records, maps, charts, schedules and plans relating to the  
51 West Virginia Turnpike.

52 (e) Upon the issuance of the proclamation and the completion of the conveyance provided  
53 in subsection (d) of this section:

54 (1) All obligations, indebtedness and other liabilities pertaining exclusively to the West  
55 Virginia Turnpike and other assets expressly described under subsection (d) of this section, as of  
56 the date of the proclamation, are hereby assumed by and transferred to the Division of Highways.

57 (2) The Parkways Authority shall liquidate all publicly traded securities in its holdings and  
58 convey all of its monetary assets and accounts to the Division of Highways to be deposited in the  
59 "Turnpike Transition Fund", created in subsection (g) of this section.

60 (3) All the Parkways Authority employees dedicated to highway maintenance and upkeep  
61 shall be transferred to employment by the West Virginia Division of Highways.

62 (4) All employees of the Parkways Authority dedicated to toll collection and toll collection  
63 operations shall remain employees of the Parkways Authority until the cessation of tolling.

64 (5) Those full-time, permanent employees of the Parkways Authority that may be laid off  
65 by the Parkways Authority or the Division of Highways as of the date of cessation of tolling as  
66 provided in this section may apply for other positions filled under the classified service system,  
67 and shall be given five preference points in addition to the regular numerical score received on  
68 examination, having qualified for appointment by making a minimum passing grade. The Division  
69 of Personnel shall notify those full-time, permanent Parkways Authority employees who have  
70 been laid off at the date tolling ceases who have applied for examination for the classified service  
71 system of job postings for one year after their application has been scored. Notwithstanding any  
72 provision of this code to the contrary, the Parkways Authority shall, to the greatest extent practical,  
73 fill vacant toll collection and toll collection operations positions with temporary employees until the

74 cessation of tolling on the West Virginia Turnpike.

75 ~~(b)(f) No later than February 1, 1990~~ On July 1, 2020 the Parkways Authority shall cease  
76 and discontinue all toll collection and the Division of Highways shall remove and not relocate all  
77 toll collection facilities on the West Virginia Turnpike ~~as the same existed on June 1, 1989, except~~  
78 ~~for the three main toll barriers and collection facilities and, provided solely that the provisions of~~  
79 ~~section eighteen-a are complied with,~~ including the toll collection facilities at the intersection of  
80 U.S. Route 19 (Corridor "L") and ~~said~~ the turnpike: Provided, That the bonds secured by West  
81 Virginia Turnpike toll revenues have been paid as scheduled.

82 (g) (1) There is hereby established a special fund in the State Treasury known as the  
83 "Turnpike Transition Fund." The fund shall be administered by the Commissioner of the Division  
84 of Highways and shall consist of monetary assets of the Parkways Authority to be received  
85 pursuant to subdivision (2), subsection (e) of this section. The Parkways Authority shall also  
86 deposit all toll revenue received for the West Virginia Turnpike from the date of satisfaction of all  
87 bonded indebtedness until the date that tolling ceases. The fund also consists of any other funds  
88 appropriated by the Legislature to assist in the transfer of assets, powers and duties of the  
89 Parkways Authority pursuant to this section to the Division of Highways and the State Road Fund,  
90 and the interest or other earnings on the moneys in the fund.

91 (2) The Commissioner of the Division of Highways shall administer the fund to:

92 (A) Provide for the costs of all West Virginia Turnpike operations and maintenance within  
93 the Division of Highways;

94 (B) Pay either directly or to the parkways authority all costs and expenses necessary for  
95 toll collection and toll collections operations until June 30, 2020, and all administrative expenses  
96 necessarily incurred by the parkways authority incidental thereto, removal of the toll collection  
97 facilities and any other expenses necessarily incurred by the parkways authority or the Division  
98 of Highways related or incidental to the transfer of all of the assets and liabilities of the parkways  
99 authority to the Division of Highways; and

100 (C) Pay directly or reimburse the West Virginia State Police for the costs of police services  
101 performed by members of the State Police assigned to the highway now known as the West  
102 Virginia Turnpike, including salaries and all other expenses incurred to provide the police services  
103 by its members so assigned, not to exceed \$2 million per fiscal year, from the time the bonded  
104 indebtedness is paid in full until its transfer to the Division of Highways, and thereafter until  
105 January 1,2035, pursuant to section twelve, article two, chapter fifteen of this code.

106 (3) Balances in the fund at the end of any fiscal year shall not expire, but shall be expended  
107 for those purposes set forth in this subsection in ensuing fiscal years pursuant to appropriation by  
108 the Legislature. Upon the depletion of funds in the account, the subject roadways shall be  
109 supported by the State Road Fund and any other funds available to the Division of Highways.

110 (h) All obligations and responsibilities of the Parkways Authority for any part or portion of  
111 the West Virginia Turnpike shall cease on June 30, 2020. On or before June 30, 2020, all property  
112 remaining in the possession of the Parkways Authority shall be transferred to the Division of  
113 Highways.

114 (i) The Commissioner of the Division of Highways and the Director of the Division of  
115 Personnel shall jointly propose rules for legislative approval pursuant to article three, chapter  
116 twenty-nine-a of this code as may be necessary to provide for the evaluation, transition,  
117 termination, and reemployment of Authority and Division of Highways employees during the  
118 transition and to otherwise carry out the purposes of this article as they relate to personnel  
119 matters.

120 (j) The Commissioner of the Division of Highways shall propose rules for legislative  
121 approval pursuant to article three, chapter twenty-nine-a of this code as may be necessary to  
122 carry out the purposes of this article as they relate to all matters not concerning personnel.

NOTE: The purpose of this bill is to provide for the transfer of ownership, operation and maintenance of certain assets of the West Virginia parkways authority, including the road now known as the West Virginia Turnpike to the Division of Highways. The bill also provides for the termination of the Parkways Authority after transfer of all of its assets to the Division of Highways on June 30, 2020.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.