

WEST VIRGINIA LEGISLATURE
SENATE JOURNAL
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015
FORTY-FIFTH DAY

Charleston, W. Va., Friday, February 27, 2015

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Matthew Santen, River Ridge Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Bob Williams, a senator from the fourteenth district.

Pending the reading of the Journal of Thursday, February 26, 2015,

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

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

On motion of Senator Carmichael, the Senate recessed for five minutes to permit Brooke Poling to address the Senate on behalf of the Frasure-Singleton Student Legislative Program.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the reconsideration, amendment and passage as amended, by a vote of a majority of all

the members elected to the House of Delegates, as a result of the objections of the Governor, of

Eng. Com. Sub. for Senate Bill No. 335, Creating Access to Opioid Antagonists Act.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect July 1, 2015, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill No. 398, Extending expiration date for health care provider tax on eligible acute care hospitals.

On motion of Senator Carmichael, the message on the bill was taken up for immediate consideration.

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

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

(g) The changes to the tax rate in this section enacted in the 2015 regular session are effective July 1, 2015, upon the approval of the state plan amendment.

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

Engrossed Senate Bill No. 398, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 398) passed with its title.

Senator Carmichael moved that the bill take effect July 1, 2015.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 398) takes effect July 1, 2015.

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

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

Eng. Com. Sub. for House Bill No. 2103--A Bill to amend and reenact §30-1-5, of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-10 of said code; to amend and reenact §30-3E-4 of said code; to amend and reenact §30-4-8 of said code; to amend and reenact §30-5-9 of said code; to amend and reenact §30-7-6 of said code; to amend and reenact §30-7A-3 of said code; to amend and reenact §30-8-8 of said code; to amend and reenact §30-10-8 of said code; to amend and reenact §30-14-4 of said code; and to amend and reenact §30-

21-7 of said code, all relating generally to boards of examination for licensure; requiring information regarding complaints against licensees to be posted on a website; requiring certain boards regulating professions to require national criminal background checks on applicants for a new license; amending licensure requirements for applicants; providing rulemaking authority; and providing exceptions.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

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

Eng. Com. Sub. for House Bill No. 2202-A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to the disbursement of funds to reimburse county boards of education for costs associated with educating high cost/high acuity special needs students; requiring the state superintendent to develop a new formula for the disbursement of the funds; removing the requirement for the superintendent to review policies and report annually to the legislature.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill No. 2268--A Bill to amend and reenact §11-13A-3b of the Code of West Virginia, 1931, as amended, relating to reducing and terminating the severance tax on timber.

Referred to the Committee on Finance.

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

body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill No. 2462--A Bill to and reenact §11-15-30 of the Code of West Virginia, 1931, as amended, relating to the dedication and deposit of certain tax proceeds; reducing the amount of sales tax proceeds annually dedicated to the School Major Improvement Fund by \$2,000,004 for the fiscal year 2016; reducing the amount of sales tax proceeds annually dedicated to the School Construction Fund by \$6 million for the fiscal years 2016; and making stylistic changes.

Referred to the Committee on Finance.

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

Eng. House Bill No. 2569--A Bill to amend and reenact §17A-6-2a of the Code of West Virginia, 1931, as amended, relating generally to the Dealer Recovery Fund; specifying that the Dealer Recovery Fund Control Board has discretionary jurisdiction to hear claims; and providing the types of claims for damages that may be awarded from the Dealer Recovery Fund.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill No. 2571--A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8d, relating generally to repairs to state roads; creating a special fund within the State Road Fund for contributions by private businesses or entities for state road repair; allowing contributing entities to designate which repairs will be made with the contributions; providing for acknowledgment of contributions; providing rulemaking authority.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill No. 2652--A Bill to amend and reenact §16-29B-3 and §16-29B-8 of the Code of West Virginia, 1931, as amended, relating to annual assessments on hospitals by the West Virginia Health Care Authority; adding definitions; changing the basis for the annual assessment.

Referred to the Committee on Finance.

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

Eng. House Bill No. 2657--A Bill to amend and reenact §19-1C-5 of the Code of West Virginia, 1931, as amended, relating to reimbursement of expenses of Compensation of Livestock Care Standards board members.

Referred to the Committee on Finance.

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

Eng. House Bill No. 2888--A Bill to amend and reenact §19-9-34 of the Code of West Virginia, 1931, as amended, relating to allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease.

Referred to the Committee on Natural Resources.

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

Eng. House Bill No. 2933--A Bill making a supplementary appropriation of public

moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2015, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 29--Designating April 2 as West Virginia Autism Awareness Day.

Referred to the Committee on Health and Human Resources.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

Com. Sub. for House Concurrent Resolution No. 39--Requesting the Division of Highways to name the bridge on Route 52 over Tug Fork in McDowell County, bridge number 24-52-20.04 (24A129), latitude 37.41709, longitude -81.58999, locally known as the Coney Island Bridge, as the "USMC LCpl Julius C. 'Corky' Foster Memorial Bridge".

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution No. 51--Proclaiming and making the fiddle the official musical instrument of the State of West Virginia.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 27th day of February, 2015, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. No. 6), Relating to medical professional liability.

Respectfully submitted,

Mark R. Maynard,

Chair, Senate Committee.

John B. McCuskey,

Chair, House Committee.

Senator M. Hall, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 254, Relating to Fire, EMS and Law-Enforcement Officer Survivor Benefit Act.

Senate Bill No. 386, Excluding mobile x-ray services from health care provider tax.

Senate Bill No. 420, Relating to retirement benefits for certain employees in kindergarten programs.

Senate Bill No. 479, Adding additional family court judges.

And,

Senate Bill No. 549, Establishing classifications and salary schedules for State Police forensic lab civilian employees.

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

Respectfully submitted,

Mike Hall,

Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 395, Modifying definitions of "battery" and "domestic battery".

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 395 (originating in the Committee on the Judiciary)--A Bill to amend and reenact §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-7 of said code, all relating generally to crimes against the person; modifying definitions of "battery" and "domestic battery" to conform with federal laws relating to firearms possession criminal offenses; and conforming list of persons prohibited from possessing firearms to federal law.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,

Chair.

Senator M. Hall, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill No. 407, Implementing state safety oversight program.

And has amended same.

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

Respectfully submitted,

Mike Hall,

Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill No. 436, Relating to State Athletic Commission.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 436 (originating in the Committee on Government Organization)--A Bill to repeal §29-5A-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-5A-1, §29-5A-2, §29-5A-3, §29-5A-3a, §29-5A-5, §29-5A-6, §29-5A-8, §29-5A-17, §29-5A-19, §29-5A-20 and §29-5A-24 of said code; and to amend said code by adding thereto a new section, designated §29-5A-1a, all relating to the State Athletic Commission; changing composition of commission; providing that office of commission be located on the premises of Lottery Commission office; providing for Lottery Commission to provide administrative support and oversight; proposing rules; providing commission shall follow United States Amateur Boxing Authority rules for amateur boxing; requiring commission to follow the unified rules of boxing adopted by Association of Boxing Commissions and requirements; expenses of commission; increasing payments to referees, judges and timekeepers; weight of boxers; and increasing certain licensing fees.

With the recommendation that the committee substitute do pass; but under the original

double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Craig Blair,

Chair.

At the request of Senator M. Hall, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator M. Hall, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill No. 529, Relating to PERS, SPRS and TRS benefits and costs.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 529 (originating in the Committee on Finance)--A Bill to amend and reenact §5-10-2, §5-10-14, §5-10-15, §5-10-15a, §5-10-20, §5-10-21 and §5-10-29 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-21a; to amend and reenact §5-13-2 of said code; to amend and reenact §5-16-13 of said code; to amend and reenact §15-2A-21 of said code; to amend and reenact §18-7A-17, §18-7A-23 and §18-7A-25 of said code; and to amend said code by adding thereto two new sections, designated §18-7A-17a and §18-7A-25b, all relating generally to benefits and costs for certain members of the West Virginia Public Employees Retirement System, State Police Retirement System and Teachers Retirement System; calculating final average salary and service credit for certain public employees; purchase of military service for certain members of the West Virginia Public Employees Retirement System, State Police Retirement System and Teachers

Retirement System; increasing contribution rate and years of contributing service required for certain public employees; accrued annual and sick leave of certain employees participating in the West Virginia Public Employees Retirement System and Teachers Retirement System may not be applied for retirement service credit; and revising the reciprocal retirement provisions for certain members of the teachers and the public employees system.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Hall,

Chair.

Senator M. Hall, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill No. 560, Establishing special revenue fund for use of certain Supreme Court advanced technology.

And has amended same.

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

Respectfully submitted,

Mike Hall,

Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 568, Transferring Medicaid Fraud Control Unit from DHHR to Attorney

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General.

And reports the same back without recommendation as to passage; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ryan J. Ferns,

Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator M. Hall, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Concurrent Resolution No. 33, Requesting Joint Committee on Government and Finance study undeveloped land preservation and conservation tax credit program.

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

Respectfully submitted,

Mike Hall,

Chair.

The resolution, under the original double committee reference, was then referred to the Committee on Rules.

The Senate proceeded to the sixth order of business.

Senators Cole (Mr. President) and Kessler offered the following resolution:

Senate Concurrent Resolution No. 47--Amending the Joint Rules of the Senate and

House of Delegates relating to printing of enrolled bills.

Resolved by the Legislature of West Virginia:

That Rule 15 of the Joint Rules of the Senate and House of Delegates be amended to read as follows:

Printing Enrolled Bills

15. After a bill has been passed by both houses, the text from which it was originally printed shall be corrected as to any typographical errors that may not previously have been corrected and to include any amendments that may have been made by either house since the last printing of the bill. After the text has been so corrected, not less than fifty copies of the bill shall be printed. ~~Twelve of these copies shall be on seven and one-fourth by ten bond paper, twenty-pound basis of at least fifty percent rag content for the use of the Joint Committee on Enrolled Bills, One of which the copies, when properly authenticated, shall become the Enrolled Bill. and the remainder shall be on twenty-pound basis, sulphite bond paper.~~ In the case of enrolled bills authorizing the promulgation of a proposed legislative rule, a copy of the full text of the proposed legislative rule which the bill incorporates by reference shall be appended to the bill which has been properly authenticated and designated to be the Enrolled Bill. The copy appended to the Enrolled Bill shall conform to the copy of the full text of the proposed legislative rule appended to the introduced bill. Copies of the proposed legislative rule ~~shall~~ are not to be appended to the additional copies of the Enrolled Bill. Following action by the Governor, or the failure or refusal of the Governor to approve or disapprove a bill of authorization, the copy of the Enrolled Bill with the proposed legislative rule appended ~~shall be~~ is the copy of the bill filed with the Secretary of State in accordance with the provisions of Rule 19 of these Joint Rules.

Which, under the rules, lies over one day.

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

Senate Resolution No. 47--Designating the week of March 2, 2015, as Multiple Sclerosis Awareness Week.

Whereas, Multiple sclerosis (MS) is a neurological disease of the central nervous system, affecting 2.3 million people worldwide, and each hour someone is newly diagnosed; and

Whereas, The National Multiple Sclerosis Society -- Virginia-West Virginia Chapter reports that in West Virginia more than 12,000 people are diagnosed with MS. The disease generally strikes people in the prime of life, between ages 20 through 50, and causes unpredictable effects in which the progression, severity and specific symptoms cannot be foreseen. The cause and cure for this often debilitating disease remain unknown; and

Whereas, The National Multiple Sclerosis Society has been committed for more than 69 years to a world free of MS, heightening public knowledge about and insight into the disease; and

Whereas, Since 1946, the National Multiple Sclerosis Society has been a driving force of MS research, relentlessly pursuing prevention, treatment and a cure and has invested more than \$868 million in groundbreaking research; and

Whereas, Funds raised through the National Multiple Sclerosis Society fueled the efforts of nearly 380 research projects globally in 2014 totaling \$51.5 million. Research was conducted at the best medical centers, universities and other institutions throughout the United States and abroad. MS research has never been more hopeful than it is today; and

Whereas, Discovering the cause, finding a cure, and preventing future generations from

being diagnosed with MS is an important task that all Americans and West Virginians should support; and

Whereas, The Senate recognizes the importance of finding the cause and cure of MS, a chronic and often devastating disease, and expresses its appreciation and admiration for the dedication that the National Multiple Sclerosis Society -- Virginia-West Virginia Chapter has shown toward a future free of MS; therefore, be it

Resolved by the Senate:

That the Senate hereby designates the week of March 2, 2015, as Multiple Sclerosis Awareness Week; and, be it

Further Resolved, The Senate encourages all West Virginia citizens to take part in the observance of Multiple Sclerosis Awareness Week and to learn more about multiple sclerosis and what they can do to support individuals with MS and their families; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Virginia-West Virginia Chapter of the National Multiple Sclerosis Society.

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

Thereafter, at the request of Senator Kessler, and by unanimous consent, the remarks by Senators Stollings and Walters regarding the adoption of Senate Resolution No. 47 were ordered printed in the Appendix to the Journal.

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

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

Senators Cole (Mr. President) and Kessler offered the following resolution:

Senate Resolution No. 48--Amending Senate Rule No. 49, relating to the Senate Journal.

Resolved by the Senate:

That Senate Rule No. 49 be amended to read as follows:

JOURNAL

49. The Journal of the Senate shall be daily prepared by the Clerk and shall be read, corrected and approved the succeeding day. It shall be published under the supervision of the Clerk and made available to the members without delay. After the Journal has been approved and fully marked for corrections, regular bound volumes of the Journal from the type so corrected shall be printed. In addition thereto six copies shall be printed ~~on 6 x 9 heavy weight bond paper~~ with a certificate at the end thereof signed by the presiding officer and Clerk of the Senate certifying that the same is the Official Journal of the Senate. They shall be bound ~~in flexible binding~~ and bear the imprint on the back, "Official Journal of the Senate of West Virginia", with designation of regular or extraordinary session and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Division of Archives and History and one with the Clerk of the House of Delegates.

Which, under the rules, was referred to the Committee on Rules.

Following a point of inquiry to the President, with resultant response thereto,

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution No. 42, Requesting DOH name bridge in Fayette County "Tygrett Brothers Seven Veterans Bridge".

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

referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution No. 43, Requesting DOH name bridge in Nicholas County "U. S. Army SPC Richard Nesselrotte Bridge".

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution No. 44, Requesting DOH name bridge in Randolph County "U. S. Navy PO2 Robert Paul Laderach Memorial Bridge".

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution No. 45, Requesting DOH name bridge in Jackson County "James P. Spano, Jr., Memorial Bridge".

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution No. 46, Requesting DOH name bridge in Raleigh County "U. S. Army PFC Shelby Dean Stover Memorial Bridge".

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill No. 14, Creating Public Charter Schools Act of 2015.

On third reading, coming up in regular order, with the right having been granted on Wednesday, February 25, 2015, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Sypolt, unanimous consent being granted, further consideration

of the bill was deferred until the conclusion of bills on today's first reading calendar.

Eng. Senate Bill No. 63, Redefining facilities eligible for funding assistance from Courthouse Facilities Improvement Authority.

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

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 63) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 291, Clarifying power of Attorney General to contract for outside legal services.

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

On the passage of the bill, the yeas were: Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Laird, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams and Cole (Mr. President)--27.

The nays were: Beach, Facemire, Kirkendoll, Miller, Romano, Woelfel and Yost--7.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 291) passed with its title.

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

Com. Sub. for Senate Bill No. 347, Creating Firearms Act of 2015.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 26, 2015, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Romano, the following amendment to bill was reported by the Clerk:

On page nineteen, after line eight, by inserting a new section, designated section three, to read as follows:

§61-7-3. Nonresident carrying deadly weapon without license or other authorization; penalties.

(a) Any person who is not a resident of this state and who carries a concealed deadly weapon, without a state license or other lawful authorization established under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 and may be imprisoned in the county jail for not more than twelve months for the first offense; but upon conviction of a second or subsequent offense, he or she shall be guilty of a felony and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years and fined not less than \$1,000 nor more

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than \$5,000.

(b) It shall be the duty of the prosecuting attorney in all cases to ascertain whether or not the charge made by the grand jury is a first offense or is a second or subsequent offense and, if it shall be a second or subsequent offense, it shall be so stated in the indictment returned, and the prosecuting attorney shall introduce the record evidence before the trial court of such second or subsequent offense and shall not be permitted to use discretion in introducing evidence to prove the same on the trial.

Following discussion,

The question being on the adoption of Senator Romano's amendment to the bill, and on this question, Senator Gaunch demanded the yeas and nays.

The roll being taken, the yeas were: Miller, Palumbo, Romano and Woelfel--4.

The nays were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Nohe, Plymale, Prezioso, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)--30.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Romano's amendment to the bill rejected.

On motion of Senator Romano, the following amendment to the bill (Com. Sub. for S. B. No. 347) was next reported by the Clerk:

On page nineteen, after line eight, by inserting a new section, designated section three-a, to read as follows:

§61-7-3a. Person under age twenty-one carrying deadly weapon without authorization; penalties.

(a) Any person who is under age twenty-one and who carries a concealed deadly weapon, without a state license or other lawful authorization established under the provisions of this code, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 and may be imprisoned in the county jail for not more than twelve months for the first offense; but upon conviction of a second or subsequent offense, he or she shall be guilty of a felony and, upon conviction thereof, shall be imprisoned in the penitentiary not less

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than one nor more than five years and fined not less than \$1,000 nor more than \$5,000:

Provided, That any active duty military or law-enforcement personnel is exempted from the requirements of this section.

(b) It shall be the duty of the prosecuting attorney in all cases to ascertain whether or not the charge made by the grand jury is a first offense or is a second or subsequent offense and, if it shall be a second or subsequent offense, it shall be so stated in the indictment returned, and the prosecuting attorney shall introduce the record evidence before the trial court of such second or subsequent offense and shall not be permitted to use discretion in introducing evidence to prove the same on the trial.

The question being on the adoption of Senator Romano's amendment to the bill, the same was put and did not prevail.

On motion of Senator Romano, the following amendment to bill (Com. Sub. for S. B. No. 347) was next reported by the Clerk:

On page nineteen, after line eight, by inserting a new section, designated section three-b, to read as follows:

§61-7-3b. Person carrying deadly weapon without training course; penalties.

Any person who carries a concealed deadly weapon, without completing a training course in handling and firing a handgun, as set forth in subsection (d), section four of this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$200 for each offense: *Provided*, That any active duty military or law-enforcement personnel is exempted from the requirements of this section.

Following discussion,

The question being on the adoption of Senator Romano's amendment to the bill, and on this question, Senator Karnes demanded the yeas and nays.

To which demand, Senator Miller objected.

Thereafter, the demand for a roll call by Senator Karnes was sustained.

The roll being taken, the yeas were: Facemire, Miller, Palumbo and Romano--4.

The nays were: Beach, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Nohe, Plymale, Prezioso, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--30.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Romano's amendment to the bill rejected.

There being no further amendments offered,

The bill was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 347 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Nohe, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--32.

The nays were: Miller and Palumbo--2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 347) passed with its title.

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

Thereafter, at the request of Senator Nohe, and by unanimous consent, the remarks by Senators Romano, Leonhardt Karnes, Trump and Blair regarding Engrossed Committee Substitute for Senate Bill No. 347 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill No. 377, Limiting civil liability of pharmaceutical manufacturers or sellers providing warning to learned intermediary.

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

On the passage of the bill, the yeas were: Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--29.

The nays were: Beach, Kessler, Romano and Snyder--4.

Absent: Miller--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 377) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 393, Reforming juvenile justice system.

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

passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill No. 393 pass?"

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 393) passed with its title.

Senator Carmichael moved that the bill take effect May 17, 2015.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 393) takes effect May 17, 2015.

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

Com. Sub. for Senate Bill No. 409, Establishing Fair and Open Competition in Governmental Construction Act.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 26, 2015, for amendments to be received on third reading, was reported by the Clerk.

There being no amendments offered,

The bill was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 409 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Mullins, Nohe, Stollings, Sypolt, Takubo, Trump, Walters, Williams and Cole (Mr. President)--21.

The nays were: Beach, Facemire, Kessler, Laird, Miller, Palumbo, Plymale, Romano, Snyder, Unger, Woelfel and Yost--12.

Absent: Prezioso--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 409) passed with its title.

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

Com. Sub. for Senate Bill No. 411, Creating Asbestos Bankruptcy Trust Claims Transparency Act and Asbestos and Silica Claims Priorities Act.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 26, 2015, for amendments to be received on third reading, was

reported by the Clerk.

On motion of Senator Trump, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page nine, section four, lines five and six, by striking out the words “For an action filed on or after the effective date of this article, the” and inserting in lieu thereof the word “The”;

On page twenty-six, section three, lines one through seven, by striking out all of subdivision (7);

And by renumbering the remaining subdivisions;

On page thirty-three, section three, line eleven, by striking out the word “oncologist”;

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

§55-7F-4. Filing claims, establishment of a prima facie case, additional required information for new nonmalignant claims, individual actions to be filed.;

On page forty-two, section four, line twelve, after the word “action” by inserting the words “alleging a nonmalignant condition”;

And,

On page forty-three, section four, lines fourteen and fifteen, by striking out the words “or within ninety days of filing the complaint for malignant”.

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill No. 411 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael,

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Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--33.

The nays were: None.

Absent: Prezioso--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 411) passed with its title.

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

At the request of Senator Blair, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

On motion of Senator Carmichael, the Senate recessed until 1:20 p.m. today.

Upon expiration of the recess, the Senate reconvened and again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Senate Bill No. 413, Relating to commercial pesticide control licensing requirements.

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

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--32.

The nays were: Facemire--1.

Absent: Prezioso--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 413) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 416, Relating to hotel occupancy tax.

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

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--33.

The nays were: None.

Absent: Prezioso--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 416) passed with its title.

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

Eng. Senate Bill No. 434, Relating to horse racing.

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

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt,

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

The nays were: None.

Absent: Prezioso--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 434) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 486, Authorizing special license plates for Civil Air Patrol vehicles.

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

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--33.

The nays were: None.

Absent: Prezioso--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 486) passed with its title.

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

Eng. Senate Bill No. 518, Permitting county and municipal economic development

authorities invest certain funds.

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

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--33.

The nays were: None.

Absent: Prezioso--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 518) passed with its title.

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

Eng. Senate Bill No. 532, Relating to civil liability immunity for clinical practice plans and medical and dental school personnel.

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

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--33.

The nays were: None.

Absent: Prezioso--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 532) passed with its title.

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

Eng. Com. Sub. for Senate Bill No. 537, Changing mandatory school instructional time from days to minutes.

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

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--33.

The nays were: None.

Absent: Prezioso--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 537) passed with its title.

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

Senate Bill No. 559, Relating to social work licensing exemptions.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 26, 2015, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Blair, the following amendment to the bill was reported by the

Clerk and adopted:

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

ARTICLE 30. SOCIAL WORKERS.

§30-30-18. Exemptions from this article.

The following persons are exempt from licensure, unless specifically stated in writing by the employer:

(1) A person employed as the director or administrative head of a social service agency or division, or applicants for such employment to be licensed;

(2) Licensed or qualified members of other professions, such as physicians, psychologists, lawyers, counselors, clergy, educators or ~~the general public~~ other professions engaged in social work-like activities, from doing social work consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "licensed social worker" or "licensed clinical social worker" or a variation thereof;

(3) Employees of the West Virginia Department of Health and Human Resources engaged in social work-like activities from doing social work consistent with their training; Provided, That prior to engaging in these activities, employees demonstrate sufficient standards of qualification, education, training and experience by completing a rigorous training program designed by the Department of Health and Human Resources to ensure the protection of the health, welfare and safety of the public;

(3) (4) An employer from performing social work-like activities performed solely for the benefit of employees;

(4) (5) Activities and services of a student, intern, or resident in social work pursuing a

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course of study at an accredited university or college or working in a generally recognized training center if the activities and services constitute a part of the supervised course of study; and

(5) (6) Pending disposition of the application for a license, activities and services by a person who has recently become a resident of this state, has applied for a license within ninety days of taking up residency in this state, and is licensed to perform the activities and services in the state of former residence.

The bill, as just amended, was ordered to engrossment.

Engrossed Senate Bill No. 559 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill No. 559 pass?"

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)--31.

The nays were: Laird and Woelfel--2.

Absent: Prezioso--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. No. 559) passed with its title.

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

Eng. Com. Sub. for House Bill No. 2457, Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles.

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

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--33.

The nays were: None.

Absent: Prezioso--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2457) passed with its title.

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

Eng. House Bill No. 2523, Creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019.

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

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)--33.

The nays were: None.

Absent: Prezioso--1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2523) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill No. 94, Establishing driver's license restoration program.

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

Senate Bill No. 122, Adopting federal definition for disabled veterans' preference in civil service hiring and state contract vendor bidding.

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

Com. Sub. for Senate Bill No. 248, Requiring certain insurance and owner information be provided following car accident.

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

Com. Sub. for Com. Sub. for Senate Bill No. 278, Relating to lawful and unlawful methods of hunting.

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

Com. Sub. for Senate Bill No. 423, Amending Aboveground Storage Tank Act.

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

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

On page twenty, section six, lines three and four, after the word “engineer,” by inserting the following: regulated and licensed by the State Board of Registration for Professional Engineers,.

The bill (Com. Sub. for S. B. No. 423), as amended, was then ordered to engrossment and third reading.

Senate Bill No. 454, Criminalizing trademark counterfeiting.

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

engrossment and third reading.

Com. Sub. for Senate Bill No. 488, Reestablishing and modifying Broadband Deployment Council.

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

Senate Bill No. 502, Relating to eligibility for certain reclamation or remediation tax credit.

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

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

On page five, section eleven, line two, after the word “Fund” by changing the colon to a period and inserting the following: The credit authorized pursuant to this subdivision is retroactive and may be claimed for reclamation or remediation performed on or after January 1, 2012:.

The bill (S. B. No. 502), as amended, was then ordered to engrossment and third reading.

Senate Bill No. 503, Permitting sheriff hire outside attorneys for tax collection assistance.

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

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

On page three, section two, line seven, after the word “action:” by striking out the remainder of the bill and inserting in lieu thereof the following proviso: *Provided*, That any attorney so hired shall be paid, in addition to actual expenses directly incurred in the course of

the representation: (1) An hourly rate, the cumulative sum of which shall not exceed fifty percent of the taxes so collected; or (2) a percentage of the taxes so collected, not to exceed twenty-five percent thereof.

The bill (S. B. No. 503), as amended, was then ordered to engrossment and third reading.

Senate Bill No. 576, Prohibiting PSC jurisdiction of internet protocol-enabled service or voice over internet protocol-enabled service and certain telephone company transactions.

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

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

Eng. Com. Sub. for House Bill No. 2099, Extending the time of meetings of local levying bodies when meetings are delayed.

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

Eng. House Bill No. 2576, Creating new code sections which separate the executive departments.

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

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

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

ARTICLE 2. ORGANIZATION OF STATE AGENCIES, BOARDS AND COMMISSIONS WITHIN DEPARTMENTS OF STATE GOVERNMENT.

§5F-2-1. ~~Transfer and incorporation of agencies and boards; funds~~ General provisions.

~~(a) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Administration:~~

~~(1) Building Commission provided in article six, chapter five of this code;~~

~~(2) Public Employees Insurance Agency provided in article sixteen, chapter five of this code;~~

~~(3) Governor's Mansion Advisory Committee provided in article five, chapter five-a of this code;~~

~~(4) Commission on Uniform State Laws provided in article one-a, chapter twenty-nine of this code;~~

~~(5) West Virginia Public Employees Grievance Board provided in article three, chapter six-c of this code;~~

~~(6) Board of Risk and Insurance Management provided in article twelve, chapter twenty-nine of this code;~~

~~(7) Boundary Commission provided in article twenty-three, chapter twenty-nine of this code;~~

~~(8) Public Defender Services provided in article twenty-one, chapter twenty-nine of this code;~~

~~(9) Division of Personnel provided in article six, chapter twenty-nine of this code;~~

~~(10) The West Virginia Ethics Commission provided in article two, chapter six-b of this code;~~

~~(11) Consolidated Public Retirement Board provided in article ten-d, chapter five of this code; and~~

~~(12) Real Estate Division provided in article ten, chapter five-a of this code.~~

~~(b) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Commerce:~~

~~(1) Division of Labor provided in article one, chapter twenty-one of this code, which includes:~~

~~(A) Occupational Safety and Health Review Commission provided in article three-a, chapter twenty-one of this code; and~~

~~(B) Board of Manufactured Housing Construction and Safety provided in article nine, chapter twenty-one of this code.~~

~~(2) Office of Miners' Health, Safety and Training provided in article one, chapter twenty-two-a of this code. The following boards are transferred to the Office of Miners' Health, Safety and Training for purposes of administrative support and liaison with the Office of the Governor:~~

~~(A) Board of Coal Mine Health and Safety and Coal Mine Safety and Technical Review Committee provided in article six, chapter twenty-two-a of this code;~~

~~(B) Board of Miner Training, Education and Certification provided in article seven, chapter twenty-two-a of this code; and~~

~~(C) Mine Inspectors' Examining Board provided in article nine, chapter twenty-two-a of this code.~~

~~(3) The West Virginia Development Office provided in article two, chapter five-b of this code;~~

~~(4) Division of Natural Resources and Natural Resources Commission provided in article one, chapter twenty of this code;~~

~~(5) Division of Forestry provided in article one-a, chapter nineteen of this code;~~

~~(6) Geological and Economic Survey provided in article two, chapter twenty-nine of this code; and~~

~~(7) Workforce West Virginia provided in chapter twenty-one-a of this code, which includes:~~

~~(A) Division of Unemployment Compensation;~~

~~(B) Division of Employment Service;~~

~~(C) Division of Workforce Development; and~~

~~(D) Division of Research, Information and Analysis.~~

~~(8) Division of Energy provided in article two-f, chapter five-b of this code.~~

~~(9) Division of Tourism Commission provided in article two-h, chapter five-b of this code.~~

~~(c) The Economic Development Authority provided in article fifteen, chapter thirty-one of this code is continued as an independent agency within the executive branch.~~

~~(d) The Water Development Authority and the Water Development Authority Board provided in article one, chapter twenty-two-c of this code is continued as an independent agency within the executive branch.~~

~~(e) The following agencies and boards, including all of the allied, advisory and affiliated entities, are transferred to the Department of Environmental Protection for purposes of administrative support and liaison with the office of the Governor:~~

~~(1) Air Quality Board provided in article two, chapter twenty-two-b of this code;~~

~~(2) Solid Waste Management Board provided in article three, chapter twenty-two-c of this code;~~

~~(3) Environmental Quality Board, or its successor board, provided in article three, chapter twenty-two-b of this code;~~

~~(4) Surface Mine Board provided in article four, chapter twenty-two-b of this code;~~

~~(5) Oil and Gas Inspectors' Examining Board provided in article seven, chapter twenty-two-c of this code;~~

~~(6) Shallow Gas Well Review Board provided in article eight, chapter twenty-two-c of this code; and~~

~~(7) Oil and Gas Conservation Commission provided in article nine, chapter twenty-two-c of this code.~~

~~(f) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Education and the Arts:~~

~~(1) Library Commission provided in article one, chapter ten of this code;~~

~~(2) Division of Culture and History provided in article one, chapter twenty-nine of this code; and~~

~~(3) Division of Rehabilitation Services provided in article ten-a, chapter eighteen of this code.~~

~~(g) The Educational Broadcasting Authority provided in article five, chapter ten of this code is part of the Department of Education and the Arts for the purposes of administrative support and liaison with the office of the Governor.~~

~~(h) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Health and Human Resources:~~

- ~~(1) Human Rights Commission provided in article eleven, chapter five of this code;~~
 - ~~(2) Division of Human Services provided in article two, chapter nine of this code;~~
 - ~~(3) Bureau for Public Health provided in article one, chapter sixteen of this code;~~
 - ~~(4) Office of Emergency Medical Services and the Emergency Medical Service Advisory Council provided in article four-c, chapter sixteen of this code;~~
 - ~~(5) Health Care Authority provided in article twenty-nine-b, chapter sixteen of this code;~~
 - ~~(6) Commission on Mental Retardation provided in article fifteen, chapter twenty-nine of this code;~~
 - ~~(7) Women's Commission provided in article twenty, chapter twenty-nine of this code;~~
- and
- ~~(8) The Child Support Enforcement Division provided in chapter forty-eight of this code.~~
 - ~~(i) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Military Affairs and Public Safety:~~
 - ~~(1) Adjutant General's Department provided in article one-a, chapter fifteen of this code;~~
 - ~~(2) Armory Board provided in article six, chapter fifteen of this code;~~
 - ~~(3) Military Awards Board provided in article one-g, chapter fifteen of this code;~~
 - ~~(4) West Virginia State Police provided in article two, chapter fifteen of this code;~~
 - ~~(5) Division of Homeland Security and Emergency Management and Disaster Recovery Board provided in article five, chapter fifteen of this code and Emergency Response Commission provided in article five-a of said chapter;~~
 - ~~(6) Sheriffs' Bureau provided in article eight, chapter fifteen of this code;~~
 - ~~(7) Division of Justice and Community Services provided in article nine-a, chapter~~

~~fifteen of this code;~~

~~(8) Division of Corrections provided in chapter twenty-five of this code;~~

~~(9) Fire Commission provided in article three, chapter twenty-nine of this code;~~

~~(10) Regional Jail and Correctional Facility Authority provided in article twenty, chapter thirty-one of this code; and~~

~~(11) Board of Probation and Parole provided in article twelve, chapter sixty-two of this code.~~

~~(j) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Revenue:~~

~~(1) Tax Division provided in chapter eleven of this code;~~

~~(2) Racing Commission provided in article twenty-three, chapter nineteen of this code;~~

~~(3) Lottery Commission and position of Lottery Director provided in article twenty-two, chapter twenty-nine of this code;~~

~~(4) Insurance Commissioner provided in article two, chapter thirty-three of this code;~~

~~(5) West Virginia Alcohol Beverage Control Commissioner provided in article sixteen, chapter eleven of this code and article two, chapter sixty of this code;~~

~~(6) Board of Banking and Financial Institutions provided in article three, chapter thirty-one-a of this code;~~

~~(7) Lending and Credit Rate Board provided in chapter forty-seven-a of this code;~~

~~(8) Division of Banking provided in article two, chapter thirty-one-a of this code;~~

~~(9) The State Budget Office provided in article two of this chapter;~~

~~(10) The Municipal Bond Commission provided in article three, chapter thirteen of this~~

code;

~~(11) The Office of Tax Appeals provided in article ten-a, chapter eleven of this code; and~~

~~(12) The State Athletic Commission provided in article five-a, chapter twenty-nine of this code.~~

~~(k) The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Transportation:~~

~~(1) Division of Highways provided in article two-a, chapter seventeen of this code;~~

~~(2) Parkways, Economic Development and Tourism Authority provided in article sixteen-a, chapter seventeen of this code;~~

~~(3) Division of Motor Vehicles provided in article two, chapter seventeen-a of this code;~~

~~(4) Driver's Licensing Advisory Board provided in article two, chapter seventeen-b of this code;~~

~~(5) Aeronautics Commission provided in article two-a, chapter twenty-nine of this code;~~

~~(6) State Rail Authority provided in article eighteen, chapter twenty-nine of this code;~~

and

~~(7) Public Port Authority provided in article sixteen-b, chapter seventeen of this code.~~

~~(l) Effective July 1, 2011, the Veterans' Council provided in article one, chapter nine-a of this code, including all of the allied, advisory, affiliated or related entities and funds associated with it, is incorporated in and administered as a part of the Department of Veterans' Assistance.~~

(a) The Legislature finds that in 1989, this chapter was enacted to provide for the reorganization of the executive branch of state government pursuant to the findings set forth under section one, article one of this chapter. This section was enacted as part of that legislation

to effect the transfer of agencies and board and related entities into the various departments created within the executive branch of government. Since its initial enactment, the Legislature has amended and reenacted this section on a number of occasions, in most instances to modify the initial reorganization within the executive branch of government. The Legislature further finds that the structure of this section by which it provides an extensive list of executive agencies in a single section of the Code of West Virginia renders this section unnecessarily lengthy and complicated. The designation of a separate statute for each of the agencies and entities as they are organized in subsections (a) through (l) of this section as provided pursuant to the amendment and reenactment of this section in 2015 would reduce the unnecessary length and complexity of the statute without altering the Legislature's intent in providing for the organization of the executive branch of state government pursuant to the original findings set forth under section one, article one of this chapter and the Legislature's subsequent amendments and reenactments of various sections of this chapter. The Legislature therefore finds and declares that the amendment and reenactment of this section and the further amendment of the Code of West Virginia by adding thereto twelve new sections, designated sections one-a, one-b, one-c, one-d, one-e, one-f, one-g, one-h, one-i, one-j, one-k, and one-l of this article, are solely for the purpose of designating a separate statute for each of the agencies and entities as they are organized in subsections (a) through (l) of this section as provided pursuant to the amendment and reenactment of this section in 2015 and for the purpose of providing corrective descriptions of an agency and corrective code references and deleting references to agencies, boards or commissions that have been repealed. The Legislature further finds and declares that except as otherwise provided in this section, the amendment and reenactment of this section and the enactment of the new sections may not be construed to have altered or modified the application

of any other provision of this code to the agencies and entities described in those sections, and that all other provisions of this code, to the extent applicable to those sections, as well as the remaining subsections of this section, shall apply in like manner to the agencies and entities described in those new sections.

~~(m)~~ (b) Except for powers, authority and duties that have been delegated to the secretaries of the departments by the provisions of section two of this article, the position of administrator and the powers, authority and duties of each administrator and agency are not affected by the enactment of this chapter.

~~(n)~~ (c) Except for powers, authority and duties that have been delegated to the secretaries of the departments by the provisions of section two of this article, the existence, powers, authority and duties of boards and the membership, terms and qualifications of members of the boards are not affected by the enactment of this chapter. All boards that are appellate bodies or are independent decision makers shall not have their appellate or independent decision-making status affected by the enactment of this chapter.

~~(o)~~ (d) Any department previously transferred to and incorporated in a department by prior enactment of this section means a division of the appropriate department. Wherever reference is made to any department transferred to and incorporated in a department created in section two, article one of this chapter, the reference means a division of the appropriate department and any reference to a division of a department so transferred and incorporated means a section of the appropriate division of the department.

~~(p)~~ (e) When an agency, board or commission is transferred under a bureau or agency other than a department headed by a secretary pursuant to this section, that transfer is solely for purposes of administrative support and liaison with the Office of the Governor, a department

secretary or a bureau. Nothing in this section extends the powers of department secretaries under section two of this article to any person other than a department secretary and nothing limits or abridges the statutory powers and duties of statutory commissioners or officers pursuant to this code.

§5F-2-1a. Department of Administration.

The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Administration:

- (1) Building Commission provided in article six, chapter five of this code;
- (2) Public Employees Insurance Agency provided in article sixteen, chapter five of this code;
- (3) Governor's Mansion Advisory Committee provided in article five, chapter five-a of this code;
- (4) Commission on Uniform State Laws provided in article one-a, chapter twenty-nine of this code;
- (5) West Virginia Public Employees Grievance Board provided in article three, chapter six-c of this code;
- (6) Board of Risk and Insurance Management provided in article twelve, chapter twenty-nine of this code;
- (7) Boundary Commission provided in article twenty-three, chapter twenty-nine of this code;
- (8) Indigent Defense Commission provided in article twenty-one, chapter twenty-nine of this code;

(9) Division of Personnel provided in article six, chapter twenty-nine of this code;

(10) The West Virginia Ethics Commission provided in article two, chapter six-b of this code;

(11) Consolidated Public Retirement Board provided in article ten-d, chapter five of this code; and

(12) Real Estate Division provided in article ten, chapter five-a of this code.

§5F-2-1b. Department of Commerce.

The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Commerce:

(1) Division of Labor provided in article one, chapter twenty-one of this code, which includes:

(A) Occupational Safety and Health Review Commission provided in article three-a, chapter twenty-one of this code;

(B) Board of Manufactured Housing Construction and Safety provided in article nine, chapter (C) The Manufactured Housing Construction and Safety Standards Board provided in article nine, chapter twenty-one of this code; and

(D) The West Virginia Contractor Licensing Board provided in article 11, chapter twenty-one of this code.

(2) Office of Miners' Health, Safety and Training provided in article one, chapter twenty-two-a of this code. The following boards are transferred to the Office of Miners' Health, Safety and Training for purposes of administrative support and liaison with the Office of the Governor:

(A) Board of Miner Training, Education and Certification provided in article seven,

chapter twenty-two-a of this code;

(B) Mine Inspectors' Examining Board provided in article nine, chapter twenty-two-a of this code; and

(C) Coal Mine Safety Board of Appeals provided in article five, chapter twenty two A of this code.

(D) Board of Miner Training, Education and Certification provided in article seven, chapter twenty two A of this code

(E) Coal Mine Safety and Technical Review Committee provided in article six, chapter twenty two A of this code;

(F) West Virginia Diesel Equipment Commission provided in article two A, chapter twenty two A of this Code; and

(G) Coal Mine Safety and Technology Task Force, provided in article 11, chapter twenty two A of this code.

(3) The West Virginia Development Office provided in article two, chapter five-b of this code;

(A) The West Virginia Guaranteed Work Force Program-- this program is frequently referred to as the "Governor's Guaranteed Work Force Program" provided in article two D, chapter five B of this code.

(4) Division of Natural Resources and Natural Resources Commission provided in article one, chapter twenty of this code;

(5) Division of Forestry provided in article one-a, chapter nineteen of this code;

(6) Geological and Economic Survey provided in article two, chapter twenty-nine of this code; and

(7) Workforce West Virginia provided in chapter twenty-one-a of this code, which includes:

(A) Division of Unemployment Compensation;

(B) Division of Employment Service;

(C) Division of Workforce Development; and

(D) Division of Research, Information and Analysis.

(E) Unemployment Compensation Board of Review

(8) Division of Energy provided in article two-f, chapter five-b of this code.

(A) West Virginia Public Energy Authority

(B) Office of Coal Field Development

(9) Division of Tourism and Tourism Commission provided in article two, chapter five-b of this code.

§5F-2-1c. Economic Development Authority.

The Economic Development Authority provided in article fifteen, chapter thirty-one of this code is continued as an independent agency within the executive branch.

§5F-2-1d. Water Development Authority.

The Water Development Authority and the Water Development Authority Board provided in article one, chapter twenty-two-c of this code is continued as an independent agency within the executive branch.

§5F-2-1e. Department of Environmental Protection.

The following agencies and boards, including all of the allied, advisory and affiliated entities, are transferred to the Department of Environmental Protection for purposes of administrative support and liaison with the Office of the Governor:

(1) Air Quality Board provided in article two, chapter twenty-two-b of this code;

(2) Solid Waste Management Board provided in article three, chapter twenty-two-c of this code;

(3) Environmental Quality Board, or its successor board, provided in article three, chapter twenty-two-b of this code;

(4) Surface Mine Board provided in article four, chapter twenty-two-b of this code;

(5) Office of Oil and Gas provided in article six, chapter twenty-two of this code; and

(6) Shallow Gas Well Review Board provided in article eight, chapter twenty-two-c of this code;

§5F-2-1f. Department of Education and the Arts.

The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Education and the Arts:

(1) Library Commission provided in article one, chapter ten of this code;

(2) Division of Culture and History provided in article one, chapter twenty-nine of this code; and

(3) Division of Rehabilitation Services provided in article ten-a, chapter eighteen of this code.

§5F-2-1g. Educational Broadcasting Authority.

The Educational Broadcasting Authority provided in article five, chapter ten of this code is part of the Department of Education and the Arts for the purposes of administrative support and liaison with the Office of the Governor.

§5F-2-1h. Department of Health and Human Resources.

The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Health and Human Resources:

(1) Human Rights Commission provided in article eleven, chapter five of this code;

(2) Division of Human Services provided in article two, chapter nine of this code;

(3) Bureau for Public Health provided in article one, chapter sixteen of this code;

(4) Office of Emergency Medical Services and the Emergency Medical Service Advisory Council provided in article four-c, chapter sixteen of this code;

(5) Health Care Authority provided in article twenty-nine-b, chapter sixteen of this code;

(6) State Commission on Intellectual Disability provided in article fifteen, chapter twenty-nine of this code;

(7) Women's Commission provided in article twenty, chapter twenty-nine of this code;

and

(8) The Child Support Enforcement Division provided in chapter forty-eight of this code.

§5F-2-1i. Department of Military Affairs and Public Safety.

The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Military Affairs and Public Safety:

(1) Adjutant General's Department provided in article one-a, chapter fifteen of this code;

(2) Armory Board provided in article six, chapter fifteen of this code;

(3) Military Awards Board provided in article one-g, chapter fifteen of this code;

(4) West Virginia State Police provided in article two, chapter fifteen of this code;

(5) Division of Homeland Security and Emergency Management and Disaster Recovery

Board provided in article five, chapter fifteen of this code and Emergency Response Commission provided in article five-a of said chapter;

(8) Division of Justice and Community Services provided in article nine-a, chapter fifteen of this code;

(9) Division of Corrections provided in chapter twenty-five of this code;

(10) Fire Commission provided in article three, chapter twenty-nine of this code;

(11) Regional Jail and Correctional Facility Authority provided in article twenty, chapter thirty-one of this code; and

(12) Board of Probation and Parole provided in article twelve, chapter sixty-two of this code.

§5F-2-1j. Department of Revenue.

The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Revenue:

(1) The State Tax Division provided in article one, chapter eleven of this code;

(2) Racing Commission provided in article twenty-three, chapter nineteen of this code;

(3) Lottery Commission and position of Lottery Director provided in article twenty-two, chapter twenty-nine of this code;

(4) Insurance Commissioner provided in article two, chapter thirty-three of this code;

(5) West Virginia Alcohol Beverage Control Commissioner provided in article sixteen, chapter eleven of this code and article two, chapter sixty of this code;

(6) Board of Banking and Financial Institutions provided in article three, chapter thirty-one-a of this code;

(7) Lending and Credit Rate Board provided in chapter forty-seven-a of this code;

(8) Division of Financial Institutions provided in article two, chapter thirty-one-a of this code;

(9) The State Budget Office provided in article two, chapter eleven-b of this code;

(10) The Municipal Bond Commission provided in article three, chapter thirteen of this code;

(11) The Office of Tax Appeals provided in article ten-a, chapter eleven of this code; and

(12) The State Athletic Commission provided in article five-a, chapter twenty-nine of this code.

§5F-2-1k. Department of Transportation.

The following agencies and boards, including all of the allied, advisory, affiliated or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Transportation:

(1) Division of Highways provided in article two-a, chapter seventeen of this code;

(2) Parkways Authority provided in article sixteen-a, chapter seventeen of this code;

(3) Division of Motor Vehicles provided in article two, chapter seventeen-a of this code;

(4) Driver's Licensing Advisory Board provided in article two, chapter seventeen-b of this code;

(5) Aeronautics Commission provided in article two-a, chapter twenty-nine of this code;

(6) State Rail Authority provided in article eighteen, chapter twenty-nine of this code;

(7) Public Port Authority provided in article sixteen-b, chapter seventeen of this code;

and

(8) Division of Public Transit provided in article sixteen-c, chapter seventeen of this

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code.

§5F-2-11. Department of Veterans' Assistance.

The Veterans' Council provided in article one, chapter nine-a of this code, including all of the allied, advisory, affiliated or related entities and funds associated with it, is incorporated in and administered as a part of the Department of Veterans' Assistance.

The bill (Eng. H. B. No. 2576), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill No. 17, Permitting all-terrain vehicle operation on roadway under certain conditions; defining off-road motorcycle.

Senate Bill No. 332, Relating to administrative fees for Tax Division, Department of Revenue.

Com. Sub. for Senate Bill No. 342, Clarifying scope, application and requirements for error corrections by CPRB.

Com. Sub. for Com. Sub. for Senate Bill No. 455, Relating to public higher education procurement and payment of expenses.

Senate Bill No. 481, Relating to municipal policemen's and firemen's pension and relief funds' investment.

Senate Bill No. 510, Amending Uniform Interstate Family Support Act.

Senate Bill No. 514, Relating to investments of local policemen's and firemen's pension and relief funds.

Senate Bill No. 515, Allowing Municipal Pensions Oversight Board invest funds with Investment Management Board or Board of Treasury Investments.

Senate Bill No. 530, Extending income tax exemption for retirees receiving pensions from certain defined pension plans.

Senate Bill No. 545, Removing certain prior bank overdraft approval by director or executive officer.

Com. Sub. for Senate Bill No. 548, Changing procedure for filling U. S. Senator vacancies.

Senate Bill No. 574, Relating to liquor sales by distilleries and mini-distilleries.

And,

Eng. House Bill No. 2726, Clarifying choice of laws issues in product's liability actions.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Carmichael, the Senate recessed until 5 p.m. today.

Upon expiration of the recess, the Senate reconvened.

The end of today's first reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for Senate Bill No. 14, Creating Public Charter Schools Act of 2015.

On third reading, coming up in deferred order, with the right having been granted on Wednesday, February 25, 2015, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Sypolt, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, and with the right for amendments to be considered on third reading remaining in effect.

At the request of Senator Carmichael, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the

27th day of February, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. No. 255), Eliminating certain boards, councils, committees, panels, task forces and commissions.

(S. B. No. 298), Clarifying funds within Public Employees Retirement Fund.

(S. B. No. 299), Clarifying start date of State Police duty-related and nonduty related disability payments.

(S. B. No. 302), Relating to state retirement plans.

And,

(Com. Sub. for S. B. No. 378), Relicensing electricians without retesting under certain circumstances.

Respectfully submitted,

Mark R. Maynard,

Chair, Senate Committee.

John B. McCuskey,

Chair, House Committee.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 195, Authorizing Conservation Committee promulgate legislative rule relating to financial assistance programs.

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

Respectfully submitted,

Charles S. Trump IV,

Chair.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill No. 336 (originating in the Committee on Government Organization), Eliminating Health Care Authority's power to apply certain penalties to future rate applications.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill No. 336 (originating in the Committee on the Judiciary)--A Bill to amend §16-29B-19 of the Code of West Virginia, 1931, as amended, relating generally to powers and duties of Health Care Authority; and eliminating power of Health Care Authority to apply penalties held in abeyance to any future rate applications filed with the authority.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,

Chair.

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

Your Committee on Education has had under consideration

Senate Bill No. 439, Relating to higher education personnel.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 439 (originating in the Committee on Education)--A Bill to amend and reenact §18B-4-2a of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-7-1, §18B-7-2, §18B-7-8, §18B-7-9, §18B-7-11 and §18B-7-16 of said code; to amend and reenact §18B-9-1 and §18B-9-2 of said code; to amend and reenact §18B-9A-1, §18B-9A-2, §18B-9A-3, §18B-9A-4, §18B-9A-5, §18B-9A-6 and §18B-9A-7 of said code; and to amend said code by adding thereto a new article, designated §18B-9A-5a, all relating to public education higher education personnel generally; clarifying roles of Higher Education Policy Commission, Council for Community and Technical College Education and state organizations of higher education; providing legislative purposes and intent for higher education personnel; defining terms; clarifying duties of vice chancellor for human resources of the Higher Education Policy Commission; eliminating outdated and redundant reporting and review requirements; providing for evaluation and reviews of organizations for certain human resource deficiencies, best practices and compliance with state higher education personnel laws; providing percentages of employees designated as "nonclassified" employees; directing the Higher Education Policy Commission and the Community and Technical College Council to study employment practices; providing legislative purposes and intent for classified employees salary schedule; defining terms; providing legislative purposes and intent for classification and compensation system; defining terms; clarifying that certain provisions are only applicable to classified employees; clarifying powers and duties of the Job Classification Committee; clarifying powers and duties of the Compensation Planning and Review Committee; eliminating requirement that salary schedules fall within relative market equity; restricting duties of Job Classification Committee and Compensation Planning and Review Committee; clarifying the role and considerations of the Higher Education Policy Commission and Community and Technical College Council in

developing salary schedules for classified employees; and requiring classification and compensation rules.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Dave Sypolt,

Chair.

At the request of Senator M. Hall, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

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

Your Committee on Education has had under consideration

Senate Bill No. 447, Allowing issuance of diploma by public, private or home school administrator.

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

Respectfully submitted,

Dave Sypolt,

Chair.

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

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

Your Committee on Education has had under consideration

Senate Bill No. 457, Relating to selection of school athletic coaches or other extracurricular activities coaches.

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

Respectfully submitted,

Dave Sypolt,

Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill No. 516, Relating to practice of advance practice registered nurses.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill No. 516 (originating in the Committee on Health and Human Resources)--A Bill to repeal §30-15-1, §30-15-2, §30-15-3, §30-15-4, §30-15-5, §30-15-6, §30-15-7, §30-15-7a, §30-15-7b and §30-15-7c of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5-19 of said code; to amend and reenact §30-3-5 of said code; to amend said code by adding thereto two new sections, designated §30-3-7b and §30-3-7c; to amend and reenact §30-7-15a of said code; to amend said code by adding thereto a new section, designated §30-7-15d; to amend and reenact §30-14-3 of said code; and to amend said code by adding thereto two new sections, designated §30-14-16 and §30-14-17, all relating to the practice of advance practice registered nurses; allowing advance practice registered nurses to sign death

certificates; adding an advance practice registered nurse to the Board of Medicine and the Board of Osteopathy; providing that under specified circumstances advance practice registered nurses may prescribe without a collaborative agreement; providing advance practice registered nurses who prescribe without a collaborative agreement shall be licensed by either the Board of Medicine or the Board of Osteopathy for prescriptive purposes; granting rule-making authority to the Board of Medicine and the Board of Osteopathy to license advance practice registered nurses for prescriptive purposes; providing for reports to the Legislature; and modifying the controlled substances which an advance practice registered nurse may prescribe.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ryan J. Ferns,

Chair.

The bill (Com. Sub. for S. B. No. 516), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill No. 544, Establishing procedures for body mass index screening in schools.

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

Respectfully submitted,

Dave Sypolt,

Chair:

The bill, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill No. 577 (originating in the Committee on Education)--A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-12e, relating to allowing governing boards of certain four-year colleges and universities to invest certain funds with its respective nonprofit foundation that has been established to receive contributions exclusively for that institution and which exists on January 1, 2015.

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

Respectfully submitted,

Dave Sypolt,

Chair:

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 578 (originating in the Committee on the Judiciary)--A Bill to amend and reenact §23-4-8d of the Code of West Virginia, 1931, as amended; and to amend and reenact §23-5-7 of said code, all relating to authorization of compromise and settlement of occupational disease claims; permitting final settlement of medical benefits for nonorthopedic occupational disease claims; and requiring claimant be represented by legal counsel in these claims.

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

Respectfully submitted,

Charles S. Trump IV,

Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill No. 579 (originating in the Committee on the Judiciary)--A Bill to amend and reenact §29-22B-328 of the Code of West Virginia, 1931, as amended, relating to clarifying restriction of businesses selling petroleum products from creating a restricted adult-only facility.

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

Respectfully submitted,

Charles S. Trump IV,

Chair.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Saturday, February 28, 2015, at 10 a.m.
