

WEST VIRGINIA LEGISLATURE  
**SENATE JOURNAL**

EIGHTY-SECOND LEGISLATURE  
REGULAR SESSION, 2015  
FIFTY-NINTH DAY

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Charleston, W. Va., Friday, March 13, 2015

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Bob Alderman, First Baptist Church of Rio Grande City, Rio Grande City, Texas.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jeff Mullins, a senator from the ninth district.

Pending the reading of the Journal of Thursday, March 12, 2015,

On motion of Senator Stollings, 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 Tori Badawey to address the Senate on behalf of the Judith A. Herndon Fellowship Program.

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

Senator Boley, from the Committee on Confirmations, submitted the following report, which was received:

Your Committee on Confirmations has had under consideration

**Senate Executive Message No. 2**, dated March 2, 2015, requesting confirmation by the Senate of the nominations mentioned therein. The following list of names from Executive Message No. 2 is submitted:

1. For Member, Parole Board, Carol Greene, Huntington, Cabell County, for the term ending June 30, 2019.

2. For Member, Board of Examiners in Counseling, Guy Gage III, Bridgeport, Harrison County, for the term ending June 30, 2014.

3. For Member, Motor Vehicle Dealers Advisory Board, Kelly Smith, Charleston, Kanawha County, for the term ending June 30, 2016.

4. For Member, Motor Vehicle Dealers Advisory Board, Margaret Wills, Shinnston, Harrison County, for the term ending June 30, 2016.

5. For Member, Motor Vehicle Dealers Advisory Board, Michael Keener, Hurricane, Putnam County, for the term ending June 30, 2016.

6. For Member, Driver's License Advisory Board, J. Keith Wade, Fairmont, Marion County, for the term ending June 30, 2016.

7. For Member, Driver's License Advisory Board, Joe LoCascio, Huntington, Cabell County, for the term ending June 30, 2016.

8. For Member, Driver's License Advisory Board, John Brick, Morgantown, Monongalia County, for the term ending June 30, 2016.

9. For Member, Motorcycle Safety Awareness Board, Mike Adkins, Delbarton, Mingo County, for the term ending June 30, 2016.

10. For Member, Motorcycle Safety Awareness Board, William Cooper, Scott Depot, Putnam County, for the term ending June 30, 2015.

11. For Member, Board of Dentistry, Charles L. Smith, Charleston, Kanawha County, for the term ending June 30, 2017.

12. For Member, Board of Hearing Aid Dealers, Jenny Cross, Elkins, Randolph County, for the term ending July 13, 2017.

13. For Member, Board of Hearing Aid Dealers, Deborah Barnes Chewning, Elkins, Randolph County, for the term ending July 13, 2015.

14. For Member, Board of Hearing Aid Dealers, Marsha Mattingly, Huntington, Cabell County, for the term ending July 13, 2017.

15. For Member, Board of Hearing Aid Dealers, Jason Kaposy, Petersburg, Grant County, for the term ending July 13, 2016.

16. For Director, Division of Juvenile Services, Stephanie Bond, Terra Alta, Preston County, to serve at the will and pleasure of the Governor.

17. For Member, Housing Development Fund, Sam Kapourales, Williamson, Mingo County, for the term ending October 30, 2015.

18. For Member, Housing Development Fund, Everett Sullivan, Dunbar, Kanawha County, for the term ending October 30, 2016.

19. For Member, Housing Development Fund, Jeff Borman, Charleston, Kanawha County, for the term ending October 30, 2016.

20. For Member, Workforce Investment Council, Ray Burke, Hurricane, Putnam County, for the term ending June 30, 2015.

21. For Member, Workforce Investment Council, Nancy Kissinger, Beckley, Raleigh County, for the term ending June 30, 2015.

22. For Member, Workforce Investment Council, Jim O'Connor, Belle, Kanawha County, for the term ending June 30, 2015.

23. For Member, Workforce Investment Council, Tom Provost, Belle, Kanawha County, for the term ending June 30, 2015.

24. For Member, Workforce Investment Council, John Sorrenti, Weirton, Hancock County, for the term ending June 30, 2015.

25. For Member, Workforce Investment Council, Steve Stalnaker, Williamstown, Wood County, for the term ending June 30, 2015.

26. For Member, Workforce Investment Council, Diane Strong-Treister, Charleston, Kanawha County, for the term ending June 30, 2015.

27. For Member, Workforce Investment Council, Homer Sweeney, St. Albans, Kanawha County, for the term ending June 30, 2014.

28. For Member, Workforce Investment Council, Frank Ellis, Wheeling, Ohio County, for the term ending June 30, 2015.

29. For Member, Workforce Investment Council, Kenny Perdue, Charleston, Kanawha County, for the term ending June 30, 2015.

30. For Member, Workforce Investment Council, Roy Smith, Beckley, Raleigh County, for the term ending June 30, 2015.

31. For Member, Workforce Investment Council, Clarence Pennington, Martinsburg, Berkeley County, for the term ending June 30, 2015.

32. For Member, Workforce Investment Council, Joanne Jaeger Tomblin, Mount Gay, Logan County, for the term ending June 30, 2015.

33. For Member, Workforce Investment Council, Kim Tieman, Pittsburgh, Pennsylvania, for the term ending June 30, 2015.

34. For Member, Workforce Investment Council, Rev. Matthew Watts, Charleston, Kanawha County, for the term ending June 30, 2015.

35. For Member, Workforce Investment Council, Logan Williams, Hurricane, Putnam County, for the term ending June 30, 2015.

36. For Member, Workforce Investment Council, Robert Pasley, Wayne, Wayne County, for the term ending June 30, 2015.

37. For Member, Workforce Investment Council, Penny Brown, Philippi, Barbour County, for the term ending June 30, 2015.

38. For Member, Workforce Investment Council, Steve Whited, Grantsville, Calhoun County, for the term ending June 30, 2015.

39. For Member, Workforce Investment Council, Nancy Paxton, South Charleston, Kanawha County, for the term ending June 30, 2015.

40. For Member, Workforce Investment Council, Patrick Martin, Hurricane, Putnam County, for the term ending June 30, 2015.

41. For Member, Workforce Investment Council, Michael Bombard, Morgantown, Monongalia County, for the term ending June 30, 2015.

42. For Member, Workforce Investment Council, Will Turani, Wheeling, Ohio County, for the term ending June 30, 2015.

43. For Executive Director, School Building Authority, David Sneed, Cross Lanes, Kanawha County, to serve at the will and pleasure of the Governor.

44. For Member, School Building Authority, Tom Lange, Kearneysville, Jefferson County, for the term ending July 31, 2016.

45. For Member, School Building Authority, Eric J. Lewis, Charles Town, Jefferson County, for the term ending July 31, 2016.

46. For Member, School Building Authority, Victor L. Gabriel, Bridgeport, Harrison County, for the term ending July 31, 2015.

47. For Member, School Building Authority, Robert E. Holroyd, Princeton, Mercer County, for the term ending July 31, 2015.

48. For Member, School Building Authority, Chris Morris, Charleston, Kanawha County, for the term ending July 31, 2015.

49. For Member, Ethics Commission, The Honorable Jack Buckalew, Charleston, Kanawha County, for the term ending June 30, 2015.

50. For Member, Ethics Commission, The Honorable Betty Ireland, Charleston, Kanawha County, for the term ending June 30, 2017.

51. For Member, Ethics Commission, Monte Williams, Morgantown, Monongalia County, for the term ending June 30, 2015.

52. For Member, Ethics Commission, Robert Wolfe, Man, Logan County, for the term ending June 30, 2019.

53. For Member, Ethics Commission, Michael Greer, Bridgeport, Harrison County, for the term ending June 30, 2019.

54. For Member, Ethics Commission, Suzan Singleton, Moundsville, Marshall County, for the term ending June 30, 2017.

55. For Member, Ethics Commission, Terry Walker, Kearneysville, Jefferson County, for the term ending June 30, 2019.

56. For Member, Ethics Commission, Lawrence J. Tweel, Huntington, Cabell County, for the term ending June 30, 2015.

57. For Member, Ethics Commission, Karen Disibbio, Bluefield, Mercer County, for the term ending June 30, 2017.

58. For Member, Fire Commission, Dave Camp, Parkersburg, Wood County, for the term ending June 30, 2019.

59. For Member, Fire Commission, Robert Miller, Glenwood, Mason County, for the term ending June 30, 2018.

60. For Member, Fire Commission, Ted Shriver, Charleston, Kanawha County, for the term ending June 30, 2017.

61. For Member, Capitol Building Commission, Greg Barton, Ellenboro, Ritchie County, for the term ending June 30, 2018.

62. For Member, Capitol Building Commission, Michael Price, Wheeling, Ohio County, for the term ending June 30, 2018.

63. For Member, Board of the College Prepaid Tuition and Savings Program, Jamie Dickenson, Charleston, Kanawha County, for the term ending June 30, 2017.

64. For Member, Board of the College Prepaid Tuition and Savings Program, The Honorable Chuck Smith, Charleston, Kanawha County, for the term ending June 30, 2018.

65. For Member, Board of the College Prepaid Tuition and Savings Program, Terri Underhill, Charleston, Kanawha County, for the term ending June 30, 2015.

66. For Member, Board of Coal Mine Health and Safety, Brian Keaton, Julian, Boone County, for the term ending June 30, 2015.

67. For Member, Board of Risk and Insurance Management, Bobby Mitts, Lavalette, Wayne County, for the term ending June 30, 2017.

68. For Member, Board of Risk and Insurance Management, James Wilson, Grafton, Taylor County, for the term ending June 30, 2016.



69. For Member, Statewide Independent Living Council, Donald Carson, Beckley, Raleigh County, for the term ending June 30, 2017.

70. For Member, Statewide Independent Living Council, Michelle Norweck, Barboursville, Cabell County, for the term ending June 30, 2017.

71. For Member, Statewide Independent Living Council, Vanessa Vangilder, Charleston, Kanawha County, for the term ending June 30, 2017.

72. For Member, Statewide Independent Living Council, David George, Wheeling, Ohio County, for the term ending June 30, 2017.

73. For Member, Statewide Independent Living Council, Nancy Tyler, Charleston, Kanawha County, for the term ending June 30, 2017.

74. For Member, Statewide Independent Living Council, Aaron Morris, Cannelton, Fayette County, for the term ending June 30, 2017.

75. For Member, Statewide Independent Living Council, Greg Bilonick, Morgantown, Monongalia County, for the term ending June 30, 2017.

76. For Member, Statewide Independent Living Council, Todd Rundle, Fairmont, Marion County, for the term ending June 30, 2017.

77. For Member, Statewide Independent Living Council, Bob Waybright, Webster Springs, Webster County, for the term ending June 30, 2017.

78. For Member, Motor Vehicle Dealers Advisory Board, James Williams, Martinsburg, Berkeley County, for the term ending June 30, 2017.

79. For Member, Motor Vehicle Dealers Advisory Board, Michael Ratz, Logan, Logan County, for the term ending June 30, 2017.

80. For Member, Motorcycle Safety Awareness Board, Ray Carey, Charleston, Kanawha County, for the term ending June 30, 2017.

81. For Member, Motorcycle Safety Awareness Board, Kimberly Oldaker, Ashton, Mason County, for the term ending June 30, 2017.

82. For Member, Workforce Investment Council, Todd Shell, Huntington, Cabell County, for the term ending June 30, 2017.

83. For Member, Fire Commission, Victor Stallard, Williamstown, Wood County, for the term ending June 30, 2017.

84. For Member, Mine Safety Technology Task Force, Charles Russell III, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

85. For Member, Board of Control for Southern Regional Education, The Honorable Robert H. Plymale, Huntington, Wayne County, for the term ending June 30, 2018.

86. For Member, Board of Architects, Jan L. Fox, Charleston, Kanawha County, for the term ending June 30, 2017.

87. For Member, Board of Architects, Edward W. Tucker, Huntington, Cabell County, for the term ending June 30, 2016.

88. For Member, Board of Architects, Richard Forren, Bridgeport, Harrison County, for the term ending June 30, 2018.

89. For Member, Board of Architects, Todd Boggess, Princeton, Mercer County, for the term ending June 30, 2020.

90. For Member, Consolidated Public Retirement Board, Donald Murray, Chester, Hancock County, for the term ending June 30, 2018.

91. For Member, Consolidated Public Retirement Board, Joseph Bunn, Charleston, Kanawha County, for the term ending June 30, 2017.

92. For Member, Consolidated Public Retirement Board, David Wyant, Wheeling, Ohio County, for the term ending June 30, 2018.

93. For Member, Consolidated Public Retirement Board, Joe Lynch, Charleston, Kanawha County, for the term ending June 30, 2017.

94. For Member, Consolidated Public Retirement Board, Andy Bird, Hurricane, Putnam County, for the term ending June 30, 2017.

95. For Member, Consolidated Public Retirement Board, David Stover, Maben, Wyoming County, for the term ending June 30, 2015.

96. For Member, Consolidated Public Retirement Board, Angela Crank, Evans, Jackson County, for the term ending June 30, 2018.

97. For Member, Outdoor Heritage Conservation Fund, Rodney Bartgis, Elkins, Randolph County, for the term ending June 30, 2016.

98. For Member, Outdoor Heritage Conservation Fund, Calvert Armbrrecht, Charleston, Kanawha County, for the term ending June 30, 2016.

99. For Member, Outdoor Heritage Conservation Fund, Terrell Ellis, Charleston, Kanawha County, for the term ending June 30, 2015.

100. For Member, Outdoor Heritage Conservation Fund, Lavonne Paden, Martinsburg, Berkeley County, for the term ending June 30, 2015.

101. For Member, Outdoor Heritage Conservation Fund, David Lilly, Buckhannon, Upshur County, for the term ending June 30, 2016.

102. For Member, Outdoor Heritage Conservation Fund, James Anderson, Morgantown, Monongalia County, for the term ending June 30, 2015.

103. For Member, Outdoor Heritage Conservation Fund, Amy Hessel, Morgantown, Monongalia County, for the term ending June 30, 2018.

104. For Member, Outdoor Heritage Conservation Fund, Doug Wood, Hurricane, Putnam County, for the term ending June 30, 2018.

105. For Member, Outdoor Heritage Conservation Fund, Edward F. Maguire II, Charleston, Kanawha County, for the term ending June 30, 2018.

106. For Member, Board of Sanitarians, The Honorable Delores Cook, Ridgeview, Boone County, for the term ending June 30, 2018.

107. For Member, Board of Sanitarians, Phyllis L. Lowe, Chapmanville, Logan County, for the term ending June 30, 2019.

108. For Member, Fairmont State University Board of Governors, Aaron Hawkins, Fairmont, Marion County, for the term ending June 30, 2018.

109. For Member, West Virginia State University Board of Governors, Leon Vincent Williams, Nashville, Tennessee, for the term ending June 30, 2018.

110. For Member, West Virginia State University Board of Governors, Gary Swingle, Charleston, Kanawha County, for the term ending June 30, 2018.

111. For Member, Concord University Board of Governors, Brace Mullett, Charleston, Kanawha County, for the term ending June 30, 2018.

112. For Member, Concord University Board of Governors, David Barnette, Charleston, Kanawha County, for the term ending June 30, 2018.

113. For Member, Shepherd University Board of Governors, Chad Robinson, Charleston, Kanawha County, for the term ending June 30, 2018.

114. For Member, Shepherd University Board of Governors, Marcia Brand, Martinsburg, Berkeley County, for the term ending June 30, 2018.

115. For Member, Shepherd University Board of Governors, Bridget M. Cohee, Martinsburg, Berkeley County, for the term ending June 30, 2018.

116. For Member, West Liberty University Board of Governors, Brian Joseph, Triadelphia, Ohio County, for the term ending June 30, 2018.

117. For Member, West Liberty University Board of Governors, Leslie DeFelice, Dillonvale, Ohio, for the term ending June 30, 2016.

118. For Member, Bluefield State College Board of Governors, Rev. Garry Moore, Sr., Bluefield, Mercer County, for the term ending June 30, 2018.

119. For Member, Bluefield State College Board of Governors, Lois Ann Manns, Beckley, Raleigh County, for the term ending June 30, 2018.

120. For Member, Bluefield State College Board of Governors, Robert Perkinson, Jr., Bluefield, Mercer County, for the term ending June 30, 2018.

121. For Member, Bluefield State College Board of Governors, Norris Kantor, Bluefield, Mercer County, for the term ending June 30, 2018.

122. For Member, Unemployment Compensation Board of Review, The Honorable Martha Walker, Charleston, Kanawha County, for the term ending January 1, 2017.

123. For Member, Blue Ridge Community and Technical College Board of Governors, Albert T. Britton, Charles Town, Jefferson County, for the term ending June 30, 2018.

124. For Member, Blue Ridge Community and Technical College Board of Governors, Teresa E. McCabe, Martinsburg, Berkeley County, for the term ending June 30, 2018.

125. For Member, Blue Ridge Community and Technical College Board of Governors, Rebecca Linton, Martinsburg, Berkeley County, for the term ending June 30, 2017.

126. For Member, Blue Ridge Community and Technical College Board of Governors, Keith Unger, Berkeley Springs, Morgan County, for the term ending June 30, 2016.

127. For Member, Blue Ridge Community and Technical College Board of Governors, William L. Stubblefield, Martinsburg, Berkeley County, for the term ending June 30, 2017.

128. For Member, Blue Ridge Community and Technical College Board of Governors, Stephanie L. Harvey, Martinsburg, Berkeley County, for the term ending June 30, 2016.

129. For Member, Blue Ridge Community and Technical College Board of Governors, Chuck Basa, Winchester, Virginia, for the term ending June 30, 2015.

130. For Member, Blue Ridge Community and Technical College Board of Governors, Heather McIntyre, Charles Town, Jefferson County, for the term ending June 30, 2015.

131. For Member, Eastern West Virginia Community and Technical College Board of Governors, Junior Helmick, Parsons, Tucker County, for the term ending June 30, 2016.

132. For Member, Eastern West Virginia Community and Technical College Board of Governors, Greg Greenwalt, Moorefield, Hardy County, for the term ending June 30, 2016.

133. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Kim Nuckles, Charleston, Kanawha County, for the term ending January 31, 2015.

134. For Member, Board of Dentistry, Byron Black, Ripley, Jackson County, for the term ending June 30, 2019.

135. For Member, Board of Registration for Professional Engineers, Edward Robinson, Charleston, Kanawha County, for the term ending June 30, 2019.

136. For Member, Board of Medicine, Ahmed Faheem, Daniels, Raleigh County, for the term ending September 30, 2019.

137. For Member, Board of Medicine, Cathy Funk, Martinsburg, Berkeley County, for the term ending September 30, 2019.

138. For Member, Board of Medicine, Mustafa Rahim, Beckley, Raleigh County, for the term ending September 30, 2019.

139. For Member, Board of Directors of the West Virginia United Health System, William Stone, Danville, Boone County, for the term ending October 15, 2020.

140. For Member, Board of Directors of the West Virginia United Health System, Jose Sartarelli, Morgantown, Monongalia County, for the term ending October 15, 2020.

141. For Director, Division of Protective Services, Kevin J. Foreman, Elkview, Kanawha County, to serve at the will and pleasure of the Governor.

142. For Member, Children's Health Insurance Plan Board, Kellie Wooten-Willis, Logan, Logan County, for the term ending June 30, 2016.

143. For Member, West Liberty University Board of Governors, Patrick Ford, Weirton, Hancock County, for the term ending June 30, 2017.

144. For Member, Northern Community College Board of Governors, H. Brann Altmeyer, Wheeling, Ohio County, for the term ending June 30, 2018.

145. For Member, Northern Community College Board of Governors, Christin Byrum, Wheeling, Ohio County, for the term ending June 30, 2018.

146. For Member, Northern Community College Board of Governors, Jonathon H. Greer, Wheeling, Ohio County, for the term ending June 30, 2016.



147. For Member, New River Community and Technical College Board of Governors, Albert A. Martine III, Daniels, Raleigh County, for the term ending June 30, 2018.

148. For Member, New River Community and Technical College Board of Governors, Tom Lemke, Daniels, Raleigh County, for the term ending June 30, 2016.

149. For Member, Public Service Commission, The Honorable Brooks F. McCabe, Jr., Charleston, Kanawha County, for the term ending June 30, 2015.

150. For Member, Board of Risk and Insurance Management, Bruce Martin, Fairmont, Marion County, for the term ending June 30, 2018.

151. For Member, West Virginia University – Parkersburg Board of Governors, John Denbigh, Spencer, Roane County, for the term ending June 30, 2018.

152. For Member, Medical Imaging and Radiation Therapy Technology Board of Examiners, Eva Hallis, Charleston, Kanawha County, for the term ending June 30, 2016.

153. For Member, Medical Imaging and Radiation Therapy Technology Board of Examiners, Tuanya Layton, Charleston, Kanawha County, for the term ending June 30, 2016.

154. For Member, Medical Imaging and Radiation Therapy Technology Board of Examiners, Jamie S. Browning, West Logan, Logan County, for the term ending June 30, 2017.

155. For Member, Medical Imaging and Radiation Therapy Technology Board of Examiners, Howard W. Lafferty, Charleston, Kanawha County, for the term ending June 30, 2015.

156. For Member, Medical Imaging and Radiation Therapy Technology Board of Examiners, Tonya Painter, Fairlea, Greenbrier County, for the term ending June 30, 2015.

157. For Member, Medical Imaging and Radiation Therapy Technology Board of Examiners, Kristi Justice, St. Albans, Kanawha County, for the term ending June 30, 2017.

158. For Member, Medical Imaging and Radiation Therapy Technology Board of Examiners, Paul H. Blom, Barboursville, Cabell County, for the term ending June 30, 2017.

159. For Director, Division of Natural Resources, Robert A. Fala, Chapmanville, Logan County, for the term ending December 31, 2018.

160. For Commissioner, Division of Motor Vehicles, Patricia S. Reed, Beckley, Raleigh County, to serve at the will and pleasure of the Governor.

161. For Member, State Personnel Board, Erica Mani, Charleston, Kanawha County, for the term ending June 30, 2018.

162. For Member, Ohio River Valley Water Sanitation Commission, David Flannery, Charleston, Kanawha County, for the term ending June 30, 2020.

163. For Member, Property Valuation and Training Procedures Commission, Jason Nettles, Grantsville, Calhoun County, for the term ending June 30, 2018.

164. For Member, Property Valuation and Training Procedures Commission, Kurt A. Donaldson, Morgantown, Monongalia County, for the term ending June 30, 2018.

165. For Member, Property Valuation and Training Procedures Commission, Mickey Brown, Madison, Boone County, for the term ending June 30, 2018.

166. For Member, Property Valuation and Training Procedures Commission, Calvin A. Kent, Huntington, Cabell County, for the term ending June 30, 2018.

167. For Member, Property Valuation and Training Procedures Commission, Janice LaRue, Piedmont, Mineral County, for the term ending June 30, 2018.

168. For Member, Archives and History Commission, Robert Conte, Union, Monroe County, for the term ending June 30, 2017.

169. For Member, Archives and History Commission, Joan Walker, Hedgesville, Berkeley County, for the term ending June 30, 2017.

170. For Member, Archives and History Commission, Rebecca Frye, Martinsburg, Berkeley County, for the term ending June 30, 2017.

171. For Member, Archives and History Commission, Bill Richardson, Williamson, Mingo County, for the term ending June 30, 2017.

172. For Member, Archives and History Commission, Harold M. Forbes, Morgantown, Monongalia County, for the term ending June 30, 2016.

173. For Member, Archives and History Commission, Keven Walker, Martinsburg, Berkeley County, for the term ending June 30, 2016.

174. For Member, Archives and History Commission, Melissa Bingmann, Morgantown, Monongalia County, for the term ending June 30, 2015.

175. For Member, Archives and History Commission, Nathan J. Randolph, Huntington, Cabell County, for the term ending June 30, 2017.

176. For Member, Board of Education, Beverly E. Kingery, South Charleston, Kanawha County, for the term ending November 4, 2022.

177. For Member, Board of Education, James S. Wilson, Glen Dale, Marshall County, for the term ending November 4, 2023.

178. For Member, Archives and History Commission, Victor Greco, Wheeling, Ohio County, for the term ending June 30, 2015.

179. For Member, Archives and History Commission, Charles Ledbetter, Scott Depot, Putnam County, for the term ending June 30, 2015.

180. For Member, Municipal Pensions Oversight Board, Jason M. Matthews, Parkersburg, Wood County, for the term ending January 1, 2018.

181. For Member, Motor Vehicle Dealers Advisory Board, John Jenkins, Buckhannon, Upshur County, for the term ending June 30, 2017.

182. For Member, Motor Vehicle Dealers Advisory Board, Wally Thornhill, Pecks Mill, Logan County, for the term ending June 30, 2015.

183. For Member, Marshall University Board of Governors, Michael Sellards, Huntington, Cabell County, for the term ending June 30, 2018.

184. For Member, Marshall University Board of Governors, The Honorable Oshel B. Craigo, Winfield, Putnam County, for the term ending June 30, 2018.

185. For Member, Marshall University Board of Governors, Joseph McDonie, Milton, Cabell County, for the term ending June 30, 2018.

186. For Member, Regional Jail and Correctional Facility Authority, Steve Deweese, Winfield, Putnam County, for the term ending June 30, 2015.

187. For Member, Regional Jail and Correctional Facility Authority, Marshall Long, Princeton, Mercer County, for the term ending June 30, 2017.

188. For Member, Mountwest Community and Technical College Board of Governors, Thomas Gibson, Kenova, Wayne County, for the term ending June 30, 2018.

189. For Member, Mountwest Community and Technical College Board of Governors, Jeffrey D. Goad, Barboursville, Cabell County, for the term ending June 30, 2018.

190. For Member, Mountwest Community and Technical College Board of Governors, Matthew W. Deerfield, Prichard, Wayne County, for the term ending June 30, 2018.

191. For Member, Board of Hearing Aid Dealers, George Evans, Parkersburg, Wood County, for the term ending July 13, 2017.

192. For Member, School of Osteopathic Medicine Board of Governors, Greg A. Burton, Charleston, Kanawha County, for the term ending June 30, 2018.

193. For Member, School of Osteopathic Medicine Board of Governors, J. Fred Earley II, Parkersburg, Wood County, for the term ending June 30, 2017.

194. For Member, State Conservation Committee, Eli McCoy, Charleston, Kanawha County, for the term ending September 6, 2017.

195. For Member, State Conservation Committee, Angela Rosser, Charleston, Kanawha County, for the term ending September 6, 2015.

196. For Member, State Conservation Committee, Boyd Meadows, Milton, Cabell County, for the term ending September 6, 2018.

197. For Member, State Conservation Committee, Tom Warner, Beverly, Randolph County, for the term ending September 6, 2018.

198. For Member, Fire Commission, Carl Sizemore, Mineral Wells, Wood County, for the term ending June 30, 2018.

199. For Member, Fire Commission, Virgil White, Charleston, Kanawha County, for the term ending June 30, 2017.

200. For Member, Fire Commission, Grant Gunnoe, Winfield, Putnam County, for the term ending June 30, 2019.

201. For Member, Natural Resources Commission, Gregory K. Burnette, Elkview, Kanawha County, for the term ending June 30, 2021.

202. For Member, Board of Barbers and Cosmetologists, Khuong Nguyen, Charles Town, Jefferson County, for the term ending June 30, 2018.

203. For Member, Board of Barbers and Cosmetologists, Sean Stevens, Beckley, Raleigh County, for the term ending June 30, 2019.

204. For Member, West Virginia University – Parkersburg Board of Governors, Cheryl Donohoe, Ripley, Jackson County, for the term ending June 30, 2018.

205. For Member, West Virginia University – Parkersburg Board of Governors, Sam Winans, Vienna, Wood County, for the term ending June 30, 2018.

206. For Member, West Virginia University – Parkersburg Board of Governors, Steve Hardman, Parkersburg, Wood County, for the term ending June 30, 2018.

207. For Member, West Virginia University – Parkersburg Board of Governors, Donna M. Smith, Vienna, Wood County, for the term ending June 30, 2016.

208. For Member, Housing Development Fund, Julia Elbon, Elkins, Randolph County, for the term ending October 30, 2018.

And,

A letter from Cheryle M. Hall, Clerk of the Court of Claims, dated January 20, 2015, requesting confirmation by the Senate of the nomination mentioned therein. The following name is submitted:

1. For Judge of the Court of Claims, J. David Cecil, St. Albans, Kanawha County, for a term of six years commencing on July 1, 2015.

And reports the same back with the recommendation that the Senate do advise and consent to all of the nominations listed above.

Respectfully submitted,

Donna J. Boley,  
*Chair*

The time having arrived for the special order of business to consider the list of nominees for public office submitted by His Excellency, the Governor, and a legislative nomination submitted by Cheryle M. Hall, Clerk of the Court of Claims, as required by Chapter 14, Article 2, Section 4 of the Code of West Virginia, the special order thereon was called by the President.

Thereupon, Senator Cole (Mr. President) laid before the Senate the following executive message and letter from Cheryle M. Hall, Clerk of the Court of Claims:

**Senate Executive Message No. 2**, dated March 2, 2015 (*shown in the Senate Journal of yesterday, Thursday, March 12, 2015, pages 31 through 53, inclusive*);

And,

A letter from Cheryle M. Hall, Clerk of the Court of Claims, dated January 20, 2015 (*shown in the Senate Journal of yesterday, Thursday, March 12, 2015, page 2*).

Senator Boley then moved that the Senate advise and consent to all of the executive and legislative nominations referred to in the foregoing report from the Committee on Confirmations, except the nomination of the Honorable Robert H. Plymale to the Board of Control for Southern Regional Education (being nomination number 85 in Executive Message No. 2).

The question being on the adoption of Senator Boley's aforestated motion,

The roll was then taken; and

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, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive and legislative nominations referred to in the foregoing report from the Committee on Confirmations, except the nomination of the Honorable Robert H. Plymale to the Board of Control for Southern Regional Education (being nomination number 85 in Executive Message No. 2) had been confirmed.

Senator Boley then moved that the Senate advise and consent to the nomination of the Honorable Robert H. Plymale to the Board of Control for Southern Regional Education (being nomination number 85 in Executive Message No. 2).

Prior to the call of the roll, Senator Plymale moved to be excused from voting under rule number forty-three of the Rules of the Senate, which motion prevailed.

The roll was then taken; and

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, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: None.

Excused from voting: Plymale—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of the Honorable Robert H. Plymale to the Board of Control for Southern Regional Education had been confirmed.

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Consideration of executive and legislative nominations having been concluded,

Without objection the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill No. 19**, Specifying minimum early childhood education program instruction days.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

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

That §18-5-44 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-44. Early childhood education programs.**

(a) For the purposes of this section, an “early childhood education program” means programs a program created under this section for children who have attained the age of four prior to September 1 of the school year in which ~~the pupil enters~~ the children enter the program. ~~created in this section~~

(b) *Findings.* –

(1) Among other positive outcomes, early childhood education programs have been determined to:

(A) Improve overall readiness when children enter school;

(B) Decrease behavioral problems;

(C) Improve student attendance;

(D) Increase scores on achievement tests;

(E) Decrease the percentage of students repeating a grade; and

(F) Decrease the number of students placed in special education programs;

(2) Quality early childhood education programs improve school performance, and low-quality early childhood education programs may have negative effects, especially for at-risk children;

(3) West Virginia has the lowest percentage of its adult population twenty-five years of age or older with a bachelor's degree, and the education level of parents is a strong indicator of how their children will perform in school;

(4) During the 2006-2007 school year, West Virginia ranked thirty-ninth among the fifty states in the percentage of school children eligible for free and reduced lunches, and this percentage is a strong indicator of how the children will perform in school;

(5) For the school year 2008-2009, 13,135 students were enrolled in prekindergarten, a number equal to approximately sixty-three percent of the number of students enrolled in kindergarten;

(6) Excluding projected increases due to increases in enrollment in the early childhood education program, projections indicate that total student enrollment in West Virginia will decline by one percent, or by approximately 2,704 students, by the school year 2012-2013;

(7) In part, because of the dynamics of the state aid formula, county boards will continue to enroll four-year-old students to offset the declining enrollments;

(8) West Virginia has a comprehensive kindergarten program for five-year-olds, but the program was established in a manner that resulted in unequal implementation among the counties, which helped create deficit financial situations for several county boards;

(9) Expansion of current efforts to implement a comprehensive early childhood education program should avoid the problems encountered in kindergarten implementation;

(10) Because of the dynamics of the state aid formula, counties experiencing growth are at a disadvantage in implementing comprehensive early childhood education programs; and

(11) West Virginia citizens will benefit from the establishment of quality comprehensive early childhood education programs.

(c) Beginning no later than the school year 2012-2013, and continuing thereafter, county boards shall provide early childhood education programs for all children who have attained the age of four prior to September 1 of the school year in which the ~~pupil enters~~ children enter the early childhood education program. Beginning no later than the school year 2016-2017, and continuing thereafter, ~~these~~ early childhood education programs ~~that are full day and five days shall provide at least four days of instruction per week, shall be available to all children meeting the age requirement set forth in this subsection.~~ provide at least one thousand two hundred minutes of instruction per week and include at least one hundred forty-six instructional days per year.

(d) The program shall meet the following criteria:

(1) It shall be voluntary, except that, upon enrollment, the provisions of section ~~one~~ one-a, article eight of this chapter apply to an enrolled student, subject to subdivision ~~(3)~~ (4) of this subsection;

(2) ~~At~~ It shall be open to all children meeting the age requirement set forth in this section; ~~shall have the opportunity to enroll in a program that is full day and five~~

(3) It shall provide at least four days of instruction per week, provide at least one thousand two hundred minutes of instruction per week and include at least one hundred forty-six instructional days per year; ~~The program may be for fewer than five days per week and may be less than full day based on family need if a sufficient number of families request such programs and the county board finds that such programs are in the best interest of the requesting families and students: *Provided*, That the ability of families to request programs that are fewer than five days a week or less than a full day does not relieve the county of the obligation to provide all resident children with the opportunity to enroll in a full-day program and~~

~~(3)~~ (4) ~~A~~ It shall permit a parent of a an enrolled child enrolled in an early education program may to withdraw a the child from that program for good cause by notifying the district. Good cause includes, but is not limited to, enrollment of the child in another program or the immaturity of the child. A child withdrawn under this section is not subject to the attendance provisions of this chapter until that child again enrolls in a public school in this state.

(e) Enrollment of students in Head Start, or in any other program approved by the state superintendent as provided in ~~subsection (k)~~ of this section, may be counted toward satisfying the requirement of subsection (c) of this section.

(f) For the purposes of implementation financing, all counties are encouraged to make use of funds from existing sources, including:

(1) Federal funds provided under the Elementary and Secondary Education Act pursuant to 20 U. S. C. §6301, *et seq.*;

(2) Federal funds provided for Head Start pursuant to 42 U. S. C. §9831, *et seq.*;

(3) Federal funds for temporary assistance to needy families pursuant to 42 U. S. C. §601, *et seq.*;

(4) Funds provided by the School Building Authority pursuant to article nine-d of this chapter;

(5) In the case of counties with declining enrollments, funds from the state aid formula above the amount indicated for the number of students actually enrolled in any school year; and

(6) Any other public or private funds.

(g) Each county board shall develop a plan for implementing the program required by this section. The plan shall include the following elements:

(1) An analysis of the demographics of the county related to early childhood education program implementation;

(2) An analysis of facility and personnel needs;

(3) Financial requirements for implementation and potential sources of funding to assist implementation;

(4) Details of how the county board will cooperate and collaborate with other early childhood education programs including, but not limited to, Head Start, to maximize federal and other sources of revenue;

(5) Specific time lines for implementation; and

(6) Any other items the state board may require by policy.

(h) A county board shall submit its plan to the Secretary of the Department of Health and Human Resources. The secretary shall approve the plan if the following conditions are met:

(1) The county board has maximized the use of federal and other available funds for early childhood programs; and

(2) The county board has provided for the maximum implementation of Head Start programs and other public and private programs approved by the state superintendent pursuant to the terms of ~~subsection (k)~~ of this section; and or

(3) ~~If the Secretary of the Department of Health and Human Resources~~ The secretary finds that, if the county board has not met one or more of the requirements of this subsection, ~~but that~~ the county board has acted in good faith and the failure to comply was not the primary fault of the county board. ~~then the secretary shall approve the plan.~~ Any denial by the secretary may be appealed to the circuit court of the county in which the county board is located.

(i) The county board shall submit its plan for approval to the state board. The state board shall approve the plan if the county board has complied substantially with the requirements of subsection (g) of this section and has obtained the approval required in subsection (h) of this section.

(j) Every county board shall submit its plan for reapproval by the Secretary of the Department of Health and Human Resources and by the state board at least every two years after the initial approval of the plan and until full implementation of the early childhood education program in the county. As part of the submission, the county board shall provide a detailed statement of the progress made in implementing its plan. The standards and procedures provided for the original approval of the plan apply to any reapproval.

(k) A county board may not increase the total number of students enrolled in the county in an early childhood program until its program is approved by the Secretary of the Department of Health and Human Resources and the state board.

(l) The state board annually may grant a county board a waiver for total or partial implementation if the state board finds that all of the following conditions exist:

(1) The county board is unable to comply either because:

(A) It does not have sufficient facilities available; or

(B) It does not and has not had available funds sufficient to implement the program;

(2) The county has not experienced a decline in enrollment at least equal to the total number of students to be enrolled; and

(3) Other agencies of government have not made sufficient funds or facilities available to assist in implementation.

Any county board seeking a waiver shall apply with the supporting data to meet the criteria for which they are eligible on or before March 25 for the following school year. The state superintendent shall grant or deny the requested waiver on or before April 15 of that same year.

(m) The provisions of subsections (b), (c) and (d), section eighteen of this article relating to kindergarten apply to early childhood education programs in the same manner in which they apply to kindergarten programs.

(n) Annually, the state board shall report to the Legislative Oversight Commission on Education Accountability on the progress of implementation of this section.

(o) Except as required by federal law or regulation, no county board may enroll students who will be less than four years of age prior to September 1 for the year they enter school.



(p) Neither the state board nor the state department may provide any funds to any county board for the purpose of implementing this section unless the county board has a plan approved pursuant to subsections (h), (i) and (j) of this section.

(q) The state board shall promulgate a rule in accordance with the provisions of article three-b, chapter twenty-nine-a of this code for the purposes of implementing the provisions of this section. The state board shall consult with the Secretary of the Department of Health and Human Resources in the preparation of the rule. The rule shall contain the following:

- (1) Standards for curriculum;
- (2) Standards for preparing students;
- (3) Attendance requirements;
- (4) Standards for personnel; and

(5) Any other terms necessary to implement the provisions of this section.

(r) The rule shall include the following elements relating to curriculum standards:

(1) A requirement that the curriculum be designed to address the developmental needs of four-year-old children, consistent with prevailing research on how children learn;

(2) A requirement that the curriculum be designed to achieve long-range goals for the social, emotional, physical and academic development of young children;

(3) A method for including a broad range of content that is relevant, engaging and meaningful to young children;

(4) A requirement that the curriculum incorporate a wide variety of learning experiences, materials and equipment, and instructional strategies to respond to differences in prior experience, maturation rates and learning styles that young children bring to the classroom;

(5) A requirement that the curriculum be designed to build on what children already know in order to consolidate their learning and foster their acquisition of new concepts and skills;

(6) A requirement that the curriculum meet the recognized standards of the relevant subject matter disciplines;

(7) A requirement that the curriculum engage children actively in the learning process and provide them with opportunities to make meaningful choices;

(8) A requirement that the curriculum emphasize the development of thinking, reasoning, decision-making and problem-solving skills;

(9) A set of clear guidelines for communicating with parents and involving them in decisions about the instructional needs of their children; and

(10) A systematic plan for evaluating program success in meeting the needs of young children and for helping them to be ready to succeed in school.

(s) The secretary and the state superintendent shall submit a report to the Legislative Oversight Commission on Education Accountability and the Joint Committee on Government and Finance which addresses, at a minimum, the following issues:

(1) A summary of the approved county plans for providing the early childhood education programs pursuant to this section;

(2) An analysis of the total cost to the state and county boards of implementing the plans;

(3) A separate analysis of the impact of the plans on counties with increasing enrollment; and

(4) An analysis of the effect of the programs on the maximization of the use of federal funds for early childhood programs.

The intent of this subsection is to enable the Legislature to proceed in a fiscally responsible manner and make any necessary program improvements based on reported information prior to implementation of the early childhood education programs.

(t) After the school year 2012-2013, on or before July 1 of each year, each county board shall report the following information to the Secretary of the Department of Health and Human Resources and the state superintendent:

(1) Documentation indicating the extent to which county boards are maximizing resources by using the existing capacity of community-based programs, including, but not limited to, Head Start and child care; and

(2) For those county boards that are including eligible children attending approved, contracted community-based programs in their net enrollment for the purposes of calculating state aid pursuant to article nine-a of this chapter, documentation that the county board is equitably distributing funding for all children regardless of setting.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill No. 19**—A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to minimum instructional days per week, minimum instructional minutes per week and minimum instructional days per year for early childhood education programs.

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

Engrossed Committee Substitute for Senate Bill No. 19, 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. Com. Sub. for S. B. No. 19) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for Senate Bill No. 30**, Permitting shared animal ownership agreement to consume raw milk.

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

**Eng. Senate Bill No. 106**, Excepting professional engineer member from sanitary board when project engineer is under contract.

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

**Eng. Com. Sub. for Senate Bill No. 140**, Amending State Administrative Procedures Act.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

On page four, section two, line four, by striking out the word “private” and inserting in lieu thereof the words “constitutional, statutory or common law”;

On page four, section two, line six, by striking out the word “private” and inserting in lieu thereof the words “constitutional, statutory or common law”;

On page five, section two, lines five and six, after the word “rule” by striking out the comma and the words “as defined in subdivision (j) of this section,”;

On page five, section two, line seventeen, by striking out the word “private” and inserting in lieu thereof the words “constitutional, statutory or common law”;

On page seven, section two, line twelve, by striking out the word “private” and inserting in lieu thereof the words “constitutional, statutory or common law”;

And,

On page eight, section three-a, line ten, by striking out the words “or grammatical errors” and inserting in lieu thereof the words “grammatical errors, or changes to language to standardize rules generally without affecting the content of any rule”.

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

Engrossed Committee Substitute for Senate Bill No. 140, 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. Com. Sub. for S. B. No. 140) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

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. 140) takes effect from passage.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

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

**Eng. Com. Sub. for Senate Bill No. 182**, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules.

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 seven, line sixteen, after the word “authorized” by changing the period to a comma and inserting the following: with the following amendment:

On page six, section seven, subsection seven after the words “Code of West Virginia” by striking out the comma and the remainder of sentence and inserting in lieu thereof the following:

“And shall pass a test developed by the state fire marshal on HVAC Fire Safety.

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

Engrossed Committee Substitute for Senate Bill No. 182, 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. Com. Sub. for S. B. No. 182) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

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. 182) takes effect from passage.



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

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

**Eng. Com. Sub. for Senate Bill No. 192**, Authorizing Department of Transportation promulgate legislative rules.

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:

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

That article 8, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF  
TRANSPORTATION TO PROMULGATE  
LEGISLATIVE RULES.**

**§64-8-1. Division of Motor Vehicles.**

The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section nine, article two, chapter seventeen-a of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 31, 2014, relating to the Division of Motor Vehicles (examination and issuance of driver's licenses, 91 CSR 4), is authorized with the following amendments:

On page 2, subsection 3.1., lines 8 and 9, by striking out “§17B-2-8(i)” and inserting in lieu thereof “§17B-2-8(i)”;

On page 6, subdivision 3.11.a., line 6, by striking out “§17B-2-8(i)” and inserting in lieu thereof “§17B-2-8(i)”;

On page 7, subsection 3.11, after line 2, by adding a new subdivision 3.11.e to read as follows:

“3.11.e In lieu of a social security card as proof of social security number, the following documents may be used to obtain a not for federal use driver’s license or a not for federal use identification card:

(i) An original or a copy of a certified Military Discharge Form DD 214 issued by the U.S. Military, with the social security number; or

(ii) A Medicare card issued in the applicant’s full name, which contains the applicant’s social security number and the signature of the applicant as the card holder.”

On page 7, subsection 4.1, line 17, after the word “Commissioner.” by adding the following:

“The Division shall make available information for driver’s license and ID applicants that clearly delineates the requirements for a for federal use driver license or ID and a not for federal use driver’s license and ID.”;

On page 10, subsection 4.1.f, line 5 after the word “commissioner” by adding the following:

“which form must require and be accompanied by a certification by a medical doctor that a sex change has been completed, otherwise the requested change shall not be approved”

On page 21, subsection 7.2, line 6, after the word “record.” by adding the following:

“The renewal form shall clearly delineate the requirements for a for federal use driver license or ID and a not for federal use driver’s license and ID.”;

\_\_On page 25, line 8, by adding a new subsection 7A.1.c to read as follows:

“7A.1.c. The Division’s online renewal process shall clearly delineate the requirements for a for federal use driver license or ID and a not for federal use driver’s license and ID.”;

On page 27, subsection 8.2.c, line 1 after the word “commissioner” by adding the following:

“which form must require and be accompanied by a certification by a medical doctor that a sex change has been completed”

On page 31, subsection 9.5, line 17 after the word “commissioner” by adding the following:

“which form must require and be accompanied by a certification by a medical doctor that a sex change has been completed”

On page 34, subdivision 11.1.b, lines 17 through 19, by striking out all of subdivision 11.1.b and inserting in lieu thereof the following:

“11.1.b. A valid photo driver’s license or identification card expired six months or less issued the Division only on a not for federal use driver’s license and a not for federal use identification card.”

And by renumbering the remaining subdivisions;

On page 35, subdivision 11.1.d., line one, by striking out “§17B-2-8(i)” and inserting in lieu thereof “§17B-2-8(i), only on a not for federal use driver’s license and a not for federal use identification card “;

On page 36, lines 14 and 15, by striking out all of subdivision 12.2.b. and inserting in lieu thereof a new subdivision 12.2.b. to read as follows:

“12.2.b. A United States passport or passport card, currently valid or expired less than 2 years, only on a not for federal use driver’s license and a not for federal use identification card.”;

On page 47, subdivision 14.7.e, line 15, after the word “endocrinologist” by inserting the words “or primary care physician”;

On page 52, subsection 14.14, line 3, by striking out the word “two” and inserting in lieu thereof the word “three”;

And,

On page 52, subsection 14.14, line 6, by striking out the word “two” and inserting in lieu thereof the word “three”.

**§64-8-2. Office of Administrative Hearings.**

The legislative rule filed in the State Register on July 31, 2014, authorized under the authority of section four-a, article five-c, chapter seventeen-c of this code, modified by the Office of Administrative Hearings to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 23, 2014, relating to the Office of Administrative Hearings (appeal procedures, 105 CSR 1), is authorized with the following amendment:

On page 14, subdivision 16.3.1., by changing the period to a colon and adding the following proviso: *Provided*, That if a party prevails in its appeal, the OAH shall refund the \$50 filing fee.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendment to the bill (Eng. Com. Sub. for S. B. No. 192) and requested the House of Delegates to recede therefrom.

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

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill No. 243**, Relating to school nutrition standards during state of emergency or preparedness.

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 three, section six-a, line thirteen, by striking out the word “effected” and inserting in lieu thereof the word “affected”.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 243, 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. Com. Sub. for Com. Sub. for S. B. No. 243) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

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 Com. Sub. for S. B. No. 243) takes effect from passage.

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

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

The Senate again proceeded to the third order of business.

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

**Eng. Com. Sub. for Senate Bill No. 284**, Relating to chief law-enforcement officer's requirement to certify transfer or making of certain firearms.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill No. 287**, Providing posthumous high school diplomas.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-2-32, to read as follows:

**ARTICLE 2. STATE BOARD OF EDUCATION.**

**§18-2-32. Posthumous high school diplomas.**

(a) This section shall be known as "Todd's Law".

(b) Notwithstanding any provision of this code to the contrary, the state board shall provide for the awarding of a high school diploma to a deceased student, at the request of the parent, guardian or custodian if the student:

(1) Was enrolled in a public school in this state at the time of death;

(2) Was academically eligible or on track to complete the requirements for graduation at the time of death; and

(3) Died after the completion of the eleventh grade school year.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill No. 287**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-34a, relating to providing for awarding posthumous high school diplomas under certain circumstances; and designating provisions as “Todd’s Law”.

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

Engrossed Committee Substitute for Senate Bill No. 287, 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. Com. Sub. for S. B. No. 287) passed with its House of Delegates amended title.



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

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

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

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

**Eng. Senate Bill No. 360**, Repealing code sections relating to book indexes and claims reports required by court clerks.

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

**Eng. Com. Sub. for Senate Bill No. 390**, Authorizing PSC approve expedited cost recovery of natural gas utility infrastructure projects.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

On page five, section one-k, line four, after the word “section” by inserting the words “if the proposed plans have been found to be prudent and useful”;

On page seven, section one-k, line eight, by striking out the word “may” and inserting in lieu thereof the word “shall”;

And,

On page seven, section one-k, line nine, after the word “notice” by inserting a semicolon and the words “unless no opposition to the rate change is received by the Public Service Commission within one week of the proposed hearing date, in which case the hearing can be waived,”.

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

Engrossed Committee Substitute for Senate Bill No. 390, 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. Com. Sub. for S. B. No. 390) passed with its title.

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

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

**Eng. Senate Bill No. 403**, Increasing period during which motor vehicle lien is valid.

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

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

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

**Eng. Senate Bill No. 412**, Relating to Real Estate Commission complaint filings.

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

**Eng. Com. Sub. for Senate Bill No. 430**, Permitting mutual orders enjoining certain contact between parties to domestic relations actions.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

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

That §48-27-507 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §51-2A-2a, to read as follows:

#### **CHAPTER 48. DOMESTIC RELATIONS.**

**ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.****§ 48-27-507. Mutual protective orders prohibited.**

Mutual protective orders are prohibited unless both parties have filed a petition under part 3 of this article and have proven the allegations of domestic violence by a preponderance of the evidence. This shall not prevent other persons, including the respondent, from filing a separate petition. The court may consolidate two or more petitions if he or she determines that consolidation will further the interest of justice and judicial economy. The court shall enter a separate order for each petition filed: Provided, That nothing in this section shall preclude the court from entering an order restricting contact pursuant to section two-a, article two-a, chapter fifty-one of this code.

**CHAPTER 51. COURTS IN GENERAL.****ARTICLE 2A. FAMILY COURTS.****§51-2A-2a. Family court jurisdiction to restrict contact between parties.**

(a) A family court in its discretion may, at any time during the pendency of any action prosecuted under chapter forty-eight of this code, restrict contact between the parties thereto without a finding of domestic violence under article twenty-seven of said chapter. This order shall not be considered a protective order for purposes of section five hundred seven, article twenty-seven, chapter forty-eight of this code. A court may enter a standing order regarding the conduct expected of the parties during the proceeding. Any standing order may restrict the parties from:

(1) Entering the home, school, business or place of employment of the other for the purpose of bothering or annoying the other;

(2) Contacting the other, in person, in writing, electronically or by telephone, for purposes not clearly necessary for the prosecution

of the underlying action or any obligation related thereto or resulting therefrom;

(b) Upon a finding of misconduct by a party, the court shall enter an order against the offending party enjoining the conduct which disturbs or interferes with the peace or liberty of the other party so long as such conduct does not rise to the level of or constitute domestic violence as defined in article twenty seven of chapter forty-eight of this code. The court shall not issue orders under this section in cases where the conduct of either party has previously risen to the level of domestic violence.

(c) Nothing in this section shall preclude the court from entering an emergency protective order, or final protective order, as provided in article twenty-seven, chapter forty-eight of this code.

(d) Notwithstanding the provisions of section five hundred five, article twenty-seven, chapter forty-eight of this code, an order entered pursuant to the provisions of this section shall remain in effect for a period of time as specified in the order.

(e) The court may enforce orders under this section against the offending party through its powers of contempt, pursuant to section nine of this article.

(f) It is the express intent of the Legislature that orders issued pursuant to this section are to restrict behavior which is not of sufficient severity to implicate the provisions of article twenty-seven, chapter forty-eight of this code and 18 U. S. C. §922(g)(8).;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill No. 430**—A Bill to amend and reenact §48-27-507 of the Code of West Virginia, 1931, as

amended; and to amend said code by adding thereto a new section, designated §51-2A-2a, all relating to exempting orders enjoining certain contact between parties to a domestic relations action from the prohibition against mutual protective orders; authorizing family courts of the state to enter standing orders enjoining certain contact between parties to a domestic relations action; providing for certain terms and effective length of such orders; authorizing family courts of the state to enter orders enjoining certain contact between parties to a domestic relations action when there has been a finding of misconduct by a party; authorizing family court to enforce its order through an order of contempt; and expressing intent of the Legislature.

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

Engrossed Committee Substitute for Senate Bill No. 430, 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. Com. Sub. for S. B. No. 430) passed with its House of Delegates amended title.

Senator Carmichael moved the that the bill take effect from passage.

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. 430) takes effect from passage.

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

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

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

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

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

**Eng. Senate Bill No. 481**—A Bill to amend and reenact §8-22-22 and §8-22-22a of the Code of West Virginia, 1931, as amended, all relating to the investment authority of municipal policemen's and firemen's pension and relief funds; authorizing the delegation of investment authority; requiring diversification of investments of

municipal policemen's and firemen's pension and relief funds; and providing investment requirements.

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

Engrossed Senate Bill No. 481, 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. 481) passed with its House of Delegates amended title.

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

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

**Eng. Senate Bill No. 483**, Clarifying continuing election of municipal policemen's and firemen's pension and relief funds' trustees.

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:

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

**ARTICLE 22. RETIREMENT BENEFITS GENERALLY;  
POLICEMEN'S PENSION AND RELIEF  
FUND; FIREMEN'S PENSION AND RELIEF  
FUND; PENSION PLANS FOR EMPLOYEES  
OF WATERWORKS SYSTEM, SEWERAGE  
SYSTEM OR COMBINED WATERWORKS  
AND SEWERAGE SYSTEM.**

**§8-22-18. Members of board of trustees; how elected; presiding officers;  
secretary.**

(a) The board of trustees of the policemen's pension and relief fund shall consist of the mayor of the municipality and four members of the paid police department, to be chosen as hereinafter in this section specified. The mayor of such municipality shall give notice of an election to be held on the second Monday of the month following the adoption of the ordinance providing for the establishment and maintenance of such fund, which notice shall be served upon each member of the paid police department and which shall notify each member that between the hours of nine in the forenoon and six in the afternoon, on the day designated for such election, an election will be held for such purpose and that each member shall furnish in writing the names of four members of the paid police department voted for; and all votes so cast shall be counted and canvassed by the mayor and the governing body for the first election, and thereafter the votes shall be counted by the then existing members of such board, who after such election shall announce the results, and the four members of the paid police department receiving the highest number of votes shall, with the mayor, constitute "The Board of Trustees of the Policemen's Pension and Relief Fund of (name of municipality)". As to the first election held following the adoption of the ordinance providing for the establishment and maintenance of such fund, the member

receiving the highest number of votes shall serve for a period of four years, the member receiving the second highest number of votes shall serve for a period of three years, the member receiving the third highest number of votes shall serve for a period of two years and the member receiving the fourth highest number of votes shall serve for a period of one year.

(b) After ~~such~~ the first election, the board shall hold a similar election each year to elect one member to succeed, for a term of four years, the retiring member. In the case of a tie vote being received by any two individuals for the office of trustee, such tie vote shall be decided by casting lots, or in any other way which may be agreed upon by the individuals for whom such tie vote was cast. The results of such election shall be entered in the record of the proceedings of the board and the members so elected shall, except as herein above specified with respect to the first election, serve for four years and until their successors are elected and have qualified. The election for such members of the board of trustees shall be held annually upon the second Monday of the same month during which the first election was held. In case of a vacancy by death; ~~resignation, or otherwise;~~ or resignation among the members so elected, the remaining members of the board shall choose the successor, or successors, until the next annual election at which latter time all vacancies shall be filled: Provided, That in the case of an elected member retiring during his or her term, the retired member may continue to serve the remainder of his or her term.

(c) The board of trustees of the firemen's pension and relief fund shall consist of the mayor of the municipality and four members of the paid fire department, to be chosen in the same manner and for such terms as is provided above in this section for the election of policemen to the policemen's pension and relief fund board of trustees.

(d) The presiding officer of any such board of trustees shall be the mayor of the municipality and the secretary thereof shall be appointed by the board. It shall be the duty of such secretary to keep

a full and permanent record of all of the proceedings of the board and said trustees may fix the secretary's compensation for this work, which shall be paid out of the funds of said policemen's pension and relief fund or firemen's pension and relief fund, as the case may be.

(e) For all pension and relief funds closed after January 1, 2010, pursuant to subsection (e), section twenty of this article and those closed after April 1, 2011, pursuant to subsection (f), section twenty of this article, the boards shall continue to elect four trustees until there are no more beneficiaries to be paid from the fund. Trustees are elected in the same manner and for the same terms but may be members of the paid police or fire departments or retirees from the paid police or fire departments.

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

Engrossed Senate Bill No. 483, 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. 483) passed with its title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

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

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

The following House of Delegates amendments to the bill were reported by the Clerk:

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

That §31-15C-10, §31-15C-11 and §31-15C-14 of the Code of West Virginia, 1931, as amended, be repealed; and that §31-15C-2, §31-15C-3, §31-15C-4, §31-15C-5, §31-15C-7 and §31-15C-9 of said code be amended and reenacted, all to read as follows:

#### **ARTICLE 15C. BROADBAND ENHANCEMENT.**

##### **§31-15C-2. Definitions.**

For the purposes of this article:

(1) “Broadband” or “broadband service” means any service providing advanced telecommunications capability with the same downstream data rate and upstream data rate as is specified by the Federal Communications Commission and that does not require the end-user to dial up a connection that has the capacity to always be on, and for which the transmission speeds are based on regular available bandwidth rates, not sporadic or burstable rates, with latency suitable for real-time applications and services such as voice-over Internet protocol and video conferencing, and with monthly usage capacity reasonably comparable to that of residential

terrestrial fixed broadband offerings in urban areas: *Provided*, That as the Federal Communications Commission updates the downstream data rate and the upstream data rate the council will publish the revised data rates in the State Register within sixty days of the federal update.

(2) "Broadband demand promotion project" means a statewide or regional project to undertake activities to promote demand for broadband services and broadband applications.

(3) "Broadband deployment project" means a project to provide broadband services in ~~a type 2 or type 3 unserved area~~ areas as defined in section six of this article.

(4) "Council" means the Broadband ~~Deployment~~ Enhancement Council.

(5) "Downstream data rate" means the transmission speed from the service provider source to the end-user.

(6) "Upstream data rate" means the transmission speed from the end-user to the service provider source.

(7) "Unserved area" means a community that has no access to broadband service.

**§31-15C-3. Broadband Enhancement Council; members of council; administrative support.**

(a) The Broadband ~~Deployment~~ Enhancement Council is ~~continued~~ hereby established. The council is a governmental instrumentality of the state. The exercise by the council of the powers conferred by this article and the carrying out of its purpose and duties are considered and held to be, and are hereby determined to be, essential governmental functions and for a public purpose. The council is created under the Department of Commerce for administrative, personnel and technical support services only.

(b) The council shall consist of ~~fifteen~~ thirteen voting members, designated as follows:

~~(1) The Governor or his or her designee;~~

~~(2) (1) The Secretary of Commerce or his or her designee;~~

~~(3) (2) The Secretary of Administration or his or her designee; The Department of Administration Chief Technology Officer or his or her designee; and~~

~~(4) (3) The Director of Homeland Security and Emergency Management or his or her designee The Vice Chancellor for Administration of the Higher Education Policy Commission or his or her designee;~~

~~(5) (4) The State Superintendent of Schools or his or her designee; and~~

~~(6) (5) Ten Nine public members that serve at the will and pleasure of the Governor and are appointed by the Governor with the advice and consent of the Senate, as follows:~~

~~(i) One member representing employees of communications and cable providers who is a member or representative of a union representing communications workers users of large amounts of broadband services in this state;~~

~~(ii) One member from each Congressional district representing the interests of the business community in this state rural business users in this state;~~

~~(iii) One member from each Congressional district representing incumbent local exchange carriers who provide broadband services in this state rural residential users in this state;~~

(iv) One member representing ~~cable operators who provide broadband services in this state;~~ urban business users in this state; and

(v) One member representing ~~competitive local exchange carriers who provide broadband services in this state;~~ urban residential users in this state.

(vi) ~~One member representing broadband equipment or device manufacturers;~~

(vii) ~~One member representing higher education or secondary education; and~~

(viii) ~~Three members representing the general public who are residents of the state, one of whom shall represent rural communities, and who may not reside in the same congressional district.~~

(7) (6) In addition to the ~~fifteen~~ thirteen voting members of the council, the President of the Senate shall name two senators from the West Virginia Senate, one from each party, and the Speaker of the House shall name two delegates from the West Virginia House of Delegates, one from each party, each to serve in the capacity of an ex officio, nonvoting advisory member of the council.

(c) ~~The Secretary of Commerce or his or her designee shall chair the council and appoint one of the other council members to serve as vice chair. The Secretary of Commerce shall chair the first meeting at which time a chair and vice chair shall be elected from the members of the council. In the absence of the Secretary of Commerce or his or her designee chair,~~ the vice chair shall serve as chair. The council shall appoint a secretary-treasurer who need not be a member of the council and who, among other tasks or functions designated by the council, shall keep records of its proceedings.

(d) The council may appoint committees or subcommittees to investigate and make recommendations to the full council. Members of these committees or subcommittees need not be members of the council.

(e) ~~Eight~~ Seven voting members of the council constitute a quorum and the affirmative vote of ~~at least the~~ a simple majority of those members present is necessary for any action taken by vote of the council.

(f) The council is part time. Public members appointed by the Governor may pursue and engage in another business or occupation or gainful employment. Any person employed by, owning an interest in or otherwise associated with a broadband deployment project, project sponsor or project participant may serve as a council member and is not disqualified from serving as a council member because of a conflict of interest prohibited under section five, article two, chapter six-b of this code and is not subject to prosecution for violation of said section when the violation is created solely as a result of his or her relationship with the broadband deployment project, project sponsor or project participant so long as the member recuses himself or herself from board participation regarding the conflicting issue in the manner set forth in legislative rules promulgated by the West Virginia Ethics Commission.

(g) No member of the council who serves by virtue of his or her office receives any compensation or reimbursement of expenses for serving as a member. The public members and members of any committees or subcommittees are entitled to be reimbursed for actual and necessary expenses incurred for each day or portion thereof engaged in the discharge of his or her official duties in a manner consistent with the guidelines of the Travel Management Office of the Department of Administration.

**§31-15C-4. Powers and duties of the council generally.**

(a) The council shall:



(1) Explore any and all ways to expand access to broadband services, including, but not limited to, middle mile, last mile and wireless applications;

(2) Gather data regarding the various speeds provided to consumers in comparison to what is advertised. The Council may request the assistance of the Legislative Auditor in gathering this data;

~~(1)~~ (3) Explore the potential for increased use of broadband service for the purposes of education, career readiness, workforce preparation and alternative career training;

~~(2)~~ (4) Explore ways for encouraging state and municipal agencies to expand the development and use of broadband services for the purpose of better serving the public, including audio and video streaming, voice-over Internet protocol, teleconferencing and wireless networking; and

~~(3)~~ (5) Cooperate and assist in the expansion of electronic instruction and distance education services. ~~by July 2014.~~

(b) In addition to the powers set forth elsewhere in this article, the council is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate the purpose and intent of this article. The council shall have the power and capacity to:

(1) Provide consultation services to project sponsors in connection with the planning, acquisition, improvement, construction or development of any broadband deployment project;

(2) Promote awareness of public facilities that have community broadband access that can be used for distance education and workforce development;

(3) Advise on deployment of e-government portals such that all public bodies and political subdivisions have homepages, encourage

one-stop government access and that all public entities stream audio and video of all public meetings;

(4) To make and execute contracts, commitments and other agreements necessary or convenient for the exercise of its powers, including, but not limited to, the hiring of consultants to assist in the mapping of the state; and categorization of areas within the state and evaluation of project applications. ~~*Provided, That the provisions of article three, chapter five-a of this code do not apply to the agreements and contracts executed under the provisions of this article;*~~

(5) Acquire by gift or purchase, hold or dispose of real property and personal property in the exercise of its powers and performance of its duties as set forth in this article;

(6) Receive and dispense funds appropriated for its use by the Legislature or other funding sources or solicit, apply for and receive any funds, property or services from any person, governmental agency or organization to carry out its statutory duties; and

(7) Perform any and all other activities in furtherance of its purpose.

(c) The council shall exercise its powers and authority to bring advise the Legislature on bringing broadband service to unserved and underserved areas. ~~The council may not duplicate or displace broadband service in areas already served or where private industry feasibly can be expected to offer services in the reasonably foreseeable future. In providing governmental funding for broadband deployment projects, the council shall give priority to funding for projects in areas without access to broadband service of any type or any speed before providing governmental funding for projects in areas with existing broadband service below the minimum speeds specified in section two of this article.~~

(d) The council shall report to the Joint Committee on Government and Finance on or before January 1 of each year. The

report shall include the action that was taken by the council during the previous year in carrying out the provisions of this article. To the extent the report addresses data gathered in connection with subdivision two, subsection a, section four of this article, a copy of the report shall be provided to the Attorney General. The council shall also make any other reports as may be required by the Legislature or the Governor.

**§31-15C-5. Creation of the Broadband Enhancement Fund.**

All moneys collected by the council, which may, in addition to appropriations, include gifts, bequests or donations, shall be deposited in a special revenue account in the State Treasury known as the Broadband ~~Deployment~~ Enhancement Fund. The fund shall be administered by and under the control of the ~~council~~ Secretary of the Department of Commerce. Expenditures from the fund shall be for the purposes set forth in this article and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article two, chapter eleven-b of this code: ~~Provided, That for the fiscal year ending the thirtieth day of June, two thousand nine, expenditures are authorized from collections rather than pursuant to appropriation by the Legislature.~~ Provided, That any funds remaining in the fund of the former Broadband Development Council shall be transferred to the Department of Commerce by June 30, 2015.

**§31-15C-7. Retention of outside expert consultant.**

In order to assist the council with the highly technical task of categorizing the areas of the state and evaluating and prioritizing projects, the council may retain an outside expert consultant or consultants qualified to map the state on the basis of broadband availability, to evaluate, categorize and prioritize projects, to assist in public outreach and education in order to stimulate demand, ~~to advise the council on the granting or denying of funding to projects,~~ and to provide other support and assistance as necessary to accomplish the purposes of this article. ~~The provisions of article three, chapter five-a of this code, shall not apply to the retention of~~

~~an outside expert consultant pursuant to this section: *Provided*, that the council shall select the expert or experts by a competitive selection process.~~

**§31-15C-9. Development of guidelines and application for funding assistance; legislative rule-making authority.**

(a) ~~In order to implement and carry out the intent of this article in type 2 and type 3 unserved areas, the council Secretary of the Department of Commerce, with the advice and recommendation of the council, shall propose rules for legislative approval, pursuant to the provisions of article three, chapter twenty-nine-a of this code to develop comprehensive, uniform guidelines for use by the council in evaluating any request by a project sponsor for funding assistance to plan, acquire, construct, improve or otherwise develop and execute a broadband deployment project in a type 2 or type 3 unserved area. The council may promulgate emergency rules pending authorization of the legislative rules.~~

(b) ~~The guidelines shall include the following:~~

~~(1) The cost-effectiveness of the project;~~

~~(2) The economic development benefits of the project;~~

~~(3) The availability of alternative sources of funding that could help finance the project, including, but not limited to, private grants or federal funding and the efforts undertaken to obtain such funding;~~

~~(4) If the project requires the construction of a network, the applicant's ability to operate and maintain such network;~~

~~(5) The degree to which the project advances statewide broadband access and other state broadband planning goals;~~

~~(6) If the project involves the construction of a network, the proposed technologies, bandwidths, upstream data rates and downstream data rates;~~

~~(7) The estimated dates the project would commence and be completed;~~

~~(8) How the proposed project compares to alternative proposals for the same unserved area with regard to the number of people served, the amount of financial assistance sought, and the long-term viability of the proposed project; and~~

~~(9) Any other consideration the council deems pertinent in evaluating requests for funding assistance.~~

~~(c) Under no circumstances may the council's guidelines allow for the approval of any project for broadband service involving the construction of a network that does not meet the minimum specifications for broadband service as set by the Federal Communications Commission.~~

~~(d) The council shall create an application form that shall be used by all project sponsors requesting funding assistance from the council to plan, acquire, construct, improve or otherwise develop and execute broadband deployment projects in type 2 or type 3 unserved areas or broadband demand promotion projects. The application form shall advise applicants of information required by state agencies that will issue permits and certificates regarding the project.~~

~~(e) The application form shall require the project sponsor to set forth:~~

~~(1) The proposed location of the project;~~

~~(2) If the project involves the construction of a network, the type(s) of unserved area(s) the project proposes to address;~~

~~(3) The estimated total cost of the project;~~

~~(4) The amount of funding assistance required and the specific uses of the funding;~~

~~(5) Other sources of funding available or potentially available for the project;~~

~~(6) Information demonstrating the need for the project;~~

~~(7) That the proposed funding of the project is the most economically feasible and viable alternative to completing the project; and~~

~~(8) Such other information as the council considers necessary.;~~

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill No. 488**—A Bill to repeal §31-15C-10, §31-15C-11 and §31-15C-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-15C-2, §31-15C-3, §31-15C-4, §31-15C-5, §31-15C-7 and §31-15C-9 of said code, all relating to creation of Broadband Enhancement Council; modifying definitions; establishing membership; outlining powers and duties; establishing a Broadband Enhancement Fund; requiring the Secretary of the Department of Commerce to administer and control the Broadband Enhancement Fund; transferring funds from Broadband Deployment Council Fund to the Department of Commerce; modifying requirements for retention of outside expert consultant; and granting legislative rule-making authority.

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

Engrossed Committee Substitute for Senate Bill No. 488, 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. Com. Sub. for S. B. No. 488) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

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

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

The following House of Delegates amendments to the bill were reported by the Clerk:

On page six, section fourteen-d, line six, after the word "period," by inserting the words "provided in subsection (e), section nineteen, article twenty-two, chapter eight of this code,";

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Senate Bill No. 514**—A Bill to amend and reenact §33-3-14d of the Code of West Virginia, 1931, as amended, relating to investments by local policemen's and firemen's pension and relief fund boards; requiring annual review of investment performance; requiring investment with the Investment Management Board in certain circumstances; and reallocating certain tax revenue in certain circumstances.

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

Engrossed Senate Bill No. 514, 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. 514) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as



amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

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

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

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

**Eng. Senate Bill No. 515**—A Bill to amend and reenact §8-22-18a and §8-22-18b of the Code of West Virginia, 1931, as amended, all relating to Municipal Pensions Oversight Board; and retention, allocation, distribution and investment of funds.

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

Engrossed Senate Bill No. 515, 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. 515) passed with its House of Delegates amended title.

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

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

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

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

**Eng. Senate Bill No. 581**, Relating to Tourism Promotion Fund and Courtesy Patrol Fund.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

On page six, section three, line fifteen, after the word “state.” by striking out the remainder of the section and inserting in lieu thereof the following: For that reason, on July 1, 2015:

(1) The administration of the Courtesy Patrol Program shall be transferred to the Division of Highways and expenditures made by the division to fund the Courtesy Patrol Program providing assistance to motorists on the state’s highways shall be made pursuant to appropriation of the Legislature from the State Road Fund or as otherwise provided by law; and

(2) The administration of the special revenue account in the State Treasury known as the Courtesy Patrol Fund shall be transferred to the Division of Highways: *Provided*, That any balances remaining in the Courtesy Patrol Fund at the end of fiscal year 2015 shall be transferred and deposited into the Tourism Promotion Fund. After the June 30, 2015, expenditures from the Courtesy Patrol Fund shall be used solely to fund the Courtesy Patrol Program providing assistance to motorists on the state's highways. Amounts collected in the Courtesy Patrol Fund which are found, from time to time, to exceed funds needed for the purposes set forth in this subdivision may be transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature. Moneys paid into the fund may be derived from the following sources:

(A) Any gifts, grants, bequests, transfers, appropriations or other donations which may be received from any governmental entity or unit or any person, firm, foundation, corporation or other private entity;

(B) Any appropriations by the Legislature which may be made for the purposes of this section; and,

(C) All interest or other return accruing to the fund.

Any moneys remaining in the fund at the end of a fiscal year shall remain in the fund and be available for expenditure during the ensuing fiscal year.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Senate Bill No. 581**—A Bill to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-1-3 of said code, all relating to transferring administration of the Courtesy Patrol Program and the Courtesy Patrol Fund from

Division of Tourism to Division of Highways; authorizing expenditures to fund the courtesy patrol program to be made pursuant to appropriation of the Legislature from the state road fund; eliminating requirement that moneys be transferred from the Tourism Promotion Fund to the Courtesy Patrol Fund; providing for the disposition of balances in the fund upon transfer; providing sources of funding for the program; and providing for the uses of moneys in the fund.

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

Engrossed Senate Bill No. 581, 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. 581) passed with its House of Delegates amended.

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. 581) 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 amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2015, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Senate Bill No. 583**, Increasing tax rate on providers of certain nursing facility services.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

On page three, section eleven, line thirteen, by striking out the words "after June 30" and inserting in lieu thereof the words "on and after October 1";

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Senate Bill No. 583**—A Bill to amend and reenact §11-27-11 of the Code of West Virginia, 1931, as amended, relating to

increasing the tax rate on providers of certain nursing facility services; and providing effective dates for the tax rate.

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

Engrossed Senate Bill No. 583, 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. 583) passed with its House of Delegates amended 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. 583) 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 concurrence by that body in the adoption of

**Senate Concurrent Resolution No. 3**, Requesting DOH name portion of Rt. 25 in Kanawha County “U. S. Army Sgt. James Lawrence Taylor Memorial Road”.

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

**Com. Sub. for Senate Concurrent Resolution No. 20**, Requesting DOH name stretch of road in McDowell County “U. S. Army 1SG Joe C. Alderman Memorial Road”.

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

**Senate Concurrent Resolution No. 22**, Requesting DOH name portion of U. S. Rt. 119 in Boone County “U. S. Army SGT Mark Andrew Messer Memorial Road”.

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

**Senate Concurrent Resolution No. 23**, Requesting DOH name bridge in McDowell County “U. S. Army SFC Anthony Barton Memorial Bridge”.

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

**Senate Concurrent Resolution No. 25**, Requesting DOH name bridge in Harrison County “U. S. Army PFC Nick A. Cavallaro Memorial Bridge” and “U. S. Army SSG Benjamin T. Portaro Memorial Bridge”.

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

**Senate Concurrent Resolution No. 29**, Requesting DOH name bridge in Kanawha County “Rosie the Riveter Memorial Bridge”.

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

**Com. Sub. for Senate Concurrent Resolution No. 34**, Requesting DOH name bridge in Greenbrier County “U. S. Army Air Corps LT William H. Corkrean, Jr., Memorial Bridge”.

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

**Com. Sub. for Senate Concurrent Resolution No. 35**, Requesting DOH name bridge in McDowell County “U. S. Army CPL Zane Joseph Gero and U. S. Marine Corps CPL John Anthony ‘Tony’ Gero Memorial Bridge”.

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

**Senate Concurrent Resolution No. 41**, Requesting DOH name bridge in Berkeley County “W. C. Honaker and Clyde Spies Memorial Bridge”.

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

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



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

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

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

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

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

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

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. 2016–A** Bill making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution.

At the request of Senator Carmichael, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Carmichael, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: 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.

The bill (Eng. Com. Sub. for H. B. No. 2016) was then read a second time.

On motion of Senator M. Hall, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the provisions of Engrossed Committee Substitute for Senate Bill No. 233.

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

The question being on the adoption of Senator M. Hall's amendment to the bill, the same was put and prevailed.

The bill, as amended, was then ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2016) 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, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Trump, Walters, Williams and Cole (Mr. President)—24.

The nays were: Beach, Facemire, Kessler, Laird, Romano, Snyder, Unger and Yost—8.

Absent: Takubo and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2016) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Trump, Walters, Williams and Cole (Mr. President)—24.

The nays were: Beach, Facemire, Kessler, Laird, Romano, Snyder, Unger and Yost—8.

Absent: Takubo and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2016) takes effect from passage.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill No. 2128**, Permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds.

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

**Eng. House Bill No. 2283**, Authorizing the Department of Environmental Protection to promulgate legislative rules.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

**Eng. Com. Sub. for House Bill No. 2368**, Relating to child welfare.

On motion of Senator Carmichael, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Cole (Mr. President) appointed the following conferees on the part of the Senate:

Senators Ferns, Gaunch and Plymale.

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

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

**Eng. Com. Sub. for House Bill No. 2527**, Creating a Task Force on Prevention of Sexual Abuse of Children; “Erin Merryn’s Law”.

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

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page one, by striking out the article and section headings and inserting in lieu thereof a new article and section heading, to read as follows:

**ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.**

**§49-2-814. Task Force on Prevention of Sexual Abuse of Children.;**

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

**§49-2-126. Legislative findings and declaration of intent for goals for foster children.;**

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §49-2-126 and §49-2-814, all to read as follows.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for House Bill No. 2527**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §49-2-126 and §49-2-814, all relating to the welfare of children; establishing the Task Force on Prevention of Sexual Abuse of Children; authorizing section to be called “Erin

Merryn's Law"; specifying membership; specifying responsibilities, including report of recommendations to Legislature and Governor; precluding member compensation or expense reimbursement; relating to legislative findings and declaration of intent for goals for foster children; requiring the Department of Health and Human Resources to propose legislative rules; providing that no new cause of action against the state is created; providing that no expenditure of funds is required; and providing for notifying former foster parents of child's availability for placement.

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

Engrossed Committee Substitute for House Bill No. 2527, as amended, 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, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Takubo and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2527) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for House Bill No. 2536**, Relating to travel insurance limited lines producers.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill No. 2557**, Clarifying that an insured driver of a motor vehicle is covered by the driver's auto insurance policy when renting or leasing a vehicle.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

**Eng. House Bill No. 2652**, Reducing the assessment paid by hospitals to the Health Care Authority.

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

**Eng. House Bill No. 2658**, Relating to the inspection and slaughter of nontraditional agriculture.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

**Eng. Com. Sub. for House Bill No. 2968**, Exempting from property tax certain properties in this state owned by nonprofit youth organizations.

The Senate proceeded to the fourth order of business.

Senator Walters, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution No. 36**, Requesting DOH name bridge in McDowell County “Homer Hopkins Bridge”.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution No. 36** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name the bridge on County Route 5/3, bridge number 24-5/3-3.10 (1030), crossing the Tug River in McDowell County the “Homer Hopkins Bridge”.

Whereas, Homer Allen Hopkins was born on March 6, 1944, in Bradshaw, McDowell County, and had five siblings. At age one, his family moved to Garland, 8.1 miles north of his birthplace; and

Whereas, Homer Allen Hopkins graduated from high school in 1962 and enrolled at Nashville Auto Diesel College (now known as Lincoln College of Technology). After college, he returned to Garland. In 1963, he married Joyce. After living briefly in Alexandria, Virginia, he and his wife returned to Garland, where they raised four children; and

Whereas, Homer Allen Hopkins is known locally for his hard working habits. As a business owner, he created jobs and new opportunities for everyone in and around the community of Garland; and

Whereas, In July 1975, Homer Allen Hopkins left his employment and opened his own mining business. During his



lifetime, he owned approximately 30 coal mines, employing approximately 500 employees; and

Whereas, In addition to the coal industry, Homer Allen Hopkins owned his own construction business. He was a certified contractor and installed septic systems. He built a total of eleven Dollar General stores throughout West Virginia, including three in his home county of McDowell. In 1985, he built a convenient store/gas station in Garland, known as “Hopkins’ Best-Way,” which was family owned and operated. In 1987, he built “Hoppy’s Skating Rink” on the outskirts of Bradshaw, which brought a new recreational activity to the residents of his community and McDowell County. He was instrumental in building the Marquee Cinemas in Welch, the Iaeger City Hall, and the buildings for the McDowell County Ambulance Authority and the Panther Fire Department. After a flood in 2002, he helped rebuild Iaeger High School’s football field and announcement booth; and

Whereas, in 1989, Homer Allen Hopkins opened “Bradshaw Auto Parts,” which was the only automotive business in the area; and

Whereas, Homer Allen Hopkins unselfishly spent his lifetime working for the betterment of his community and McDowell County by serving the needs of the people; and

Whereas, Homer Allen Hopkins is now 71 years of age and still lives in the home he hand-built as a newlywed on his childhood stomping grounds. He loves to spend time with his very close-knit family, including his four children and five grandchildren who all live within ten minutes of his home; and

Whereas, Naming the bridge on County Route 5/3, bridge number 24-5/3-3.10 (1030), crossing the Tug River in McDowell County the “Homer Hopkins Bridge” is an appropriate recognition of his contributions to his state, McDowell County and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the bridge on County Route 5/3, bridge number 24-5/3-3.10 (1030), crossing the Tug River in McDowell County the “Homer Hopkins Bridge”; and, be it

*Further Resolved,* That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Homer Hopkins Bridge”; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and Homer Hopkins and his family.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Chris Walters,  
*Chair.*

Senator Walters, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution No. 60,** Requesting DOH name bridge in Logan County “U. S. Army SGT Bernard C. Maynard Memorial Bridge”.

**House Concurrent Resolution No. 7,** The Kenneth A. Chapman, Sr. Memorial Bridge.

**Com. Sub. for House Concurrent Resolution No. 24,** The US Army SP5 Johnnie Marvin Ayers Memorial Bridge.

**House Concurrent Resolution No. 30**, The Baisden Family Memorial Bridge.

**Com. Sub. for House Concurrent Resolution No. 32**, The Lipscomb Brothers Veterans Bridge.

**Com. Sub. for House Concurrent Resolution No. 39**, The USMC LCpl Julius C. “Corky” Foster Memorial Bridge.

**Com. Sub. for House Concurrent Resolution No. 42**, The Boyhood Home of Booker T. Washington.

And,

**Com. Sub. for House Concurrent Resolution No. 98**, Jack Furst Drive.

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

Respectfully submitted,

Chris Walters,  
*Chair.*

Senator Cole (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Senate Concurrent Resolution No. 62**, Requesting Joint Committee on Government and Finance study racing and gaming industries.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

William P. Cole III,  
*Chairman, Ex Officio.*

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

Your Committee on Finance has had under consideration

**Eng. Com. Sub. for House Bill No. 2160**, WV Schools for the Deaf and Blind eligible for School Building Authority funding.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 10, 2015;

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

Respectfully submitted,

Mike Hall,  
*Chair.*

At the request of Senator M. Hall, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2160) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a second time and ordered to third reading.

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

Your Committee on Finance has had under consideration

**Eng. House Bill No. 2161**, Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking.

With amendments from the Committee on the Judiciary pending;

Now on second reading, having been read a first time and referred to the Committee on Finance on March 10, 2015;

And reports the same back with the recommendation that it do pass as amended by the Committee on the Judiciary to which the bill was first referred.

Respectfully submitted,

Mike Hall,  
*Chair.*

At the request of Senator M. Hall, unanimous consent being granted, the bill (Eng. H. B. No. 2161) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

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

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5 and §15-14-6; that §61-2-17 of said code be amended and reenacted; that said code be amended by adding thereto two new sections, designated §61-2-17a and §61-2-17b; and that §62-1D-8 of said code be amended and reenacted, all to read as follows:

## **CHAPTER 15. PUBLIC SAFETY.**

### **ARTICLE 14. UNIFORM ACT ON PREVENTION OF AND REMEDIES FOR HUMAN TRAFFICKING.**

**§15-14-1. Short title.**

This article may be cited as the Uniform Act on Prevention of and Remedies for Human Trafficking.

**§15-14-2. Legislative findings.**

(a) The Legislature hereby finds and declares that:

(1) Human trafficking constitutes a serious problem in West Virginia and across the nation;

(2) Human trafficking is abhorrent to a civilized society and deserving of the most diligent response from the state;

(3) Human trafficking often involves minors who have been forced into involuntary servitude and commercial sexual activity;

(4) Human trafficking can take many forms, but generally includes the use of physical abuse, threats of harm, or fear of other consequences to prevent victims from reporting the activity; and

(5) Human trafficking creates a cycle of violence, impacting victims, families, and communities.

(b) The Legislature further finds and declares that:

(1) Legislation is required to combat this despicable practice, to make it easier to prosecute and punish persons who engage in human trafficking and to protect and support the victims; and

(2) The Legislature supports a comprehensive approach to combating human trafficking, which approach includes prevention, protection, prosecution, and partnerships.

(c) Now, therefore, the Legislature joins the federal government and other states around the nation in passing legislation in order to combat human trafficking and protect the victims.

**§15-14-3. Definitions.**

Unless otherwise specified in this article, the terms used in this article have same meaning ascribed to them by section seventeen, article two, chapter sixty-one of this code. "Commission" means the Commission on the Prevention of Human Trafficking.

**§15-14-4. Commission on the Prevention of Human Trafficking.**

(a) The Commission on Human Trafficking is hereby created. Membership on the commission consists of the following:

(1) The Director of the Division of Justice and Community Service or a designee;

(2) The Attorney General, or a designee;

(3) The Secretary of the Department of Health and Human Resources, or a designee;

(4) The Superintendent of the State Police, or a designee;

(5) The Commissioner of Labor, or a designee;

(6) The Commissioner of the Division of Highways, or a designee;

(7) The Director of Juvenile Services, or a designee;

(8) A representative of the West Virginia Sheriff's Association, selected by the membership of the Association;

(9) A representative from the membership of the West Virginia Chiefs of Police Association, selected by the membership of the Association;

(10) A representative of the West Virginia Prosecuting Attorneys Association, selected by the leadership of the Association;

(11) A representative from the membership of the West Virginia Foundation for Rape and Information Services, selected by the membership of the Foundation;

(12) A representative from the membership of the West Virginia Child Advocacy Network,

selected by the membership of the Network; and

(13) A representative from the membership of the West Virginia Coalition Against Domestic Violence, selected by the membership of the Coalition;

(b) The state agencies represented on the commission created under this section shall provide staff to the commission.

(c) The first meeting of the commission shall be held no later than September 1, 2015, where the members of the commission shall elect a chairperson. Thereafter, the commission shall meet at least twice each calendar year. Meetings may be held via teleconference or other electronic means. A majority of the members of the council constitute a quorum.

(d) The commission created under this section shall:

(1) Develop a coordinated and comprehensive plan to provide victims with services;

(2) Promote public awareness about human trafficking, victim remedies and services, and trafficking prevention;

(3) Create a public-awareness poster that contains the National Human Trafficking Resource Center hotline information;

(4) Develop a concise card or brochure for victims, concerning their rights to any state, federal, or privately funded services;



(5) Coordinate training on human-trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators; and

(6) Submit a report to the Governor and the Joint Committee on Government and Finance summarizing the accomplishments of the commission during the preceding fiscal year and making recommendations regarding the development and coordination of the state's responses to fight human trafficking and support victims.

**§15-14-5. Display of public-awareness poster; penalty for failure to display.**

(a) The Division of Highways shall display a public-awareness poster that contains the National Human Trafficking Resource Center hotline information in every rest area and welcome center in the state which is open to the public.

(b) An employer shall display the public-awareness poster described in subsection (a) in a place that is clearly conspicuous and visible to employees and the public at each of the following locations in this state at which the employer has employees:

(1) A strip club or other sexually-oriented business;

(2) A business entity that has been found to be in violation of section five, article eight, chapter sixty-one of this code;

(3) A job-recruitment center;

(4) A hospital; or

(5) An emergency-care provider.

**§15-14-6. Eligibility for services.**

(a) A victim is eligible for benefits or services available through the state or identified in the plan developed under subsection (d),

section four of this article, including, but not limited to, the advocacy and shelter services required by article twenty-six, chapter forty-eight of this code.

(b) A victim is eligible for compensation under the Crime Victim's Compensation Fund established in article two-a, chapter fourteen of this code.

(c) A minor who has engaged in commercial sexual activity is eligible for benefits or services available through the state and identified in the plan developed under subsection (d), section four of this article, including, but not limited to, the children's protective services required by article six, chapter forty-nine of this code.

(d) As soon as practicable after a first encounter with an individual who reasonably appears to a law-enforcement officer to be a victim or minor who has engaged in commercial sexual activity, the law enforcement officer shall notify the appropriate agencies identified in the co-ordinated and comprehensive plan developed under subsection (d), section four of this article, that the individual may be eligible for a benefit or service under this code. Nothing in this article is intended to prevent individuals from reporting suspected commercial sexual activity of a victim or minor to law enforcement, or any other appropriate agency or entity.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 2. CRIMES AGAINST THE PERSON.**

#### **§61-2-17. Human trafficking; criminal penalties.**

(a) As used in this section:

(1) “Coercion” means:

(A) The use or threat of force against, abduction of, serious harm to, or physical restraint of, an individual;

(B) The use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of, an individual;

(C) The abuse or threatened abuse of law or legal process;

(D) Controlling or threatening to control an individual's access to a controlled substance as defined in article two, chapter sixty-a of this code;

(E) The destruction or taking of or the threatened destruction or taking of an individual's identification document or other property;

(F) The use of debt bondage;

(G) The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function; or

(H) The commission of civil or criminal fraud.

(H) (2) "Debt bondage" means inducing an individual to provide:

(A) Commercial sexual activity in payment toward or satisfaction of a real or purported debt; or

(B) Labor or services in payment toward or satisfaction of a real or purported debt, if the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services, or those of a person under the debtor's control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(2) (3) "Forced labor or services" means labor or services that are performed or provided by another one person and are obtained or maintained through a another person's:

(A) Threat, either implicit or explicit, deception or fraud, scheme, plan, or pattern, or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services that person or another person would suffer serious bodily harm or physical restraint: *Provided*, That, this does not include work or services provided by a minor to the minor's parent or legal guardian so long as the legal guardianship or custody of the minor was not obtained for the purpose compelling the minor to participate in commercial sex acts or sexually explicit performance, or perform forced labor or services.

(B) Physically restraining or threatening to physically restrain a person;

(C) Abuse or threatened abuse of the legal process; or

(D) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.

“Forced labor ~~or services~~” does not mean labor or services required to be performed by a person in compliance with a court order or as a required condition of probation, parole, or imprisonment.

~~(3) (4) “Human trafficking” the labor trafficking or sex trafficking involving adults or minors where two or more persons are trafficked within any one year period~~ means the commission of an offense created by subsection (b) of this section.

(5) “Identification document” means a passport, driver’s license, immigration document, travel document or other government-issued identification document, including a document issued by a foreign government.

(6) “Labor or services” means activity having economic value.

(7) “Person” means an individual, estate, business or nonprofit entity, or other legal entity. The term does not include a public corporation or government or governmental subdivision agency or instrumentality.

(8) “Sexual activity” includes sexual contact, sexual intercourse, and sexual intrusion as defined by section one, article eight-b, chapter sixty-one of this code. The term also includes a sexually explicit performance.

(9) “Sexually explicit performance” means an act or show, whether public or private, live, or photographed, recorded, or videotaped, intended to appeal to an individual’s prurient interest or to depict in a patently offensive way, sexual conduct, and to do so in a way that lacks artistic or scientific value.

(10) “Victim” means an individual who is subjected to human trafficking or to conduct what would have constituted human trafficking had this section been in effect when the conduct occurred, regardless of whether a perpetrator is identified, apprehended, prosecuted, or convicted.

~~(4) “Labor trafficking” means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining or receipt of a person by any means, whether a United States citizen or foreign national, for the purpose of:~~

~~(A) Debt bondage or forced labor or services; or~~

~~(B) Slavery or practices similar to slavery.~~

~~(5) “Sex trafficking of minors” means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining or receipt of a person under the age of eighteen by any means, whether a United States citizen or foreign national, for the purpose of causing the minor to engage in sexual acts, or in sexual conduct violating the provisions of subsection (b), section five, article eight of this chapter or article eight-c of this chapter.~~

~~(6) “Sex trafficking of adults” means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining, receipt of a person eighteen years of age or older, whether a United States citizen or foreign national for the purposes of engaging in violations of subsection (b), section five, article eight of this chapter by means of force, threat, coercion, deception, abuse or threatened abuse of the legal process, or any scheme, plan, pattern, or other action intended to cause a person to believe that, if the person did not engage in a violation of subsection (b), section five, article eight of this chapter, that person or another person would suffer serious bodily harm or physical restraint.~~

(b) A person commits the offense of human trafficking if the person:

(1) Knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of forced labor or to coerce an individual to engage in commercial sexual activity.

(2) Knowingly uses coercion to compel an individual to provide labor or services, except when such conduct is permissible under federal law or state law.

(3) Knowingly maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity; or

(4) Uses coercion or deception to compel an adult to engage in commercial sexual activity.

(c) A business entity may be prosecuted for human trafficking under this section if:

(1) The entity knowingly engaged in conduct that constitutes human trafficking; or

(2) An employee or agent of the entity engaged in conduct that constitutes human trafficking and the commission of the offense was part of a pattern of illegal activity under this section for the benefit of the entity, which the entity knew was occurring and failed to take effective action to stop.

~~(b)~~ (d) Any person who knowingly and willfully engages in human trafficking is guilty of a felony and, upon conviction shall be incarcerated in a state correctional facility for an indeterminate sentence of not less than three nor more than fifteen years or fined not more than \$200,000, or both. Any business entity that engages in human trafficking may be fined not more than \$500,000 for each offense, be required to disgorge profit from activity in violation of this section pursuant to section five, article thirteen of this chapter, and be debarred from state and local government contracts.

~~(c)~~ (e) A victim may bring a civil action against a person that commits an offense of human trafficking for compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. The court may award compensatory damages, punitive damages, injunctive relief and any other appropriate relief. A prevailing victim is also entitled to attorney's fees and costs. Treble damages shall be awarded on proof of actual damages where defendant's acts were willful and malicious. An action under this section must be commenced not later than ten (10) years after the later date on which the victim was freed from the human trafficking situation, or attained 18 years of age. Damages awarded to the victim under this section must be offset by any other restitution paid to the victim. This section does not preclude any other remedy available to the victim under federal law or the law of this state other than the Uniform Act on Prevention of and Remedies for Human Trafficking.

~~(d)~~ (f) Notwithstanding the definition of victim in subsection (k), section three, article two-a, chapter fourteen of this code, a person who is a victim of human trafficking is a victim for all purposes of article two-a, chapter fourteen of this code.

~~(e)~~ (g) This article and the rights and remedies provided in this article are cumulative and in addition to other existing rights.

~~(f) Notwithstanding the age and criminal history limitations set forth in section twenty-six, article eleven of this chapter, any person convicted of prostitution in violation of subsection (b), section five, article eight of this chapter where the conviction was a result of the person being a victim of human trafficking as defined in this section, may petition the circuit court of the county of conviction for an order of expungement pursuant to section twenty-six, article eleven of this chapter.~~

~~No victim of human trafficking seeking relief under this subsection shall be required to prove her or she has rehabilitated himself or herself in order to obtain expungement.~~

**§61-2-17a. Immunity of a minor victim of sex trafficking.**

(a) The terms used in this section have the same meaning ascribed to them by subsection (a), section seventeen of this article.

(b) An individual is not criminally liable or subject to juvenile-delinquency proceedings for prostitution, in violation of subsection (b), section five, article eight of this chapter, if the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim.

(c) A minor who under subsection (a) or (b) is not subject to criminal liability or a juvenile-delinquency proceeding is presumed to be a neglected or abused child, in need of services under section nine, article six, chapter forty-nine of this code.

(d) This section does not apply in a prosecution or a juvenile-delinquency proceeding for soliciting, inducing, enticing or procuring a prostitute in violation of subsection (b), section five, article eight of this chapter.



**§61-2-17b. Petition to vacate and expunge conviction of sex trafficking victim.**

(a) The terms used in this section have the same meaning ascribed to them by subsection (a), section seventeen of this article.

(b) Notwithstanding the age and criminal history limitations set forth in section twenty-six, article eleven of this chapter, an individual convicted of prostitution in violation of subsection (b), section five, article eight of this chapter as a direct result of being a victim of human trafficking may apply by petition to the circuit court in the county of conviction to vacate the conviction and expunge the record of conviction. The court may grant the petition on a finding that the individual's participation in the offense was a direct result of being a victim of human trafficking.

(c) No victim of human trafficking seeking relief under this section shall be required to prove he or she has rehabilitated himself or herself in order to obtain expungement.

(d) A petition filed under subsection (b), any hearing conducted on the petition, and any relief granted shall meet the procedural requirements of section twenty-six, article eleven, chapter sixty-one of this code: *Provided*, That a victim of human trafficking is not subject to the age and criminal history limitations set forth in that section.

**CHAPTER 62. CRIMINAL PROCEDURE.**

**ARTICLE 1D. WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.**

**§62-1D-8. County prosecuting attorney or duly appointed special prosecutor may apply for order authorizing interception.**

The prosecuting attorney of any county or duly appointed special prosecutor may apply to one of the designated circuit judges referred to in section seven of this article and such judge, in accordance with

the provisions of this article, may grant an order authorizing the interception of wire, oral or electronic communications by an officer of the investigative or law-enforcement agency when the prosecuting attorney or special prosecutor has shown reasonable cause to believe the interception would provide evidence of the commission of: (i) Kidnapping or abduction as defined and prohibited by the provisions of sections fourteen and fourteen-a, article two, chapter sixty-one of this code and including threats to kidnap or demand ransom as defined and prohibited by the provisions of section fourteen-c of said article two; or (ii) of any offense included and prohibited by section eleven, article four, chapter twenty-five of said code, sections eight, nine and ten, article five, chapter sixty-one of said code or section one, article eight, chapter sixty-two of said code to the extent that any of said sections provide for offenses punishable as a felony; or (iii) dealing, transferring or trafficking in any controlled substance or substances in the felonious violation of chapter sixty-a of this code; or (iv) human trafficking as defined and prohibited by section seventeen, article two, chapter sixty-one of this code; or ~~(iv)~~ (v) any aider or abettor to any of the foregoing offenses or any conspiracy to commit any of the foregoing offenses if any aider, abettor or conspirator is a party to the communication to be intercepted.

The bill (Eng. H. B. No. 2161), as amended, was then ordered to third reading.

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

Your Committee on Finance has had under consideration

**Eng. Com. Sub. for House Bill No. 2515**, Relating to elk restoration.

With amendments from the Committee on Natural Resources pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 9, 2015;

And reports the same back with the recommendation that it do pass as last amended by the Committee on Finance.

Respectfully submitted,

Mike Hall,  
*Chair.*

At the request of Senator M. Hall, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2515) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

At the further request of Senator M. Hall, and by unanimous consent, the bill was advanced to third reading with the unreported committee amendments pending and with the right for further amendments to be considered on that reading.

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

Your Committee on Finance has had under consideration

**Eng. House Bill No. 2926**, Relating to deferral charges in connection with a consumer credit sale or consumer loan.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 6, 2015;

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

Respectfully submitted,

Mike Hall,  
*Chair.*

At the request of Senator M. Hall, unanimous consent being granted, the bill (Eng. H. B. No. 2926) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

At the further request of Senator M. Hall, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendments pending and with the right for further amendments to be considered on that reading.

Senator Walters, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Com. Sub. for House Concurrent Resolution No. 21,** The PFC James Elwood Wickline Memorial Bridge.

And has amended same.

And,

**Com. Sub. for House Concurrent Resolution No. 27,** The West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge.

And has amended same.

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

Respectfully submitted,

Chris Walters,  
*Chair.*

The Senate proceeded to the sixth order of business.

Senators Yost, Boley and Takubo offered the following resolution:

**Senate Concurrent Resolution No. 64**—Requesting the Joint Committee on Government and Finance study the benefits, costs and feasibility of developing a federally compliant, public sector state occupational safety and health plan.

Whereas, The West Virginia Occupational Safety and Health Act was enacted into law in 1987 for the safety and health of public employees in the workplace and this Legislature found that safe workplaces reduce the costs to public employers because unsafe or unhealthful work environments result in lost productivity and workers' compensation expenses; and

Whereas, The safety standards for public employees were last reviewed eighteen years ago and the Division of Labor has been unable to conduct meaningful oversight of public employee safety due to competing demands for scarce resources; and

Whereas, The current Occupational Safety and Health Act specifically exempts two categories of employees in sectors that experience a greater rate of employee injuries and lost hours than in other public employee occupations; and

Whereas, The United States Bureau of Labor Statistics found in 2013 that the incidence rate of on-the-job injuries has increased more rapidly for public health care workers than in any other industry, public or private, but public employee health care workers in West Virginia have been exempted from the protections of our current Occupational Safety and Health Act; and

Whereas, West Virginia currently ranks fifth highest of all the states in rates of worker injuries, fatalities and lost work hours; and

Whereas, In the absence of an active enforcement and ongoing review of broadly accepted safety standards by the state, the United States Occupational Safety and Health Administration has primary, and largely exclusive, jurisdiction over employee protection and enforcement of workplace safety standards for public sector employees in West Virginia; and

Whereas, There are just seven inspectors employed by the U. S. Occupational Safety and Health Administration for oversight of all work environments and employment sectors for the entire state, and based upon the existing number of employers in West Virginia, it would take 173 years for these seven inspectors just to visit every job site in the state; and

Whereas, Federal law allows individual state governments to assume primary jurisdiction and local control over the administration of workplace safety standards and cooperative compliance programs between employers and enforcement staff when the state meets sufficient criteria in its legislative and regulatory specifications and planned administration of those provisions; and

Whereas, Rather than attempting to assume primary oversight of all employment sectors, a state may opt to develop a state compliance plan limited solely to state public sector, and optionally to local government, employers and employees; and

Whereas, If the state develops a federally compliant plan for its own administration of occupational safety and health programs, the state would be eligible to receive funding from the federal government for fifty percent of the cost of administering the state's program; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the potential benefits, costs and feasibility of developing a federally compliant, public sector state occupational safety and health plan; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

### **Petitions**

Senator Sypolt presented a petition from Jennifer Ends and numerous West Virginia residents, opposing Senate Bill No. 337 (*Creating workplace freedom act*), Engrossed Committee Substitute for Senate Bill No. 361 (*Eliminating prevailing hourly wage requirement for construction of public improvements*) and Committee Substitute for Senate Bill No. 14 (*Creating Public Charter Schools Act of 2015*).

Referred to the Committee on the Judiciary.

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

Senator Walters, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution No. 65** (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance study state road funding needs, alternative ways of providing additional funding for new roads and bridges and improvements to existing roads and bridges to foster public safety, health and welfare and promote economic development and jobs.

Whereas, Roads maintained by the Department of Transportation include: (1) 38,684 miles of public roads (2012 Public Certified Mileage); (2) 35,893 miles of state-owned highways; (3) 468 miles of state-owned interstate highway; (4) 88 miles of West Virginia Turnpike; (5) 1,972 miles included in the National Highway System, 23 miles of which are connectors to other modes of transportation such as airports, trains and buses; (6) 6,914 bridges of which 33 percent are more than 100 feet in length; (7) one all-American road; (8) five national byways; (9) 14 state byways; and (10) eight backways; and

Whereas, A 2012 road needs assessment prepared for Governor Tomblin's Blue Ribbon Commission by Wilbur Smith Associates revealed that during the next 17 years: (1) 51,108 lane miles of road will need to be improved; (2) 10,401 lane miles will need modernization improvements including lane widening, road reconstruction and shoulder improvements; and (3) 3,402 lane miles will need to be constructed; and

Whereas, The Wilbur Smith needs assessment also concluded that over a 25-year period: (1) 814 bridges will need to be replaced; (2) 577 bridges will need to be widened; (3) eight bridges will need to be straightened; and (4) one bridge will need to be razed; and

Whereas, Road construction, improvements and maintenance are primarily funded by taxes and fees on motor vehicles and motor fuels; and

Whereas, The Wilbur Smith needs assessment projected the funding gap for road construction and maintenance over the next 25



years to be \$36.7 billion, excluding new road construction; and the funding gap for bridges construction and maintenance was estimated to be \$2.4 billion, excluding the cost of new bridge construction; and

Whereas, Modern, safe roads and bridges are essential to the growth of our communities and the public health, welfare and safety and are critical to economic development and jobs; and

Whereas, Counties need greater ability to influence when and where new roads are constructed and existing roads and bridges are modernized or upgraded, the ability to recommend to the Division of Highways road and bridge construction projects, and to assist in the financing of those projects; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study state road funding needs, alternative ways of providing additional funding for new roads and bridges and improvements to existing roads and bridges to foster public safety, health and welfare and promote economic development and jobs; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and be it

*Further Resolved,* That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Chris Walters,  
*Chair.*

Senator Walters, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution No. 66** (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance study future legislation relating to revenue sources for increased highway and bridge construction and maintenance.

Whereas, Recent research conducted for the Contractors Association of West Virginia noted that 28 percent of West Virginia’s roads eligible for federal aid are rated “not acceptable” and 35.2 percent of West Virginia’s bridges are either structurally deficient or functionally obsolete; and

Whereas, Such research also identified West Virginia as having the highest rate of traffic fatalities per mile traveled in the country; and

Whereas, Inflation and better fuel economy are two factors that have contributed to a reduced funding level for West Virginia’s infrastructure construction and maintenance; and

Whereas, On March 10, 2015, the West Virginia Senate Committee on Transportation and Infrastructure discussed the merits of Senate Bill No. 478, entitled “Generating and maintaining revenue for road construction and maintenance and infrastructure” and the potential economic impact of an annual \$500 million increase in highway and bridge construction investment in West Virginia; and

Whereas, Appropriate funding for highway and bridge maintenance and construction is of utmost importance for the safety and economic prosperity of West Virginians; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study future legislation relating to revenue sources for increased highway and bridge construction and maintenance; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved,* That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Chris Walters,  
*Chair.*

Senator Walters, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution No. 67** (originating in the Committee on Transportation and Infrastructure)—Requesting the

Joint Committee on Government and Finance study the development, funding and construction of a statewide fiber optic broadband infrastructure network, known as the broadband middle mile, to be owned by the state.

Whereas, In building and improving the infrastructure of West Virginia, access to broadband services for all communities is vital; and

Whereas, Access to the Internet and high-speed broadband services is expensive and sometimes nonexistent in many areas of the state, reducing the chances of communities to attract and retain businesses and high-paying jobs; and

Whereas, It is essential to economic development and the viability of many communities that there be statewide access to high-speed, high-quality and inexpensive broadband services; and

Whereas, The National Broadband Plan (NBP) announced by the FCC in March, 2010, visualizes a significantly enhanced commitment to community institutions as an element of the plans for promoting broadband availability; and

Whereas, The plan states that every American community should have affordable access to at least 1 gigabit per second broadband service to anchor institutions such as schools, hospitals and government buildings; and

Whereas, The middle-mile provision is a major issue in reducing the price of broadband Internet service to nonincumbent operators. Internet bandwidth is relatively inexpensive to purchase in bulk at the major Internet peering points; and

Whereas, Middle-mile access, when bought from the incumbent operator, is often much more expensive and typically forms the major expense of nonincumbent broadband ISPs and inhibits communities' access to high-speed, high-quality and inexpensive broadband services; and

Whereas, The alternative, building out of their own fiber networks, is capital intensive and thus unavailable to most new operators; and

Whereas, For these reasons, many proposals for government broadband stimulus initiatives are directed at building out the middle mile; and

Whereas, The State of West Virginia must work with the NBP to develop a plan for broadband middle-mile infrastructure development and to create a separate infrastructure fund for broadband middle-mile infrastructure projects; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the development, funding and construction of a statewide fiber optic broadband infrastructure network, known as the broadband middle mile, to be owned by the state; and, be it

*Further Resolved*, That the West Virginia Network (WVNET) develop a statewide broadband middle-mile infrastructure draft plan and make recommendations to the Joint Committee on Government and Finance on how such a network may be realized; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Chris Walters,  
*Chair.*

On motion of Senator Carmichael, the Senate recessed until 2 p.m. today.

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

**Eng. Com. Sub. for Senate Bill No. 233**, Budget Bill.

On third reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Carmichael, the bill was recommitted to the Committee on Finance.

**Eng. Com. Sub. for House Bill No. 2005**, Relating to alternative programs for the education of teachers.

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, Mullins, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams and Cole (Mr. President)—29.

The nays were: Miller, Romano and Yost—3.

Absent: Takubo and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2005) passed.

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

**Eng. Com. Sub. for House Bill No. 2005**—A Bill to amend and reenact §18A-3-1, §18A-3-1a, §18A-3-1b and §18A-3-2a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto seven new sections, designated §18A-3-1c, §18A-3-1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h and §18A-3-1i, all relating to revising, reorganizing and clarifying provisions regarding teacher certifications, including standard certifications, alternative certifications, certifications for out-of-state teachers and certifications for athletic coaches and extracurricular coaches; expanding criteria upon which a teacher's certificate may be awarded to a teacher from another state; defining terms relating to alternative programs for the education of teachers; authorizing certain partnerships to provide alternative certification programs; modifying entities eligible to deliver alternative programs; specifying permissible partners; requiring partnership agreements and specifying necessary contents; requiring posting of vacancies; limiting circumstance where partnership may enroll alternative program candidate; requiring or authorizing approval by state board of education under certain circumstances; modifying and specifying criteria and components required for alternative certification program delivery; specifying certain required components of alternative certification program; requiring minimum hours of instruction; specifying eligibility criteria for alternative certification program teacher candidate; requiring that employment be in an area of critical need and shortage; providing for professional support team to participate in alternative program delivery and specifying responsibilities; modifying the charges which may be imposed for alternative program participation or delivery; specifying required and prohibited acts by certain entities; requiring continued contract renewal of participating program teacher and continued delivery of

alternative certification program under certain circumstances and providing exception; providing retention preference for professional educators; providing for evaluation of and recommendation regarding award of professional teaching certificate for alternative program teacher; authorizing appeal of recommendation under certain circumstances; expanding program fields and conditions in which an alternative program teacher may be employed; removing preference among certain applicants when considering applicants for alternative teacher programs; modifying provisions for alternative program teacher to attain professional teaching certificate; modifying institutions from which professional teaching certificate candidates may have graduated; providing guidelines for alternative programs for certain highly qualified special education teachers; providing for certification under certain circumstances of teachers educated or certified in other states; expanding criteria upon which a teacher's certificate may be awarded to teachers; removing references to internship programs; extending alternative program teacher certificate and making nonrenewable; removing requirement, regarding athletic and extracurricular coaches, that a currently employed certified professional educator has not applied for position; and requiring legislative rule promulgation by state board.

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, Mullins, Nohe, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams and Cole (Mr. President)—29.

The nays were: Miller, Romano and Yost—3.

Absent: Takubo and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2005) takes effect July 1, 2015.



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

**Eng. House Bill No. 2140**, Building governance and leadership capacity of county board during period of state intervention.

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, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Takubo and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2140) passed with its title.

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

**Eng. Com. Sub. for House Bill No. 2240**, Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense.

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, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Takubo and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2240) passed.

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

**Eng. Com. Sub. for House Bill No. 2240**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-9d, relating to crimes against the person; providing that strangling is a criminal offense; defining bodily injury and strangling; providing a felony offense of strangling another; and providing criminal penalties.

*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. 2366**, Relating generally to the solicitation of minors.

Having been amended and read a third time on yesterday, Thursday, March 12, 2015, and now coming up in regular order, was reported by the Clerk.

At the request of Senator Carmichael, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for House Bill No. 2466**, Exempting valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events.

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, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Takubo and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2466) passed.

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

**Eng. Com. Sub. for House Bill No. 2466**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-16-11b; and to amend and reenact §60-6-7 and §60-8-3 of said code, all relating to the sale of alcoholic beverages by certain nonprofit organizations; creating a one-day special license; establishing a license fee; updating archaic language; and allowing nonintoxicating beer and wine to be sold and served at fund-raising events.

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

**Eng. House Bill No. 2479**, Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Carmichael, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. House Bill No. 2492**, Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission.

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, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Takubo and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2492) passed.

At the request of Senator Blair, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the title of the bill was withdrawn.

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

**Eng. Com. Sub. for House Bill No. 2549**, Relating to the preparation and publication of county financial statements.

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, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Takubo and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2549) passed.

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

**Eng. Com. Sub. for House Bill No. 2549**—A Bill to amend and reenact §7-5-16 of the Code of West Virginia, 1931, as amended, relating to changing the deadline of disclosure of county financial statements; and requiring publication as a Class I-0 legal advertisement of the county financial statements.

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

**Eng. House Bill No. 2607**, Relating to the violation of interfering with emergency services communications and clarifying penalties.

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, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Takubo and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. No. 2607) passed.

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

**Eng. House Bill No. 2607**—A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, relating to penalties incurred from obstructing, fleeing from and making false statements to law-enforcement, probation and parole officers and interfering with emergency communications; and amending the penalties for several of the violations to make it clear that the convicted person may be both fined and confined.

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

**Eng. House Bill No. 2646**, Legalizing and regulating the sale and use of fireworks.

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 House Bill No. 2646 pass?”

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

The nays were: Boley, Gaunch, M. Hall and Nohe—4.

Absent: Takubo—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. 2646) passed.

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

**Eng. House Bill No. 2646**—A Bill to repeal §11-12-86 of the Code of West Virginia, 1931, as amended; to repeal §29-3-23, §29-3-24, §29-3-25 and §29-3-26 of said code; to amend said code by adding thereto a new section, designated §9A-1-11b; to amend and reenact §11-17-3 of said code; to amend and reenact §16-2-11 of said code; to amend said code by adding a new section, designated §16-2-13a; to amend said code by adding thereto a new article, designated §29-3E-1, §29-3E-2, §29-3E-3, §29-3E-4, §29-3E-5, §29-3E-6, §29-3E-7, §29-3E-8, §29-3E-9, §29-3E-10, §29-3E-11, §29-3E-12 and §29-3E-13; and to amend and reenact §61-3E-1 and §61-3E-11 of said code, all relating to raising funds for veterans’ facilities generally, increasing the excise tax on cigarettes by one dollar over a two year period beginning July 1,

2015; dedicating twenty million dollars from cigarette excise taxes collected to the Veterans Program Fund for building a new veteran's facility; creating the West Virginia Veterans' Program Fund in the office of the State Treasurer; dedicating twenty million dollars from cigarette excise taxes collected from July 1, 2016 through June 30, 2017, to the Consolidated Medical Services Fund, Continuum of Care exclusively for purposes of treating controlled substance abuse and operating drug treatment facilities; dedicating two million dollars annually, beginning July 1, 2015, to the Fire Protection Fund for distribution to Volunteer Fire Departments; legalizing and regulating the sale and use of fireworks; eliminating the prohibition on the sale, possession and ignition of fireworks; eliminating the requirement that the State Fire Marshal seize and destroy fireworks and combustibles illegally held; establishing age limitation for purchase and sale of consumer fireworks; eliminating the prohibition on nonresidents without in-state legal counsel to obtain a permit for conducting of a pyrotechnic display; increasing the sparkler and novelty registration fee; eliminating certain defined terms; eliminating exemptions; defining terms relating to consumer fireworks; creating standards for the production and transport of fireworks; establishing registration requirements for sales of sparklers, novelties and toy caps; requiring local boards of health to assist Fire Marshal's office in developing a fireworks safety program; clarifying that certain veterans' organizations and racetrack video lottery facilities may only allow smoking of tobacco products if nonsmoking areas are provided; setting ventilation age and space requirements for racetrack video lottery facilities which allow smoking; creating a certification requirement for the sale of consumer fireworks; limiting sale of consumer fireworks to certain facilities including parking lots of certain veterans' organizations, licensed racetrack video facilities, retail store parking lots and freestanding stores; establishing permit requirements for public fireworks displays; specifying imposition of a fireworks safety fee of ten percent of sales for the retail sale of consumer fireworks dedicated to the West Virginia Veterans' Program Fund; specifying collection and deposit of monies from fees, specifying one percent retainage by Tax Commissioner for administration, designating the



allocation and distribution of the fee; creating the West Virginia Veterans Program Fund to be administered by the Department of Veterans' Assistance; regulating public fireworks displays; providing for rules; authorizing seizures by the State Fire Marshal; providing exemptions; and providing for criminal penalties.

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

**Eng. House Bill No. 2663**, Creating the Rehabilitation Services Vending Program Fund.

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, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 2663) passed with its title.

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

**Eng. Com. Sub. for House Bill No. 2674**, Making home schooled students eligible for a PROMISE scholarship without taking the GED test.

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, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 2674) passed.

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

**Eng. Com. Sub. for House Bill No. 2674**—A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to making home-schooled students eligible for a PROMISE scholarship without obtaining a high school equivalency certificate.

Senator Carmichael moved that the bill take effect from passage.

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, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Takubo–1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2674) takes effect from passage.

*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. 2811**, Deleting obsolete provisions regarding the Physicians' Mutual Insurance Company.

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, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Takubo–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. 2811) passed with its title.

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

**Eng. Com. Sub. for House Bill No. 2878**, Creating a one-stop electronic business portal in West Virginia.

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, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 2878) passed.

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

**Eng. Com. Sub. for House Bill No. 2878**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31D-1-131, relating to creating a web-based electronic business portal in West Virginia; requiring the Secretary of State to create a web-based business portal to facilitate interaction between government and businesses in West Virginia; requiring Secretary of State to establish a call center to assist businesses obtain information regarding compliance with state law; requiring the Secretary of State to develop requirements for the web-based business portal; and requiring the Secretary of State to propose rules for legislative approval to implement the provisions of the bill.

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

The Senate proceeded to the ninth order of business.

**Eng. Com. Sub. for House Bill No. 2233**, Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office.

On 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:

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

**ARTICLE 3. RULE-MAKING.**

**§29A-3-16. Legislative review of procedural rules, interpretive legislative rules.**

(a) The Legislative Rule-Making Review Committee may, with the assistance of the Legislative Auditor's Office, review any procedural rules rule, interpretive rules rule or existing legislative rules and may make recommendations concerning such rules to the Legislature, or to the agency or to both the Legislature and the agency rule to determine if the rule is achieving its purpose, and based on its determination, if the rule should be continued, amended or repealed.

(b) Following the review, the Legislative Rule-Making Committee shall make recommendations to the agency or board, which promulgated the rule, and to the Joint Committee on Government and Finance.

The bill (Eng. Com. Sub. for H. B. No. 2233), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill No. 2263**, Providing guidance for prosecuting attorneys in cases involving abused and neglected children.

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

At the request of Senator Trump, and by unanimous consent, the bill was advanced to third reading with the unreported Judiciary committee amendment pending and with the right for further amendments to be considered on that reading.

**Eng. Com. Sub. for House Bill No. 2266**, Relating to the publication requirements of the administration of estates.

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

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the bill was withdrawn.

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

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

That §44-2-2 and §44-2-3 of the Code of West Virginia, 1931, as amended, be repealed; that said code be amended by adding thereto a new section, designated §16-5-9a; that §44-1-14a of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §44-1-30; and that §44-2-1 of said code be amended and reenacted, all to read as follows:

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

### **ARTICLE 5. VITAL STATISTICS.**

#### **§16-5-9a. Legal residences to be included on certificates of death.**

In order to assist clerks of county commission fulfill their responsibilities under chapter forty-four of this code, the State Registrar shall require persons completing certificates of death, to

include any known legal residences of the decedent, if different than the place of death.

## **CHAPTER 44. ADMINISTRATION OF ESTATES AND TRUSTS.**

### **ARTICLE 1. PERSONAL REPRESENTATIVES.**

#### **§44-1-14a. Notice of administration of estate; time limits for filing of objections; liability of personal representative.**

(a) Within thirty days of the filing of the appraisal of any estate or within one hundred twenty days of the date of qualification of the personal representative if an appraisal is not filed as required in section fourteen of this article, the clerk of the county commission shall publish, once a week for two successive weeks, in a newspaper of general circulation within the county of the administration of the estate, a notice, which is to include:

- (1) The name of the decedent;
- (2) The name and address of the county commission before whom the proceedings are pending;
- (3) The name and address of the personal representative;
- (4) The name and address of any attorney representing the personal representative;
- (5) The name and address of the fiduciary commissioner, if any;
- (6) The date of first publication;
- (7) A statement that claims against the estate must be filed within sixty days of the date of first publication in accordance with ~~the~~ provisions of article two or article three-a of this chapter;

(8) A statement that any person seeking to impeach or establish a will must make a complaint in accordance with ~~the provisions of~~ section eleven, twelve or thirteen, article five, chapter forty-one of this code;

(9) A statement that an interested person objecting to the qualifications of the personal representative or the venue or jurisdiction of the court must be filed with the county commission within ~~three months~~ sixty days after the date of first publication or thirty days of service of the notice, whichever is later; and

(10) If the appraisal of the assets of the estate shows the value to be ~~\$100,000~~ \$200,000 or less, exclusive of real estate specifically devised and nonprobate assets, or, if it appears to the clerk that there is only one beneficiary of the probate estate and that the beneficiary is competent at law, a statement substantially as follows: "Settlement of the estate of the following named decedents will proceed without reference to a fiduciary commissioner unless within ~~ninety~~ sixty days from the first publication of this notice a reference is requested by a party in interest or an unpaid creditor files a claim and good cause is shown to support reference to a fiduciary commissioner". If a party in interest requests the fiduciary commissioner to conclude the administration of the estate or an unpaid creditor files a claim, no further notice to creditors shall be published in the newspaper, and the personal representative shall be required to pay no further fees, except to the fiduciary commissioner for conducting any hearings, or performing any other duty as a fiduciary commissioner. The time period for filing claims against the estate shall expire upon the time period set out in the notice to creditors published by the clerk of the county commission as required in this subsection (a). ~~In the event that~~ If an unpaid creditor files a claim, the fiduciary commissioner shall conduct a hearing on the claim filed by the creditor, otherwise, the fiduciary commissioner shall conclude the administration of the estate as requested by the interested party.

(11) This notice shall be published as a Class II legal advertisement in compliance with the provisions of article three,



chapter fifty-nine of this code. The publication of such notice shall be equivalent to personal service on creditors, distributees and legatees.

(b) If no appraisal is filed within the time period established pursuant to section fourteen of this article, the county clerk shall send a notice to the personal representative by first class mail, postage prepaid, indicating that the appraisal has not been filed. ~~Notwithstanding any other provision of this code to the contrary, the county clerk shall publish the notice required in subsection (a) of this section within six months of the qualification of the personal representative.~~

(c) The personal representative shall promptly make a diligent search to determine the names and addresses of creditors of the decedent who are reasonably ascertainable.

(d) The personal representative shall, within sixty days after the date of first publication, serve a copy of the notice, published pursuant to subsection (a) of this section, by first class mail, postage prepaid, or by personal service on the following persons:

(1) If the personal representative is not the decedent's surviving spouse and not the sole beneficiary or sole heir, the decedent's surviving spouse, if any;

(2) If there is a will and the personal representative is not the sole beneficiary, any beneficiaries;

(3) If there is not a will and the personal representative is not the sole heir, any heirs;

(4) The trustee of any trust in which the decedent was a grantor, if any; and

(5) All creditors identified under subsection (c) of this section, other than a creditor who filed a claim as provided in article two of this chapter or a creditor whose claim has been paid in full.

(e) Any person interested in the estate who objects to the qualifications of the personal representative or the venue or jurisdiction of the court, shall file notice of an objection with the county commission within ninety days after the date of the first publication as required in subsection (a) of this section or within thirty days after service of the notice as required by subsection (d) of this section, whichever is later. If an objection is not timely filed, the objection is forever barred.

(f) A personal representative acting in good faith is not personally liable for serving notice under this section, notwithstanding a determination that notice was not required by this section. A personal representative acting in good faith who fails to serve the notice required by this section is not personally liable. The service of the notice in accordance with this subsection may not be construed to admit the validity or enforceability of a claim.

(g) The clerk of the county commission shall collect a fee of \$20 for the publication of the notice required in this section.

(h) For purposes of this section, the term beneficiary means a person designated in a will to receive real or personal property.

**§44-1-30. Death certificate or other proof of death and residence may be required.**

The clerk of the county commission may require a certified copy of a decedent's death certificate or other proof of death and residence prior to fulfilling the clerk's responsibilities under this chapter.

**ARTICLE 2. PROOF AND ALLOWANCE OF CLAIMS AGAINST ESTATES OF DECEDENTS.**

**§44-2-1. Reference of decedents' estates; proceedings thereon.**

(a) Upon the return of the appraisal by the personal representative to the county clerk, the estate of his or her decedent, by order of the county commission, must be referred to a fiduciary

commissioner for proof and determination of debts and claims, establishment of their priority, determination of the amount of the respective shares of the legatees and distributes, and any other matter necessary for the settlement of the estate: *Provided*, That in counties where there are two or more commissioners, the estates of decedents must be referred to the commissioners in rotation, so there may be an equal division of the work. Notwithstanding any other provision of this code to the contrary, a fiduciary commissioner may not charge to the estate a fee greater than \$300 and expenses for the settlement of an estate, except upon: (i) Approval of the personal representative; or (ii) a determination by the county commission that the fee is based upon the actual time spent and actual services rendered pursuant to a schedule of fees or rate of compensation for fiduciary commissioners promulgated by the commission in accordance with the provisions of section nine, article one, chapter fifty-nine of this code.

(b) If the personal representative delivers to the clerk an appraisal of the assets of the estate showing their value to be ~~\$100,000~~ \$200,000 or less, exclusive of real estate specifically devised and nonprobate assets, or if it appears to the clerk that there is only one beneficiary of the probate estate and that the beneficiary is competent at law, the clerk shall record the appraisal. If an unpaid creditor files a claim against the estate, the personal representative has twenty days after the date of the filing of a claim against the estate of the decedent to approve or reject the claim before the estate is referred to a fiduciary commissioner. If the personal representative approves all claims as filed, then no reference may be made.

The personal representative shall, within a reasonable time after the date of recordation of the appraisal: (i) File a waiver of final settlement in accordance with the provisions of section twenty-nine of this article; or (ii) make a report to the clerk of his or her receipts, disbursements and distribution and submit an affidavit stating that all claims against the estate for expenses of administration, taxes and debts of the decedent have been paid in full. Upon receipt of the

waiver of final settlement or report, the clerk shall record the waiver or report and mail copies to each beneficiary and creditor by first-class mail, postage prepaid. The clerk shall retain the report for ten days to allow any beneficiary or creditor to appear before the county commission to request reference to a fiduciary commissioner. The clerk shall collect a fee of \$10 for recording and mailing the waiver of final settlement or report.

If no request or objection is made to the clerk or to the county commission, the county commission may confirm the report of the personal representative, the personal representative and his or her surety shall be discharged; but if an objection or request is made, the county commission may confirm and record the accounting or may refer the estate to its fiduciary commissioners: *Provided*, That the personal representative has twenty days after the date of the filing of a claim against the estate of the decedent to approve or reject the claim before the estate is referred to a fiduciary commissioner and if all claims are approved as filed, then no reference may be made.

(c) For purposes of this section, the term beneficiary means a person designated in a will to receive real or personal property.

The bill (Eng. Com. Sub. for H. B. No. 2266), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill No. 2395**, Storm Scammer Consumer Protection Act.

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:

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

**ARTICLE 6M. STORM SCAMMER CONSUMER PROTECTION ACT.**

**§46A-6M-1. Definitions.**

As used in this article:

(1) “Emergency repair” means a repair that is necessary to prevent the risk of imminent injury to a person or further damage to the homeowner’s residence;

(2) “Residential real estate” means any real property located in West Virginia, upon which is constructed or intended to be constructed a dwelling;

(3) “Roof system” means the components of a roof to include, but not be limited to, covering, framing, insulation, sheathing, ventilation, guttering and weatherproofing; and

(4) “Roofing contractor” means a person or entity in the business of contracting or offering to contract with an owner of residential real estate to repair or replace a roof system.

**§46A-6M-2. Consumer’s right to cancel residential roofing contract.**

(a) An owner, who on or after July 1, 2015, enters into a contract with a roofing contractor to provide goods or services related to a roof system of residential real estate and who expects the goods or services to be paid from the proceeds of a property and casualty insurance policy, may cancel the contract prior to midnight of the fifth business day after the owner has received notice from the insurer that all or part of the claim is not a covered loss under the property and casualty insurance policy.

(b) The contract with the roofing contract is cancelled when the owner either personally delivers written notice of cancellation to the roofing contractor; deposits the written notice of cancellation in the United States mail, postage prepaid and addressed to the roofing

contractor at the address stated in the contract; transmits the notice of cancellation to the roofing contractor by facsimile; or sends an e-mails containing a notice of cancellation.

(c) The owner may use any form of notice of cancellation that is sufficient to indicate, by any form of written expression, the intention of the owner not to be bound by the contract.

**§46A-6M-3. Roofing contractor's duty to disclose rights of the consumer via standard form.**

Prior to entering into a contract on or after July 1, 2015, for the provision of goods or services relating to the repair or replacement of any part of a roof system of residential real estate as provided in section two of this article, a roofing contractor shall furnish the owner of the residential real estate with:

(1) The mailing address of the roofing contractor through which written communication may be received;

(2) The telephone number of the roofing contractor and, if applicable, the facsimile number and e-mail address of the contractor;

(3) A statement in at least ten point boldface type that states: "Because you expect all or part of the cost of the roofing repair or replacement to be paid out of the proceeds of a property and casualty insurance policy, you may cancel this contract at any time before midnight on the fifth business day after you have received written notification from your insurer that all or any part of the claim or contract is not a covered loss under the insurance policy. This right to cancel is in addition to any other rights of cancellation you may have under state or federal law or rule or regulation. However, be advised that if you cancel this contract, you are still responsible to pay the reasonable and customary expenses of any emergency repair services you authorized. See the attached Notice of Cancellation form for an explanation of this right."; and

(4) A fully completed form in duplicate, under the conspicuous caption “NOTICE OF CANCELLATION”, and attached to, but easily detachable from the contract, in at least ten point boldface type that shall read as follows:

“NOTICE OF CANCELLATION

(enter date of transaction)

If you are notified by your insurer that all or any part of the claim or contract is not a covered loss under the insurance policy, you may cancel this contract without penalty or monetary obligation, except where you have authorized emergency repair services for which you are still responsible for payment, before midnight of the fifth business day after you have received notice from your insurer. To cancel this transaction you may use any of the following methods: Mail or otherwise deliver a signed and dated copy of this cancellation notice, or any other written notice of cancellation which you- sign-and date, to (enter physical address of roofing contractor), or e-mail a notice of cancellation to (enter e-mail address of roofing contractor), or transmit a notice of cancellation to (enter facsimile number of roofing contractor), not later than midnight of the fifth day after you receive notice from your insurer. By signing below, you certify that your insurer has denied all or part of your claim.

I HEREBY ATTEST THAT I HAVE BEEN NOTIFIED BY THE INSURER THAT ALL OR PART OF MY CLAIM HAS BEEN DENIED AND I HEREBY CANCEL THIS TRANSACTION.

(Date)

(Buyer’s Signature)”

**§46A-6M-4. Advanced payments prohibited; refunds; emergency repairs; unenforceable contract.**

(a) Except as provided in subsection (c) of this section, on or after July 1, 2015, a roofing contractor may not require any advance

payments under a contract for the repair or replacement of any part of a roof system of a residential real estate, when payment is expected to be made from the proceeds of a property or casualty insurance policy until the cancellation period, as provided in section two of this article has expired.

(b) Within ten days after a contract has been canceled, as provided in section two of this article, a roofing contractor shall tender to the owner, any payments, partial payments, or deposits made, and any note or other evidence of indebtedness, except as provided in subsection (c) of this section.

(c) A roofing contractor that performs any emergency repair services authorized by the owner of residential real estate may collect a reasonable and customary amount for the emergency repair services performed for the authorizing owner.

(d) Any provision in a contract executed on or after July 1, 2015, for the repair of a roof system of residential real estate, as provided in sections one and five of this article, that requires the payment of any fee, except for repair services performed under subsection (c) of this section, is not enforceable against any person who has canceled a contract under section two of this article.

**§46A-6M-5. Roofing contractors; prohibited acts.**

(a) Notwithstanding the provisions relating to public adjusters, as defined in section one-e, article twelve-b, chapter thirty-three of this code, on or after July 1, 2015, a roofing contractor may not represent, negotiate, or advertise to represent or negotiate on behalf of an owner of residential real estate on any insurance claim in connection with the repair or replacement of a roof system. Nothing in this subsection may be construed to prohibit a roofing contractor from:

(1) Providing an estimate for repair, replacement, construction or reconstruction of the roof system to the owner of residential real estate; or



(2) Conferring with an insurance company's representative about damage to the property after a claim has been submitted by the owner of residential real estate.

(b) On or after July 1, 2015, a roofing contractor or person representing a roofing contractor may not:

(1) Offer to pay or rebate all or any portion of an insurance deductible or claims proceeds as an inducement to the sale of goods or services related to a residential roofing contract;

(2) Pay the owner of residential real estate for whom services have been performed pursuant to this article for any reason or any form of compensation, including, but not limited to a:

(A) Bonus;

(B) Coupon;

(C) Credit;

(D) Gift;

(E) Prize;

(F) Referral fee; or

(G) Any other tangible item having a monetary value.

**§46A-6M-6. Private remedies for violation of article; criminal penalties.**

(a) If a roofing contractor violates the provisions of this article, the owner or the applicable insurer may bring an action against the roofing contractor in a court of competent jurisdiction for damages sustained by the owner or insurer as a consequence of the roofing contractor's violation.

(b) A roofing contractor who willfully violates the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000 or confined in jail not more than one year, or both fined and confined.

The bill (Eng. Com. Sub. for H. B. No. 2395), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill No. 2571**, Creating a fund for pothole repair contributed to by private businesses or entities.

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

**Eng. Com. Sub. for House Bill No. 2585**, Requiring leaseholders of mineral interests to notify the owners of the minerals when there is an assignment of the lease to another party.

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

At the request of Senator Kessler, and by unanimous consent, the bill was advanced to third reading with the unreported Judiciary committee amendment pending and with the right for further amendments to be considered on that reading.

**Eng. House Bill No. 2598**, Ensuring that teachers of students with disabilities receive complete information about the school's plan for accommodating the child's disabilities.

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

**Eng. Com. Sub. for House Bill No. 2636**, Exempting information contained in a concealed weapon permit application from the Freedom of Information Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Carmichael, unanimous consent being granted, further consideration of the bill was deferred until the conclusion of bills on today's second reading calendar.

**Eng. House Bill No. 2664**, Creating "Andrea and Willy's Law"; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

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:

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

That §17C-5-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §17C-5A-2 of said code be amended and reenacted, all to read as follows:

#### **ARTICLE 5. SERIOUS TRAFFIC OFFENSES**

##### **§17C-5-2. Driving under influence of alcohol, controlled substances or drugs; penalties.**

- (a) Any person who:
  - (1) Drives a vehicle in this state while he or she:
    - (A) Is under the influence of alcohol;
    - (B) Is under the influence of any controlled substance;
    - (C) Is under the influence of any other drug;

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

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes the death of any person within one year next following the act or failure; ~~and~~

~~(3) Commits the act or failure to act in reckless disregard of the safety of others and when the influence of alcohol, controlled substances or drugs is shown to be a contributing cause to the death;~~  
~~2 is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two years nor more than ten years and shall be fined not less than \$1,000 nor more than \$3,000.~~

~~(b) Any person who:~~

~~(1) Drives a vehicle in this state while he or she:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

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

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight, and~~

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle;~~

~~which act or failure proximately causes the death of any person within one year next following the act or failure, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than ninety days nor more than one year and shall be fined not less than \$500 nor more than \$1,000.~~

(b) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

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

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

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

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes serious bodily injury to any person other than himself or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than ten years and shall be fined not less than \$1,000 nor more than \$3,000 dollars.

(3) As used in this subsection, the words “serious bodily injury” mean bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment .

(c) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

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

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

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

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than one year, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$200 nor more than \$1,000.

(3) As used in this subsection, the words “bodily injury” mean bodily injury that causes substantial pain, illness or any impairment of physical condition.

(d) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

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

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

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

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight, but less than fifteen hundredths of one percent, by weight;

(2) Is guilty of a misdemeanor and, upon conviction thereof, except as provided in section two-b of this article, shall be confined in jail for up to six months and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(e) Any person who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of fifteen hundredths of one percent or more, by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$200 nor more than \$1,000. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(f) Any person who, being an habitual user of narcotic drugs or amphetamine or any derivative thereof, drives a vehicle in this state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(g) Any person who:

(1) Knowingly permits his or her vehicle to be driven in this state by any other person who:

(A) Is under the influence of alcohol;

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

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

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

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight;

(2) Is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(h) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is an habitual user of narcotic drugs or amphetamine or any derivative thereof is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(i) Any person under the age of twenty-one years who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, for a first offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100. For a second or subsequent offense under this subsection, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for twenty-four hours and shall be fined not less than \$100 nor more than \$500. A person who is charged with a first offense under the provisions of this subsection may move for a continuance of the



proceedings, from time to time, to allow the person to participate in the Motor Vehicle Alcohol Test and Lock Program as provided in section three-a, article five-a of this chapter. Upon successful completion of the program, the court shall dismiss the charge against the person and expunge the person's record as it relates to the alleged offense. In the event the person fails to successfully complete the program, the court shall proceed to an adjudication of the alleged offense. A motion for a continuance under this subsection may not be construed as an admission or be used as evidence. A person arrested and charged with an offense under the provisions of this subsection or subsection (a), (b), (c), (d), (e), (f), (g) or (h) of this section may not also be charged with an offense under this subsection arising out of the same transaction or occurrence.

(j) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

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

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

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

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) The person while driving has on or within the motor vehicle one or more other persons who are unemancipated minors who have not reached their sixteenth birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than twelve months, which jail term is to include actual confinement of not less than forty-eight hours and shall be fined not less than \$200 nor more than \$1,000.

(k) A person violating any provision of subsection (b), (c), (d), (e), (f), (g) or (i) of this section, for the second offense under this section, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than six months nor more than one year and the court may, in its discretion, impose a fine of not less than \$1,000 nor more than \$3,000.

(l) A person violating any provision of subsection (b), (c), (d), (e), (f), (g) or (i) of this section, for the third or any subsequent offense under this section, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than three years and the court may, in its discretion, impose a fine of not less than \$3,000 nor more than \$5,000.

(m) For purposes of subsections (k) and (l) of this section relating to second, third and subsequent offenses, the following events shall be regarded as offenses under this section:

(1) Any conviction under the provisions of subsection (a), (b), (c), (d), (e), (f) or (g) of this section or under a prior enactment of this section for an offense which occurred within the ten-year period immediately preceding the date of arrest in the current proceeding;

(2) Any conviction under a municipal ordinance of this state or any other state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in subsection (a), (b), (c), (d), (e), (f), (g) or (h) of this section, which offense occurred within the ten-year period immediately preceding the date of arrest in the current proceeding; and,

(3) Any period of conditional probation imposed pursuant section two-b of this article for violation of subsection (d) of this article, which violation occurred within the ten-year period immediately preceding the date of arrest in the current proceeding.

(n) A person may be charged in a warrant or indictment or information for a second or subsequent offense under this section if the person has been previously arrested for or charged with a violation of this section which is alleged to have occurred within the applicable time period for prior offenses, notwithstanding the fact that there has not been a final adjudication of the charges for the alleged previous offense. In that case, the warrant or indictment or information must set forth the date, location and particulars of the previous offense or offenses. No person may be convicted of a second or subsequent offense under this section unless the conviction for the previous offense has become final, or the person has previously had a period of conditional probation imposed pursuant to section two-b of this article.

(o) The fact that any person charged with a violation of subsection (a), (b), (c), (d), (e) or (f) of this section, or any person permitted to drive as described under subsection (g) or (h) of this section, is or has been legally entitled to use alcohol, a controlled substance or a drug does not constitute a defense against any charge of violating subsection (a), (b), (c), (d), (e), (f), (g) or (h) of this section.

(p) For purposes of this section, the term “controlled substance” has the meaning ascribed to it in chapter sixty-a of this code.

(q) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation: *Provided*, That the court may apply the provisions of article eleven-a, chapter sixty-two of this code to a person sentenced or committed to a term of one year or less for a first offense under this section: *Provided further*, That the court may impose a term of conditional probation pursuant to section two-b of this article to persons adjudicated thereunder. An order for home detention by the court pursuant to the provisions of article eleven-b of said chapter may be used as an alternative sentence to any period of incarceration required by this section for a first or subsequent offense: *Provided, however*, That for any period of home

incarceration ordered for a person convicted of second offense under this section, electronic monitoring shall be required for no fewer than five days of the total period of home confinement ordered and the offender may not leave home for those five days notwithstanding the provisions of section five, article eleven-b, chapter sixty-two of this code: *Provided further*, That for any period of home incarceration ordered for a person convicted of a third or subsequent violation of this section, electronic monitoring shall be included for no fewer than ten days of the total period of home confinement ordered and the offender may not leave home for those ten days notwithstanding section five, article eleven-b, chapter sixty-two of this code.

**ARTICLE 5A. ADMINISTRATIVE PROCEDURES FOR SUSPENSION  
AND REVOCATION OF LICENSES FOR DRIVING  
UNDER THE INFLUENCE OF ALCOHOL,  
CONTROLLED SUBSTANCES OR DRUGS**

**§17C-5A-2. Hearing; revocation; review.**

(a) Written objections to an order of revocation or suspension under the provisions of section one of this article or section seven, article five of this chapter shall be filed with the Office of Administrative Hearings. Upon the receipt of an objection, the Office of Administrative Hearings shall notify the Commissioner of the Division of Motor Vehicles, who shall stay the imposition of the period of revocation or suspension and afford the person an opportunity to be heard by the Office of Administrative Hearings. The written objection must be filed with Office of Administrative Hearings in person, by registered or certified mail, return receipt requested, or by facsimile transmission or electronic mail within thirty calendar days after receipt of a copy of the order of revocation or suspension or no hearing will be granted: *Provided*, That a successful transmittal sheet shall be necessary for proof of written objection in the case of filing by fax. The hearing shall be before a hearing examiner employed by the Office of Administrative Hearings who shall rule on evidentiary issues. The West Virginia Rules of Evidence shall apply without exception to all proceedings

before the hearing examiner. Upon consideration of the designated record, the hearing examiner shall, based on the determination of the facts of the case and applicable law, render a decision affirming, reversing or modifying the action protested: *Provided, That the DUI information sheet may only be used to refresh the memory of the officer who completed it.* The decision shall contain findings of fact and conclusions of law and shall be provided to all parties by registered or certified mail, return receipt requested, or with a party's written consent, by facsimile or electronic mail.

(b) The hearing shall be held at an office of the Division of Motor Vehicles suitable for hearing purposes located in or near the county in which the arrest was made in this state or at some other suitable place in the county in which the arrest was made if an office of the division is not available. At the discretion of the Office of Administrative Hearings, the hearing may also be held at an office of the Office of Administrative Hearings located in or near the county in which the arrest was made in this state. The Office of Administrative Hearings shall send a notice of hearing to the person whose driving privileges are at issue and the person's legal counsel if the person is represented by legal counsel, by regular mail, or with the written consent of the person whose driving privileges are at issue or their legal counsel, by facsimile or electronic mail. The Office of Administrative Hearings shall also send a notice of hearing by regular mail, facsimile or electronic mail to the Division of Motor Vehicles, and the Attorney General's Office, if the Attorney General has filed a notice of appearance of counsel on behalf of the Division of Motor Vehicles.

(c) (1) Any hearing shall be held within one hundred eighty days after the date upon which the Office of Administrative Hearings received the timely written objection unless there is a postponement or continuance.

(2) The Office of Administrative Hearings may postpone or continue any hearing on its own motion or upon application by the party whose license is at issue in that hearing or by the commissioner for good cause shown.

(3) The Office of Administrative Hearings may issue subpoenas commanding the appearance of witnesses and subpoenas duces tecum commanding the submission of documents, items or other things. Subpoenas duces tecum shall be returnable on the date of the next scheduled hearing unless otherwise specified. The Office of Administrative hearings shall issue subpoenas and subpoenas duces tecum at the request of a party or the party's legal representative. The party requesting the subpoena shall be responsible for service of the subpoena upon the appropriate individual. Every subpoena or subpoena duces tecum shall be served at least five days before the return date thereof, either by personal service made by a person over eighteen years of age or by registered or certified mail, return receipt requested, and received by the party responsible for serving the subpoena or subpoena duces tecum: *Provided*, That the Division of Motor Vehicles may serve subpoenas to law-enforcement officers through electronic mail to the department of his or her employer. If a person does not obey the subpoena or fails to appear, the party who issued the subpoena to the person may petition the circuit court wherein the action lies for enforcement of the subpoena.

(d) Law-enforcement officers shall be compensated for the time expended in their travel and appearance before the Office of Administrative Hearings by the law-enforcement agency by whom they are employed at their regular rate if they are scheduled to be on duty during said time or at their regular overtime rate if they are scheduled to be off duty during said time.

(e) The principal question at the hearing shall be whether the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or did refuse to submit to the designated secondary chemical test, or did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight.

(f) In the case of a hearing in which a person is accused of driving a motor vehicle while under the influence of alcohol, controlled substances or drugs, or accused of driving a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or accused of driving a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings shall make specific findings as to: (1) Whether the investigating law-enforcement officer had reasonable grounds to believe the person to have been driving while under the influence of alcohol, controlled substances or drugs, or while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or to have been driving a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense involving driving under the influence of alcohol, controlled substances or drugs; and (4) whether the tests, if any, were administered in accordance with the provisions of this article and article five of this chapter.

(g) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of

Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused the death of a person and was committed in reckless disregard of the safety of others and if the Office of Administrative Hearings further finds that the influence of alcohol, controlled substances or drugs or the alcohol concentration in the blood was a contributing cause to the death, the commissioner shall revoke the person's license for a period of ten years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(h) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused the death of a person, the commissioner shall revoke the person's license for a period of five years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(i) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused bodily



injury to a person other than himself or herself, the commissioner shall revoke the person's license for a period of two years: *Provided*, That if the license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(j) If the Office of Administrative Hearings finds by a preponderance of the evidence that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, but less than fifteen hundredths of one percent or more, by weight, or finds that the person knowingly permitted the persons vehicle to be driven by another person who was under the influence of alcohol, controlled substances or drugs, or knowingly permitted the person's vehicle to be driven by another person who had an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight the commissioner shall revoke the person's license for a period of six months or a period of fifteen days with an additional one hundred and twenty days of participation in the Motor Vehicle Alcohol Test and Lock Program in accordance with the provisions of section three-a of this article: *Provided*, That any period of participation in the Motor Vehicle Alcohol Test and Lock Program that has been imposed by a court pursuant to section two-b, article five of this chapter shall be credited against any period of participation imposed by the commissioner: *Provided, however*, That a person whose license is revoked for driving while under the influence of drugs is not eligible to participate in the Motor Vehicle Alcohol Test and Lock Program: *Provided* further, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the

date of arrest, the period of revocation shall be ten years: *And provided further*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(k) (1) If in addition to finding by a preponderance of the evidence that the person did drive a motor vehicle while under the influence of alcohol, controlled substance or drugs, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person did drive a motor vehicle while having an alcohol concentration in the person's blood of fifteen hundredths of one percent or more, by weight, the commissioner shall revoke the person's license for a period of forty-five days with an additional two hundred and seventy days of participation in the Motor Vehicle Alcohol Test and Lock Program in accordance with the provisions of section three-a, article five-a, chapter seventeen-c of this code: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked the person's license more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(2) If a person whose license is revoked pursuant to subdivision (1) of this subsection proves by clear and convincing evidence that they do not own a motor vehicle upon which the alcohol test and lock device may be installed or is otherwise incapable of participating in the Motor Vehicle Alcohol Test and Lock Program, the period of revocation shall be one hundred eighty days: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest,

the period of revocation shall be ten years: *Provided, however,* That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(l) If, in addition to a finding that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused the death of a person, and if the Office of Administrative Hearings further finds that the alcohol concentration in the blood was a contributing cause to the death, the commissioner shall revoke the person's license for a period of five years: *Provided,* That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(m) If, in addition to a finding that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused bodily injury to a person other than himself or herself, and if the Office of Administrative Hearings further finds that the alcohol concentration in the blood was a contributing cause to the bodily injury, the commissioner shall revoke the person's license for a period of two years: *Provided,* That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this

article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however,* That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(n) If the Office of Administrative Hearings finds by a preponderance of the evidence that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the commissioner shall suspend the person's license for a period of sixty days: *Provided,* That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article, the period of revocation shall be for one year, or until the person's twenty-first birthday, whichever period is longer.

(o) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did have on or within the Motor vehicle another person who has not reached his or her sixteenth birthday, the commissioner shall revoke the person's license for a period of one year: *Provided,* That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however,* That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

(p) For purposes of this section, where reference is made to previous suspensions or revocations under this section, the following types of criminal convictions or administrative suspensions or revocations shall also be regarded as suspensions or revocations under this section or section one of this article:

(1) Any administrative revocation under the provisions of the prior enactment of this section for conduct which occurred within the ten years immediately preceding the date of arrest;

(2) Any suspension or revocation on the basis of a conviction under a municipal ordinance of another state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in section two, article five of this chapter for conduct which occurred within the ten years immediately preceding the date of arrest; or

(3) Any revocation under the provisions of section seven, article five of this chapter for conduct which occurred within the ten years immediately preceding the date of arrest.

(q) In the case of a hearing in which a person is accused of refusing to submit to a designated secondary test, the Office of Administrative Hearings shall make specific findings as to: (1) Whether the arresting law-enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (4) whether the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter;

and (5) whether the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least forty-five days and up to life if the person refused to submit to the test finally designated in the manner provided in said section.

(r) If the Office of Administrative Hearings finds by a preponderance of the evidence that: (1) The investigating officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) the person committed an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (4) the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter; and (5) the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least forty-five days and up to life if the person refused to submit to the test finally designated, the commissioner shall revoke the person's license to operate a motor vehicle in this state for the periods specified in section seven, article five of this chapter. The revocation period prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence. The revocation period prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence.

(s) If the Office of Administrative Hearings finds to the contrary with respect to the above issues, it shall rescind or modify the commissioner's order and, in the case of modification, the

commissioner shall reduce the order of revocation to the appropriate period of revocation under this section or section seven, article five of this chapter. A copy of the Office of Administrative Hearings' final order containing its findings of fact and conclusions of law made and entered following the hearing shall be served upon the person whose license is at issue or upon the person's legal counsel if the person is represented by legal counsel by registered or certified mail, return receipt requested, or by facsimile or by electronic mail if available. The final order shall be served upon the commissioner by electronic mail. During the pendency of any hearing, the revocation of the person's license to operate a motor vehicle in this state shall be stayed.

A person whose license is at issue and the commissioner shall be entitled to judicial review as set forth in chapter twenty-nine-a of this code. Neither the commissioner nor the Office of Administrative Hearings may stay enforcement of the order. The court may grant a stay or supersede as of the order only upon motion and hearing, and a finding by the court upon the evidence presented, that there is a substantial probability that the appellant shall prevail upon the merits and the appellant will suffer irreparable harm if the order is not stayed: *Provided*, That in no event shall the stay or supersede as of the order exceed one hundred fifty days. The Office of Administrative Hearings may not be made a party to an appeal. The party filing the appeal shall pay the Office of Administrative Hearings for the production and transmission of the certified file copy and the hearing transcript to the court. Notwithstanding the provisions of section four, article five of said chapter, the Office of Administrative Hearings may not be compelled to transmit a certified copy of the file or the transcript of the hearing to the circuit court in less than sixty days. Circuit clerk shall provide a copy of the circuit court's final order on the appeal to the Office of Administrative Hearings by regular mail, by facsimile or by electronic mail if available.

(t) In any revocation or suspension pursuant to this section, if the driver whose license is revoked or suspended had not reached the

driver's eighteenth birthday at the time of the conduct for which the license is revoked or suspended, the driver's license shall be revoked or suspended until the driver's eighteenth birthday or the applicable statutory period of revocation or suspension prescribed by this section, whichever is longer.

(u) Funds for this section's hearing and appeal process may be provided from the Drunk Driving Prevention Fund, as created by section forty-one, article two, chapter fifteen of this code, upon application for the funds to the Commission on Drunk Driving Prevention.

The bill (Eng. H. B. No. 2664), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill No. 2688**, Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells.

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

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the bill was withdrawn.

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

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

That §11-13A-3a, §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4 and §22C-9-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §22C-9-7a, all to read as follows:



**CHAPTER 11. TAXATION.****ARTICLE 13A. SEVERANCE AND BUSINESS PRIVILEGE TAX ACT.****§11-13A-3a. Imposition of tax on privilege of severing natural gas or oil; Tax Commissioner to develop a uniform reporting form.**

(a) *Imposition of tax.* – For the privilege of engaging or continuing within this state in the business of severing natural gas or oil for sale, profit or commercial use, there is hereby levied and shall be collected from every person exercising such privilege an annual privilege tax: *Provided*, That effective for all taxable periods beginning on or after the first day of January, two thousand, there is an exemption from the imposition of the tax provided in this article on the following: (1) Free natural gas provided to any surface owner; (2) natural gas produced from any well which produced an average of less than five thousand cubic feet of natural gas per day during the calendar year immediately preceding a given taxable period; (3) oil produced from any oil well which produced an average of less than one-half barrel of oil per day during the calendar year immediately preceding a given taxable period; and (4) for a maximum period of ten years, all natural gas or oil produced from any well which has not produced marketable quantities of natural gas or oil for five consecutive years immediately preceding the year in which a well is placed back into production and thereafter produces marketable quantities of natural gas or oil.

(b) *Rate and measure of tax.* – The tax imposed in subsection (a) of this section shall be five percent of the gross value of the natural gas or oil produced, as shown by the gross proceeds derived from the sale thereof by the producer, except as otherwise provided in this article.

(c) *Tax in addition to other taxes.* – The tax imposed by this section shall apply to all persons severing gas or oil in this state, and shall be in addition to all other taxes imposed by law.

(d) (1) The Legislature finds that in addition to the production reports and financial records which must be filed by oil and gas producers with the State Tax Commissioner in order to comply with this section, oil and gas producers are required to file other production reports with other agencies, including, but not limited to, the office of oil and gas, the Public Service Commission and county assessors. The reports required to be filed are largely duplicative, the compiling of the information in different formats is unnecessarily time consuming and costly, and the filing of one report or the sharing of information by agencies of government would reduce the cost of compliance for oil and gas producers.

(2) On or before the first day of July, two thousand three, the Tax Commissioner shall design a common form that may be used for each of the reports regarding production that are required to be filed by oil and gas producers, which form shall readily permit a filing without financial information when such information is unnecessary. The commissioner shall also design such forms so as to permit filings in different formats, including, but not limited to, electronic formats.

(3) Effective the first day of July, two thousand six, this subsection shall have no force or effect.

(e) *First Purchaser Taxation.* – On or before November 1, 2015, the Tax Commissioner shall report to the Legislature’s Joint Committee on Government and Finance its recommendations as to a method of assessment and collection of the tax imposed in this section on a first purchaser basis. The Tax Commissioner shall propose legislative rules for promulgation in accordance with article three, chapter twenty-nine-a of this code, for the assessment and collection of the tax imposed in this section on a first purchaser basis to take effect on July 1, 2017. The report and rules shall address matters including, but not limited to, the application of the tax to natural gas liquids, differentiation of coalbed methane with respect to collection, existing tax exemptions and credits, and issues related to products so taxed moving in interstate commerce.

**CHAPTER 22C. ENVIRONMENTAL RESOURCES.****ARTICLE 9. OIL AND GAS CONSERVATION.****§22C-9-1. Declaration of public policy; legislative findings.**

(a) It is hereby declared to be the public policy of this state and in the public interest to:

(1) Foster, encourage and promote exploration for and development, production, utilization and conservation of oil and gas resources;

(2) Prohibit waste of oil and gas resources and unnecessary surface loss of oil and gas and their constituents;

(3) Encourage the maximum recovery of oil and gas; and

(4) Safeguard, protect and enforce the correlative rights of operators and royalty owners in a pool of oil or gas to the end that each such operator and royalty owner may obtain his or her just and equitable share of production from ~~such~~ that pool, unit or unconventional reservoir of oil or gas.

(b) The Legislature hereby determines and finds that oil and natural gas found in West Virginia in shallow sands or strata have been produced continuously for more than one hundred years; that oil and gas deposits in ~~such~~ shallow sands or strata have geological and other characteristics different than those found in deeper formations; and that in order to encourage the maximum recovery of oil and gas from all productive formations in this state, it is not in the public interest, with the exception of shallow wells utilized in a secondary recovery program, to enact statutory provisions relating to the exploration for or production ~~from~~ of oil and gas from vertical shallow wells, ~~as defined in section two of this article~~; but that it is in the public interest to enact statutory provisions establishing regulatory procedures and principles to be applied to the exploration for or production of oil and gas from deep wells, as defined in ~~said~~ section two and oil and gas produced from horizontal wells.

**§22C-9-2. Definitions.**

(a) ~~Unless the context in which used clearly requires a different meaning,~~ As used in this article:

(1) “Commission” means the Oil and Gas Conservation Commission and “commissioner” means the Oil and Gas Conservation Commissioner as provided for in section four of this article;

(2) “Director” means the ~~Director~~ Secretary of the ~~Division~~ Department of Environmental Protection and “chief” means the Chief of the Office of Oil and Gas;

(3) “Person” means any natural person, corporation, limited liability company, partnership, receiver, trustee, executor, administrator, guardian, fiduciary or other representative of any kind, and includes any government or any political subdivision or any agency thereof;

(4) “Operator” means any owner of the right to develop, operate and produce oil and gas from a pool and to appropriate the oil and gas produced therefrom, either for ~~such that~~ that person or for ~~such that~~ that person and others; in the event that there is no oil and gas lease in existence with respect to the tract in question, the owner of the oil and gas rights therein ~~shall be considered as is the~~ “operator” to the extent of seven-eighths of the oil and gas in that portion of the pool underlying the tract owned by ~~such the~~ the owner, and as “royalty owner” as to one-eighth interest in ~~such the~~ the oil and gas; and in the event the oil is owned separately from the gas, the owner of the substance being produced or sought to be produced from the pool ~~shall be considered as or unit is the~~ “operator” as to ~~such that~~ that pool or acreage included in a unit; the term operator includes owners of working interest in a lease but does not include owners whose interest is limited to working interests in a wellbore only, overriding royalties, or net profits interests;

(5) “Royalty owner” means any owner of oil and gas in place, or oil and gas rights, to the extent that ~~such the~~ the owner is not an operator as defined in subdivision (4) of this section;

(6) “Independent producer” means a producer of crude oil or natural gas whose allowance for depletion is determined under Section 613A of the federal Internal Revenue Code in effect on ~~the first day of July, one thousand nine hundred ninety-seven~~ July 1, 1997;

(7) “Oil” means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoir;

(8) “Gas” means all natural gas and all other fluid hydrocarbons not defined as oil in subdivision (7) of this section;

(9) “Pool” means an underground accumulation of petroleum or gas in a single and separate ~~natural~~ reservoir (ordinarily a porous sandstone or limestone). It is characterized by a single natural-pressure system so that production of petroleum or gas from one part of the pool affects the reservoir pressure throughout its extent. A pool is bounded by geologic barriers in all directions, such as geologic structural conditions, impermeable strata, and water in the formations, so that it is effectively separated from any other pools that may be presented in the same district or on the same geologic structure;

(10) “Well” means any shaft or hole sunk, drilled, bored or dug into the earth or underground strata for the extraction of oil or gas;

(11) ~~“Shallow well” means any well drilled and completed in a formation above the top of the uppermost member of the “Onondaga Group”: *Provided*, That in drilling a shallow well the operator may penetrate into the “Onondaga Group” to a reasonable depth, not in excess of twenty feet, in order to allow for logging and completion operations, but in no event may the “Onondaga Group” formation be otherwise produced, perforated or stimulated in any manner;~~ “Shallow well” means any well other than a coalbed methane well,

drilled no deeper than one hundred feet below the top of the “Onondaga Group”; *Provided*, That in no event may the “Onondaga Group” formation or any formation below the “Onondaga Group” be produced, perforated or stimulated in any manner;

(12) “Deep well” means any well, other than a shallow well or coalbed methane well, drilled ~~and completed in to~~ a formation ~~at or~~ below the top of the uppermost member of the “Onondaga Group”;

(13) “Drilling unit” or “unit” means the acreage on which one ~~well~~ or more wells may be drilled;

(14) “Waste” means and includes:

(A) Physical waste, as that term is generally understood in the oil and gas industry;

(B) The locating, drilling, equipping, operating or producing of any oil or gas well in a manner that causes, or tends to cause, a reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or that causes or tends to cause unnecessary or excessive surface loss of oil or gas; or

(C) The drilling of more horizontal wells or deep wells than are reasonably required to recover efficiently and economically the maximum amount of oil and gas from a pool, unit or an unconventional reservoir. Waste does not include gas vented or released from any mine areas as defined in section two, article one, chapter twenty-two-a of this code or from adjacent coal seams which are the subject of a current permit issued under article two of chapter twenty-two-a of this code: *Provided*, That ~~nothing in~~ this exclusion ~~is intended to~~ does not address ownership of the gas;

(15) “Correlative rights” means the reasonable opportunity of each person entitled thereto to recover and receive without waste the oil and gas in and under his or her tract or tracts, or the equivalent thereof; and

(16) “Just and equitable share of production” means, as to each person, an amount of oil or gas or both substantially equal to the amount of recoverable oil and gas in that part of a pool, unit or unconventional reservoir underlying ~~such~~ the person’s tract or tracts within a unit.

(17) “Unconventional reservoir” means any geologic formation that contains or is otherwise productive of oil or natural gas that generally cannot be produced at economic flow rates or in economic volumes except by wells stimulated by multiple hydraulic fracture treatments, a horizontal wellbore, or by using multilateral wellbores or some other technique to expose more of the formation to the wellbore;

(18) “Horizontal drilling” means a method of drilling a well for the production of oil and gas that is intended to maximize the length of wellbore that is exposed to the formation and in which the wellbore is initially vertical but is eventually curved to become horizontal, or nearly horizontal, to parallel a particular geologic formation; and

(19) “Horizontal well” means an oil and gas well, other than a coalbed methane well, where the wellbore is initially drilled using a horizontal drilling method. A horizontal well may include multiple horizontal side laterals drilled into the same formation. A horizontal well may have completions into multiple formations from the same well. Multiple horizontal wells may be drilled from the same well pad.

(b) Unless the context clearly indicates otherwise, the use of the word “and” and the word “or” ~~shall be~~ are interchangeable, as, for example, “oil and gas” ~~shall mean~~ means oil or gas or both.

(c) A person with an interest in oil and gas in a unit formed under this article who does not consent to the unit shall have no liability in connection with well site preparation, drilling, completion, maintenance, reclamation, plugging and other operations with respect to wells drilled in the unit.

**§22C-9-3. Application of article; exclusions.**

(a) Except as provided in subsection (b) of this section, the provisions of this article shall apply to all lands located in this state, however owned, including any lands owned or administered by any government or any agency or subdivision thereof, over which the state has jurisdiction under its police power. The provisions of this article are in addition to and not in derogation of or substitution for the provisions of article six, chapter twenty-two of this code.

(b) This article shall not apply to or affect:

(1) Shallow wells other than shallow horizontal wells and those utilized in secondary recovery programs as set forth in section eight of this article;

(2) Any well commenced or completed prior to ~~the ninth day of March, one thousand nine hundred seventy-two~~ March 9, 1972, unless ~~such~~ the well is, after completion (whether ~~such~~ the completion is prior or subsequent to that date):

(A) Deepened or drilled laterally subsequent to that date to a formation at or below the top of the uppermost member of the "Onondaga Group"; ~~or~~

(B) Involved in secondary recovery operations for oil under an order of the commission entered pursuant to section eight of this article; or

(C) Drilled laterally as a horizontal well at any depth;

(3) Gas storage operations or any well employed to inject gas into or withdraw gas from a gas storage reservoir or any well employed for storage observation; ~~or~~

(4) Free gas rights; or

(5) Coalbed methane wells.



(c) The provisions of this article shall not be construed to grant to the commissioner or the commission authority or power to:

(1) Limit production or output, or prorate production of any oil or gas well, except as provided in subdivision (6), subsection (a), section seven of this article; or

(2) Fix prices of oil or gas.

(d) Nothing contained in either this chapter or chapter twenty-two of this code may be construed so as to require, prior to commencement of plugging operations, a lessee under a lease covering a well to give or sell the well to any person owning an interest in the well, including, but not limited to, a respective lessor, or agent of the lessor, nor shall the lessee be required to grant to a person owning an interest in the well, including, but not limited to, a respective lessor, or agent of a lessor, an opportunity to qualify under section twenty-six, article six, chapter twenty-two of this code to continue operation of the well.

**§22C-9-4. Oil and gas conservation commissioner and commission; commission membership; qualifications of members; terms of members; vacancies on commission; meetings; compensation and expenses; appointment and qualifications of commissioner; general powers and duties.**

(a) The “oil and gas conservation commission” ~~shall be~~ is composed of ~~five~~ seven members. The Director of the ~~Division~~ Department of Environmental Protection, ~~and~~ the chief of the office of oil and gas ~~shall be~~ and the state geologist are members of the commission ex officio. The remaining ~~three~~ four members of the commission shall be appointed by the Governor, by and with the advice and consent of the Senate, and may not be employees of the ~~Division~~ Department of Environmental Protection. Each of the four members appointed by the Governor shall be a resident of this state. Of the ~~three~~ four members appointed by the Governor, one the first shall be an independent producer, ~~and at least one shall be a public member not engaged in an activity under the jurisdiction of the~~

~~Public Service Commission or the federal energy regulatory commission.~~ The second appointee shall be an individual who has significant experience in the agricultural industry and who is engaged in the business of farming in this state. When this member is to be appointed, the Governor shall request from the primary organization representing the agriculture and forestry industries in this state a list of three nominees for the member to be appointed. The third appointee shall be an owner of minerals in this state who is not affiliated with an operator of oil or gas wells. When this member is to be appointed, the Governor shall request from the major trade association representing mineral owners in this state a list of three nominees for the member to be appointed. The third fourth appointee shall possess a degree from an accredited college or university in petroleum engineering or geology and must be a registered professional engineer with particular knowledge and experience in the oil and gas industry and shall serve as commissioner and as chair of the commission. The term "affiliated" as used in this subsection means someone who directly, or indirectly through one or more intermediaries, controls or is controlled by or is under common control with an operator of oil and gas wells by virtue of the power to direct or cause the direction of the management and policies of that operator, whether through the ownership of voting shares, by contract or otherwise.

(b) The members of the commission appointed by the Governor shall be appointed for overlapping terms of six years each, except that the original appointments shall be for terms of two, four, five and six years, respectively. Each member appointed by the Governor shall serve until the members successor has been appointed and qualified. Members may be appointed by the Governor to serve any number of terms. The members of the commission appointed by the Governor, before performing any duty hereunder, shall take and subscribe to the oath required by section 5, article IV of the Constitution of West Virginia. Vacancies in the membership appointed by the Governor shall be filled by appointment by the Governor for the unexpired term of the member whose office is vacant and ~~such~~ the appointment shall be made by

the Governor within sixty days of the occurrence of such vacancy. Any member appointed by the Governor may be removed by the Governor in case of incompetency, neglect of duty, gross immorality or malfeasance in office. A commission member's appointment ~~shall be~~ is terminated as a matter of law if that member fails to attend three consecutive meetings. The Governor shall appoint a replacement within thirty days of the termination.

(c) The commission shall meet at such times and places as ~~shall be~~ are designated by the chair. The chair may call a meeting of the commission at any time, and shall call a meeting of the commission upon the written request of two members or upon the written request of the oil and gas conservation commissioner or the chief of the office of oil and gas. Notification of each meeting shall be given in writing to each member by the chair at least fourteen calendar days in advance of the meeting. ~~Three~~ Four members of the commission, at least two of whom are appointed members, ~~shall~~ constitute a quorum for the transaction of any business.

(d) The commission shall pay each member the same compensation as is paid to members of the Legislature for their interim duties as recommended by the citizens legislative compensation commission and authorized by law for each day or portion thereof engaged in the discharge of official duties and shall reimburse each member for actual and necessary expenses incurred in the discharge of official duties.

(e) The commission is hereby empowered and it is the commission's duty to execute and carry out, administer and enforce the provisions of this article in the manner provided herein. Subject to the provisions of section three of this article, the commission has jurisdiction and authority over all persons and property necessary therefor. The commission is authorized to make such investigation of records and facilities as the commission ~~deems~~ considers proper. In the event of a conflict between the duty to prevent waste and the duty to protect correlative rights, the commission's duty to prevent waste ~~shall be~~ is paramount.

(f) Without limiting the commission's general authority, the commission ~~shall have~~ has specific authority to:

(1) Regulate the spacing of deep wells;

(2) Issue horizontal well unit orders;

~~(2)~~ (3) Make and enforce reasonable rules and orders reasonably necessary to prevent waste, protect correlative rights, govern the practice and procedure before the commission and otherwise administer the provisions of this article;

~~(3)~~ (4) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of any books, records, maps, charts, diagrams and other pertinent documents, and administer oaths and affirmations to ~~such~~ the witnesses, whenever, in the judgment of the commission, it is necessary to do so for the effective discharge of the commission's duties under the provisions of this article; and

~~(4)~~ (5) Serve as technical advisor regarding oil and gas to the Legislature, its members and committees, to the chief of office of oil and gas, to the ~~Division~~ Department of Environmental Protection and to any other agency of state government having responsibility related to the oil and gas industry.

(g) The commission may delegate to the commission staff the authority to approve or deny an application for new well permits, to establish drilling units or special field rules if:

(1) The application conforms to the rules of the commission; and

(2) No request for hearing has been received.

(h) The commission may not delegate its authority to:

(1) Propose legislative rules;

(2) Approve or deny an application for new well permits, to establish drilling units or special field rules if the conditions set forth in subsection (g) of this section are not met; or

(3) Approve or deny an application for the pooling of interests within a drilling unit.

(i) Any exception to the field rules or the spacing of wells which does not conform to the rules of the commission, and any application for the pooling of interests within a drilling unit, must be presented to and heard before the commission.

**§22C-9-5. Rules; notice requirements.**

(a) The commission may propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement and make effective the provisions of this article and the powers and authority conferred and the duties imposed upon the commission under the provisions of this article.

(b) Notwithstanding the provisions of section two, article seven, chapter twenty-nine-a of this code, any notice required under the provisions of this article shall be given at the direction of the commission by personal or substituted service or by certified United States mail, addressed, postage prepaid, to the last-known mailing address, if any, of the person being served, with the direction that the same be delivered to addressee only, return receipt requested. In the case of providing notice upon the filing of an application with the commission, the commission shall ~~cause notice~~ within fourteen days of the filing of an application, submit for publication notice of the application to be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for ~~such~~ the publication shall be the county or counties wherein any land which may be affected by ~~such~~ the order is situate.

In addition, the commission shall mail a copy of ~~such~~ the notice to all other persons who have specified to the commission an address

to which all such notices may be mailed. The notice shall issue in the name of the state, shall be signed by one of the commission members, shall specify the style and number of the proceeding, the time and place of any hearing and shall briefly state the purpose of the proceeding. Each notice of a hearing must be provided no fewer than twenty days preceding the hearing date. Personal or substituted service and proof thereof may be made by an officer authorized to serve process or by an agent of the commission in the same manner as is now provided by the ~~“West Virginia Rules of Civil Procedure for Trial Courts of Record”~~ *West Virginia Rules of Civil Procedure* for service of process in civil actions in the various courts of this state.

A certified copy of any pooling or unit order entered under the provisions of this article shall be presented by the commission to the clerk of the county commission of each county wherein all or any portion of the pooled or unit tract is located, for recordation in the record book of ~~such~~ the county in which oil and gas leases are normally recorded. The recording of the order from the time noted thereon by ~~such~~ the clerk shall be notice of the order to all persons.

**§22C-9-7a. Unitization of interests in horizontal well drilling units.**

*(a) Declaration of public policy; legislative findings regarding unitization for all horizontal wells. –*

The Legislature finds that horizontal drilling is a technique that effectively and efficiently recovers natural resources and should be encouraged as a means of production of oil and gas and it is hereby declared to be the public policy of this state and in the public interest to:

(1) Foster, encourage and promote exploration for and development, production, utilization and conservation of oil and gas resources by horizontal drilling in deep and shallow formations;

(2) Prohibit waste of oil and gas resources and unnecessary surface loss of oil and gas and their constituents;

(3) Encourage the maximum recovery of oil and gas; and

(4) Safeguard, protect and enforce the correlative rights of operators and royalty owners of oil and gas in a horizontal well unit to the end that each such operator and royalty owner may obtain his or her just and equitable share of production from that pool, horizontal well unit or unconventional reservoir of oil or gas.

(b) *Definitions.* – Unless the context in which used clearly requires a different meaning, as used in this section:

(1) “Bonded operator” means a person that has posted a bond under article six or six-a, chapter twenty-two of this code; is registered as an oil and gas well operator with the West Virginia Department of Environmental Protection, Office of Oil and Gas; and operates eight or more oil and gas wells, as defined in articles six and six-a of chapter twenty-two of this code, in West Virginia that are active, producing oil and gas wells;

(2) “Executive interest” and “executory interest” means the interest entitling the owner to lease the oil and gas estate or amend an existing oil and gas lease. For purposes of this section, the owner of the executive interest is considered to be the royalty owner and interested party for purposes of notice and participation in proceedings here in this article, and all horizontal well unit orders are binding on the owners of executive interests and nonexecutive interests in a horizontal well unit. The owners of the executive interest and the associated nonexecutive interest owners are considered to be the same interest for purposes of computing percentages pursuant to paragraph (A), subdivision (2), subsection (c) of this section;

(3) “Horizontal well unit” means an area in which horizontal drilling may occur, and that is designated for the allocation of production from one or more horizontal wells drilled in the unit to all oil and gas tracts, or portions of the tracts, included in the unit for production of oil and gas and payment of royalty and proceeds of

production regardless of the tract or tracts in which the horizontal well is drilled or completed, and the corresponding authorization to drill and produce oil and gas from that area as a unit, notwithstanding the lack of adequate consensual rights allowing pooling or unitization of oil and gas or allowing drilling horizontally across tract lines. When a horizontal well unit is formed, that portion of the production allocated to each tract or portion of the unit included in the horizontal well unit shall, when produced, be considered for all purposes to have been actually produced from the tract by an oil and gas well drilled, completed and producing on the tract;

(4) “Lateral” means the portion of a well bore that deviates from approximate vertical orientation to approximate horizontal orientation and all wellbore beyond the initial deviation to total depth or terminus of the wellbore;

(5) “Overriding royalty” means an interest carved out of the leasehold or out of the working interest and is not included within the meaning of royalty;

(6) “Royalty owner” means any owner of oil and gas in place or interest derived from the oil and gas in place. Royalty is not carved out of a leasehold interest. For example, if a fee owner of oil and gas leases property for oil and gas production and conveys to another the right to receive one half of the oil and gas when produced, both parties are royalty owners;

(7) “Target formation” means the primary geologic formation from which oil or gas is intended to be produced from a horizontal drilling operation and, where completions can reasonably be expected to produce from formations above or below the target formation, includes the formations from which production can reasonably be expected;

(8) “Unitization” means the combination of two or more tracts of oil and gas, or portions thereof, or leases, for drilling of horizontal



wells and production of oil and gas from the unit with allocation of production to the net acreage of each tract included in the unit to operate as a consolidated horizontal well unit;

(9) “Unitization consideration” means consideration provided as set forth in subsection (f) of this section. Unitization consideration relates to the net acreage of the nonconsenting royalty owner included in a horizontal well unit and is as determined to be just and reasonable by the commission; and

(10) “Unknown and unlocatable interest owner” means a royalty owner, executive interest owner, operator or other person vested with an interest in oil and gas in the target formation to be included in a horizontal well unit, whose present identity or location cannot be determined from:

(A) A reasonable review of the records of the clerk of the county commission for the county or counties where the oil and gas is located;

(B) Diligent inquiry to known interest owners in the same tract;

(C) Inquiry to the sheriff’s and assessor’s offices of the county or counties in which the oil and gas interest is located;

(D) A reasonable inquiry utilizing available Internet resources that could reasonably lead to the identification of the person; and

(E) A mailing to the last known address, if available, of the person as reflected in the records of the sheriff’s or assessor’s office, and includes the unknown heirs, representatives, successors and assigns of the person.

(c) *Applicability.* –

(1) For all horizontal wells, including shallow and deep horizontal wells, the commission may unitize tracts, or portions of

tracts, in a horizontal well unit established under this section upon the filing of an application with the commission by a person that controls the horizontal well unit and upon the issuance of a horizontal well unit order pursuant to this section.

(2) Before filing an application under this section, an applicant must have:

(A) With respect to the royalty interest, obtained by ownership, lease, lease amendment, assignment, farmout, contract or other agreement the right, consent or agreement to pool or unitize the acreage to be included in the horizontal well unit from executory interest royalty owners of eighty percent or more of the net acreage proposed to be included in the horizontal well unit, as provided and determined in subdivision (3) of this subsection; and

(B) With respect to the operator interest, obtained by ownership, lease, lease amendment, assignment, farmout, contract, or other agreement, the right, consent or agreement to pool or unitize as to eighty percent or more of the net acreage proposed to be included in the horizontal well unit owned, leased, or operated by bonded operators and the applicant, collectively, by ownership, lease, farmout, assignment, contract or other agreement; and

(C) (i) Made good faith offers to consent or agree to unitization to, and has negotiated in good faith with, all known and locatable royalty owners having executory interests in the oil and gas in the target formation within the acreage to be included in the proposed horizontal well unit who have not previously consented or agreed to the pooling or unitization of the interests, and (ii) made good faith offers to participate or consent or agree to the proposed horizontal well unit to, and has negotiated in good faith with, all known and locatable operators who have not previously agreed to participate or consent or agree to pooling and unitization of the acreage to be included in a proposed horizontal well unit.

A person who satisfies the conditions of paragraphs (A) through (C) of this subdivision is referred to in this section as a person that controls the horizontal well unit.

(3) For purposes of determining whether a person has obtained the requisite control of the proposed horizontal well unit, the commission may not include overriding royalty owners, nonexecutive interest royalty owners or acreage owned or otherwise held by unleased unknown and unlocatable interest owners or acreage owned or otherwise held by operators who are not bonded operators. Furthermore, for purposes of determining whether a person has the requisite control of the proposed horizontal well unit, the identity and rights of royalty owners and bonded operators shall be determined as of the date on which the application for a horizontal well unit is filed.

(4) If the applicant has not met all the provisions of this subsection, the application shall be dismissed without prejudice.

(5) If the applicant meets all of the provisions of this subsection, the commission shall authorize unitization of tracts, or portions of the tracts, as to all interests in oil and gas in the target formation acreage proposed to be unitized for horizontal drilling, including interests of unknown and unlocatable interest owners, for production of oil and gas from the target formation as a horizontal well unit, and shall issue a horizontal well unit order in accordance with this section.

(d) *Application requirements.* –

(1) An applicant who is a person that controls the horizontal well unit proposed for a horizontal well unit order and has drilled or plans to drill one or more horizontal wells in the proposed horizontal well unit may file an application with the commission for a horizontal well unit order. The application shall contain:

(A) A description of the proposed horizontal well unit and identification of the target formation or formations;

(B) A statement of the nature of the operations contemplated;

(C) A plat that depicts the boundaries and acreage of the proposed horizontal well unit, the tracts in the horizontal well unit, the surface tax map and parcel numbers of the tracts to be included in the horizontal well unit in accordance with county assessor's records, and the district(s) and county or counties where the proposed horizontal well unit is located. The plat shall show the surface location of the vertical borehole of the horizontal well(s) to be included in the proposed horizontal well unit determined by survey, the courses and distances of the surface location from two permanent points or landmarks on those tracts, the deviation from vertical, and also the proposed horizontal lateral portion of each proposed horizontal well to be included in the proposed horizontal well unit. The plat shall show the proposed horizontal well unit name, the proposed horizontal well names, and if known, the well number of each horizontal well to be drilled in the horizontal well unit. The plat shall also show the location of each permitted, active oil and gas well located in the horizontal well unit, and the name of the operator of the well as shown by the records of the Department of Environmental Protection, Office of Oil and Gas: *Provided*, That the applicants are not required to depict or identify any abandoned or plugged well;

(D) A listing of all oil and gas tracts, or portions thereof, within the proposed horizontal well unit, the size of each tract, and the extent to which each tract is leased;

(E) The names and last known addresses of royalty owners of the target formation of each tract within the proposed horizontal well unit, specifying:

(i) Which, if any, of them are unknown and unlocatable;

(ii) Which of them hold executive rights; and

(iii) With respect to owners of an executory interest, whether they have consented to pooling or unitization of the acreage proposed to be included in the horizontal well unit;

(F) The names and last known addresses of operators of proposed horizontal well unit target formation acreage whose interest is of record in the county where the property is located, specifying:

(i) Which, if any, of them are unknown and unlocatable; and

(ii) Which, if any of them, are bonded operators, and if a bonded operator, whether he or she has consented to pooling or unitization as to the acreage proposed to be included in the horizontal well unit;

(G) Information regarding the applicant's actions to identify and locate unknown and unlocatable interest owners of target formation acreage to be included in the horizontal well unit;

(H) The percentage of the net acreage in the proposed horizontal well unit owned by executory interest target formation royalty owners who have consented to pooling or unitization;

(I) The percentage of the net acreage in the proposed horizontal well unit held by bonded operators and the applicant, collectively, as to which consent or agreement to pooling or unitization has been granted;

(J) A percentage allocation to the separately owned tracts, or portions thereof, in the proposed horizontal well unit of the oil and gas that will be produced from the horizontal well unit as determined by the proportion that each tract's net acreage within the horizontal well unit bears to the total net acreage in the horizontal well unit;

(K) A certification that the applicant meets the requirements of subsection (c) of this section with respect to the proposed horizontal well unit, a list of the instruments granting the control and a certification that the applicant has mailed a copy of the application

to all known and locatable interested parties by United States certified mail, return receipt requested, to their last known address and to the most current address filed with the West Virginia Department of Environmental Protection, Office of Oil and Gas, if any; and

(L) A statement whether the applicant has submitted, either previously or contemporaneously with the application filed pursuant to this section, an application for a well work permit with the Department of Environmental Protection for one or more horizontal wells to be completed within the boundaries of the proposed horizontal well unit.

(2) Upon the filing of an application for a horizontal well unit order, the commission shall provide notice of a hearing to all interested parties, as defined in this section, in accordance with section five of this article and subsection (g) of this section.

(e) *Standard of review.* –

(1) The commission shall evaluate the application and shall consider:

(A) The ownership and control of the tracts, or portions of the tracts, in the proposed horizontal well unit;

(B) Whether the tracts, or portions of the tracts, proposed to be made subject to a horizontal well unit order are owned, in whole or in part, by unknown and unlocatable interest owners;

(C) Information regarding the applicant's actions to locate unknown and unlocatable interest owners for the tracts, or portions of the tracts, sought to be included in the horizontal well unit;

(D) The percentage of executory interest royalty owner target formation acreage to be included in the horizontal well unit as to which consent or agreement for pooling or unitization has been granted;

(E) The percentage of proposed horizontal well unit target formation acreage held, collectively, by the applicant and bonded operators who have consented or agreed to the unit in accordance with subsection (c) of this section;

(F) Whether the applicant is a person that controls the horizontal well unit proposed for unitization;

(G) The area to be drained by well(s) completed or to be completed in the horizontal well unit;

(H) Correlative rights;

(I) The extent to which the application will prevent waste;

(J) Whether the applicant has complied with subsection (c) of this section; and

(K) Whether notice has been provided in accordance with this section.

(2) The commission may not issue a horizontal well unit order pursuant to this section unless it finds that the applicant has before the filing of the application met the requirements of subsection (c) of this section.

(3) The commission may not change the operator of an existing well drilled in the proposed horizontal well unit, or a well actually being drilled within the proposed horizontal well unit as of the date the application is filed under this section, and shall consider and protect the interests of owners of the well when issuing a horizontal well unit order.

(f) *Horizontal Well Unit Orders.* –

(1) A horizontal well unit order under this section shall specify:

(A) The size and boundaries of the horizontal well unit giving due regard for maximization of the amount of oil and gas produced to prevent waste and protect correlative rights: *Provided*, That a horizontal well unit's size may not exceed six hundred forty acres: *Provided, however*, That the commission may exceed the acreage limitation by ten percent if the applicant demonstrates that the proposed horizontal well unit area would be drained efficiently and economically by a larger horizontal well unit;

(B) The horizontal wells which may be drilled in the horizontal well unit, and whether the horizontal wells to be drilled are shallow or deep;

(C) If there are vertical wells completed in the target formation in the horizontal well unit, the area where a horizontal well may not be completed;

(D) The target formation or target formations to which the horizontal well unit applies; and

(E) Any unitization consideration due.

(2) An order authorizing unitization of tracts with unknown and unlocatable interest owners shall contain a finding that identifies the persons as unknown and unlocatable.

(3) An order shall specify that the allocation of the percentage of production of the horizontal wells drilled in the horizontal well unit to the separately owned tracts, or portions of the tracts, included within the horizontal well unit shall be in the proportion that each tract's net acreage within the horizontal well unit bears to the total net acreage within the horizontal well unit.

(4) A horizontal well unit order shall authorize and perfect unitization of all interests in the target formation as to the tracts, or portions of the tracts, included in the horizontal well unit.



(5) If the applicant is a person that controls the horizontal well unit proposed for a horizontal well unit order under this section, the commission shall form a horizontal well unit pursuant to this section and authorize the drilling and operation of one or more horizontal wells in the unit for the production of oil or gas from the target formation from any tract within the horizontal well unit.

(6) With respect to royalty owners of leased tracts who have not consented to pooling or unitization, the commission may require that unitization consideration be provided to executive interest royalty owners equivalent to just and reasonable consideration for the modification of rights under a lease. Further, if an award of unitization consideration differs from the rights under a lease or other contract, the applicant, all royalty owners, and owners of leasehold, working interest, overriding royalty interest and other interests in the oil and gas are bound by the order: *Provided*, That the terms of any unitization consideration shall be no less favorable than the economic terms contained in the applicable lease on the date the application for the unit order was filed with the commission. Unitization consideration shall be provided by the participating operators, including the applicant, to the extent of their interest in the horizontal well unit.

(7) With respect to interests in oil and gas as to which there is no lease in existence, the owner thereof is considered a royalty owner to the extent of one-eighth and operator to the extent of seven-eighths by virtue of subdivision (4), subsection (a), section two of this article and:

(A) Any such owner may elect to surrender the oil and gas underlying the tract to the participating operators, including the applicant, to the extent of their interest in the horizontal well unit for consideration, which if not agreed upon, shall be just and reasonable as determined by the commission; or

(B) Executive interest owners may make an election for unitization consideration, and if the executive interest owner elects

unitization consideration, the interests of the executive interest owner and the associated nonexecutive interest owners shall be considered leased to the participating operators, including the applicant, to the extent of their interest in the horizontal well unit on terms which, if not agreed upon, shall be just and reasonable as determined by the commission: *Provided*, That, with respect to the deemed one-eighth royalty interest only, any royalty terms determined by the commission shall stipulate that the royalties may not be reduced by production or post-production expenses, and shall stipulate that royalties shall be calculated and paid on all natural gas, natural gas liquids, and other substances emitted from the borehole and marketed off the premises: *Provided, however*, That the commission may consider the net amount payable under leases where post-production expenses are permitted when determining the production royalty rate. Thereafter, the applicant and all royalty owners and owners of leasehold, working interest, overriding royalty interest and other interests in the associated unleased oil and gas shall be bound by the order. Further, following an election by the executive interest owners to receive unitization consideration under this paragraph (B), the participating operators including the applicant, to the extent of their interest in the horizontal well unit, will be the operator of the oil and gas as to the deemed seven-eighths interest and the owner of the unleased oil and gas will be the executive interest royalty owner as to the deemed one-eighth interest. Nothing contained in this paragraph (B) applies to any lease in this state now in existence or entered into in the future, or to any award of unitization consideration made by the commission other than unitization consideration awarded to an executive interest owner of an unleased tract who elects to be considered leased pursuant to this paragraph (B).

(C) Owners of oil and gas interests as to which there is no lease in existence who do not elect (A) or (B) of this subdivision shall be considered to be a royalty owner with respect to one-eighth and an operator with respect to seven-eighths of their ownership interest, and may not receive unitization consideration. With respect to the seven-eighths, the owner may elect Option 1, Option 2 or Option 3 hereinafter provided.

(8) No unitization consideration may be required to be paid to any royalty owner who has consented or agreed to pooling or unitization by virtue of the terms contained in an oil and gas lease, pooling or unitization agreement, or other agreement which permits pooling or unitization.

(9) An operator may elect to consent to and participate in a horizontal well unit after an application is filed. Subject to subdivision (7) of this subsection, when the commission issues a horizontal well unit order pursuant to this section, the commission shall allow each nonconsenting operator, who does not elect to participate in the risk and cost of drilling in the horizontal well unit to choose from the following options:

(A) Option 1. To surrender the interest or a portion thereof to the participating owners on a reasonable basis and for a just and reasonable consideration, which, if not agreed upon, shall be determined by the commission;

(B) Option 2. To participate in the drilling in the horizontal well unit on a limited or carried basis on terms and conditions which, if not agreed upon, shall be determined by the commission to be just and reasonable; or

(C) Option 3. To enter into a farm out agreement, sublease, or other contract to permit drilling, operation and unitization with respect to the interest for the consideration and on terms and conditions which, if not agreed upon, shall be determined by the commission to be just and reasonable.

(10) If a nonconsenting operator elects Option 2, and an owner of any operating interest in any portion of the horizontal well unit drills and operates, or pays the costs of drilling, completing, equipping and operating a horizontal well for the benefit of the nonparticipating owner as provided in the horizontal well unit order, then the operating owner is entitled to the share of production from the tracts or portions thereof subject to the horizontal well unit order accruing

to the interest of the nonparticipating owner, exclusive of any unitization consideration, and royalty and overriding royalty reserved in any leases, assignments thereof or agreements relating thereto, of the tracts or portions of the tracts, until the market value of the nonparticipating owner's share of the production, exclusive of the unitization consideration, royalty and overriding royalty equals double the share of the costs payable by or charged to the interest of the nonparticipating owner. If an operator is an unknown and unlocatable interest owner, the operator shall be deemed to have elected Option 1.

(11) If a dispute arises as to the costs of drilling, completing, equipping and operating a horizontal well in a horizontal well unit formed pursuant to this section, the commission shall determine and apportion the costs, within ninety days from the date of written notification to the commission of the existence of the dispute.

(12) If the horizontal well unit approved by the commission is not fully developed as approved in the order, the applicant shall file a request to modify the horizontal well unit with the commission within sixty days from the later of: Completion of all drilling activities within the horizontal well unit; or the date that is five years after the most recent drilling activity in the horizontal well unit occurs.

(13) Any interested party may file an application to correct a clerical error in a horizontal well unit order at any time.

(14) The applicant may file a request to modify a horizontal well unit order at any time.

(15) If an operator has not drilled a well in a horizontal well unit formed by the commission within five years after the latter of either the drilling and completion of the initial horizontal well in the horizontal well unit or the drilling and completion of the most recent horizontal well within the horizontal well unit, as the case may be, an interested party may file a request to modify the horizontal well

unit, and the commission may modify the horizontal well unit. Upon the modification of the horizontal well unit, the commission shall recalculate the allocation of production from the tracts in the modified horizontal well unit from and after the modification order date and the modification order shall be binding on the property subject to the horizontal well unit order, and all owners thereof, their heirs, representatives, successors and assigns for so long as the horizontal well unit order remains in effect. If the commission determines that any party has been overcompensated, the commission may authorize the applicant to withhold distributions to the overcompensated party and redistribute withheld moneys to the appropriate parties. The operator may set off against any amount overpaid.

(16) All operations, including, but not limited to, the commencement, drilling, or operation of a horizontal well upon any portion of a horizontal well unit for which a unit order has been entered pursuant to this section, shall be considered for all purposes the conduct of the operations upon each separate tract or portion of the tract in the horizontal well unit. That portion of the production allocated to each tract or portion of the tract included in a horizontal well unit shall, when produced, be considered for all purposes to have been actually produced from the tract by an oil and gas well drilled, completed and producing on the tract.

(17) Subject to the provisions of subsection (o) of this section, where the commission finds that the interest of one or more unknown and unlocatable interest owners are included in the horizontal well unit, the horizontal well unit operator shall deposit the moneys payable to unknown and unlocatable interest owners into an escrow account bearing a market rate of interest to be held, administered and disbursed in accordance with an order of the commission and this section.

(18) A horizontal well unit order under this section shall expire if a horizontal well has not been drilled in the horizontal well unit within three years of the date the order is final and nonappealable,

unless the commission extends the order for good cause, and if a well has been drilled within three years the horizontal well unit shall continue in force and effect until the last producing horizontal well in the horizontal well unit is no longer capable of producing oil and gas.

(19) For purposes of this section, the commission shall determine what is “just and reasonable” based on relevant evidence adduced at a hearing including but not limited to amounts paid or consideration given in arm’s length transactions in the vicinity of the horizontal well unit and within a reasonable time prior to the hearing for transactions of the same nature and involving similar geologic conditions as that transaction being considered by the commission.

(20) So long as the order remains in effect, a horizontal well unit order shall be binding on the property subject to the horizontal well order and all owners of the property and their heirs, representatives, successors and assigns.

(21) Any royalties payable under this section shall be calculated and paid on all natural gas, natural gas liquids, and all other substances emitted from the borehole and marketed off the premises.

(g) *Notice, timelines, hearings and orders.* –

(1) (A) For purposes of this section and the West Virginia Administrative Procedures Act, “interested parties” and “parties” means owners of the executive interest in the oil and gas in the target formation within the horizontal well unit, including the unknown and unlocatable interest owner of the executive interest in the tracts, or portions of the tracts, to be included in the horizontal well unit subject to an application for a horizontal well unit order; owners of unleased oil and gas to be included in the horizontal well unit; operators of all target formation acreage in the horizontal well unit; and operators of all oil and gas wells located in the unit that have been drilled to or through the target formation.

(B) Bonded operators of wells drilled to or through the target formation that are not within the horizontal well unit but are located within five hundred feet of a proposed horizontal well unit boundary may submit written comments regarding the horizontal well unit application at any time before the start of any hearing regarding the application, but are not interested parties and may not participate in the hearing nor have the right to appeal the commission's decision regarding the application.

(2) Each notice issued in accordance with this section shall describe the area for which a horizontal well unit order is proposed in recognizable, narrative terms and contain such other information as is essential to the giving of proper notice, including the time and date and place of a hearing. As soon as practicable the commission shall establish a website. Within three business days of the filing of an application under this section, the commission shall publish on its website a copy of: (i) The horizontal well unit application notice required to be published pursuant to this section and section five of this article; and (ii) the proposed horizontal well unit plat filed with the application, both identified as a horizontal well unit application and indexed by county and district where the majority of the acreage to be included in the proposed horizontal well unit is located, so that the plat and notice of the application are readily accessible. Timely publication on the website for a period of ten business days shall be notice to all operators.

(3) Upon request of any interested party or the commission, the commission shall conduct a hearing and receive evidence regarding the application. All interested parties may participate in any hearing. If a hearing has been held regarding an application, the order shall be a final order. If no hearing has been requested by the commission or an interested party within fifteen days after notice of the application is posted on the commission website in accordance with subdivision (2) of this subsection, the commission may issue a proposed order and provide a copy of the proposed order, together with notice of the right to appeal to the commission and request a hearing, to all interested parties. Any interested party aggrieved by

the proposed order may appeal the proposed order to the commission and request a hearing. Notice of appeal and request for hearing shall be made within fifteen days of entry of the proposed order. If no appeal and request for hearing has been received within fifteen days, the proposed order shall become final. If a hearing is requested, the hearing shall commence within forty five days of issuance of the initial notice. The commission may, upon written request, extend the date for the hearing: *Provided*, That the hearing must be convened within forty five days of the initial notice issued by the commission. The commission shall, within twenty days of the hearing, enter an order authorizing the unit, dismiss the application or for good cause continue the process.

(4) At least ten days prior to a hearing to consider an application for a horizontal well unit order, the applicant shall file with the commission a summary of:

(A) The prevailing economic terms of the leases within the proposed horizontal well unit and within any immediately adjacent unit where the applicant is the operator, including the bonus payment per net acre, production royalty rate, whether the production royalty is subject to reduction for post-production expenses and any other common conditions or terms of the leases; and

(B) The prevailing consideration paid to the executive interest royalty owners for the modification of leases within the proposed unit or within any immediately adjacent unit where the applicant is the operator to allow the lessee to pool or unitize the leased tract with other tracts for purposes of drilling horizontal wells.

The applicant may mark the summary of the prevailing economic terms of leases and consideration paid for lease modifications filed with the commission, and any associated documents or information, as “CONFIDENTIAL” to the extent that the documents contain confidential, commercial information. Any information marked “CONFIDENTIAL” may only be used by the commission for the



purpose of the underlying hearing and may only be reviewed at the offices of the commission for purposes of preparing for the underlying hearing by interested parties who are either executive interest royalty owners of unleased tracts or executive interest royalty owners of leased tracts within the proposed unit who have not consented or agreed to pooling or unitization, and for no other purpose. Prior to an executive interest royalty owner of an unleased tract or an executive interest royalty owner of a leased tract within the proposed unit who has not consented to pooling or unitization disclosing any document or other material marked as "CONFIDENTIAL", or any information contained therein, to an attorney, expert witness, consultant or other person assisting the owner with a hearing under this section, the party making the disclosure must first inform the person that he or she is bound by the duty of confidentiality established under this subdivision and the person to whom disclosure is to be made shall sign an acknowledgment that the information is and shall remain at all times confidential, and that the person agrees to abide by the duty of confidentiality established by this subdivision and to refrain from using the information for any purpose other than the applicable hearing. All information marked "CONFIDENTIAL" pursuant to this subdivision shall retain that character in any court of competent jurisdiction on appeal, and the applicant may file a motion with the court seeking to have the documents sealed and withheld from the public record throughout the appeal from a final order of the commission pertaining to a horizontal well unit order. Furthermore, any information marked "CONFIDENTIAL" pursuant to this subdivision is exempt from disclosure under article one, chapter twenty-nine-b of this code.

(5) An order establishing a horizontal well drilling unit or dismissing an application shall be a final order. Any interested party aggrieved by the order may seek judicial review pursuant to section eleven of this article. Notice of appeal shall be made in accordance with section eleven of this article within fifteen days of entry of the order. If no appeal has been received within fifteen days, the order shall become final.

(h) *Unit order does not grant surface rights.* – A horizontal well unit order under this section does not grant or otherwise affect surface use rights: *Provided*, That without limiting the foregoing, in no event shall drilling be initiated upon, or other surface disturbance occur upon, the surface of or above a tract of minerals that was forced into the unit pursuant to this section without the owner’s consent.

(i) *Commission approval required for certain additional drilling.* – After the filing of an application for a horizontal well unit order, no well may be drilled or completed to or through the target formation of the proposed horizontal well unit unless authorized by the commission.

(j) *Contemporaneous permit applications authorized.* – Notwithstanding anything to the contrary in article six-a, chapter twenty-two of this code, upon the filing of an application for a horizontal well unit order pursuant to this section, an applicant may file an application for a well work permit under article six-a, chapter twenty-two of this code for any proposed development within the horizontal well unit for which the unit order is sought.

(k) *A party may appear in person.* – At any hearing an interested party may represent themselves or be represented by an attorney-at-law.

(l) No provision of this section alters the common law of this state regarding the deduction of post-production expenses for the purpose of calculating royalty.

(m) *Conflict resolution.* – After the effective date of this section, all applications requesting unitization for horizontal wells shall be filed pursuant to this section. Deep well horizontal unit applications filed before the effective date of this section shall continue to proceed under and be governed by the provisions of section seven of this article. With respect to horizontal well unit applications filed after the effective date of this section, if this section conflicts with

section seven of this article, the provisions of this section shall prevail. When considering an application pursuant to this section, rules regarding deep wells promulgated before the effective date of this section shall not apply. The commission may modify any special field rules, spacing orders, and deep well units in connection with horizontal well unit orders under this section to protect correlative rights, prevent waste, or ensure that operators and royalty owners receive their just and equitable share of production.

(n) *Unknown and unlocatable interest owners.* – Notwithstanding the existence of unknown and unlocatable interest owners, a horizontal well unit order may be entered and development, drilling and production may occur in the horizontal well unit. Unknown and unlocatable interest owners of oil and gas in place not subject to lease shall be considered to have leased to the participating operators on terms determined by the commission. Unknown and unlocatable interest owners of working interest in property subject to lease before an application is filed shall be considered to have elected Option 1 of this section.

(o) *Opportunity of surface owners to acquire interests of unknown and unlocatable interest owners in oil and gas underlying horizontal well unit.* –

(1) When the interests of unknown and unlocatable interest owners' property is included in a horizontal well unit, if the applicant has not filed a proceeding pursuant to article twelve-a, chapter fifty-five of this code (entitled Lease and Conveyance of Mineral Interests Owned by Missing or Unknown Owners or Abandoning Owners) with respect to the interest of an unknown and unlocatable interest owner in the horizontal well unit, and taxes on the unknown and unlocatable interest owners' property are not delinquent, then, after a horizontal well unit order is entered by the commission, the applicant shall inform the parties paying taxes on the surface overlying that portion of the oil and gas included in the horizontal well unit (the "TSO") that the surface owner(s) may acquire the underlying interest of the unknown and unlocatable

interest owners in the horizontal well unit in a proceeding pursuant to this subsection. Upon written request to the applicant by any TSO, the applicant shall, to the extent practicable under the circumstances, furnish the requesting TSO the following information: *Provided*, That applicant is not required to provide confidential, trade secret, attorney client communications or attorney work product:

(A) An identification of the last known owner, and information in the possession of the applicant regarding the last known identity and address of, the interest believed to be held by unknown and unlocatable interest owners,

(B) The efforts to locate unknown and unlocatable interest owners,

(C) Such other information known to the applicant which might be helpful in identifying or locating the present owners thereof, and

(D) A copy of the most recent recorded instrument embracing the interest of the unknown and unlocatable interest owners as necessary to show the vesting of title to the minerals in the last record owner of the title to the minerals.

(2) When an unknown and unlocatable interest in oil and gas is included in a horizontal well unit, the owners of the surface overlying the interest may file a verified petition with respect to all the interests of unknown and unlocatable interest owners included in a horizontal well unit and underlying the surface owner's property. The circuit court in which the majority of the property subject to the petition authorized by this subsection is located has jurisdiction of the proceeding. The petition shall refer to this subsection and identify the oil and gas property subject to the petition. The prayer in any such petition shall be for the court to order, in the case of any defendant or heir, successor or assign of any defendant who does not appear to claim ownership of the defendant's interest for five years after the date the petition is filed,

a conveyance of the defendants' oil and gas mineral interest under this subsection, subject to the horizontal well unit order and lease terms approved by the commission, to the petitioners.

(3) In any proceeding authorized in this subsection the circuit court in which the petition is filed shall consider the property subject to the petition leased to the participating operators in the horizontal well unit on the terms determined by the commission.

(4) The person filing a petition under this subsection shall join as defendants to the action all unknown and unlocatable interest owners having record title to the particular oil and gas minerals subject to the petition, and the unknown heirs, successors and assigns of all such owners not known to be alive. All persons not in being who might have some contingent or future interest therein, and all persons whether in being or not in being, having any interest, present, future or contingent, in the mineral interests subject to the petition, shall be fully bound by the proceedings under this subsection.

(5) Any owner of the overlying surface tract may join as a petitioner in the proceeding. Any person purporting to be the unknown and unlocatable interest owner, or any heir, successor or assign of an unknown and unlocatable interest owner, may appear as a matter of right at any time prior to the entry of judgment confirming the deed authorized by this subsection, for the purpose of establishing his or her title to a mineral interest subject to the petition. If the appearing unknown and unlocatable interest owner's claim is established to the satisfaction of the court, the court shall dismiss the action as to the appearing owner's interest without cost, fees or damages: *Provided*, That if the appearance of the formerly unknown and unlocatable interest owner was as a result of the filing of the petition by the surface owner pursuant to this subsection, then the court may order the petitioner's reasonable attorneys fees and costs to be paid to the petitioner out of the amounts payable to the formerly unknown and unlocatable interest owner.

(6) If a petition is filed pursuant to this subsection, the amounts payable to unknown and unlocatable interest owners subject to the petition shall be paid to the Oil and Gas Reclamation Fund established pursuant to section twenty-nine, article six, chapter twenty-two of this code three years after the petition is filed, unless and until an unknown and unlocatable interest owner appears in the proceeding. The court may appoint a special commissioner at any time to deliver a deed to the petitioners in the form provided herein five years after the petition is filed. The special commissioner shall be an attorney duly admitted to practice before the West Virginia Supreme Court of Appeals and in good standing, but may not be required to give bond. If the petitioners do not agree as to the interest each is to acquire by the deed contemplated herein, or the division of any moneys associated therewith, the court shall equitably determine the interests of the petitioners.

(7) In any action under this subsection, if personal service of process is possible, it shall be made as provided by the West Virginia rules of civil procedure. In addition, immediately upon the filing of the petition, the petitioner shall: (1) Publish a Class III legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and in the county wherein the larger part of the oil and gas mineral estate described in the petition lies; and (2) no later than the first day of publication, file a lis pendens notice in the county clerk's office of the county where the petition is filed and the county wherein the larger part of the oil and gas mineral estate described in the petition lies. Both the advertisement and the lis pendens notice shall set forth: (1) The names of the petitioner and the defendants, as they are known to be by the exercise of reasonable diligence by the petitioner, and their last known addresses; (2) the date and record data of the instrument or other conveyance which immediately created the oil and gas mineral interest; (3) an adequate description of the land as contained therein; (4) the source of title of the last known owners of the oil and gas mineral interests; and (5) a statement that the action is brought for the purpose of authorizing payments from a horizontal well unit, and thereafter, in the case of any defendant or heir, successor or assign

of any defendant who does not appear to claim ownership of the defendant's interest within five years after the date the petition is filed, for the court to order a conveyance of the defendant's oil and gas mineral interest under this subsection, subject to the lease terms determined by the commission and horizontal well unit order, to the owner of the surface overlying the oil and gas mineral interest. In addition, the petitioner shall send notice by certified mail, return receipt requested, to the last known address, if there is one, of all named defendants. In addition, the court may order advertisement elsewhere or by additional means if there is reason to believe that additional advertisement might result in identifying and locating the unknown and unlocatable interest owners.

(8) Upon a finding by the court of the present ownership of the petitioners of the surface estate, the court shall order the special commissioner to convey to the proven surface owners, subject to the horizontal well unit order and lease terms approved by the commission, the mineral interest specified in the petition authorized herein, by a deed substantially in the form as follows:

This deed, made the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_, special commissioner, grantor and \_\_\_\_\_, grantee,

Witnesseth, that whereas, grantor, in pursuance of the authority vested in him or her by an order of the circuit court of \_\_\_\_\_ county, West Virginia, entered on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in civil action No. \_\_\_\_\_ therein pending, to convey the mineral interest more particularly described below to the grantee,

Now, therefore, this deed witnesseth: That grantor grants unto grantee, subject to the provisions of the horizontal well unit order of the Oil and Gas Conservation Commission in \_\_\_\_\_ and lease terms provided therein, and further subject to all other liens and encumbrances of record, that certain oil and gas mineral interest

in \_\_\_\_\_ county, West Virginia, more particularly described in the cited order of the circuit court as follows: (here insert the description in the order).

Witness the following signature.

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Special Commissioner

(9) After the date of the special commissioner's deed authorized herein, the surface owner grantee is entitled to receive all proceeds due and payable under a horizontal well unit order attributable to the mineral interests specified in the special commissioner's deed accruing from and after the date of the special commissioner's deed. Prior to the issuance of the special commissioner's deed pursuant to this subsection, all proceeds due and payable under a horizontal well unit order attributable to the mineral interests specified in the special commissioner's deed accruing prior to the date of the special commissioner's deed shall be paid to the Oil and Gas Reclamation Fund established pursuant to section twenty-nine, article six, chapter twenty-two of this code.

(10) The applicant may not be joined as a party, but shall be served with copies of all pleadings and other papers filed in the proceeding, and may intervene at any time.

(11) Payment by the applicant to the Oil and Gas Reclamation Fund established pursuant to section twenty-nine, article six, chapter twenty-two of this code or petitioners, as applicable, pursuant to this subsection shall relieve the participating operators of all liability whatsoever that the participating operators may have had to any unknown and unlocatable interest owners, their heirs, successors and assigns with respect to the payment and all operations in the horizontal well unit, all operations therein and all production from the operations.



(12) If a surface owner does not file a petition pursuant to this subsection within three years of the date notice is given to a TSO as provided herein, amounts payable with respect to the unknown and unlocatable interest owners' interests included in a horizontal well unit shall be paid to the Oil and Gas Reclamation Fund established pursuant to section twenty-nine, article six, chapter twenty-two of this code, and the payment shall relieve the participating operators of all liability of the participating operators with respect to the horizontal well unit and all operations therein and production therefrom to any unknown and unlocatable interest owners, their heirs, successors and assigns and to any owners of surface overlying the unknown and unlocatable interest owners' interest, their heirs, successors and assigns, with respect to the payment.

(13) After the recording of the special commissioner's deed, no action may be brought by any unknown and unlocatable interest owner or any heir, successor or assign thereof either to recover any past or future proceeds accrued or to be accrued from the property subject to the deed, or to recover any right, title or interest in and to the mineral interest subject to the deed.

(14) If any unknown and unlocatable interest owner or heir, successor or assign thereof appears in the proceeding in circuit court later than three years after the proceeding is filed, the unknown and unlocatable interest owner, if he or she establishes his or her claim to the satisfaction of the circuit court, shall only be entitled to receive amounts payable in connection with the horizontal well unit or production therefrom after the date of appearance in the proceeding. Further, the participating operators and the petitioning surface owners shall have no liability to the unknown and unlocatable interest owner or their heirs, successors or assigns for any amount paid with respect to the unknown and unlocatable interest or the horizontal well unit or production therefrom paid in accordance with this subsection.

(p) If any part of this section is adjudged to be unconstitutional or invalid, the invalidation shall not affect the validity of the

remaining parts of this section and, to this end, the provisions of this section are hereby declared to be severable.

The bill (Eng. Com. Sub. for H. B. No. 2688), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill No. 2766**, Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and Human Resources.

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

At the request of Senator M. Hall, and by unanimous consent, the bill was advanced to third reading with the unreported Finance amendment pending and with the right for further amendments to be considered on that reading.

**Eng. Com. Sub. for House Bill No. 2769**, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from various agencies.

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

On motions of Senators Trump and Blair, the following amendment to the bill was reported by the Clerk:

On page eleven, after “June 30, 2015.” by changing the period to a colon and inserting the following proviso: *Provided*, That the expiration of funds provided herein shall not occur until such time as the bonds authorized by the provisions of section sixteen-b, article fifteen, chapter thirty-one of the Code of West Virginia for improvements to Cacapon State Park and Beech Fork State Park have been sold.

The question being on the adoption of the amendments offered by Senators Trump and Blair to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 2769), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill No. 2772**, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Auditor's Office, Purchasing Card Administration Fund.

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

**Eng. Com. Sub. for House Bill No. 2810**, Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety.

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

**Eng. Com. Sub. for House Bill No. 2840**, Providing an alternative plan to make up lost days of instruction.

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

**Eng. House Bill No. 2877**, Relating to electronic filing of tax returns and electronic funds transfers in payment of taxes.

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

**Eng. Com. Sub. for House Bill No. 2934**, Repealing the common core standards.

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

At the request of Senator Sypolt, and by unanimous consent, the bill was advanced to third reading with the unreported Education committee amendment pending and with the right for further amendments to be considered on that reading.

**Eng. Com. Sub. for House Bill No. 3006**, Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies.

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

**Eng. House Bill No. 3020**, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Corrections.

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

**Eng. House Bill No. 3021**, Making a supplementary appropriation to the Department of Health and Human Resources.

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

At the request of Senator M. Hall, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendment pending and with the right for further amendments to be considered on that reading.

**Eng. House Bill No. 3022**, Making a supplementary appropriation to the Treasurer's Office, to the State Board of Education, to Mountwest Community and Technical College, to the West Virginia School of Osteopathic Medicine, and to West Virginia State University.

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

At the request of Senator M. Hall, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendment pending and with the right for further amendments to be considered on that reading.

At the request of Senator Beach, and by unanimous consent, Senator Beach addressed the Senate.

The Senate then stood in observance of a moment of silence in recognition of the passing of Beth Thomasson, Executive Officer and Lobbyist for the West Virginia Homebuilders Association.

Thereafter, at the request of Senator Kessler, and by unanimous consent, the remarks by Senator Beach were ordered printed in the Appendix to the Journal.

On motion of Senator Carmichael, the Senate recessed until 7 p.m.

### **Night Session**

Upon expiration of the recess, the Senate reconvened and, without objection, returned to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill No. 12**, Relating to payment of separated employee's outstanding wages.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

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

That §21-5-1 and §21-5-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 5. WAGE PAYMENT AND COLLECTION.**

**§21-5-1. Definitions.**

As used in this article:

(a) The term “firm” includes any partnership, association, joint-stock company, trust, division of a corporation, the administrator or executor of the estate of a deceased individual, or the receiver, trustee, or successor of any of the same, or officer thereof, employing any person.

(b) The term “employee” or “employees” includes any person suffered or permitted to work by a person, firm or corporation.

(c) The term “wages” means compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission or other basis of calculation. As used in sections four, five, eight-a, ten and twelve of this article, the term “wages” shall also include then accrued fringe benefits capable of calculation and payable directly to an employee: *Provided*, That nothing herein contained shall require fringe benefits to be calculated contrary to any agreement between an employer and his or her employees which does not contradict the provisions of this article.

(d) The term “commissioner” means commissioner of labor or his or her designated representative.

(e) The term “railroad company” includes any firm or corporation engaged primarily in the business of transportation by rail.

(f) The term “special agreement” means an arrangement filed with and approved by the commissioner whereby a person, firm or corporation is permitted upon a compelling showing of good cause to establish regular paydays less frequently than once in every two weeks: *Provided*, That in no event shall the employee be paid in full less frequently than once each calendar month on a regularly established schedule.

(g) The term “deductions” includes amounts required by law to be withheld, and amounts authorized for union or club dues, pension plans, payroll savings plans, credit unions, charities and hospitalization and medical insurance.

(h) The term “officer” shall include officers or agents in the management of a corporation or firm, who knowingly permit the corporation or firm to violate the provisions of this article.

(i) The term “wages due” shall include at least all wages earned up to and including the fifth twelfth day immediately preceding the regular payday.

(j) The term “construction” means the furnishing of work in the fulfillment of a contract for the construction, alteration, decoration, painting or improvement of a new or existing building, structure, roadway or pipeline, or any part thereof, or for the alteration, improvement or development of real property: *Provided*, That construction performed for the owner or lessee of a single family dwelling or a family farming enterprise is excluded.

(k) The term “minerals” means clay, coal, flagstone, gravel, limestone, manganese, sand, sandstone, shale, iron ore and any other metallurgical ore.

(l) The term “fringe benefits” means any benefit provided an employee or group of employees by an employer, or which is required by law, and includes regular vacation, graduated vacation, floating vacation, holidays, sick leave, personal leave, production incentive bonuses, sickness and accident benefits and benefits relating to medical and pension coverage.

(m) The term “employer” means any person, firm or corporation employing any employee.

(n) The term “doing business in this state” means having employees actively engaged in the intended principal activity of the person, firm or corporation in West Virginia.

**§21-5-4. Cash orders; employees separated from payroll before paydays.**

(a) In lieu of lawful money of the United States, any person, firm or corporation may compensate employees for services by cash order which may include checks, direct deposits or money orders on banks convenient to the place of employment where suitable arrangements have been made for the cashing of the checks by employees or deposit of funds for employees for the full amount of wages.

(b) Whenever a person, firm or corporation discharges an employee, or whenever an employee quits or resigns from employment, the person, firm or corporation shall pay the employee’s wages ~~in full no later than the next regular payday or four business days, whichever comes first. Payment shall be made through the regular pay channels or, if requested by the employee, by mail.~~ due for work that the employee performed prior to the separation of employment on or before the next regular payday on which the wages would otherwise be due and payable: *Provided*, That fringe benefits, as defined in section one of this article, that are provided an employee pursuant to an agreement between the employee and employer and that are due, but pursuant to the terms of the agreement, are to be paid at a future date or upon additional conditions which are ascertainable are not subject to this subsection



and are not payable on or before the next regular payday, but shall be paid according to the terms of the agreement. For purposes of this section, “business day” means any day other than Saturday, Sunday or any legal holiday as set forth in section one, article two, chapter two of this code.

(c) ~~Whenever an employee quits or resigns, the person, firm or corporation shall pay the employee’s wages in full no later than the next regular payday. Payment shall be made through the regular pay channels or, if requested by the employee, by mail. However, if the employee gives at least one pay period’s written notice of intention to quit, the person, firm or corporation shall pay all wages earned by the employee at the time of quitting. Payment under this section may be made in person in any manner permissible under section three of this article, through the regular pay channels or, if requested by the employee, by mail. If the employee requests that payment under this section be made by mail, that payment shall be considered to have been made on the date the mailed payment is postmarked.~~

(d) When work of any employee is suspended as a result of a labor dispute, or when an employee for any reason whatsoever is laid off, the person, firm or corporation shall pay in full to the employee not later than the next regular payday, either through the regular pay channels or by mail if requested by the employee, wages earned at the time of suspension or layoff.

(e) If a person, firm or corporation fails to pay an employee wages as required under this section, the person, firm or corporation, in addition to the amount which was unpaid when due, is liable to the employee for ~~three~~ two times that unpaid amount as liquidated damages. This section regulates the timing of wage payments upon separation from employment and not whether overtime pay is due. Liquidated damages that can be awarded under this section are not available to employees claiming they were misclassified as exempt from overtime under state and federal wage and hour laws. Every employee shall have a lien and all other rights and remedies for the protection and enforcement of his or her salary or wages, as he or

she would have been entitled to had he or she rendered service therefor in the manner as last employed; except that, for the purpose of liquidated damages, the failure shall not be deemed to continue after the date of the filing of a petition in bankruptcy with respect to the employer if he or she is adjudicated bankrupt upon the petition.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill No. 12**—A Bill to amend and reenact §21-5-1 and §21-5-4 of the Code of West Virginia, 1931, as amended, all relating to payment of wages by employers; defining terms; providing for how payments may be made; requiring certain payments by the next regular payday; providing for payments pursuant to certain agreements; reducing amount of liquidated damages available for violation of this section; providing instance when liquidated damages are not available; clarifying that section does not address whether overtime pay is due; authorizing payment by mail if requested by employee; and establishing date paid if payment mailed pursuant to employee request.

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

Engrossed Committee Substitute for Senate Bill No. 12, as amended by the House of Delegates, was then 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, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Cole (Mr. President)—25.

The nays were: Beach, Facemire, Kessler, Laird, Miller, Romano, Snyder, Unger and Yost—9.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 12) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Senate Bill No. 170**, Authorizing Bureau of Commerce promulgate legislative rules.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

On page six, section two, line eight, after the word “is” by inserting the word “not”;

On page seven, section two, line five, after the word “is” by inserting the word “not”;

And,

On page twelve, section two, line six, after the word “authorized” by changing the period to a comma and inserting the following: with the following amendment:

On page 2, subsection 3.6. by striking all of subsection 3.6.;

On page 2, subsection 6.2., after the word “Commissioner”, by striking the word “may” and inserting in lieu thereof the word “shall”;

On page 2, subdivision 6.2.3.a by inserting a period after the word, “program” and striking the remainder of the sentence and subdivision 6.2.3.b;

On page 4, subsection 10.3., after the word “rule” by inserting the following: “that are applicable to the duties and knowledge required by an HVAC technician for the installation, repair and maintenance of HVAC”;

On page 5, section 11, by striking all of subsections 11.4. and 11.5.;

And,

On page 6, subsection 13.1., after the word “license” by inserting the following:

: *Provided*, That no fee may be charged for an HVAC technician license for a person who holds an HVAC contractor’s license pursuant to article eleven, chapter twenty-one of the W. Va. Code.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. No. 170) and requested the House of Delegates to recede therefrom.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill No. 323**, Relating to municipal home rule.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

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

**ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS;  
GENERAL PROVISIONS; CONSTRUCTION.**

**§8-1-5a. Municipal Home Rule Pilot Program.**

(a) *Legislative findings.* – The Legislature finds and declares that:

(1) The initial Municipal Home Rule Pilot Program brought innovative results, including novel municipal ideas that became municipal ordinances which later resulted in new statewide statutes;

(2) The initial Municipal Home Rule Pilot Program also brought novel municipal ideas that resulted in court challenges against some of the participating municipalities;

(3) The Municipal Home Rule Board was an essential part of the initial Municipal Home Rule Pilot Program, but it lacked some needed powers and duties;

(4) Municipalities still face challenges delivering services required by federal and state law or demanded by their constituents;

(5) Municipalities are sometimes restrained by state statutes, policies and rules that challenge their ability to carry out their duties and responsibilities in a cost-effective, efficient and timely manner;

(6) Continuing the Municipal Home Rule Pilot Program is in the public interest; and

(7) Increasing the powers and duties of the Municipal Home Rule Board will enhance the Municipal Home Rule Pilot Program.

(b) *Continuance of pilot program.* – The Municipal Home Rule Pilot Program is continued until July 1, 2019. The ordinances enacted by the ~~four~~ participating municipalities pursuant to the ~~initial~~ Municipal Home Rule Pilot Program ~~are hereby authorized and may remain in effect, subject to the requirements of this section, until the ordinances are repealed, but are null and void if amended and such amendment is not approved by the Municipal Home Rule Board:~~ *Provided*, That any ordinance enacting a municipal occupation tax is hereby null and void.

(c) *Authorizing participation.* –

(1) Commencing July 1, ~~2013, twenty~~ 2015, thirty Class I, Class II, Class III and/or Class IV municipalities that are current in payment of all state fees may participate in the Municipal Home Rule Pilot Program pursuant to the provisions of this section.

(2) The ~~four~~ municipalities participating in the pilot program on ~~July 1, 2012, the effective date of the amendment and reenactment of this section~~ are hereby authorized to continue in the pilot program, subject to the requirements of this section, and may amend current written plans and/or submit new written plans in accordance with the provisions of this section.

(3) ~~If any of the four municipalities participating in the pilot program on July 1, 2012, do not want to participate in the pilot program, then on or before June 1, 2014, the municipality must submit a written letter to the board indicating the municipality's intent not to participate and the board may choose another municipality to fill the vacancy: Provided, That if a municipality chooses not to participate further in the pilot program, its ordinances~~

enacted pursuant to the Municipal Home Rule Pilot Program are hereby authorized and may remain in effect until the ordinances are repealed, but are null and void if amended. *Provided, however,* That any ordinance enacting a municipal occupation tax is null and void:

(d) *Municipal Home Rule Board.* – The Municipal Home Rule Board is hereby continued. ~~The board members serving on the board on July 1, 2012, may continue to serve, except that the Chair of the Senate Committee on Government Organization and the Chair of the House Committee on Government Organization shall be ex officio nonvoting members.~~ Effective July 1, ~~2013~~ 2015, the Municipal Home Rule Board shall consist of the following five voting members:

(1) The Governor, or a designee, who shall serve as chair;

(2) The Executive Director of the West Virginia Development Office or a designee;

(3) One member representing the Business and Industry Council, appointed by the Governor with the advice and consent of the Senate;

(4) One member representing the largest labor organization in the state, appointed by the Governor with the advice and consent of the Senate; and

(5) One member representing the West Virginia Chapter of the American Institute of Certified Planners, appointed by the Governor with the advice and consent of the Senate.

The Chair of the Senate Committee on Government Organization and the Chair of the House Committee on Government Organization shall continue to be ex officio nonvoting members of the Board.

(e) *Board's powers and duties.* – The Municipal Home Rule Board has the following powers and duties:

(1) Review, evaluate, make recommendations and approve or reject, by a majority vote of the board, each aspect of the written plan submitted by a municipality;

(2) By a majority vote of the board, select, based on the municipality's written plan, new Class I, Class II, Class III, and/or Class IV municipalities to participate in the Municipal Home Rule Pilot Program;

(3) Review, evaluate, make recommendations and approve or reject, by a majority vote of the Board, the amendments to the written plans submitted by municipalities;

~~(4) Approve or reject, by a majority vote of the board, each ordinance submitted by a participating municipality pursuant to its written plan or its amendments to the written plan;~~

~~(5)~~ (4) Consult with any agency affected by the written plans or the amendments to the written plans; and

~~(6)~~ (5) Perform any other powers or duties necessary to effectuate the provisions of this section.

(f) *Written plan.* – ~~On or before June 1, 2014, a~~ Any Class I, Class II, Class III or Class IV municipality desiring to participate in the Municipal Home Rule Pilot Program shall submit a written plan to the board stating in detail the following:

(1) The specific laws, acts, resolutions, policies, rules or regulations which prevent the municipality from carrying out its duties in the most cost-efficient, effective and timely manner;

(2) The problems created by the laws, acts, resolutions, policies, rules or regulations;

(3) The proposed solutions to the problems, including all proposed changes to ordinances, acts, resolutions, rules and



regulations: *Provided*, That the specific municipal ordinance instituting the solution does not have to be included in the written plan; and

(4) A written opinion, by an attorney licensed to practice in West Virginia, stating that the proposed written plan does not violate the provisions of this section.

(g) *Public hearing on written plan.* – Prior to submitting its written plan to the board, the municipality shall:

(1) Hold a public hearing on the written plan;

(2) Provide notice at least thirty days prior to the public hearing by a Class II legal-advertisement;

(3) Make a copy of the written plan available for public inspection at least thirty days prior to the public hearing; and

(4) After the public hearing, adopt an ordinance authorizing the municipality to submit a written plan to the Municipal Home Rule Board after the proposed ordinance has been read two times.

(h) *Selection of municipalities.* – On or after ~~June 1, 2014~~ June 1, 2015, by a majority vote, the Municipal Home Rule Board may select from the municipalities that submitted written plans and were approved by the board by majority vote, new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule Pilot Program.

~~(i) *Ordinance, act, resolution, rule or regulation.* – After being selected to participate in the Municipal Home Rule Pilot Program and prior to enacting an ordinance, act, resolution, rule or regulation based on the written plan, the municipality shall:~~

~~(1) Hold a public hearing on the proposed ordinance, act, resolution, rule or regulation;~~

~~(2) Provide notice at least thirty days prior to the public hearing by a Class II legal advertisement;~~

~~(3) Make a copy of the proposed ordinance, act, resolution, rule or regulation available for public inspection at least thirty days prior to the public hearing;~~

~~(4) After the public hearing, submit the comments, either in audio or written form, to the Municipal Home Rule Board.~~

~~(5) Obtain approval, from the Municipal Home Rule Board by a majority vote, for the proposed ordinance, act, resolution, rule or regulation; and~~

~~(6) After obtaining approval from the Municipal Home Rule Board, read the proposed ordinance, act, resolution, rule or regulation at least two times.~~

(j) (i) Powers and duties of municipalities. – The municipalities participating in the Municipal Home Rule Pilot Program have the authority to pass an ordinance, act, resolution, rule or regulation, under the provisions of this section, that is not contrary to:

(1) Environmental law;

(2) Bidding Laws governing bidding on government construction and other contracts;

(3) The Freedom of Information Act;

(4) The Open Governmental Proceedings Act;

(5) Wages Laws governing wages for construction of public improvements;

(6) The provisions of this section;

(7) The provisions of section five-a, article twelve of this chapter;  
and

(8) The municipality's written plan;

~~(k) *Prohibited acts.* — The municipalities participating in the Municipal Home Rule Pilot Program do not have the authority to pass an ordinance, act, resolution, rule or regulation, under the provisions of this section, pertaining to:~~

~~(1) (9) The Constitution of the United States or the Constitution of the State of West Virginia;~~

~~(2) (10) Federal law or crimes and punishment;~~

~~(3) (11) Chapters sixty-a, sixty-one and sixty-two of this code or state crimes and punishment;~~

~~(4) (12) Pensions Laws governing pensions or retirement plans;~~

~~(5) (13) Annexation Laws governing annexation;~~

~~(6) (14) Taxation Laws governing taxation: *Provided*, That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: *Provided, however*, That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program, it shall eliminate the municipal sales tax enacted under the Municipal Home Rule Pilot Program: *Provided further*, That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce and collect the tax in the same manner as the state consumers sales and service tax and use tax under the provisions of articles fifteen, fifteen-a and fifteen-b, chapter eleven of this code and all applicable provisions of the streamlined sales and use tax agreement: *And provided further*, That such tax will not apply to the sale of motor fuel or motor vehicles;~~

~~(7) (15) Tax Laws governing tax increment financing;~~

~~(8) (16) Extraction Laws governing extraction of natural resources; and~~

~~(9) Persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule Pilot Program does not affect a municipality's powers outside its boundary lines under other sections of this chapter, other chapters of this code or court decisions;~~

~~(10) (17) Marriage and divorce laws, and~~

~~(11) An occupation tax, fee or assessment payable by a nonresident of a municipality.~~

(j) Municipalities may not pass an ordinance, act, resolution, rule or regulation under the provisions of this section that:

(1) Affects persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule Pilot Program does not limit a municipality's powers outside its boundary lines under other provisions of this section, other sections of this chapter, other chapters of this code or court decisions; or

(2) Enacts an occupation tax, fee, or assessment payable by a nonresident of a municipality.

~~(k) Amendments to written plans. – A municipality ~~selected to participate~~ participating in the Municipal Home Rule Pilot Program may amend its written plan at any time.~~

(l) Amendments to ordinances, acts, resolutions, rules or regulations. – A municipality participating in the Municipal Home Rule Pilot Program may amend any ordinance, act, resolution, rule or regulation enacted pursuant the municipality's approved written

plan at any time so long as any amendment is consistent with the municipality's approved written plan, complies with the provisions of subsections (i) and (j) of this section, and the municipality complies with all applicable state law procedures for enacting municipal legislation.

(m) *Reporting requirements.* – Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

~~(n) *Performance Evaluation and Review Division review.* – Before January 1, 2019, the Performance Evaluation and Review Division of the Legislative Auditor's Office shall conduct a performance review on the pilot program and the participating municipalities. The review shall include the following:~~

~~(1) An evaluation of the effectiveness of expanded home rule on the participating municipalities;~~

~~(2) A recommendation as to whether the expanded home rule should be continued, reduced, expanded or terminated;~~

~~(3) A recommendation as to whether any legislation is necessary; and~~

~~(4) Any other issues considered relevant.~~

~~(o) (n) *Termination of the pilot program.* – The Municipal Home Rule Pilot Program terminates on July 1, 2019. No ordinance, act, resolution, rule or regulation may be enacted by a participating municipality after July 1, 2019, pursuant to the provisions of this section. An ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section~~

during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed, ~~but is null and void if it is amended and such amendment is not approved by the Municipal Home Rule Board.~~

(o) Notwithstanding any other provision of this code to the contrary, on and after the effective date of the enactment of this provision in 2015, no distributee under the provisions of this section may seek from the Tax Division of the Department of Revenue a refund of revenues or monies collected by, or remitted to, the Tax Division of the Department of Revenue, nor seek a change in past amounts distributed, or any other retrospective adjustment relating to any amount distributed, to the extent that the monies in question have been distributed to another distributee, regardless of whether those distributions were miscalculated, mistaken, erroneous, misdirected or otherwise inaccurate or incorrect. For purposes of this section the term “distributee” means any municipality that receives or is authorized to receive a specific distribution of revenues or monies collected by, or remitted to, the Tax Division of the Department of Revenue pursuant to this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill No. 323**—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to the municipal home rule pilot program generally; continuing ordinances in effect; removing requirements that municipal home rule board must approve a municipality’s amendment to its home rule plan and that a municipal ordinance is nullified if the municipality’s amendment to its home rule plan is not approved by the municipal home rule board; enlarging the pool of eligible municipalities that may participate in the pilot program to thirty; removing requirement that the board approve each municipal ordinance prior to enactment; removing process for enacting

ordinance; authorizing amendments to municipal ordinances, acts, resolutions, rules or regulations enacted pursuant the municipality's approved written plan; removing provisions prohibiting municipality from enacting ordinance, act, resolution, rule or regulation after the pilot program terminates in 2019; prohibiting municipalities from seeking refunds of moneys collected from taxpayers or monies distributed to municipalities by the tax division under the pilot program: removing obsolete provisions; and reorganizing existing provisions.

On motion of Senator Carmichael, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. No. 323) were reported by the Clerk, considered simultaneously, and adopted:

On page two, section five-a, subsection (c), by striking all of subdivision (1) and inserting in lieu thereof a new subdivision, designated subdivision (1), to read as follows:

(1) Commencing July 1, 2015, thirty Class I, Class II and Class III municipalities and four Class IV municipalities that are current in payment of all state fees may participate in the Municipal Home Rule Pilot Program pursuant to the provisions of this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill No. 323**—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to the municipal home rule pilot program generally; allowing participation of thirty Class I, Class II and Class III municipalities; allowing participation of four Class IV municipalities; continuing ordinances in effect; removing requirements that municipal home rule board must approve a municipality's amendment to its home rule plan and that a municipal ordinance is nullified if the municipality's

amendment to its home rule plan is not approved by the municipal home rule board; enlarging the pool of eligible municipalities that may participate in the pilot program to thirty; removing requirement that the board approve each municipal ordinance prior to enactment; removing process for enacting ordinance; authorizing amendments to municipal ordinances, acts, resolutions, rules, or regulations enacted pursuant the municipality's approved written plan; removing provisions prohibiting municipality from enacting ordinance, act, resolution, rule or regulation after the pilot program terminates in 2019; prohibiting municipalities from seeking refunds of moneys collected from taxpayers or monies distributed to municipalities by the tax division under the pilot program: removing obsolete provisions; and reorganizing existing provisions.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill No. 323, as amended, was then 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, 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)—33.

The nays were: Beach—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 323) passed with its Senate amended title.

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



A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

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

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

The following House of Delegates amendments to the bill were reported by the Clerk:

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

That sections §20-2-5 and §20-2-6a of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §61-7-3, §61-7-4 and §61-7-6 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §61-7-7e, all to read as follows:

## **CHAPTER 20. NATURAL RESOURCES.**

### **ARTICLE 2. WILDLIFE RESOURCES.**

#### **§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts.**

Except as authorized by the director, it is unlawful at any time for any person to:

(1) Shoot at or to shoot any wild bird or animal unless it is plainly visible to him or her;

(2) Dig out, cut out or smoke out, or in any manner take or attempt to take, any live wild animal or wild bird out of its den or

place of refuge except as may be authorized by rules promulgated by the director or by law;

(3) Make use of, or take advantage of, any artificial light in hunting, locating, attracting, taking, trapping or killing any wild bird or wild animal, or to attempt to do so, while having in his or her possession or subject to his or her control, or for any person accompanying him or her to have in his or her possession or subject to his or her control, any firearm, whether cased or uncased, bow, arrow, or both, or other implement or device suitable for taking, killing or trapping a wild bird or animal: *Provided*, That it is lawful to hunt or take coyote, fox, raccoon, opossum or skunk by the use of artificial light subject to the restrictions set forth in this subdivision. No person is guilty of a violation of this subdivision merely because he or she looks for, looks at, attracts or makes motionless a wild bird or wild animal with or by the use of an artificial light, unless at the time he or she has in his or her possession a firearm, whether cased or uncased, bow, arrow or both, or other implement or device suitable for taking, killing or trapping a wild bird or wild animal, or unless the artificial light (other than the head lamps of an automobile or other land conveyance) is attached to, a part of or used from within or upon an automobile or other land conveyance.

Any person violating the provisions of this subdivision is guilty of a misdemeanor and, upon conviction thereof, shall for each offense be fined not less than \$100 nor more than \$500 and shall be confined in jail for not less than ten days nor more than one hundred days;

(4) Hunt for, take, kill, wound or shoot at wild animals or wild birds from an airplane, or other airborne conveyance, an automobile, or other land conveyance, or from a motor-driven water conveyance, except as authorized by rules promulgated by the director;

(5) Take any beaver or muskrat by any means other than by trap;

(6) Catch, capture, take or kill by seine, net, bait, trap or snare or like device of any kind any wild turkey, ruffed grouse, pheasant or quail;

(7) Destroy or attempt to destroy needlessly or willfully the nest or eggs of any wild bird or have in his or her possession the nest or eggs unless authorized to do so under rules promulgated by or under a permit issued by the director;

(8) Except as provided in section six of this article, carry an uncased or loaded gun in any of the woods of this state except during the open firearms hunting season for wild animals and nonmigratory wild birds within any county of the state unless he or she has in his or her possession a permit in writing issued to him or her by the director: *Provided*, That this section does not prohibit hunting or taking of unprotected species of wild animals and wild birds and migratory wild birds, during the open season, in the open fields, open water and open marshes of the state nor does it prohibit a person who is not prohibited from possessing firearms by section four, article seven, chapter sixty-one of this code from carrying a deadly weapon for purposes of self-defense while in the woods of this state;

(9) Have in his or her possession a crossbow with a nocked bolt, ~~a loaded firearm or a firearm~~ rifle or shotgun from the magazine of which all ~~shells and~~ cartridges have not been removed, in or on any vehicle or conveyance, or its attachments, within the state, except as may otherwise be provided by law or regulation. For the purposes of this section, a rifle or shotgun whose magazine readily detaches is considered unloaded if the magazine is detached and no cartridges remain in the rifle or shotgun itself. Except as hereinafter provided, between five o'clock postmeridian of one day and seven o'clock antemeridian, eastern standard time of the day following, any unloaded firearm or crossbow, being lawfully carried in accordance with the foregoing provisions, may be so carried only when in a case or taken apart and securely wrapped. During the period from July 1 to September 30, inclusive, of each year, the foregoing

requirements relative to carrying certain unloaded firearms are permissible only from eight-thirty o'clock postmeridian to five o'clock antemeridian, eastern standard time: *Provided*, That the time periods for carrying unloaded and uncased firearms are extended for one hour after the postmeridian times and one hour before the antemeridian times established above if a hunter is preparing to or in the process of transporting or transferring the firearms to or from a hunting site, campsite, home or other place of abode;

(10) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement by which wildlife may be taken after the hour of five o'clock antemeridian on Sunday on private land without the written consent of the landowner any wild animals or wild birds except when a big game season opens on a Monday, the Sunday prior to that opening day will be closed for any taking of wild animals or birds after five o'clock antemeridian on that Sunday: *Provided*, That traps previously and legally set may be tended after the hour of five o'clock antemeridian on Sunday and the person so doing may carry only a twenty-two caliber firearm for the purpose of humanely dispatching trapped animals. Any person violating the provisions of this subdivision is guilty of a misdemeanor and, upon conviction thereof, in addition to any fines that may be imposed by this or other sections of this code, is subject to a \$100 fine;

(11) Hunt, catch, take, kill, injure or pursue a wild animal or bird with the use of a ferret;

(12) Buy raw furs, pelts or skins of fur-bearing animals unless licensed to do so;

(13) Catch, take, kill or attempt to catch, take or kill any fish at any time by any means other than by rod, line and hooks with natural or artificial lures unless otherwise authorized by law or rules issued by the Director: *Provided*, That snaring of any species of suckers, carp, fallfish and creek chubs shall at all times be lawful;

(14) Employ or hire, or induce or persuade, by the use of money or other things of value, or by any means, any person to hunt, take, catch or kill any wild animal or wild bird except those species on which there is no closed season, or to fish for, catch, take or kill any fish, amphibian or aquatic life which is protected by the provisions of this chapter or rules of the director or the sale of which is prohibited;

(15) Hunt, catch, take, kill, capture, pursue, transport, possess or use any migratory game or nongame birds included in the terms of conventions between the United States and Great Britain and between the United States and United Mexican States for the protection of migratory birds and wild mammals concluded, respectively, August 16, 1916, and February 7, 1936, except during the time and in the manner and numbers prescribed by the federal Migratory Bird Treaty Act, 16 U. S. C. §U. S. C. §703, *et seq.*, and regulations made thereunder;

(16) Kill, take, catch or have in his or her possession, living or dead, any wild bird other than a game bird; or expose for sale or transport within or without the state any bird except as aforesaid. No part of the plumage, skin or body of any protected bird may be sold or had in possession for sale except mounted or stuffed plumage, skin, bodies or heads of the birds legally taken and stuffed or mounted, irrespective of whether the bird was captured within or without this state, except the English or European sparrow (*passer domesticus*), starling (*sturnus vulgaris*) and cowbird (*molothrus ater*), which may not be protected and the killing thereof at any time is lawful;

(17) Use dynamite or any like explosive or poisonous mixture placed in any waters of the state for the purpose of killing or taking fish. Any person violating the provisions of this subdivision is guilty of a felony and, upon conviction thereof, shall be fined not more than \$500 or imprisoned for not less than six months nor more than three years, or both fined and imprisoned;

(18) Have a bow and gun, or have a gun and any arrow or arrows, in the fields or woods at the same time;

(19) Have a crossbow in the woods or fields or use a crossbow to hunt for, take or attempt to take any wildlife except as otherwise provided in section 42w of this article;

(20) Take or attempt to take turkey, bear, elk or deer with any arrow unless the arrow is equipped with a point having at least two sharp cutting edges measuring in excess of three fourths of an inch wide;

(21) Take or attempt to take any wildlife with an arrow having an explosive head or shaft, a poisoned arrow or an arrow which would affect wildlife by any chemical action;

(22) Shoot an arrow across any public highway or from aircraft, motor-driven watercraft, motor vehicle or other land conveyance;

(23) Permit any dog owned by him or her or under his or her control to chase, pursue or follow upon the track of any wild animal or wild bird, either day or night, between May 1 and the August 15 next following: *Provided*, That dogs may be trained on wild animals and wild birds, except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands of the owner or by his or her bona fide tenant or tenants or upon the grounds or lands of another person with his or her written permission or on public lands at any time: *Provided, however*, That nonresidents may not train dogs in this state at any time except during the legal small game hunting season: *Provided further*, That the person training said dogs does not have firearms or other implements in his or her possession during the closed season on wild animals and wild birds, whereby wild animals or wild birds could be taken or killed;

(24) Conduct or participate in a field trial, shoot-to-retrieve field trial, water race or wild hunt hereafter referred to as trial: *Provided*, That any person, group of persons, club or organization may hold

the trial at any time of the year upon obtaining a permit as is provided in section fifty-six of this article. The person responsible for obtaining the permit shall prepare and keep an accurate record of the names and addresses of all persons participating in said trial and make same readily available for inspection by any natural resources police officer upon request;

(25) Except as provided in section four of this article, hunt, catch, take, kill or attempt to hunt, catch, take or kill any wild animal, wild bird or wild fowl except during the open season established by rule of the director as authorized by subdivision (6), section seven, article one of this chapter;

(26) Hunting on public lands on Sunday after five o'clock antemeridian is prohibited;

(27) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement which wildlife can be taken, on private lands on Sunday after the hour of five o'clock antemeridian: *Provided*, That the provisions of this subdivision do not apply in any county until the county commission of the county holds an election on the question of whether the provisions of this subdivision prohibiting hunting on Sunday shall apply within the county and the voters approve the allowance of hunting on Sunday in the county. The election is determined by a vote of the resident voters of the county in which the hunting on Sunday is proposed to be authorized. The county commission of the county in which Sunday hunting is proposed shall give notice to the public of the election by publication of the notice as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for the publication is the county in which the election is to be held. The date of the last publication of the notice shall fall on a date within the period of the fourteen consecutive days next preceding the election.

On the local option election ballot shall be printed the following:

Shall hunting on Sunday be authorized in \_\_\_\_\_ County?

Yes

No

(Place a cross mark in the square opposite your choice.)

Any local option election to approve or disapprove of the proposed authorization of Sunday hunting within a county shall be in accordance with procedures adopted by the commission. The local option election may be held in conjunction with a primary or general election or at a special election. Approval shall be by a majority of the voters casting votes on the question of approval or disapproval of Sunday hunting at the election.

If a majority votes against allowing Sunday hunting, no election on the issue may be held for a period of one hundred four weeks. If a majority votes "yes", no election reconsidering the action may be held for a period of five years. A local option election may thereafter be held if a written petition of qualified voters residing within the county equal to at least five percent of the number of persons who were registered to vote in the next preceding general election is received by the county commission of the county in which Sunday hunting is authorized. The petition may be in any number of counterparts. The election shall take place at the next primary or general election scheduled more than ninety days following receipt by the county commission of the petition required by this subsection: *Provided*, That the issue may not be placed on the ballot until all statutory notice requirements have been met. No local law or regulation providing any penalty, disability, restriction, regulation or prohibition of Sunday hunting may be enacted and the provisions of this article preempt all regulations, rules, ordinances and laws of any county or municipality in conflict with this subdivision; and

(28) Hunt or conduct hunts for a fee where the hunter is not physically present in the same location as the wildlife being hunted within West Virginia.



**§20-2-6a. Carrying a handgun while afield.**

(a) Notwithstanding any provision of this code to the contrary, a person ~~licensed to carry a concealed weapon pursuant to the provisions of section four, article seven, chapter sixty-one of this code~~ who is not prohibited at the time from possessing a firearm pursuant to the provisions of section seven, article seven, chapter sixty-one of this code or by any applicable federal law may carry a handgun ~~in a concealed manner~~ for self defense purposes while afield hunting, hiking, camping or in or on a motor vehicle.

(b) The provisions of this section shall not exempt any person from obtaining any hunting or fishing license or stamp required by the Division of Natural Resources.

**CHAPTER 61. CRIMES AND THEIR PUNISHMENT.****ARTICLE 7. DANGEROUS WEAPONS.****§61-7-3. Carrying deadly weapon without license or other authorization by persons under twenty-one; penalties**

(a) Any person under twenty-one years of age 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 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.

**§61-7-4. License to carry deadly weapons; how obtained.**

(a) Except as provided in subsection (h) of this section, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of \$75, of which \$15 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code. Concealed weapons permits may only be issued for pistols or revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

(1) The applicant's full name, date of birth, Social Security number, a description of the applicant's physical features, the applicant's place of birth, the applicant's country of citizenship and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U. S. C. §922(g)(5)(B);

(2) That, on the date the application is made, the applicant is a bona fide resident of this state and of the county in which the application is made and has a valid driver's license or other state-issued photo identification showing the residence;

(3) That the applicant is twenty-one years of age or older: *Provided*, That any individual who is less than twenty-one years of age and possesses a properly issued concealed weapons license as of the effective date of this article shall be licensed to maintain his or her concealed weapons license notwithstanding the provisions of this section requiring new applicants to be at least twenty-one years of age: *Provided, however*, That upon a showing of any applicant who

is eighteen years of age or older that he or she is required to carry a concealed weapon as a condition for employment, and presents satisfactory proof to the sheriff thereof, then he or she shall be issued a license upon meeting all other conditions of this section. Upon discontinuance of employment that requires the concealed weapons license, if the individual issued the license is not yet twenty-one years of age, then the individual issued the license is no longer eligible and must return his or her license to the issuing sheriff;

(4) That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof as evidenced by either of the following within the three years immediately prior to the application:

(A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or

(B) Two or more convictions for driving while under the influence or driving while impaired;

(5) That the applicant has not been convicted of a felony unless the conviction has been expunged or set aside or the applicant's civil rights have been restored or the applicant has been unconditionally pardoned for the offense;

(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subsection (7) of this section in the five years immediately preceding the application;

(7) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U. S. C. §921(a)(33), or a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine, article two of this chapter in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the

defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

(8) That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

(9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or involuntarily committed the applicant must provide a court order reflecting that the applicant is no longer under such disability and the applicant's right to possess or receive a firearm has been restored;

(10) That the applicant is not prohibited under the provisions of section seven of this article or federal law, including 18 U. S. C. §922(q) or (n), from receiving, possessing or transporting a firearm;

(11) That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing the weapon: *Provided*, That this requirement shall be waived in the case of a renewal applicant who has previously qualified; and

(12) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

(b) For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant

Criminal Background Check System, the West Virginia criminal history record responses and the National Interstate Identification Index and shall review the information received in order to verify that the information required in subsection (a) of this section is true and correct. A license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available to him or her does not indicate that receipt or possession of a firearm by the applicant would be in violation of the provisions of section seven of this article or federal law, including 18 U. S. C. §922(g) or (n).

(c) Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this concealed weapon license administration fund are to be expended by the sheriff to pay the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

(d) All persons applying for a license must complete a training course in handling and firing a handgun. The successful completion of any of the following courses fulfills this training requirement:

(1) Any official National Rifle Association handgun safety or training course;

(2) Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college or private or public institution or organization or handgun training school utilizing instructors certified by the institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) Any handgun training or safety course or class conducted by any branch of the United States military, reserve or National Guard or proof of other handgun qualification received while serving in any branch of the United States military, reserve or National Guard.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class is evidence of qualification under this section.

(e) All concealed weapons license applications must be notarized by a notary public duly licensed under article four, chapter twenty-nine of this code. Falsification of any portion of the application constitutes false swearing and is punishable under the provisions of section two, article five, chapter sixty-one of this code.

(f) The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains statements that are materially false or incorrect or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue or deny the license within forty-five days after the application is filed if all required background checks authorized by this section are completed.

(g) Before any approved license is issued or is effective, the applicant shall pay to the sheriff a fee in the amount of \$25 which the sheriff shall forward to the Superintendent of the West Virginia State Police within thirty days of receipt. The license is valid for five years throughout the state, unless sooner revoked.

(h) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section.

(i) The Superintendent of the West Virginia State Police shall prepare uniform applications for licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(j) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within thirty days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case is the court required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals. If the findings of fact and conclusions of law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued the denial.

(k) If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(l) Whenever any person after applying for and receiving a concealed handgun license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the five years unless the sheriff of the new county has determined that the person is no longer eligible for a concealed deadly weapon license under this article, and the sheriff shall issue a new license bearing the person's new address and the original expiration date for a fee not to exceed \$5: *Provided*, That the licensee within twenty days thereafter notifies the sheriff in the new county of residence in writing of the old and new addresses.

(m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

~~(n) Except when subject to an exception under section six, article seven of this chapter, all licensees shall carry with them a state-issued photo identification card with the concealed weapons license whenever the licensee is carrying a concealed weapon. Any licensee who, in violation of this subsection, fails to have in his or her possession a state-issued photo identification card and a current concealed weapons license while carrying a concealed weapon is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.~~

~~(o)~~ (n) The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

~~(p)~~ (o) A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon license does not incur



any civil liability as the result of the lawful performance of his or her duties under this article.

(¶) (p) Notwithstanding the provisions of subsection (a) of this section, with respect to application by a former law-enforcement officer honorably retired from agencies governed by article fourteen, chapter seven of this code; article fourteen, chapter eight of this code; article two, chapter fifteen of this code; and article seven, chapter twenty of this code, an honorably retired officer is exempt from payment of fees and costs as otherwise required by this section. All other application and background check requirements set forth in this shall be applicable to these applicants.

(¶) (q) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon permit issued in accordance with the provisions of this section authorizes the holder of the permit to carry a concealed pistol or revolver on the lands or waters of this state.

**§61-7-6. Exceptions as to prohibitions against carrying concealed handguns; exemptions from licensing fees.**

(a) The ~~licensure~~ provisions set forth in section three of this article do not apply to:

(1) Any person:

(A) Carrying a deadly weapon upon his or her own premises;

(B) Carrying a firearm, unloaded, from the place of purchase to his or her home, residence or place of business or to a place of repair and back to his or her home, residence or place of business; or

(C) Possessing a firearm while hunting in a lawful manner or while traveling from his or her home, residence or place of business to a hunting site and returning to his or her home, residence or place of business;

(2) Any person who is a member of a properly organized target-shooting club authorized by law to obtain firearms by purchase or requisition from this state or from the United States for the purpose of target practice from carrying any pistol, as defined in this article, unloaded, from his or her home, residence or place of business to a place of target practice and from any place of target practice back to his or her home, residence or place of business, for using any such weapon at a place of target practice in training and improving his or her skill in the use of the weapons;

(3) Any law-enforcement officer or law-enforcement official as defined in section one, article twenty-nine, chapter thirty of this code;

(4) Any employee of the West Virginia Division of Corrections duly appointed pursuant to the provisions of section eleven-c, article one, chapter twenty-five of this code while the employee is on duty;

~~(5) Any member of the armed forces of the United States or the militia of this state while the member is on duty;~~

(6) (5) Any resident of another state who holds a valid permit or license to possess or carry a handgun issued by a state or a political subdivision subject to the provisions and limitations set forth in section six-a of this article;

~~(7)~~ (6) Any federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty;

~~(8)~~ (7) Any Hatfield-McCoy Regional Recreation Authority Ranger while the ranger is on duty; ~~and~~

~~(9)~~ (8) Any parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-two of this code in the performance of their duties; and

(9) Any active duty member of the United States armed forces or any active duty member of the National Guard or United States armed forces reserves.

~~(b) On and after July 1, 2013, the following judicial officers and prosecutors and staff shall be exempted from paying any application fees or licensure fees required under this article. However, on and after that same date, they shall be required to make application and satisfy all licensure and handgun safety and training requirements set forth in section four of this article before carrying a concealed handgun in this state:~~

~~(1) Any justice of the Supreme Court of Appeals of West Virginia;~~

~~(2) Any circuit judge;~~

~~(3) Any retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia;~~

~~(4) Any family court judge;~~

~~(5) Any magistrate;~~

~~(6) Any prosecuting attorney;~~

~~(7) Any assistant prosecuting attorney; or~~

~~(8) Any duly appointed investigator employed by a prosecuting attorney.~~

**§61-7-7(e) Enhanced penalty for use of firearm during commission of felony.**

(a) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any person who uses or displays a firearm during the planning or commission of any felony shall, in addition to the punishment provided for such felony,

be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of five (5) years, which sentence shall not be reduced or suspended.

(b) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any convicted felon who uses or displays a firearm during the planning or commission of any felony shall, in addition to the punishment provided for such felony, be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of ten (10) years, to run consecutively, not concurrently, which sentence shall not be reduced or suspended.

(c) Unless otherwise provided in code, provisions of this article do not apply to a person who in good faith employs the use of a firearm, in self-defense or the defense of others, against another person who is perpetuating violence or the threat of violence.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill No. 347**—A Bill to amend the Code of West Virginia, 1931, as amended, by amending and reenacting §20-2-5 and §20-2-6a; to amend and reenact §61-7-3, §61-7-4 and §61-7-6 of said code; and to amend said code by adding thereto one new section, designated §61-7-7e, all relating to creating the West Virginia Firearms Act of 2015; providing that one not prohibited from possessing firearms may carry a deadly weapon for self-defense while in the woods of this state; establishing that if a magazine is detached and no cartridges remain in a rifle or shotgun, that rifle or shotgun is considered unloaded; removing the requirement of a license to carry a concealed handgun afield; establishing that criminal penalties for carrying a concealed deadly weapon without state license or other lawful authorization applies to persons under twenty-one years of age; establishing that when a

concealed handgun license holder moves to another county within the state, unless the sheriff of the new county determines that person is no longer eligible for a concealed deadly weapon license, the sheriff shall issue a new license; providing for a fee to do so; removing the requirement that a concealed weapons licensee carry state-issued photo identification when carrying a concealed weapon; removing criminal penalties for failure to carry state-issued photo identification when carrying a concealed weapon; providing that active duty members of the United States armed forces, National Guard or United States armed forces reserves are not subject to the criminal penalties for carrying a concealed deadly weapon without license or lawful authorization; removing exemption for certain judicial officers, prosecutors and staff from deadly weapon licensing and application fees; providing enhanced penalties for use of a firearm during commission of a felony; and excepting enhanced penalties in certain circumstances when a firearm is used in defense of self or others.

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

Engrossed Committee Substitute for Senate Bill No. 347, 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, Plymale, Prezioso, Romano, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—30.

The nays were: Nohe, Palumbo, Snyder and Woelfel—4.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com.

Sub. for S. B. No. 347) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill No. 352**, Expanding scope of cooperative associations to goods and services including recycling.

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 two, section one, after line fifteen, by striking out the words “Except in any wasteshed of the state in which one or more mixed waste resource recovery facilities has been permitted” and inserting in lieu thereof the following: Except within a thirty-five mile radius of a facility that has been permitted and classified by the West Virginia Department of Environmental Protection as a mixed waste processing resource recovery facility.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill No. 352, 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, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Williams—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. No. 352) passed with its title.

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

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

**Eng. Senate Bill No. 370**, Reorganizing Governor's Committee on Crime, Delinquency and Correction and its subcommittees.

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 fifty-four, section five, line ten, after the word "any" by inserting the words "proceeding, review or investigation relating to certification or".

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

Engrossed Senate Bill No. 370, 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. 370) passed with its title.

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

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

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

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

**Eng. Senate Bill No. 415**, Relating to circuit judges.

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

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



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

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Senate Bill No. 518**, Permitting county and municipal economic development authorities invest certain funds.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

On page five, section seven, line eleven, after the word “authority” by inserting the following: “under an investment policy adopted and maintained by the board that is consistent with the standards of the Uniform Prudent Investor Act set forth in article six-c, chapter forty-four of this code: *Provided*, That the board of directors shall consult and invest the funds with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board”;

On page six, section seven, line two, after the word “authority” by inserting the following: “under an investment policy adopted and maintained by the board that is consistent with the standards of the Uniform Prudent Investor Act set forth in article six-c, chapter forty-four of this code: *Provided*, That the board of directors shall consult and invest the funds with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board”;

On pages nine and ten, after line four, by striking out all of section twelve;

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That §7-12-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows::

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Senate Bill No. 518**—A Bill to amend and reenact §7-12-7 of the Code of West Virginia, 1931, as amended, relating generally to granting county and municipal economic development authorities the authority to invest funds received from the sale, lease or other disposition of real or personal property owned by such authority in a manner determined by the authority's board of directors to be in the best interest of the authority under an investment policy adopted and maintained by the board that is consistent with the standards of the Uniform Prudent Investor Act; and requiring that the board consult and invest the funds with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. No. 518) and requested the House of Delegates to recede therefrom.

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

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

**Eng. House Bill No. 2939**, Relating to requirements for mandatory reporting of sexual offenses on school premises involving students.

On motion of Senator Carmichael, the Senate refused to recede from its amendmens to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Cole (Mr. President) appointed the following conferees on the part of the Senate:

Senators Nohe, D. Hall and Woelfel.

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

### **Executive Communications**

The Clerk then presented communications from His Excellency, the Governor, advising that on March 13, 2015, he had approved **Enr. Committee Substitute for Senate Bill No. 374, Enr. Committee Substitute for Senate Bill No. 375, Enr. Senate Bill No. 472, Enr. Senate Bill No. 475, Enr. Senate Bill No. 507, Enr. Senate Bill No. 508 and Enr. House Bill No. 2879.**

Senator Cole (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 13, 2015

The Honorable William P. Cole III  
President, West Virginia Senate

State Capitol  
Charleston, West Virginia

Dear President Cole:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 435.

If signed into law, this bill would provide the Secretary of the Department of Military Affairs and Public Safety and the West Virginia Sheriff's Bureau with appointment powers that are inconsistent with section eight, article VII of the Constitution of West Virginia. I also disapprove of this bill because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d 610 (1972) (requiring bill title to provide notice of bill's contents). The bill authorizes the West Virginia Sheriffs' Bureau of Professional Standards to promulgate legislative rules in §7-26-2; however, rulemaking authorization is absent from the title.

For the foregoing constitutional and technical reasons, I disapprove and return this bill. I urge the Legislature to correct these issues and to return the bill to my desk for signature.

Sincerely,

Earl Ray Tomblin,  
*Governor.*

cc:The Honorable Tim Armstead  
The Honorable Natalie E. Tennant

Senator Carmichael moved that in accordance with Section 14, Article VII of the Constitution of the State of West Virginia, the Senate proceed to reconsider

**Enr. Com. Sub. for Senate Bill No. 435**, Creating WV Sheriffs' Bureau of Professional Standards.

Heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Carmichael's motion that the Senate reconsider Enrolled Committee Substitute for Senate Bill No. 435, the same was put and prevailed.

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

On page two, by striking out all of section one and inserting in lieu thereof a new section, designated section one, to read as follows:

**§7-26-1. Creation; purpose; composition.**

(a) For the purpose of providing better law enforcement for the counties of our state and for providing standardization and uniformity of services and operation of the sheriff offices throughout the state, there is hereby created the West Virginia Sheriffs' Bureau of Professional Standards.

(b) The bureau shall be comprised of nine members, as follows:

(1) Two statutory members:

(i) The Secretary of the Department of Military Affairs and Public Safety, or his or her designee; and

(ii) The Executive Director of the West Virginia Sheriffs' Association; and

(2) Seven members representing the public and law enforcement to be appointed by the Governor:

(i) Five sheriffs of the counties of West Virginia, to be recommended for appointment by the West Virginia Sheriffs' Association; and

(ii) Two citizen members.

(c) Service of members of the bureau shall be conditioned upon signing all necessary nondisclosure agreements relating to confidential law-enforcement information.

(d) Each bureau member shall serve a two-year term commencing July 1, 2015, except that three of the first five sheriffs beginning their term on July 1, 2015, shall serve a one-year term expiring July 1, 2016, at which time new selections for regular two-year terms shall be made for these three positions.

(e) Any vacancy on the bureau for a sheriff position shall be filled for the remainder of the unexpired term by selection of the West Virginia Sheriffs' Association. Any vacancy on the bureau for a citizen member position shall be filled for the remainder of the unexpired term by appointment of the Governor.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Enr. Com. Sub. for Senate Bill No. 435**—An Act to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-26-1, §7-26-2, §7-26-3, §7-26-4, §7-26-5 and §7-26-6, all relating to creating West Virginia Sheriffs' Bureau of Professional Standards; purpose and composition; general powers and duties; authorizing the bureau to promulgate legislative rules; officers; promotion of training; standards for vehicles, badges and uniforms; and standards for interagency cooperation.

The question now being on the passage of the bill, disapproved by the Governor and amended by the Senate.

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 (Enr. Com. Sub. for S. B. No. 435) passed with its title, as amended, as a result of the objections of the Governor.

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

The Senate again proceeded to the ninth order of business.

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

**Eng. Com. Sub. for House Bill No. 2636**, Exempting information contained in a concealed weapon permit application from the Freedom of Information Act.

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

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

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

**CHAPTER 29B. FREEDOM OF INFORMATION.****ARTICLE 1. PUBLIC RECORDS.****§29B-1-2. Definitions.**

As used in this article:

(1) “Custodian” means the elected or appointed official charged with administering a public body.

(2) “Person” includes any natural person, corporation, partnership, firm or association.

(3) “Public body” means every state officer, agency, department, including the executive, legislative and judicial departments, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission council or agency thereof; and any other body which is created by state or local authority or which is primarily funded by the state or local authority.

(4) “Public record” includes any writing containing information relating prepared or received by a public body, the content or context of which, judged either by content or context, relates to the conduct of the public’s business. ~~prepared, owned and retained by a public body.~~

(5) “Writing” includes any books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics.

**§29B-1-3. Inspection and copying of public record; requests of Freedom of Information Act requests registry.**

(†) (a) Every person has a right to inspect or copy any public record of a public body in this state, except as otherwise expressly provided by section four of this article.



(2) (b) A request to inspect or copy any public record of a public body shall be made directly to the custodian of such public record.

(3) (c) The custodian of any public records, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in his or her office and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them. The custodian of the records may make reasonable rules and regulations necessary for the protection of the records and to prevent interference with the regular discharge of his or her duties. If the records requested exist in magnetic, electronic or computer form, the custodian of the records shall make ~~such~~ copies available on magnetic or electronic media, if so requested.

(4) (d) All requests for information must state with reasonable specificity the information sought. The custodian, upon demand for records made under this statute, shall as soon as is practicable but within a maximum of five days not including Saturdays, Sundays or legal holidays:

(a) (1) Furnish copies of the requested information;

(b) (2) Advise the person making the request of the time and place at which he or she may inspect and copy the materials; or

(c) (3) Deny the request stating in writing the reasons for such denial. ~~Such~~ A denial shall indicate that the responsibility of the custodian of any public records or public body to produce the requested records or documents is at an end, and shall afford the person requesting them the opportunity to institute proceedings for injunctive or declaratory relief in the circuit court in the county where the public record is kept.

(5) (e) The public body may establish fees reasonably calculated to reimburse it for its actual cost in making reproductions of ~~such~~

records. A public body may not charge a search or retrieval fee or otherwise seek reimbursement based on a man-hour basis as part of costs associated with making reproduction of records.

(f) The Secretary of State shall maintain an electronic data base of notices of requests as required by section three-a of this article. The database shall be made available to the public via the Internet and shall list each freedom of information request received and the outcome of the request. The Secretary of State shall provide on the website a form for use by a public body to report the results of the freedom of information request, providing the nature of the request and the public body's response thereto, whether the request was granted, and if not, the exemption asserted under section four of this article to deny the request.

**§29B-1-3a. Reports to Secretary of State by public bodies.**

(a) Beginning January 1, 2016, each public body that is in receipt of a freedom of information request shall provide information to the Secretary of State relating to, at a minimum, the nature of the request, the nature of the public body's response, the time-frame that was necessary to comply in full with the request; and the amount of reimbursement charged to the requester for the freedom of information request: *Provided*, That the public body shall not provide to the Secretary of State the public records that were the subject of the FOIA request.

(b) Pursuant to article three, chapter twenty-nine-a of this code, the Secretary of State shall propose rules and emergency rules for legislative approval relating to the creation and maintenance of a publically accessible database available on the Secretary of State's website; the establishment of forms and procedures for submission of information to the Secretary of State by the public body; and for other procedures and policies consistent with this section.

**§29B-1-4. Exemptions.**

(a) There is a presumption of public accessibility to all public records, subject only to the following categories of information which are specifically exempt from disclosure under the provisions of this article:

(1) Trade secrets, as used in this section, which may include, but are not limited to, any formula, plan pattern, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article or trade or a service or to locate minerals or other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors;

(2) Information of a personal nature such as that kept in a personal, medical or similar file, if the public disclosure ~~thereof of~~ the information would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in this particular instance: *Provided, That nothing in this article shall be construed as precluding does not preclude* an individual from inspecting or copying his or her own personal, medical or similar file;

(3) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination;

(4) Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement;

(5) Information specifically exempted from disclosure by statute;

(6) Records, archives, documents or manuscripts describing the location of undeveloped historic, prehistoric, archaeological,

paleontological and battlefield sites or constituting gifts to any public body upon which the donor has attached restrictions on usage or the handling of which could irreparably damage ~~such~~ the record, archive, document or manuscript;

(7) Information contained in or related to examination, operating or condition reports prepared by, or on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions, except those reports which are by law required to be published in newspapers;

(8) Internal memoranda or letters received or prepared by any public body.

(9) Records assembled, prepared or maintained to prevent, mitigate or respond to terrorist acts or the threat of terrorist acts, the public disclosure of which threaten the public safety or the public health;

(10) Those portions of records containing specific or unique vulnerability assessments or specific or unique response plans, data, databases and inventories of goods or materials collected or assembled to respond to terrorist acts; and communication codes or deployment plans of law-enforcement or emergency response personnel;

(11) Specific intelligence information and specific investigative records dealing with terrorist acts or the threat of a terrorist act shared by and between federal and international law-enforcement agencies, state and local law-enforcement and other agencies within the Department of Military Affairs and Public Safety;

(12) National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism;

(13) Computing, telecommunications and network security records, passwords, security codes or programs used to respond to or plan against acts of terrorism which may be the subject of a terrorist act;

(14) Security or disaster recovery plans, risk assessments, tests or the results of those tests;

(15) Architectural or infrastructure designs, maps or other records that show the location or layout of the facilities where computing, telecommunications or network infrastructure used to plan against or respond to terrorism are located or planned to be located;

(16) Codes for facility security systems; or codes for secure applications for ~~such~~ facilities referred to in subdivision (15) of this subsection;

(17) Specific engineering plans and descriptions of existing public utility plants and equipment;

(18) Customer proprietary network information of other telecommunications carriers, equipment manufacturers and individual customers, consistent with 47 U. S. C. §222; and

(19) Records of the Division of Corrections, Regional Jail and Correctional Facility Authority and the Division of Juvenile Services relating to design of corrections, jail and detention facilities owned or operated by the agency, and the policy directives and operational procedures of personnel relating to the safe and secure management of inmates or residents, that if released, could be ~~utilized~~ used by an inmate or resident to escape a facility, or to cause injury to another inmate, resident or to facility personnel.

(20) Information related to applications under section four, article seven, chapter sixty-one of this code, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for or holder of a concealed weapon

permit: *Provided*, That information in the aggregate that does not identify any permit holder other than by county or municipality is not exempted: *Provided, however*, That information or other records exempted under this subdivision may be disclosed to a law enforcement agency or officer: (i) To determine the validity of a permit; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes.

(b) As used in subdivisions (9) through (16), inclusive, subsection (a) of this section, the term “terrorist act” means an act that is likely to result in serious bodily injury or damage to property or the environment and is intended to:

(1) Intimidate or coerce the civilian population;

(2) Influence the policy of a branch or level of government by intimidation or coercion;

(3) Affect the conduct of a branch or level of government by intimidation or coercion; or

(4) Retaliate against a branch or level of government for a policy or conduct of the government.

(c) ~~Nothing in the~~ The provisions of subdivisions (9) through (16), inclusive, subsection (a) of this section ~~should be construed to do not~~ make subject to the provisions of this chapter any evidence of an immediate threat to public health or safety unrelated to a terrorist act or the threat ~~thereof~~ of a terrorist act which comes to the attention of a public entity in the course of conducting a vulnerability assessment response or similar activity.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 7. DANGEROUS WEAPONS.**

**§61-7-4. License to carry deadly weapons; how obtained.**

(a) Except as provided in subsection (h) of this section, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of \$75, of which \$15 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code. Concealed weapons permits may only be issued for pistols or revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

(1) The applicant's full name, date of birth, Social Security number, a description of the applicant's physical features, the applicant's place of birth, the applicant's country of citizenship and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U. S. C. §922(g)(5)(B);

(2) That, on the date the application is made, the applicant is a bona fide resident of this state and of the county in which the application is made and has a valid driver's license or other state-issued photo identification showing the residence;

(3) That the applicant is twenty-one years of age or older: *Provided*, That any individual who is less than twenty-one years of age and possesses a properly issued concealed weapons license as of the effective date of this article shall be licensed to maintain his or her concealed weapons license notwithstanding the provisions of this section requiring new applicants to be at least twenty-one years of age: *Provided, however*, That upon a showing of any applicant who is eighteen years of age or older that he or she is required to carry a concealed weapon as a condition for employment, and presents satisfactory proof to the sheriff thereof, then he or she shall be issued a license upon meeting all other conditions of this section. Upon discontinuance of employment that requires the concealed weapons

license, if the individual issued the license is not yet twenty-one years of age, then the individual issued the license is no longer eligible and must return his or her license to the issuing sheriff;

(4) That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof as evidenced by either of the following within the three years immediately prior to the application:

(A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or

(B) Two or more convictions for driving while under the influence or driving while impaired;

(5) That the applicant has not been convicted of a felony unless the conviction has been expunged or set aside or the applicant's civil rights have been restored or the applicant has been unconditionally pardoned for the offense;

(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subsection (7) of this section in the five years immediately preceding the application;

(7) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U. S. C. §921(a)(33), or a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine, article two of this chapter in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;



(8) That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

(9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or involuntarily committed the applicant must provide a court order reflecting that the applicant is no longer under such disability and the applicant's right to possess or receive a firearm has been restored;

(10) That the applicant is not prohibited under the provisions of section seven of this article or federal law, including 18 U. S. C. §922(g) or (n), from receiving, possessing or transporting a firearm;

(11) That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing the weapon: *Provided*, That this requirement shall be waived in the case of a renewal applicant who has previously qualified; and

(12) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

(b) For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses and the National Interstate Identification Index and shall review the information received in order to verify that the information required in subsection (a) of this section is true

and correct. A license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available to him or her does not indicate that receipt or possession of a firearm by the applicant would be in violation of the provisions of section seven of this article or federal law, including 18 U. S. C. §922(g) or (n).

(c) Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this concealed weapon license administration fund are to be expended by the sheriff to pay the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

(d) All persons applying for a license must complete a training course in handling and firing a handgun. The successful completion of any of the following courses fulfills this training requirement:

(1) Any official National Rifle Association handgun safety or training course;

(2) Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college or private or public institution or organization or handgun training school utilizing instructors certified by the institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) Any handgun training or safety course or class conducted by any branch of the United States military, reserve or National Guard or proof of other handgun qualification received while serving in any branch of the United States military, reserve or National Guard.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class is evidence of qualification under this section.

(e) All concealed weapons license applications must be notarized by a notary public duly licensed under article four, chapter twenty-nine of this code. Falsification of any portion of the application constitutes false swearing and is punishable under the provisions of section two, article five, chapter sixty-one of this code.

(f) The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains statements that are materially false or incorrect or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue or deny the license within forty-five days after the application is filed if all required background checks authorized by this section are completed.

(g) Before any approved license is issued or is effective, the applicant shall pay to the sheriff a fee in the amount of \$25 which the sheriff shall forward to the Superintendent of the West Virginia State Police within thirty days of receipt. The license is valid for five years throughout the state, unless sooner revoked.

(h) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each

new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section.

(i) The Superintendent of the West Virginia State Police shall prepare uniform applications for licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(j) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within thirty days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case is the court required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals.

(k) If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(l) Whenever any person after applying for and receiving a concealed handgun license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the five years: *Provided*, That the licensee within twenty days thereafter notifies the sheriff in the new county of residence in writing of the old and new addresses.

(m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

(n) Except when subject to an exception under section six, article seven of this chapter, all licensees shall carry with them a state-issued photo identification card with the concealed weapons license whenever the licensee is carrying a concealed weapon. Any licensee who, in violation of this subsection, fails to have in his or her possession a state-issued photo identification card and a current concealed weapons license while carrying a concealed weapon is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

(o) The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

(p) A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

(q) Notwithstanding the provisions of subsection (a) of this section, with respect to application by a former law-enforcement officer honorably retired from agencies governed by article fourteen, chapter seven of this code; article fourteen, chapter eight of this code; article two, chapter fifteen of this code; and article seven, chapter twenty of this code, an honorably retired officer is exempt from payment of fees and costs as otherwise required by this section. All other application and background check requirements set forth in this shall be applicable to these applicants.

(r) Information collected under this section, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for or holder of a concealed weapon permit, is confidential: *Provided*, That such information may be disclosed to a law enforcement agency or officer: (i) To determine the validity of a permit; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes. A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

(r) (s) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon permit issued in accordance with the provisions of this section authorizes the holder of the permit to carry a concealed pistol or revolver on the lands or waters of this state.

On motion of Senator Trump, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. No. 2636) was reported by the Clerk and adopted:

On pages eight through fifteen, by striking out all of section four and inserting in lieu thereof a new section, designated section four, to read as follows:

**§61-7-4. License to carry deadly weapons; how obtained.**

(a) Except as provided in subsection (h) of this section, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of \$75, of which \$15 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code. Concealed weapons permits may only be issued for pistols or revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

(1) The applicant's full name, date of birth, Social Security number, a description of the applicant's physical features, the applicant's place of birth, the applicant's country of citizenship and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U. S. C. §922(g)(5)(B);

(2) That, on the date the application is made, the applicant is a bona fide resident of this state and of the county in which the application is made and has a valid driver's license or other state-issued photo identification showing the residence;

(3) That the applicant is twenty-one years of age or older: *Provided*, That any individual who is less than twenty-one years of age and possesses a properly issued concealed weapons license as of the effective date of this article shall be licensed to maintain his or her concealed weapons license notwithstanding the provisions of this section requiring new applicants to be at least twenty-one years of age: *Provided, however*, That upon a showing of any applicant who is eighteen years of age or older that he or she is required to carry a concealed weapon as a condition for employment, and presents satisfactory proof to the sheriff thereof, then he or she shall be issued a license upon meeting all other conditions of this section. Upon discontinuance of employment that requires the concealed weapons license, if the individual issued the license is not yet twenty-one years of age, then the individual issued the license is no longer eligible and must return his or her license to the issuing sheriff;

(4) That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof as evidenced by either of the following within the three years immediately prior to the application:

(A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or

(B) Two or more convictions for driving while under the influence or driving while impaired;

(5) That the applicant has not been convicted of a felony unless the conviction has been expunged or set aside or the applicant's civil rights have been restored or the applicant has been unconditionally pardoned for the offense;

(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subsection (7) of this section in the five years immediately preceding the application;

(7) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U. S. C. §921(a)(33), or a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine, article two of this chapter in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

(8) That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

(9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or involuntarily committed the applicant must provide a court order reflecting that the applicant is no longer under such disability and



the applicant's right to possess or receive a firearm has been restored;

(10) That the applicant is not prohibited under the provisions of section seven of this article or federal law, including 18 U. S. C. §922(g) or (n), from receiving, possessing or transporting a firearm;

(11) That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing the weapon: *Provided*, That this requirement shall be waived in the case of a renewal applicant who has previously qualified; and

(12) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

(b) For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses and the National Interstate Identification Index and shall review the information received in order to verify that the information required in subsection (a) of this section is true and correct. A license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available to him or her does not indicate that receipt or possession of a firearm by the applicant would be in violation of the provisions of section seven of this article or federal law, including 18 U. S. C. §922(g) or (n).

(c) Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited

in this concealed weapon license administration fund are to be expended by the sheriff to pay the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

(d) All persons applying for a license must complete a training course in handling and firing a handgun. The successful completion of any of the following courses fulfills this training requirement:

(1) Any official National Rifle Association handgun safety or training course;

(2) Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college or private or public institution or organization or handgun training school utilizing instructors certified by the institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) Any handgun training or safety course or class conducted by any branch of the United States military, reserve or National Guard or proof of other handgun qualification received while serving in any branch of the United States military, reserve or National Guard.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class is evidence of qualification under this section.

(e) All concealed weapons license applications must be notarized by a notary public duly licensed under article four, chapter twenty-nine of this code. Falsification of any portion of the application constitutes false swearing and is punishable under the provisions of section two, article five, chapter sixty-one of this code.

(f) The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains statements that are materially false or incorrect or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue or deny the license within forty-five days after the application is filed if all required background checks authorized by this section are completed.

(g) Before any approved license is issued or is effective, the applicant shall pay to the sheriff a fee in the amount of \$25 which the sheriff shall forward to the Superintendent of the West Virginia State Police within thirty days of receipt. The license is valid for five years throughout the state, unless sooner revoked.

(h) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section.

(i) The Superintendent of the West Virginia State Police shall prepare uniform applications for licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(j) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person

denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within thirty days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case is the court required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals. If the findings of fact and conclusions of law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued the denial.

(k) If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(l) Whenever any person after applying for and receiving a concealed handgun license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the five years unless the sheriff of the new county has determined that the person is no longer eligible for a concealed deadly weapon license under this article, and the sheriff shall issue a new license bearing the person's new address and the original expiration date for a fee not to exceed \$5: Provided, That the licensee within twenty days thereafter notifies the sheriff in the new county of residence in writing of the old and new addresses.

(m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall

maintain a registry of all persons who have been issued concealed weapons licenses.

~~(n) Except when subject to an exception under section six, article seven of this chapter, all licensees shall carry with them a state-issued photo identification card with the concealed weapons license whenever the licensee is carrying a concealed weapon. Any licensee who, in violation of this subsection, fails to have in his or her possession a state-issued photo identification card and a current concealed weapons license while carrying a concealed weapon is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.~~

(~~o~~) (n) The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

~~(p)~~ (o) A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

(~~q~~) (p) Notwithstanding the provisions of subsection (a) of this section, with respect to application by a former law-enforcement officer honorably retired from agencies governed by article fourteen, chapter seven of this code; article fourteen, chapter eight of this code; article two, chapter fifteen of this code; and article seven, chapter twenty of this code, an honorably retired officer is exempt from payment of fees and costs as otherwise required by this section. All other application and background check requirements set forth in this shall be applicable to these applicants.

(q) Information collected under this section, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for or holder of a concealed weapon permit, is confidential: *Provided*, That such

information may be disclosed to a law enforcement agency or officer: (i) To determine the validity of a permit; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes. A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

(r) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon permit issued in accordance with the provisions of this section authorizes the holder of the permit to carry a concealed pistol or revolver on the lands or waters of this state.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. No. 2636), as amended, was then ordered to third reading.

Pending announcement of a meeting of a standing committee of the Senate, including a minority party caucus,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Saturday, March 14, 2015, at 10:30 a.m.

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**HISTORY OF BILLS AND RESOLUTIONS  
CONSIDERED BY SENATE  
Includes actions as of March 13, 2015**

**(This symbol \* indicates Committee Substitutes.)**

**(This digest embraces the complete bill list submitted.**

**If passed, all effective ninety days from passage unless otherwise indicated.)**

**SENATE BILLS COMMUNICATED TO HOUSE**

- \*1. By Sen. Cole (Mr. President), Boley, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Trump, Walters, Blair, Plymale, Kirkendoll, Stollings and Takubo - **Repealing Alternative and Renewable Energy Portfolio Act; creating net metering of customer-generators** (original same as H. B. No. 2001 - similar to H. B. No. 2106, H. B. No. 2201 and H. B. No. 2409) - Introduced 1/14/15 - To Energy, Industry and Mining - Com. sub. reported 1/19/15 - Amended - Passed Senate with amended title 1/21/15 - To House 1/22/15 - To Energy then Judiciary
- \*6. By Sen. Ferns, Boley, Carmichael, Gaunch, Leonhardt, Mullins, Nohe, Trump, Blair, Plymale, Stollings, Cole (Mr. President) and Takubo - **Relating to medical professional liability** (original same as H. B. No. 2006) - Introduced 1/14/15 - To Judiciary - Com. sub. reported 1/28/15 - Passed Senate 2/2/15 - Effective from passage - To House 2/3/15 - To Judiciary - Amended - Passed House 2/17/15 - Title amended - Effective from passage - Senate amended House amendment and passed 2/19/15 - Effective from passage - Senate requests return of bill from House - Senate reconsidered effective date and passage - Senate amended House amendment and passed 2/20/15 - Effective from passage - House concurred in Senate amendment and passed 2/23/15 - Effective from passage - To Governor 2/27/15 - Vetoed by Governor 3/5/15 - Senate reconsidered action - Senate amended, repassed to meet objections of Governor 3/6/15 - Effective from passage - House concurred in Senate amendment 3/9/15 - Repassed House to meet the objections of the Governor 3/9/15 - Title amended - Effective from passage - Senate concurred in House amendment and repassed bill 3/10/15 - Effective from passage
- \*8. By Sen. Blair, Boley, Carmichael, Ferns, Gaunch, Karnes,

- Leonhardt, Maynard, Nohe, Sypolt, Trump, Walters and Cole (Mr. President) - **Providing for DOH performance and efficiency audit** (original same as H. B. No. 2008) - Introduced 1/14/15 - To Government Organization - Com. sub. reported 1/23/15 - Passed Senate 1/28/15 - To House 1/29/15 - To Finance
- \*12. By Sen. Carmichael, Boley, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Mullins, Sypolt, Nohe, Trump, Blair and Cole (Mr. President) - **Relating to payment of separated employee's outstanding wages** (original same as H. B. No. 2012 - similar to S. B. No. 102) - Introduced 1/14/15 - To Judiciary - Com. sub. reported 1/20/15 - Passed Senate 1/23/15 - To House 1/26/15 - To Industry and Labor then Finance - To House Finance - Amended - Passed House 3/13/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15
- \*14. By Sen. Sypolt, Walters, Blair, Cole (Mr. President) and Takubo - **Creating Public Charter Schools Act of 2015** (original same as H. B. No. 2014) - Introduced 1/14/15 - To Education - Com. sub. reported 2/18/15 - Referred to Finance 2/18/15 - Amended - Passed Senate with amended title 3/2/15 - To House 3/3/15 - To Education - To House Finance - On 3rd reading, House Calendar 3/14/15
- \*17. By Sen. Stollings, Beach, Plymale, Kirkendoll, Facemire and Romano - **Permitting all-terrain vehicle operation on roadway under certain conditions; defining off-road motorcycle** - Introduced 1/14/15 - To Natural Resources then Government Organization - Com. sub. reported 2/26/15 - Committee reference dispensed - Passed Senate 3/1/15 - To House 3/2/15 - To Roads and Transportation then Judiciary - To House Judiciary 3/9/15
- \*19. By Sen. Plymale - **Specifying minimum early childhood education program instruction days** - Introduced 1/14/15 - To Education then Finance - Com. sub. reported 2/6/15 - Committee reference dispensed - Amended - Passed Senate 2/12/15 - To House 2/13/15 - To Education - Amended - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15
- \*30. By Sen. D. Hall, Trump, Blair, Williams and Karnes - **Permitting shared animal ownership agreement to consume raw milk** (original same as H. B. No. 2448) - Introduced 1/14/15 - To Agriculture and Rural Development then Health and Human Resources - Com. sub. reported



2/10/15 - To Health and Human Resources 2/10/15 - Com. sub. for com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Health and Human Resources - Amended - Passed House 3/10/15 - Senate concurred in House amendments and passed bill 3/11/15 - Senate reconsidered passage of bill - Senate amended House amendment and passed 3/11/15 - House concurred in Senate amendment and passed 3/12/15

- \*37. By Sen. Palumbo - **Creating Revised Uniform Arbitration Act** - Introduced 1/14/15 - To Judiciary - Com. sub. reported 2/5/15 - Amended - Passed Senate 2/10/15 - Effective July 1, 2015 - To House 2/11/15 - To Judiciary - Amended - Passed House 3/10/15 - Effective July 1, 2015 - Senate refused to concur in House amendment 3/11/15
- \*42. By Sen. Beach and Williams - **Relating to sale of alcoholic beverages on Sundays prior to 1 p.m.** (original similar to H. B. No. 2804, H. B. No. 2944 and S. B. No. 492) - Introduced 1/14/15 - To Judiciary - Com. sub. reported 2/16/15 - Passed Senate 2/19/15 - Effective from passage - To House 2/20/15 - To Judiciary then Finance
- \*43. By Sen. Palumbo - **Limiting tolling of statute of limitations for third-party complaints** - Introduced 1/14/15 - To Judiciary - Com. sub. reported 1/21/15 - Passed Senate 1/26/15 - To House 1/27/15 - To Judiciary
- \*60. By Sen. Williams and Sypolt - **Requiring food handler examinations and cards** - Introduced 1/14/15 - To Health and Human Resources then Government Organization - Com. sub. reported 1/30/15 - To Government Organization 1/30/15 - Com. sub. for com. sub. reported 2/6/15 - Passed Senate 2/11/15 - To House 2/12/15 - To Health and Human Resources then Government Organization - To House Government Organization - Amended - On 3rd reading, Special Calendar 3/14/15
- 63. By Sen. Stollings and Kirkendoll - **Redefining facilities eligible for funding assistance from Courthouse Facilities Improvement Authority** - Introduced 1/14/15 - To Judiciary then Finance - Committee reference dispensed - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary then Finance - To House Finance 3/10/15
- \*88. By Sen. Stollings and Plymale - **Creating WV Clearance for Access: Registry and Employment Screening Act** (original similar to H. B. No. 2613) - Introduced 1/14/15 - To Health and Human Resources then Finance - Com. sub. reported

- 1/30/15 - To Finance 1/30/15 - Com. sub. for com. sub. reported 2/20/15 - Amended - Passed Senate 2/25/15 - To House 2/25/15 - To Judiciary - Amended - On 3rd reading, Special Calendar 3/14/15
89. By Sen. Laird and Miller - **Relating to compensation for certain public officials** - Introduced 1/14/15 - To Finance - Passed Senate 2/24/15 - To House 2/24/15 - To Finance - Amended - Passed House 3/10/15 - Title amended - Senate concurred in House amendments and passed bill 3/11/15
- \*94. By Sen. Laird, Miller, Stollings, Facemire and Romano - **Establishing driver's license restoration program** - Introduced 1/14/15 - To Judiciary then Finance - Com. sub. reported 1/30/15 - To Finance 1/30/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Roads and Transportation then Judiciary
106. By Sen. Carmichael - **Excepting professional engineer member from sanitary board when project engineer is under contract** - Introduced 1/14/15 - To Government Organization then Judiciary - Committee reference dispensed - Passed Senate 2/2/15 - Effective from passage - To House 2/3/15 - To Political Subdivisions then Government Organization - To House Government Organization - Passed House 3/12/15 - Effective from passage
- \*109. By Sen. Blair and Leonhardt - **Relating to local indoor smoking prohibitions** - Introduced 1/14/15 - To Military then Judiciary - To Military 1/14/15 - Com. sub. reported 2/12/15 - To Judiciary 2/12/15 - Com. sub. for com. sub. reported 2/20/15 - Amended - Amended - Passed Senate 2/25/15 - To House 2/25/15 - To Health and Human Resources then Judiciary
122. By Sen. Snyder, Facemire and Romano - **Adopting federal definition for disabled veterans' preference in civil service hiring and state contract vendor bidding** - Introduced 1/14/15 - To Military then Government Organization - To Government Organization 2/12/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Veterans' Affairs and Homeland Security then Government Organization
- \*140. By Sen. Snyder, Romano and Facemire - **Amending State Administrative Procedures Act** (original same as H. B. No. 2445) - Introduced 1/14/15 - To Judiciary - Com. sub. reported 2/23/15 - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Government Organization then Judiciary - To House Judiciary - Amended - Passed

- House 3/12/15 - Senate concurred in House amendments and passed bill 3/13/15 - Effective from passage - Senate requests House to concur in changed effective date 3/13/15
- \*142. By Sen. Snyder - **Authorizing Department of Administration promulgate legislative rules** - Introduced 1/14/15 - To Finance then Judiciary - To Judiciary 2/6/15 - Com. sub. reported 2/11/15 - Passed Senate 2/16/15 - Effective from passage - To House 2/17/15 - To Judiciary - Amended - Passed House 3/13/15 - Effective from passage
- \*170. By Sen. Snyder - **Authorizing Bureau of Commerce promulgate legislative rules** - Introduced 1/14/15 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/30/15 - Com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - Effective from passage - To House 2/20/15 - To Judiciary - Amended - House rejected 3/12/15 - Motion to reconsider rejection 3/12/15 - Laid over until 3/13/15 - On 3rd reading, Special Calendar 3/13/15 - Amended on 3rd reading - Read 3rd time 3/13/15 - Passed House 3/13/15 - Effective from passage - Senate refused to concur in House amendment 3/13/15
- \*182. By Sen. Snyder - **Authorizing Department of Military Affairs and Public Safety promulgate legislative rules** - Introduced 1/14/15 - To Judiciary - Com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - Effective from passage - To House 2/20/15 - To Judiciary - Amended - Passed House 3/12/15 - Effective from passage - Senate concurred in House amendments and passed bill 3/13/15 - Effective from passage
- \*192. By Sen. Snyder - **Authorizing Department of Transportation promulgate legislative rules** - Introduced 1/14/15 - To Transportation and Infrastructure then Judiciary - To Judiciary 1/28/15 - Com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - Effective from passage - To House 2/20/15 - To Judiciary - Amended - Passed House 3/12/15 - Effective from passage - Senate refused to concur in House amendment 3/13/15
195. By Sen. Snyder - **Authorizing Conservation Committee promulgate legislative rule relating to financial assistance programs** - Introduced 1/14/15 - To Natural Resources then Judiciary - To Judiciary 1/29/15 - Passed Senate 3/2/15 - Effective from passage - To House 3/3/15 - To Judiciary - Amended - On 3rd reading, Special Calendar 3/14/15
- \*199. By Sen. Snyder - **Authorizing miscellaneous agencies and**

- boards promulgate legislative rules** - Introduced 1/14/15 - To Government Organization then Judiciary - To Judiciary 1/30/15 - Com. sub. reported 2/23/15 - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Judiciary - Amended - Amended on 3rd reading - Passed House 3/12/15 - Effective from passage
- \*234. By Sen. Trump, M. Hall, Blair and Plymale - **Exempting certain water and sewer utilities owned by political subdivisions from PSC jurisdiction** - Introduced 1/15/15 - To Government Organization then Finance - Com. sub. reported 2/19/15 - To Finance 2/19/15 - Passed Senate with amended title 3/4/15 - To House 3/5/15 - To Judiciary - Amended - On 3rd reading, Special Calendar 3/14/15
- \*242. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating criminal penalties for certain automated telephone calls during state of emergency or preparedness** (original same as H. B. No. 2117) - Introduced 1/16/15 - To Judiciary - Com. sub. reported 2/6/15 - Passed Senate 2/11/15 - To House 2/12/15 - To Judiciary - On 3rd reading, Special Calendar 3/14/15
- \*243. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to school nutrition standards during state of emergency or preparedness** (original same as H. B. No. 2118) - Introduced 1/16/15 - To Education then Judiciary - Com. sub. reported 1/30/15 - To Judiciary 1/30/15 - Com. sub. for com. sub. reported 2/9/15 - Passed Senate 2/12/15 - Effective from passage - To House 2/13/15 - To Education - Amended - Passed House 3/12/15 - Effective from passage - Senate concurred in House amendments and passed bill 3/13/15 - Effective from passage
- \*248. By Sen. Williams - **Requiring certain insurance and owner information be provided following car accident** - Introduced 1/16/15 - To Banking and Insurance then Judiciary - Com. sub. reported 2/3/15 - To Judiciary 2/3/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Banking and Insurance then Judiciary - To House Judiciary - Amended - Passed House 3/13/15
- \*249. By Sen. Trump, Blair, Ferns, M. Hall and Walters - **Prohibiting straight party voting in general election** - Introduced 1/16/15 - To Judiciary - Com. sub. reported 1/29/15 - Passed Senate 2/3/15 - To House 2/4/15 - To Judiciary - Amended - Passed House 3/10/15 - Senate concurred in House amendments and passed bill 3/11/15

250. By Sen. Trump, Blair, Carmichael, M. Hall, Leonhardt, Miller, Snyder, Unger, Williams and Plymale - **Relating to Conservation Agency financial assistance applications from district supervisors** (original same as S. B. No. 121) - Introduced 1/16/15 - To Natural Resources then Judiciary - To Judiciary 1/29/15 - Passed Senate 2/6/15 - Effective from passage - To House 2/9/15 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - On 3rd reading, Special Calendar 3/14/15
- \*254. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to Fire, EMS and Law-Enforcement Officer Survivor Benefit Act** (original same as H. B. No. 2525) - Introduced 1/19/15 - To Pensions then Finance - Com. sub. reported 2/26/15 - To Finance 2/26/15 - Amended - Passed Senate 3/2/15 - To House 3/3/15 - To Finance
- \*261. By Sen. D. Hall, Miller, Snyder, Beach and Facemire - **Clarifying definition of "owner" of dam** - Introduced 1/20/15 - To Natural Resources then Judiciary - To Judiciary 1/29/15 - Com. sub. reported 2/3/15 - Passed Senate 2/6/15 - To House 2/9/15 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended - Passed House 3/13/15
267. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Repealing code relating to Governor's Office of Health Enhancement and Lifestyle Planning** (original same as H. B. No. 2209) - Introduced 1/20/15 - To Health and Human Resources then Judiciary - To Judiciary 1/30/15 - Passed Senate 2/10/15 - To House 2/11/15 - To Health and Human Resources - To House Judiciary - Passed House 3/13/15
- \*273. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to brewer, resident brewer and brewpub licensing and operations** (original same as H. B. No. 2385) - Introduced 1/21/15 - To Economic Development then Judiciary - Com. sub. reported 2/12/15 - To Judiciary 2/12/15 - Com. sub. for com. sub. reported 2/23/15 - Passed Senate 2/25/15 - To House 2/25/15 - To Small Business, Entrepreneurship and Economic Development then Judiciary - To House Judiciary - Amended - Passed House 3/13/15 - Title amended
- \*274. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to TANF program sanctions** (original same as H. B. No. 2382) - Introduced 1/21/15 - To Health and

- Human Resources then Judiciary - To Judiciary 1/28/15 - Com. sub. reported 2/12/15 - Passed Senate 2/17/15 - To House 2/18/15 - To Judiciary - On 3rd reading, Special Calendar 3/14/15
- \*277. By Sen. Miller, D. Hall, Laird, Williams and Kirkendoll - **Requiring issuance of certificate of birth resulting in stillbirth** - Introduced 1/21/15 - To Health and Human Resources then Judiciary - Com. sub. reported 2/4/15 - To Judiciary 2/4/15 - Com. sub. for com. sub. reported 2/13/15 - Passed Senate 2/18/15 - To House 2/18/15 - To Judiciary - Passed House 3/9/15
- \*278. By Sen. Karnes - **Relating to lawful and unlawful methods of hunting** (original similar to H. B. No. 2420) - Introduced 1/21/15 - To Natural Resources then Judiciary - Com. sub. reported 2/17/15 - To Judiciary 2/17/15 - Com. sub. for com. sub. reported 2/25/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/3/15
283. By Sen. Nohe, Gaunch and Plymale - **Relating to state banking institutions** (original same as H. B. No. 2379) - Introduced 1/22/15 - To Banking and Insurance then Judiciary - To Judiciary 2/3/15 - Passed Senate 2/24/15 - To House 2/24/15 - To Banking and Insurance then Judiciary - 2nd reference dispensed - Passed House 3/10/15 - Title amended - Senate concurred in House title amendment 3/11/15 - Passed Senate 3/11/15
- \*284. By Sen. Nohe, Plymale, Sypolt, Walters, Blair, Williams, Prezioso and D. Hall - **Relating to chief law-enforcement officer's requirement to certify transfer or making of certain firearms** - Introduced 1/22/15 - To Judiciary - Com. sub. reported 1/30/15 - Amended - Passed Senate 2/4/15 - To House 2/5/15 - To Judiciary - Passed House 3/12/15
285. By Sen. Nohe, Gaunch and Plymale - **Relating to primary and subordinate mortgage loans** (original same as H. B. No. 2223) - Introduced 1/22/15 - To Banking and Insurance then Judiciary - To Judiciary 2/3/15 - Amended - Passed Senate 2/24/15 - Title amended - To House 2/24/15 - To Banking and Insurance then Judiciary
- \*286. By Sen. Ferns, Trump, D. Hall, Blair, Boley, Gaunch, Leonhardt, Mullins and Karnes - **Relating to compulsory immunizations of students; exemptions** (original same as H. B. No. 2556) - Introduced 1/23/15 - To Health and Human Resources then Judiciary - Com. sub. reported 2/13/15 -

- Committee reference dispensed - Passed Senate 2/18/15 - To House 2/18/15 - To Health and Human Resources then Judiciary - To House Judiciary - Amended - On 3rd reading, Special Calendar 3/14/15
- \*287. By Sen. Takubo, Boley, Carmichael, Gaunch, Stollings, Walters, Williams, Trump and Blair - **Providing posthumous high school diplomas** (original same as H. B. No. 2156 - similar to H. B. No. 2516) - Introduced 1/23/15 - To Education - Com. sub. reported 2/4/15 - Passed Senate 2/9/15 - To House 2/10/15 - To Education then Finance - 2nd reference dispensed - Amended - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15
- \*291. By Sen. Ferns, D. Hall, Karnes and Leonhardt - **Clarifying power of Attorney General to contract for outside legal services** - Introduced 1/23/15 - To Judiciary - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary
292. By Sen. Nohe and Gaunch - **Relating to licenses for business of currency exchange, transportation or transmission** (original same as H. B. No. 2241) - Introduced 1/23/15 - To Banking and Insurance then Judiciary - To Judiciary 2/3/15 - Passed Senate 2/24/15 - To House 2/24/15 - To Banking and Insurance then Finance - 2nd reference dispensed - Passed House 3/10/15
295. By Sen. Ferns and Trump - **Establishing appeal process for DHHR Board of Review and Bureau for Medical Services decisions** (original same as H. B. No. 2589) - Introduced 1/23/15 - To Health and Human Resources then Judiciary - To Judiciary 1/28/15 - Passed Senate 2/10/15 - To House 2/11/15 - To Judiciary - Amended - On 3rd reading, Special Calendar 3/14/15
304. By Sen. Miller, Williams, Beach, D. Hall, Nohe, Sypolt, Snyder and Stollings - **Relating to farmers markets** (original same as H. B. No. 2467) - Introduced 1/26/15 - To Agriculture and Rural Development then Judiciary - To Judiciary 2/3/15 - Amended - Passed Senate 2/25/15 - To House 2/25/15 - To Agriculture and Natural Resources then Finance - To House Finance - Amended - Passed House 3/13/15 - Title amended
310. By Sen. Sypolt, Williams and Nohe - **Exempting nonprofit public utility companies from B&O tax** - Introduced 1/26/15 - To Finance - Amended - Passed Senate 3/3/15 - To

- House 3/4/15 - To Finance - On 3rd reading, Special Calendar 3/14/15
312. By Sen. Nohe, Boley, Leonhardt, Palumbo and D. Hall - **Relating to disqualification of general election nominees for failure to file campaign finance statements** - Introduced 1/26/15 - To Judiciary - Passed Senate 2/4/15 - To House 2/5/15 - To Judiciary - Amended - Passed House 3/13/15
- \*315. By Sen. Mullins - **Relating to civil actions filed under Consumer Protection Act** - Introduced 1/27/15 - To Judiciary - Com. sub. reported 2/10/15 - Passed Senate 2/13/15 - To House 2/16/15 - To Judiciary - Amended - On 3rd reading, Special Calendar 3/14/15
- \*316. By Sen. D. Hall, Leonhardt, Trump, Stollings, Plymale, Kirkendoll and Nohe - **Exempting new veteran-owned business from certain fees paid to Secretary of State** (original similar to H. B. No. 2676) - Introduced 1/27/15 - To Military then Finance - Com. sub. reported 2/5/15 - To Finance 2/5/15 - Passed Senate 2/20/15 - To House 2/20/15 - To Finance - Amended - On 3rd reading, Special Calendar 3/14/15
318. By Sen. Trump, Karnes, Carmichael and Blair - **Relating to payment of wages by employers** - Introduced 1/27/15 - To Judiciary - Amended on 3rd reading - Passed Senate 2/5/15 - To House 2/6/15 - To Judiciary - On 3rd reading, Special Calendar 3/14/15
- \*320. By Sen. D. Hall and Trump - **Standardizing notification process for revocation of certificates of authority** (original same as H. B. No. 2680) - Introduced 1/27/15 - To Judiciary - Com. sub. reported 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary
322. By Sen. Nohe, Boley, Palumbo, Leonhardt and Trump - **Eliminating mandatory electronic recount of ballots in recounts** - Introduced 1/27/15 - To Judiciary - Passed Senate 2/4/15 - To House 2/5/15 - To Judiciary - Passed House 3/10/15
- \*323. By Sen. Blair - **Relating to municipal home rule** - Introduced 1/27/15 - To Government Organization then Finance - Com. sub. reported 1/30/15 - Committee reference dispensed - Passed Senate 2/4/15 - To House 2/5/15 - To Government Organization then Finance - To House Finance - Amended - Passed House 3/13/15 - House further considered bill - Title amended - Senate amended House amendment and passed 3/13/15



- \*325. By Sen. Nohe, Boley, Leonhardt, Sypolt, Palumbo, Trump and Blair - **Relating to filing of candidates' financial disclosure statements** - Introduced 1/27/15 - To Judiciary - Com. sub. reported 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary - On 3rd reading with restricted right to amend, Special Calendar 3/14/15
326. By Sen. Nohe, Boley, Leonhardt, Sypolt, Palumbo, Trump and Blair - **Eliminating campaign finance reporting by candidates for delegate to national convention** - Introduced 1/27/15 - To Judiciary - Passed Senate 2/4/15 - To House 2/5/15 - To Judiciary
332. By Sen. M. Hall - **Relating to administrative fees for Tax Division, Department of Revenue** (original same as H. B. No. 2538) - Introduced 1/27/15 - To Finance - Passed Senate 3/1/15 - To House 3/2/15 - To Finance - Passed House 3/10/15
- \*334. By Sen. Ferns - **Relating to practice of medicine and surgery or podiatry** (original same as H. B. No. 2497) - Introduced 1/27/15 - To Government Organization then Health and Human Resources - To Health and Human Resources 1/30/15 - Com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary
- \*336. By Sen. Ferns and Takubo - **Eliminating Health Care Authority's power to apply certain penalties to future rate applications** - Introduced 1/27/15 - To Government Organization then Judiciary - Com. sub. reported 2/25/15 - To Judiciary 2/25/15 - Com. sub. for com. sub. reported 2/27/15 - Passed Senate 3/2/15 - Effective from passage - To House 3/3/15 - To Government Organization - Passed House 3/11/15 - Effective from passage
341. By Sen. D. Hall, Trump, Blair, Beach, Karnes, Sypolt, Williams and Woelfel (Originating in Senate Agriculture and Rural Development) - **Permitting Agriculture Commissioner approve and submit Livestock Care Standards Board rules** - Introduced 1/27/15 - Passed Senate 1/30/15 - Effective from passage - To House 2/2/15 - To Agriculture and Natural Resources then Judiciary
- \*342. By Sen. Gaunch, Trump and Plymale - **Clarifying scope, application and requirements for error corrections by CPRB** (original same as H. B. No. 2521) - Introduced 1/28/15 - To Pensions then Finance - Com. sub. reported 2/19/15 - To Finance 2/19/15 - Passed Senate 3/1/15 - To House 3/2/15 -

- To Finance - Passed House 3/12/15
- \*343. By Sen. Blair, Snyder and Nohe - **Exempting chiropractors from continuing education requirement on mental health conditions common to veterans** - Introduced 1/28/15 - To Government Organization then Judiciary - Com. sub. reported 2/6/15 - To Judiciary 2/6/15 - Constitutional rule suspended - Passed Senate 2/20/15 - Effective from passage - To House 2/20/15 - To Government Organization - Amended - Laid over until 3/4/15 - On 3rd reading, House Calendar 3/13/15
- \*344. By Sen. Trump, Carmichael and Blair - **Relating to duty to mitigate damages in employment claims** - Introduced 1/28/15 - To Judiciary - Com. sub. reported 2/17/15 - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary - Passed House 3/10/15
- \*347. By Sen. Sypolt, Beach, Blair, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Williams and Ferns - **Creating Firearms Act of 2015** - Introduced 1/28/15 - To Judiciary - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary - Amended - Amended - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15
350. By Sen. D. Hall, Beach, Blair, Facemire, Ferns, Gaunch, M. Hall, Kessler, Kirkendoll, Laird, Mullins, Plymale, Prezioso, Snyder, Stollings, Trump, Walters, Romano, Nohe, Williams and Leonhardt - **Establishing criminal penalties for assault or battery on utility workers** (original same as H. B. No. 2554) - Introduced 1/28/15 - To Judiciary - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary
- \*352. By Sen. Walters - **Expanding scope of cooperative associations to goods and services including recycling** (original similar to H. B. No. 2603) - Introduced 1/28/15 - To Natural Resources then Judiciary - Com. sub. reported 2/19/15 - To Judiciary 2/19/15 - Com. sub. for com. sub. reported 3/1/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Government Organization - Laid over until 3/12/15 - Amended - Passed House 3/13/15 - Senate concurred in House amendments and passed bill 3/13/15
- \*353. By Sen. Walters and Nohe - **Designating State Police Superintendent administrator and enforcer of motor vehicle inspection program** - Introduced 1/28/15 - To Transportation and Infrastructure then Judiciary - To Judiciary 2/4/15 - Com. sub. reported 2/23/15 - Passed Senate 2/25/15

- To House 2/25/15 - To Roads and Transportation then Judiciary - To House Judiciary 3/10/15
360. By Sen. Miller, Beach, Carmichael, D. Hall, Mullins, Nohe, Sypolt, Williams, Woelfel, Laird, Plymale and Facemire - **Repealing code sections relating to book indexes and claims reports required by court clerks** - Introduced 1/29/15 - To Judiciary - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Judiciary - Passed House 3/12/15 - Effective from passage
363. By Sen. Cole (Mr. President) - **Establishing maximum rates and service limitations for reimbursement of health care services by Court of Claims** - Introduced 1/29/15 - To Health and Human Resources then Judiciary - To Judiciary 2/18/15 - Passed Senate with amended title 3/4/15 - To House 3/5/15 - To Health and Human Resources then Judiciary - To House Judiciary - On 3rd reading, Special Calendar 3/14/15
364. By Sen. M. Hall, Snyder, D. Hall, Plymale and Facemire - **Exempting State Police Forensic Laboratory from state purchasing guidelines** - Introduced 1/29/15 - To Finance - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary
- \*366. By Sen. Ferns, Stollings, Walters and D. Hall - **Creating Patient Protection and Transparency Act** - Introduced 1/29/15 - To Banking and Insurance then Finance - Com. sub. reported 2/24/15 - To Finance 2/24/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Health and Human Resources - Passed House 3/10/15 - House further considered bill - Title amended - Senate concurred in House title amendment 3/11/15 - Passed Senate 3/11/15
370. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reorganizing Governor's Committee on Crime, Delinquency and Correction and its subcommittees** (original same as H. B. No. 2565) - Introduced 1/30/15 - To Judiciary then Finance - To Finance 2/9/15 - Passed Senate with amended title 2/24/15 - To House 2/24/15 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 3/13/15 - Senate concurred in House amendments and passed bill 3/13/15
- \*373. By Sen. Nohe, Gaunch, D. Hall, Karnes and Blair - **Allowing wireless communication image serve as proof of motor vehicle insurance** - Introduced 1/30/15 - To Banking and Insurance then Judiciary - To Judiciary 2/10/15 - Com. sub. reported 2/23/15 - Passed Senate 2/25/15 - Senate

- reconsidered passage of bill - Passed Senate 2/25/15 - To House 2/25/15 - To Banking and Insurance then Judiciary - To House Judiciary - Passed House 3/13/15
- \*377. By Sen. Boso and Gaunch - **Limiting civil liability of pharmaceutical manufacturers or sellers providing warning to learned intermediary** - Introduced 1/30/15 - To Judiciary - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary
- \*384. By Sen. D. Hall, Prezioso, Takubo, Stollings and Beach - **Permitting wine sales by specialty shop located in dry county, magisterial district or municipality** - Introduced 2/2/15 - To Government Organization - Com. sub. reported 2/17/15 - Amended - Passed Senate with amended title 2/20/15 - Effective from passage - To House 2/20/15 - To Small Business, Entrepreneurship and Economic Development then Government Organization
386. By Sen. Ferns, Stollings and D. Hall - **Excluding mobile x-ray services from health care provider tax** - Introduced 2/2/15 - To Health and Human Resources then Finance - To Finance 2/11/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Health and Human Resources then Finance - To House Finance 3/10/15
389. By Sen. Blair, Yost, Maynard, Facemire, Leonhardt, Williams, Walters, Boso, Palumbo, Mullins, Gaunch, Miller, Ferns and Snyder (Originating in Senate Government Organization) - **Relating to Board of Registration for Professional Engineers license renewals and reinstatements** - Introduced 2/2/15 - Passed Senate 2/5/15 - Effective from passage - To House 2/6/15 - To Government Organization - Amended - Passed House 2/17/15 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 2/19/15 - Effective from passage - To Governor 2/25/15 - Vetoed by Governor 2/27/15 - Senate reconsidered action - Senate amended and repassed 1 2/28/15 - Effective from passage - House concurred in Senate amendment 3/2/15 - Repassed House to meet the objections of the Governor 3/2/15 - Effective from passage - To Governor 3/9/15 - Vetoed by Governor 3/11/15 - Senate reconsidered action - Senate amended, repassed to meet objections of Governor 3/12/15 - Effective from passage
- \*390. By Sen. Trump - **Authorizing PSC approve expedited cost recovery of natural gas utility infrastructure projects** (original same as H. B. No. 2743) - Introduced 2/3/15 - To

- Judiciary - Com. sub. reported 2/18/15 - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Judiciary - Amended on 3rd reading - Passed House 3/12/15 - Senate concurred in House amendments and passed bill 3/13/15
- \*393. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reforming juvenile justice system** (original same as H. B. No. 2641) - Introduced 2/3/15 - To Judiciary - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - Effective May 17, 2015 - To House 2/27/15 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 3/13/15 - Effect May 17, 2015
- \*395. By Sen. Sypolt, Facemire, Gaunch, Prezioso, Stollings, Plymale, Palumbo and Williams - **Modifying definitions of "battery" and "domestic battery"** - Introduced 2/3/15 - To Judiciary - Com. sub. reported 2/27/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Judiciary
399. By Sen. Ferns - **Relating to hospitals owned or operated by nonprofit corporations or associations or local governmental units** - Introduced 2/3/15 - To Health and Human Resources then Judiciary - To Judiciary 2/6/15 - Passed Senate 2/25/15 - To House 2/25/15 - To Health and Human Resources then Judiciary - To House Judiciary 3/3/15
403. By Sen. Walters and Nohe - **Increasing period during which recorded and refiled motor vehicle liens are valid** (original same as H. B. No. 2621 and H. B. No. 2673) - Introduced 2/3/15 - To Transportation and Infrastructure then Judiciary - To Judiciary 2/18/15 - Passed Senate 2/25/15 - To House 2/25/15 - To Roads and Transportation then Judiciary - To House Judiciary - Passed House 3/12/15
- \*407. By Sen. Plymale - **Implementing state safety oversight program** - Introduced 2/4/15 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/18/15 - To Finance 2/18/15 - Amended - Passed Senate 3/2/15 - To House 3/3/15 - To Roads and Transportation then Finance - To House Finance - Passed House 3/13/15
- \*409. By Sen. Carmichael, Blair, Boso, Gaunch, M. Hall, Walters and Williams - **Establishing Fair and Open Competition in Governmental Construction Act** - Introduced 2/4/15 - To Labor then Judiciary - Com. sub. reported 2/24/15 - Committee reference dispensed - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary - Passed House 3/12/15
- \*411. By Sen. Takubo, Carmichael, Ferns, Gaunch and Mullins -

- Creating Asbestos Bankruptcy Trust Claims Transparency Act and Asbestos and Silica Claims Priorities Act** - Introduced 2/4/15 - To Judiciary - Com. sub. reported 2/24/15 - Amended - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary - Amended - Passed House 3/10/15 - Senate concurred in House amendments and passed bill 3/11/15
412. By Sen. Blair - **Relating to Real Estate Commission complaint filings** (original same as H. B. No. 2732) - Introduced 2/4/15 - To Government Organization then Judiciary - To Judiciary 2/12/15 - Passed Senate 2/19/15 - To House 2/19/15 - To Government Organization then Judiciary - To House Judiciary - Passed House 3/12/15
- \*413. By Sen. D. Hall - **Relating to commercial pesticide control licensing requirements** - Introduced 2/4/15 - To Agriculture and Rural Development then Government Organization - Com. sub. reported 2/24/15 - Committee reference dispensed - Passed Senate 2/27/15 - To House 2/27/15 - To Agriculture and Natural Resources then Government Organization - To House Government Organization 3/3/15
415. By Sen. Trump (Originating in Senate Judiciary) - **Relating to circuit judges** - Introduced 2/4/15 - Referred to Finance 2/4/15 - Passed Senate 2/23/15 - To House 2/23/15 - To Judiciary then Finance - To House Finance - Passed House 3/13/15
- \*416. By Sen. D. Hall, M. Hall, Prezioso, Boley, Woelfel, Plymale and Beach - **Relating to hotel occupancy tax** (original similar to H. B. No. 2851, H. B. No. 2893 and S. B. No. 512) - Introduced 2/5/15 - To Finance - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Political Subdivisions then Finance - To House Finance 3/6/15
418. By Sen. Nohe and Gaunch - **Relating to trustee real estate sale under deed of trust** (original same as H. B. No. 2655) - Introduced 2/5/15 - To Judiciary - Passed Senate 2/25/15 - To House 2/25/15 - To Judiciary - Passed House 3/13/15
420. By Sen. Boley, Carmichael, Karnes, Kessler, Mullins, Plymale, Sypolt, Unger and Kirkendoll - **Relating to retirement benefits for certain employees in kindergarten programs** - Introduced 2/5/15 - To Pensions then Finance - To Finance 2/19/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Finance
- \*421. By Sen. Trump, Carmichael, Blair and Gaunch - **Relating to punitive damages in civil actions** - Introduced 2/5/15 - To

- Judiciary - Com. sub. reported 2/13/15 - Rejected by Senate 2/18/15 - Motion to reconsider rejection adopted - Amended on 3rd reading - Passed Senate with amended title 2/19/15 - To House 2/19/15 - To Judiciary - Amended - Passed House 3/9/15 - Senate concurred in House amendments and passed bill 3/10/15
- \*423. By Sen. M. Hall, Blair, Carmichael, Facemire, D. Hall, Kirkendoll, Mullins, Plymale, Romano, Trump, Woelfel, Williams and Stollings - **Amending Aboveground Storage Tank Act** (original same as H. B. No. 2574) - Introduced 2/5/15 - To Judiciary - Com. sub. reported 2/25/15 - Amended - Passed Senate 2/28/15 - To House 3/2/15 - To Judiciary - Amended - Passed House 3/13/15
425. By Sen. Plymale, Laird, Kessler, Stollings, Miller, D. Hall, M. Hall, Prezioso, Leonhardt, Walters, Williams and Carmichael - **Providing WVU, MU and WVSOM more authority to invest assets** (original same as H. B. No. 2815) - Introduced 2/6/15 - To Education - Passed Senate 2/20/15 - To House 2/20/15 - To Education then Finance - To House Finance - On 2nd reading, Special Calendar 3/13/15
429. By Sen. Trump, Williams, D. Hall, Stollings, Miller, Palumbo and Kessler - **Relating to one-day special charitable event license to sell nonintoxicating beer** (original same as H. B. No. 2684) - Introduced 2/6/15 - To Government Organization then Finance - Committee reference dispensed - Passed Senate 2/17/15 - Effective from passage - To House 2/18/15 - To Judiciary then Finance
- \*430. By Sen. Trump - **Permitting mutual orders enjoining certain contact between parties to domestic relations actions** - Introduced 2/6/15 - To Judiciary - Com. sub. reported 2/9/15 - Amended - Passed Senate 2/12/15 - Effective from passage - To House 2/13/15 - To Judiciary - Amended - Passed House 3/12/15 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/13/15 - Effective from passage
434. By Sen. Carmichael, D. Hall, Kirkendoll and Stollings - **Relating to horse racing** (original similar to H. B. No. 2575) - Introduced 2/6/15 - To Finance - Amended - Passed Senate 2/27/15 - To House 2/27/15 - To Judiciary then Finance - To House Finance - Amended - On 3rd reading, Special Calendar 3/13/15 - Laid over until 3/14/15 - On 3rd reading, Special Calendar 3/14/15
- \*435. By Sen. Blair, D. Hall, Boso, Carmichael, Kirkendoll, Laird,

- Stollings, Trump, Williams, Prezioso, Plymale, Gaunch and Walters - **Creating WV Sheriffs' Bureau of Professional Standards** - Introduced 2/9/15 - To Government Organization then Judiciary - Com. sub. reported 2/18/15 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Government Organization - Amended - Passed House 3/3/15 - Senate concurred in House amendments and passed bill 3/4/15 - To Governor 3/9/15 - Vetoed by Governor 3/13/15 - Senate reconsidered action - Senate amended, repassed to meet objections of Governor 3/13/15
- \*436. By Sen. Nohe - **Relating to State Athletic Commission** - Introduced 2/9/15 - To Government Organization then Finance - Com. sub. reported 2/27/15 - Committee reference dispensed - Passed Senate 3/2/15 - To House 3/3/15 - To Government Organization - Amended - Passed House 3/10/15 - Title amended - Senate amended House amendment and passed 3/12/15
- \*439. By Sen. Prezioso, Carmichael, Gaunch, D. Hall, Kessler, Leonhardt, Walters, Williams and Plymale - **Relating to higher education personnel** (original same as H. B. No. 2935) - Introduced 2/9/15 - To Education then Finance - Com. sub. reported 2/27/15 - Committee reference dispensed - Passed Senate 3/2/15 - To House 3/3/15 - To Education then Finance - To House Finance - On 2nd reading, Special Calendar 3/13/15
445. By Sen. M. Hall, Stollings, Boley, Boso, Snyder, Facemire and Plymale - **Relating to investment of RJCFA funds** - Introduced 2/10/15 - To Finance - Passed Senate 2/24/15 - To House 2/24/15 - To Finance - Passed House 3/10/15
- \*446. By Sen. Kessler, Beach and Stollings - **Increasing number of terminals authorized by limited video lottery retailer license** - Introduced 2/10/15 - To Judiciary - Com. sub. reported 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary then Finance
447. By Sen. Karnes, Boley, Gaunch and Leonhardt - **Allowing issuance of diploma by public, private or home school administrator** - Introduced 2/10/15 - To Education then Judiciary - Committee reference dispensed - Passed Senate 3/2/15 - To House 3/3/15 - To Education - On 2nd reading, Special Calendar 3/13/15
- \*453. By Sen. Woelfel, Blair, Ferns, Gaunch, M. Hall, Leonhardt, Mullins, Nohe, Plymale, Prezioso, Snyder, Takubo, Trump,



- Walters, Williams and Karnes - **Relating to motor vehicle dealers, distributors, wholesalers and manufacturers** - Introduced 2/10/15 - To Judiciary - Com. sub. reported 3/2/15 - Amended - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary - On 2nd reading, Special Calendar 3/13/15
454. By Sen. Prezioso, Beach, D. Hall, Kessler, Leonhardt, Plymale, Walters, Woelfel, Facemire and Stollings - **Criminalizing trademark counterfeiting** (original same as H. B. No. 2779 and S. B. No. 406) - Introduced 2/11/15 - To Judiciary - Passed Senate with amended title 2/28/15 - To House 3/2/15 - To Judiciary - Passed House 3/10/15
- \*455. By Sen. Prezioso, Carmichael, D. Hall, Kessler, Leonhardt, Plymale, Walters, Williams, Palumbo and Stollings - **Relating to public higher education procurement and payment of expenses** (original same as S. B. No. 392 - similar to H. B. No. 2973) - Introduced 2/11/15 - To Education then Finance - Com. sub. reported 2/17/15 - To Finance 2/17/15 - Com. sub. for com. sub. reported 2/26/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Education then Finance - To House Finance - On 2nd reading, Special Calendar 3/13/15
457. By Sen. Plymale, Walters and Nohe - **Relating to selection of school athletic coaches or other extracurricular activities coaches** - Introduced 2/11/15 - To Education - Passed Senate 3/2/15 - To House 3/3/15 - To Education
479. By Sen. Trump, Carmichael, Maynard, Miller, Woelfel, Snyder, Ferns, Palumbo, Nohe, Beach, Gaunch, Karnes, D. Hall, Kirkendoll, Romano, Williams and Leonhardt (Originating in Senate Judiciary) - **Adding additional family court judges** (original similar to H. B. No. 2108 and S. B. No. 70) - Introduced 2/12/15 - Referred to Finance 2/12/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Judiciary then Finance - To House Finance - To House Finance 3/9/15 - Passed House 3/13/15
481. By Sen. Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel - **Relating to municipal policemen's and firemen's pension and relief funds' investment** - Introduced 2/13/15 - To Pensions then Finance - To Finance 2/19/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Pensions and Retirement then Finance - To House Finance - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15
483. By Sen. Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel - **Clarifying continuing election of municipal**

- policemen's and firemen's pension and relief funds' trustees** - Introduced 2/13/15 - To Pensions - Constitutional rule suspended - Passed Senate 2/20/15 - To House 2/20/15 - To Finance - Amended - Passed House 3/12/15 - Senate concurred in House amendments and passed bill 3/13/15
484. By Sen. Carmichael - **Relating to procedure for removal of certain county, school district and municipal officers** (original similar to H. B. No. 2818) - Introduced 2/13/15 - To Government Organization then Judiciary - To Judiciary 2/20/15 - Passed Senate with amended title 2/25/15 - To House 2/25/15 - To Political Subdivisions then Judiciary
- \*486. By Sen. Leonhardt, Boso, D. Hall, Karnes, Maynard, Mullins, Nohe, Romano and Walters - **Authorizing special license plates for Civil Air Patrol vehicles** (original same as H. B. No. 2753) - Introduced 2/13/15 - To Transportation and Infrastructure - Com. sub. reported 2/24/15 - Passed Senate 2/27/15 - To House 2/27/15 - To Roads and Transportation then Judiciary - 2nd reference dispensed - Passed House 3/13/15
- \*488. By Sen. Williams, Prezioso and Stollings - **Reestablishing and modifying Broadband Deployment Council** - Introduced 2/13/15 - To Government Organization - Com. sub. reported 2/26/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Government Organization - Amended - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15
489. By Sen. Carmichael - **Imposing statute of limitations on civil actions derived from surveying of real property** - Introduced 2/13/15 - To Judiciary - Passed Senate with amended title 2/25/15 - To House 2/25/15 - To Judiciary - Passed House 3/10/15
498. By Sen. Sypolt, Boso, Carmichael, Kessler, Snyder, Prezioso and Facemire - **Clarifying tax map rules apply to paper and electronic documents** (original same as H. B. No. 2838) - Introduced 2/16/15 - To Government Organization - Passed Senate 2/25/15 - Effective from passage - To House 2/25/15 - To Judiciary - On 2nd reading, House Calendar 3/13/15
499. By Sen. Williams, Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings and D. Hall - **Creating Tourist-Oriented Directional Signs Program** (original same as H. B. No. 2940) - Introduced 2/16/15 - To Transportation and Infrastructure then Government Organization - On 2nd

- reading to Government Organization 2/26/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Roads and Transportation then Finance
502. By Sen. Sypolt, Ferns, Gaunch, Kirkendoll, Leonhardt, Plymale, Prezioso and Stollings - **Relating to eligibility for certain reclamation or remediation tax credit** (original same as H. B. No. 2816) - Introduced 2/17/15 - To Finance - Amended - Passed Senate with amended title 2/28/15 - To House 3/2/15 - Reference dispensed - Amended - Passed House 3/11/15 - Title amended - Senate concurred in House amendments and passed bill 3/12/15
503. By Sen. Kirkendoll, Beach, Facemire, D. Hall, Kessler, Laird, Stollings, Yost, Romano and Palumbo - **Permitting sheriff hire outside attorneys for tax collection assistance** (original similar to H. B. No. 2847) - Introduced 2/17/15 - To Government Organization then Judiciary - To Judiciary 2/24/15 - Amended - Passed Senate with amended title 2/28/15 - To House 3/2/15 - To Judiciary then Finance
510. By Sen. Ferns - **Amending Uniform Interstate Family Support Act** (original same as H. B. No. 2834) - Introduced 2/18/15 - To Interstate Cooperation then Judiciary - To Judiciary 2/23/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Judiciary - On 2nd reading, Special Calendar 3/13/15
514. By Sen. Gaunch and Plymale - **Relating to investments of local policemen's and firemen's pension and relief funds** - Introduced 2/18/15 - To Pensions then Finance - To Finance 2/19/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Pensions and Retirement then Finance - To House Finance - Amended - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15
515. By Sen. Gaunch and Plymale - **Allowing Municipal Pensions Oversight Board invest funds with Investment Management Board or Board of Treasury Investments** - Introduced 2/19/15 - To Finance - Passed Senate 3/1/15 - To House 3/2/15 - To Political Subdivisions then Finance - To House Finance - Passed House 3/12/15 - Title amended - Senate concurred in House amendments and passed bill 3/13/15
518. By Sen. Blair, Carmichael, Snyder, Trump and Unger - **Permitting county and municipal economic development authorities invest certain funds** - Introduced 2/19/15 - To Government Organization then Finance - Committee reference dispensed - Passed Senate 2/27/15 - To House 2/27/15 - To

- Government Organization then Finance - To House Finance  
- Amended - Passed House 3/12/15 - Title amended - Senate  
refused to concur in House amendment 3/13/15
- \*523. By Sen. Cole (Mr. President) and Kessler [By Request of the  
Executive] - **Creating Alcohol and Drug Overdose  
Prevention and Clemency Act** (original same as H. B. No.  
2631) - Introduced 2/19/15 - To Judiciary - Com. sub.  
reported 2/23/15 - Passed Senate 2/25/15 - To House 2/25/15  
- To Health and Human Resources then Judiciary - To House  
Judiciary - On 2nd reading, Special Calendar 3/13/15
- \*529. By Sen. Gaunch and Carmichael - **Relating to PERS, SPRS  
and TRS benefits and costs** - Introduced 2/20/15 - To  
Finance - Com. sub. reported 2/27/15 - Passed Senate 3/2/15  
- To House 3/3/15 - To Finance - On 2nd reading, Special  
Calendar 3/13/15
530. By Sen. Yost, Ferns, Kessler, Snyder and Romano -  
**Extending income tax exemption for retirees receiving  
pensions from certain defined pension plans** (original same  
as H. B. No. 3003) - Introduced 2/20/15 - To Finance - Passed  
Senate 3/1/15 - To House 3/2/15 - To Pensions and  
Retirement then Finance - To House Finance 3/6/15
532. By Sen. Trump, Woelfel, Plymale, Stollings, Takubo,  
Prezioso, Carmichael, Ferns and Beach - **Relating to civil  
liability immunity for clinical practice plans and medical  
and dental school personnel** - Introduced 2/20/15 - To  
Judiciary then Finance - To Finance 2/23/15 - Passed Senate  
2/27/15 - To House 2/27/15 - To Judiciary then Finance - 2nd  
reference dispensed - Amended - Passed House 3/9/15 -  
Senate amended House amendment and passed 3/10/15 -  
House concurred in Senate amendment and passed 3/12/15
- \*537. By Sen. D. Hall and Boso - **Changing mandatory school  
instructional time from days to minutes** - Introduced  
2/20/15 - To Education - Com. sub. reported 2/24/15 - Passed  
Senate 2/27/15 - To House 2/27/15 - To Education - On 2nd  
reading, Special Calendar 3/13/15
- \*541. By Sen. Carmichael, Blair and D. Hall - **Relating to  
regulation and control of elections** - Introduced 2/23/15 - To  
Judiciary - Com. sub. reported 3/2/15 - Rereferred to Judiciary  
on 2nd reading 3/2/15 - Amended - Passed Senate with  
amended title 3/4/15 - To House 3/5/15 - To Judiciary - On  
2nd reading, House Calendar 3/14/15
- \*542. By Sen. D. Hall, Carmichael, M. Hall, Gaunch, Trump, Blair  
and Nohe - **Clarifying provisions of Consumer Credit and**

- Protection Act relating to debt collection** (original same as H. B. No. 2891) - Introduced 2/23/15 - To Judiciary - Com. sub. reported 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Judiciary - On 2nd reading, Special Calendar 3/13/15
545. By Sen. Nohe, Walters, Palumbo and Gaunch - **Removing certain prior bank overdraft approval by director or executive officer** - Introduced 2/23/15 - To Finance - Passed Senate 3/1/15 - To House 3/2/15 - To Banking and Insurance then Finance - 2nd reference dispensed - Passed House 3/10/15
- \*548. By Sen. Blair, Karnes and Leonhardt - **Changing procedure for filling U. S. Senator vacancies** - Introduced 2/23/15 - To Judiciary - Com. sub. reported 2/26/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Judiciary - On 2nd reading, Special Calendar 3/13/15
549. By Sen. M. Hall, Blair, Kessler, Unger and D. Hall - **Establishing classifications and salary schedules for State Police forensic lab civilian employees** - Introduced 2/23/15 - To Finance - Passed Senate 3/2/15 - To House 3/3/15 - To Finance - Passed House 3/12/15 - Title amended
550. By Sen. Kirkendoll, Kessler, Stollings and Unger - **Authorizing agreements between county commissions and municipalities regarding structures unfit for human habitation** (original same as H. B. No. 2970) - Introduced 2/23/15 - To Government Organization - Passed Senate 3/3/15 - To House 3/4/15 - To Political Subdivisions then Judiciary
559. By Sen. M. Hall and Ferns - **Relating to social work provisional licensing** (original same as H. B. No. 2948) - Introduced 2/23/15 - To Government Organization - Amended - Passed Senate 2/27/15 - To House 2/27/15 - To Government Organization - Amended - Passed House 3/6/15 - Title amended - Senate concurred in House amendments and passed bill 3/9/15
560. By Sen. Trump and D. Hall - **Establishing special revenue fund for use of certain Supreme Court advanced technology** (original same as hb 2833) - Introduced 2/23/15 - To Finance - Amended - Passed Senate 3/2/15 - To House 3/3/15 - To Finance
574. By Sen. Trump, Miller, Woelfel, Snyder, Beach, Gaunch, Karnes, D. Hall, Kirkendoll and Williams (Originating in Senate Judiciary) - **Relating to liquor sales by distilleries and mini-distilleries** - Introduced 2/26/15 - Passed Senate 3/1/15 - To House 3/2/15 - To Small Business,

- Entrepreneurship and Economic Development then Judiciary  
 - To House Judiciary - Passed House 3/10/15 - Title amended  
 - Senate amended House amendment and passed 3/12/15
576. By Sen. Blair, Walters, Williams, Leonhardt, Facemire, Maynard, Yost, Snyder, Ferns, Miller, Gaunch, Mullins, Palumbo and Boso (Originating in Senate Government Organization) - **Relating to internet protocol-enabled service and voice over internet protocol-enabled service** - Introduced 2/26/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Government Organization - Passed House 3/10/15
577. By Sen. D. Hall, Boley, Karnes, Laird, Plymale, Romano, Stollings, Takubo and Sypolt (Originating in Senate Education) - **Allowing higher education governing boards invest certain funds with nonprofit foundations** - Introduced 2/27/15 - Passed Senate 3/2/15 - To House 3/3/15 - To Finance - On 2nd reading, Special Calendar 3/13/15
578. By Sen. Trump, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Nohe and Williams - **Relating to occupational disease claims** - Introduced 2/27/15 - Amended - Passed Senate 3/2/15 - To House 3/3/15 - To Judiciary - Passed House 3/10/15
579. By Sen. Trump, Carmichael, Ferns, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Clarifying restriction on limited video lottery location near business selling petroleum products** - Introduced 2/27/15 - Passed Senate 3/2/15 - Effective from passage - To House 3/3/15 - To Judiciary
580. By Sen. Trump, Carmichael, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Relating to statute of limitations on health care injury claims for minors** - Introduced 2/28/15 - Passed Senate 3/3/15 - Effective from passage - To House 3/4/15 - To Judiciary - Amended - Passed House 3/12/15 - Effective from passage
581. By Sen. M. Hall, Walters, Blair, Boley, Boso, Facemire, Kessler, Laird, Mullins, Plymale, Stollings, Sypolt, Takubo, Unger and Yost (Originating in Senate Finance) - **Relating to Tourism Promotion Fund and Courtesy Patrol Fund** - Introduced 2/28/15 - Passed Senate 3/3/15 - Effective July 1, 2015 - To House 3/4/15 - To Finance - Amended - Passed House 3/12/15 - Effective July 1, 2015 - Senate concurred in

- House amendments and passed bill 3/13/15 - Effective July 1, 2015
582. By Sen. Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Relating to Herbert Henderson Office of Minority Affairs** - Introduced 3/2/15 - Passed Senate 3/4/15 - Effective from passage - To House 3/5/15 - To Judiciary - On 2nd reading, Special Calendar 3/13/15
583. By Sen. M. Hall, Walters, Blair, Boso, Facemire, Laird, Mullins, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance) - **Increasing tax rate on providers of certain nursing facility services** - Introduced 3/2/15 - Passed Senate 3/4/15 - Effective July 1, 2015 - To House 3/5/15 - To Finance - Amended - Passed House 3/12/15 - Title amended - Effective July 1, 2015 - Senate concurred in House amendments and passed bill 3/13/15 - Effective July 1, 2015
584. By Sen. M. Hall, Walters, Blair, Boso, Carmichael, Facemire, Laird, Mullins, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance) - **Transferring Cedar Lakes Camp and Conference Center to private, nonstock, not-for-profit corporation** - Introduced 3/2/15 - Passed Senate 3/4/15 - To House 3/5/15 - To Finance - On 2nd reading, Special Calendar 3/13/15
585. By Sen. Trump, Beach, Carmichael, Ferns, Gaunch, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary) - **Relating to regulation of transportation network and taxicab companies** - Introduced 3/2/15 - Amended - Passed Senate with amended title 3/4/15 - To House 3/5/15 - To Judiciary - Motion for Previous Question on motion to PPI adopted - Postpone Indefinitely

#### SENATE CONCURRENT RESOLUTIONS OFFERED

1. By Sen. Cole, M. Hall and Kessler - **Authorizing payment of supplies, services, printing and other expenses** - Introduced 1/14/15 - Committee reference dispensed - Adopted by Senate 1/14/15 - To House 1/15/15 - Reference dispensed - Adopted by House 1/15/15
2. By Sen. D. Hall and Stollings - **Requesting DOH name US**

- Rt. 54/6 in Wyoming County "Virginia & U. S. Army Major Woodrow Cook Memorial Road"** - Introduced 1/14/15 - To Transportation and Infrastructure
3. By Sen. Palumbo, Blair and Stollings - **Requesting DOH name portion of Rt. 25 in Kanawha County "U. S. Army Sgt. James Lawrence Taylor Memorial Road"** - Introduced 1/14/15 - To Transportation and Infrastructure - Adopted by Senate 3/8/15 - To House 3/9/15 - To Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
  4. By Sen. Yost, Snyder, Romano and Gaunch - **Requesting Joint Committee on Government and Finance study issues facing military veterans and active duty service personnel** - Introduced 1/15/15 - To Military then Rules - To Rules 1/22/15
  5. By Sen. Sypolt and Blair - **Urging Governor fill Board of Education vacancies** - Introduced 1/15/15 - To Education
  6. By Sen. D. Hall and Stollings - **Requesting DOH name bridge in Raleigh County "John Thomas Scott II Memorial Bridge"** - Introduced 1/16/15 - To Transportation and Infrastructure - Adopted by Senate 2/25/15 - To House 2/25/15 - To Roads and Transportation then Rules - To House Roads and Transportation 2/25/15
  7. By Sen. Sypolt, Williams and Beach - **Requesting DOH name bridge in Preston County "Army Air Force SGT Everett Wayne 'Bud' Sell Memorial Bridge"** - Introduced 1/16/15 - To Transportation and Infrastructure
  8. By Sen. Trump, Blair, M. Hall, Leonhardt, Mullins, Unger, Williams, Kirkendoll, Romano, Snyder, Facemire, Stollings and D. Hall - **Urging US EPA withdraw and/or rescind proposed definition of "waters of the United States"** - Introduced 1/16/15 - To Agriculture and Rural Development - Adopted by Senate 1/28/15 - To House 1/29/15 - To Rules - To House Rules 1/29/15
  9. By Sen. Beach - **Petitioning Congress call convention for proposal of constitutional amendments** - Introduced 1/19/15 - To Judiciary
  10. By Sen. Trump, Kessler, Unger, Nohe, D. Hall and Prezioso - **Designating September each year as US Constitution Month** - Introduced 1/21/15 - To Judiciary - Adopted by Senate 2/13/15 - To House 2/16/15 - To Rules - To House Rules 2/16/15
  11. By Sen. Yost, Facemire, Kessler, Romano, D. Hall, Snyder, Unger, Plymale, Sypolt and Williams - **Requesting Joint**



- Committee on Government and Finance study workplace safety at state-operated behavioral health facilities** - Introduced 1/23/15 - To Health and Human Resources then Rules - To Health and Human Resources 1/26/15
12. By Sen. Cole (Mr. President), Carmichael and Kessler - **Adopting Joint Rules of Senate and House of Delegates** - Introduced 1/26/15 - Committee reference dispensed - Adopted by Senate 1/26/15 - To House 1/27/15 - Reference dispensed - Adopted by House 1/27/15
13. By Sen. Ferns, D. Hall and Sypolt - **Urging Congress propose balanced budget amendment** - Introduced 1/27/15 - To Finance - Referred to Judiciary 3/10/15 - Adopted by Senate 3/12/15 - To House 3/13/15 - To Judiciary - To House Judiciary 3/13/15
- \*14. By Sen. Beach, Kessler, Leonhardt, Prezioso, Unger, Stollings, Miller and Yost - **Requesting DOH erect signs in Marion County designated "Home of Francis H. Pierpont, Father of West Virginia and Governor of Restored Virginia"** - Introduced 1/30/15 - To Transportation and Infrastructure - Com. sub. reported 2/24/15 - Adopted by Senate 2/25/15 - To House 2/25/15 - To Rules - To House Rules 2/25/15 - Adopted by House 3/4/15
15. By Sen. Palumbo, Williams, Stollings, Beach and Plymale - **Requesting DOH name bridge in Kanawha County "Tom Williams Family Bridge"** - Introduced 2/4/15 - To Transportation and Infrastructure
16. By Sen. D. Hall, Miller and Plymale - **Urging Congress recognize May 4 as National FPIES Awareness Day** - Introduced 2/4/15 - To Health and Human Resources
17. By Sen. Trump, Plymale and Romano - **Requesting Joint Committee on Government and Finance study probate process** - Introduced 2/4/15 - To Rules
- \*18. By Sen. Kessler, Leonhardt, Yost, Plymale and Beach - **Requesting DOH name bridge in Wetzel County "U. S. Army COL William L. Glover Memorial Bridge"** - Introduced 2/5/15 - To Transportation and Infrastructure - Com. sub. reported 2/24/15 - Adopted by Senate 2/25/15 - To House 2/25/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15
- \*19. By Sen. Maynard, Plymale, Kirkendoll and Stollings - **Requesting DOH name stretch of road in Wayne County "Darrell W. Sanders Memorial Highway"** - Introduced 2/5/15 - To Transportation and Infrastructure - Com. sub.

- reported 2/24/15 - Adopted by Senate 2/25/15 - To House 2/25/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15
- \*20. By Sen. Maynard, Plymale, D. Hall and Stollings - **Requesting DOH name stretch of road in McDowell County "U. S. Army 1SG Joe C. Alderman Memorial Road"** - Introduced 2/5/15 - To Transportation and Infrastructure - Com. sub. reported 3/3/15 - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - Adopted by House 3/12/15
21. By Sen. Karnes, Blair, Boley, Ferns, Gaunch, D. Hall, Boso, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Trump and Walters - **Urging Congress call convention for proposal of constitutional amendments imposing fiscal restraints, limiting jurisdiction and setting term limits** - Introduced 2/5/15 - To Interstate Cooperation then Judiciary - To Judiciary 2/19/15
22. By Sen. Stollings and Plymale - **Requesting DOH name portion of U. S. Rt. 119 in Boone County "U. S. Army SGT Mark Andrew Messer Memorial Road"** - Introduced 2/6/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
23. By Sen. Maynard, Plymale and Stollings - **Requesting DOH name bridge in McDowell County "U. S. Army SFC Anthony Barton Memorial Bridge"** - Introduced 2/10/15 - To Transportation and Infrastructure - Adopted by Senate 3/8/15 - To House 3/9/15 - To Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
24. By Sen. Maynard, Plymale, Stollings and Leonhardt - **Requesting DOH name portion of Rt. 16 in McDowell County "U. S. Marine Corps LtCol Dennis Ray Blankenship Memorial Road"** - Introduced 2/10/15 - To Transportation and Infrastructure
25. By Sen. Prezioso, D. Hall, Plymale, Williams and Stollings - **Requesting DOH name bridge in Harrison County "U. S. Army PFC Nick A. Cavallaro Memorial Bridge" and "U. S. Army SSG Benjamin T. Portaro Memorial Bridge"** - Introduced 2/11/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
26. By Sen. Stollings - **Requesting DOH name bridge in Boone**

- County "USMC PFC Marshall Lee King Memorial Bridge"** - Introduced 2/11/15 - To Transportation and Infrastructure
27. By Sen. Maynard, Kirkendoll and Stollings - **Requesting DOH name portion of WV Rt. 152 in Wayne County "Wayne County Veterans Memorial Highway"** - Introduced 2/12/15 - To Transportation and Infrastructure
28. By Sen. Carmichael - **Requesting Joint Committee on Government and Finance study magistrate court cost collection process** - Introduced 2/13/15 - To Rules
29. By Sen. Palumbo, Boley, Gaunch, Takubo, Walters, Stollings, Prezioso and D. Hall - **Requesting DOH name bridge in Kanawha County "Rosie the Riveter Memorial Bridge"** - Introduced 2/16/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/10/15 - Adopted by House 3/12/15
30. By Sen. Prezioso, Beach, D. Hall, Stollings, Williams, Romano and Plymale - **Requesting DOH name portion of Rt. 19 in Marion County "Nicholas Lou 'Nick' Saban, Jr., Expressway"** - Introduced 2/17/15 - To Transportation and Infrastructure
31. By Sen. Cole (Mr. President) - **Authorizing meeting of Joint Select Committee on Tax Reform** - Introduced 2/19/15 - To Rules - Adopted by Senate 3/3/15 - To House 3/4/15 - To Rules - To House Rules 3/4/15 - Adopted by House 3/10/15
32. By Sen. Blair - **Amending Joint Rules of Senate and House of Delegates by adding Joint Rule 31, Unfinished Business** - Introduced 2/20/15 - To Rules
33. By Sen. Carmichael, M. Hall, Trump, Walters, Blair, Kessler, Laird, Miller, Unger, Facemire and Yost - **Requesting Joint Committee on Government and Finance study undeveloped land preservation and conservation tax credit program** - Introduced 2/20/15 - To Finance then Rules - To Rules 2/27/15 - Adopted by Senate 3/12/15 - To House 3/13/15 - To Rules - To House Rules 3/13/15
- \*34. By Sen. Woelfel, Miller, Laird, Unger and Stollings - **Requesting DOH name bridge in Greenbrier County "U. S. Army Air Corps LT William H. Corkrean, Jr., Memorial Bridge"** - Introduced 2/23/15 - To Transportation and Infrastructure - Com. sub. reported 3/3/15 - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted

- by House 3/12/15
- \*35. By Sen. Stollings and Unger - **Requesting DOH name bridge in McDowell County "U. S. Army CPL Zane Joseph Gero and U. S. Marine Corps CPL John Anthony 'Tony' Gero Memorial Bridge"** - Introduced 2/23/15 - To Transportation and Infrastructure - Com. sub. reported 3/3/15 - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
- \*36. By Sen. Maynard - **Requesting DOH name bridge in McDowell County "Homer Hopkins Bridge"** - Introduced 2/23/15 - To Transportation and Infrastructure - Com. sub. reported 3/13/15 - On Unfinished Business 3/14/15
37. By Sen. Nohe, Gaunch, Prezioso and Ferns (Originating in Senate Banking and Insurance) - **Requesting Joint Committee on Government and Finance study pharmaceutical benefits management industry** - Introduced 2/24/15 - Referred to Rules 2/24/15 - Adopted by Senate 3/3/15 - To House 3/4/15 - To Rules - To House Rules 3/4/15
38. By Sen. Snyder, Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Williams and Woelfel (Originating in Senate Judiciary) - **Requesting transfer of WV from EPA Region III to EPA Region IV** - Introduced 2/24/15 - Adopted by Senate 2/26/15 - To House 2/26/15 - To Judiciary then Rules - To House Judiciary 2/26/15
39. By Sen. Carmichael, M. Hall, Nohe, Plymale and Stollings - **Requesting Joint Committee on Government and Finance study Cedar Lakes Camp and Conference Center** - Introduced 2/25/15 - To Rules - Adopted by Senate 3/3/15 - To House 3/4/15 - To Rules - To House Rules 3/4/15
40. By Sen. M. Hall and Stollings - **Requesting DOH name bridge in Putnam County "U. S. Army Sgt. Deforest Lee Talbert Memorial Bridge"** - Introduced 2/25/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Roads and Transportation 3/5/15
41. By Sen. Blair, Trump and Stollings - **Requesting DOH name bridge in Berkeley County "W. C. Honaker and Clyde Spies Memorial Bridge"** - Introduced 2/25/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15 - To House 3/5/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15

42. By Sen. Laird, Miller, Carmichael and Stollings - **Requesting DOH name bridge in Fayette County "Tygrett Brothers Seven Veterans Bridge"** - Introduced 2/26/15 - To Transportation and Infrastructure - Adopted by Senate 3/8/15 - To House 3/9/15 - To Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
43. By Sen. Boso and Stollings - **Requesting DOH name bridge in Nicholas County "U. S. Army SPC Richard Nesselrotte Bridge"** - Introduced 2/26/15 - To Transportation and Infrastructure - Adopted by Senate 3/8/15 - To House 3/9/15 - To Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
44. By Sen. Boso and Stollings - **Requesting DOH name bridge in Randolph County "U. S. Navy PO2 Robert Paul Laderach Memorial Bridge"** - Introduced 2/26/15 - To Transportation and Infrastructure - Adopted by Senate 3/8/15 - To House 3/9/15 - To Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
45. By Sen. Carmichael and Stollings - **Requesting DOH name bridge in Jackson County "James P. Spano, Jr., Memorial Bridge"** - Introduced 2/26/15 - To Transportation and Infrastructure - Adopted by Senate 3/8/15 - To House 3/9/15 - To Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
46. By Sen. D. Hall and Stollings - **Requesting DOH name bridge in Raleigh County "U. S. Army PFC Shelby Dean Stover Memorial Bridge"** - Introduced 2/26/15 - To Transportation and Infrastructure
47. By Sen. Cole (Mr. President) and Kessler - **Amending Joint Rules of Senate and House relating to printing enrolled bills** - Introduced 2/27/15 - To Rules - Adopted by Senate 3/3/15 - To House 3/4/15 - To Rules - To House Rules 3/4/15 - Adopted by House 3/10/15
48. By Sen. Stollings - **Requesting Joint Committee on Government and Finance study agreements between county commissions and municipalities regarding demolition of buildings unfit for human habitation** - Introduced 2/28/15 - To Rules - Adopted by Senate 3/12/15 - To House 3/13/15 - To Rules - To House Rules 3/13/15
49. By Sen. Trump and Snyder (Originating in Senate Judiciary) - **Requesting Joint Committee on Government and Finance study placement of magistrates within regional jails** - Introduced 2/28/15 - Referred to Rules 2/28/15

50. By Sen. M. Hall, Walters, Blair, Boley, Boso, Facemire, Kessler, Laird, Mullins, Plymale, Stollings, Sypolt, Takubo, Unger and Yost (Originating in Senate Finance) - **Providing for issuance of refunding bonds pursuant to Safe Roads Amendment of 1966** - Introduced 2/28/15 - Adopted by Senate 3/1/15 - To House 3/3/15 - To Finance - Adopted by House 3/7/15
51. By Sen. Stollings and Kirkendoll - **Requesting DOH name bridge in Boone County "U. S. Army PFC Samuel C. Ball Memorial Bridge"** - Introduced 3/4/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15
52. By Sen. Sypolt, Beach, Boley, Boso, Ferns, Gaunch, Karnes, Plymale and Stollings - **Requesting Board of Education study teacher preparation programs** - Introduced 3/5/15 - To Education - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15
53. By Sen. Boso and Stollings - **Requesting DOH name bridge in Randolph County "U. S. Army PFC Samuel Reed Summerfield Memorial Bridge"** - Introduced 3/5/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15
54. By Sen. Kirkendoll and Stollings - **Requesting DOH name stretch of road in Logan County "USMC LCpl Larry G. Williamson Memorial Highway"** - Introduced 3/6/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15
55. By Sen. Kirkendoll and Stollings - **Requesting DOH name section of road in Logan County "U. S. Army SP4 Terry Robert Albright Memorial Road"** - Introduced 3/6/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15
56. By Sen. Kirkendoll and Stollings - **Requesting DOH name section of road in Logan County "U. S. Army Colonel Anna M. Butcher Road"** - Introduced 3/6/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15 - To House 3/12/15 - To Rules - To House Rules 3/12/15
57. By Sen. D. Hall, M. Hall, Kirkendoll, Snyder and Stollings - **Requesting Joint Committee on Government and Finance study public utility regulation by political subdivisions** - Introduced 3/6/15 - To Rules
58. By Sen. Takubo, Ferns, Blair, Leonhardt, Maynard, Mullins, Kessler, Stollings and Yost (Originating in Senate Economic

- Development) - **Requesting Joint Committee on Government and Finance study small business group retirement savings program** - Introduced 3/7/15 - Referred to Rules 3/6/15
59. By Sen. Plymale, Gaunch, Yost and Stollings - **Requesting Joint Committee on Government and Finance study expansion of outcomes of MU Luke Lee Listening, Language and Learning Lab** - Introduced 3/8/15 - To Rules - Adopted by Senate 3/12/15 - To House 3/13/15 - To Rules - To House Rules 3/13/15
60. By Sen. Kirkendoll and Stollings - **Requesting DOH name bridge in Logan County "U. S. Army SGT Bernard C. Maynard Memorial Bridge"** - Introduced 3/10/15 - To Transportation and Infrastructure - On Unfinished Business 3/14/15
61. By Sen. Romano, Facemire and Stollings - **Requesting DOH name bridge in Harrison County "U. S. Army PFC Nick A. Cavallaro Memorial Bridge"** - Introduced 3/11/15 - To Transportation and Infrastructure
62. By Sen. M. Hall, Snyder, Prezioso, D. Hall and Stollings - **Requesting Joint Committee on Government and Finance study racing and gaming industries** - Introduced 3/11/15 - To Rules - On Unfinished Business 3/14/15
63. Originating in Senate Rules - **Urging Board of Coal Mine Health and Safety develop regulations governing movement of underground mining equipment** - Introduced 3/12/15 - Adopted by Senate 3/12/15 - To House 3/13/15 - To Rules - To House Rules 3/13/15
64. By Sen. Yost, Boley and Takubo - **Requesting Joint Committee on Government and Finance study development of state occupational safety and health plan** - Introduced 3/13/15 - On Unfinished Business 3/14/15
65. By Sen. Walters, Leonhardt, Gaunch, Mullins and Woelfel (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance study state road funding needs** - Introduced 3/13/15 - On Unfinished Business 3/14/15
66. By Sen. Walters, Leonhardt, Gaunch, Mullins and Woelfel (Originating in Senate Transportation and Infrastructure) - **Requesting Joint Committee on Government and Finance study highway and bridge revenue sources** - Introduced 3/13/15 - On Unfinished Business 3/14/15
67. By Sen. Walters, Leonhardt, Gaunch, Mullins and Woelfel

(Originating in Senate Transportation and Infrastructure) -  
**Requesting Joint Committee on Government and Finance**  
**study statewide fiber optic broadband infrastructure**  
**network** - Introduced 3/13/15 - On Unfinished Business  
 3/14/15

#### SENATE RESOLUTIONS OFFERED

1. By Sen. Carmichael - **Adopting Rules of Senate** - Introduced 1/14/15 - Committee reference dispensed - Amended - Adopted 1/14/15
2. By Sen. Carmichael - **Raising committee to notify House Senate has assembled and organized** - Introduced 1/14/15 - Committee reference dispensed - Adopted 1/14/15
3. By Sen. Carmichael - **Raising committee to notify Governor Legislature has organized** - Introduced 1/14/15 - Committee reference dispensed - Adopted 1/14/15
4. By Sen. M. Hall - **Relating to mailing of bills and journals** - Introduced 1/14/15 - Committee reference dispensed - Adopted 1/14/15
5. By Sen. Beach, Plymale, Williams, Stollings, Prezioso and D. Hall - **Celebrating Monongalia County** - Introduced 1/15/15 - Committee reference dispensed - Adopted 1/15/15
6. By Sen. Williams, Sypolt, Blair, Trump, Plymale, D. Hall and Beach - **Honoring Doris Marks on Mineral County Day** - Introduced 1/15/15 - Committee reference dispensed - Adopted 1/15/15
7. **Authorizing appointment of employees** - Introduced 1/15/15 - Committee reference dispensed - Adopted 1/16/15
8. By Sen. Palumbo, Beach, Stollings and Williams - **Recognizing jazz drummer Butch Miles** - Introduced 1/16/15 - Committee reference dispensed - Adopted 1/16/15
9. By Sen. Ferns, Stollings, Palumbo, Kessler, Unger, Beach, Plymale, D. Hall, Trump and Prezioso - **Designating January 21, 2015, Disability Advocacy Day** - Introduced 1/21/15 - Committee reference dispensed - Adopted 1/21/15
10. By Sen. Palumbo, Plymale and Beach - **Recognizing Nuru International** - Introduced 1/21/15 - Committee reference dispensed - Adopted 1/21/15
11. By Sen. Leonhardt, Facemire, Kessler, D. Hall and Plymale - **Recognizing Calhoun and Gilmer counties** - Introduced 1/23/15 - Committee reference dispensed - Adopted 1/23/15
12. By Sen. Unger, Snyder, Blair, Trump, Kessler, Beach,



- Prezioso and Stollings - **Recognizing Leadership Berkeley**  
- Introduced 1/26/15 - Committee reference dispensed -  
Adopted 1/26/15
13. By Sen. Sypolt, Boley, Stollings, Plymale, Unger, Williams,  
D. Hall, Beach, Kessler, Nohe and Leonhardt - **Designating  
January 27, 2015, Higher Education Day at Legislature** -  
Introduced 1/27/15 - Committee reference dispensed -  
Adopted 1/27/15
  14. By Sen. Karnes, Boso, Stollings, Unger, D. Hall, Williams,  
Beach and Kessler - **Designating January 27, 2015,  
Randolph County Day at Legislature** - Introduced 1/27/15  
- Committee reference dispensed - Adopted 1/27/15
  15. By Sen. Romano, Beach and Williams - **Recognizing  
independent insurance agent Timothy W. Dyer** -  
Introduced 1/27/15 - Committee reference dispensed -  
Adopted 1/27/15
  16. By Sen. D. Hall, Kessler, Stollings, Plymale, Palumbo, Laird  
and Williams - **Designating January 28, 2015, Generation  
West Virginia Day** - Introduced 1/28/15 - Committee  
reference dispensed - Adopted 1/28/15
  17. By Sen. Ferns, Kessler, Stollings, Plymale, Palumbo, Laird  
and Williams - **Designating January 28, 2015, Kids at Risk  
Day at Legislature** - Introduced 1/28/15 - Committee  
reference dispensed - Adopted 1/28/15
  18. By Sen. Walters, Stollings, Plymale, Palumbo and Williams  
- **Recognizing value and importance of state's innovation  
industry** - Introduced 1/28/15 - Committee reference  
dispensed - Adopted 1/28/15
  19. By Sen. D. Hall, Ferns, Takubo, Stollings, Nohe, Unger,  
Williams and Beach - **Recognizing February 6, 2015,  
National Wear Red Day** - Introduced 2/2/15 - Committee  
reference dispensed - Adopted 2/2/15
  20. By Sen. Blair, Trump, Unger, Plymale and Williams -  
**Congratulating Dr. Allen Glasgow, 2015 Outstanding Tree  
Farmer** - Introduced 2/3/15 - Committee reference dispensed  
- Adopted 2/3/15
  21. By Sen. Stollings, Prezioso, Palumbo, Laird, M. Hall,  
Romano, Williams, Kirkendoll, Kessler, Beach, Plymale, D.  
Hall and Nohe - **Recognizing February 4, 2015, Social  
Work Day** - Introduced 2/4/15 - Committee reference  
dispensed - Adopted 2/4/15
  22. By Sen. Takubo, Miller, Laird, D. Hall, Romano, Kessler,  
Stollings, Beach, Plymale, Boso and Williams - **Recognizing**

- WV School of Osteopathic Medicine** - Introduced 2/4/15 - Committee reference dispensed - Adopted 2/4/15
23. By Sen. Leonhardt, Beach, D. Hall, Miller and Plymale - **Recognizing WV Wing of Civil Air Patrol** - Introduced 2/6/15 - Committee reference dispensed - Adopted 2/6/15
24. By Sen. Unger, Snyder, Plymale, Beach, Kessler, Stollings and Prezioso - **Recognizing Leadership Jefferson** - Introduced 2/9/15 - Committee reference dispensed - Adopted 2/9/15
25. By Sen. Trump, Laird, Plymale, Blair, Yost, Williams, Miller, Beach, Prezioso, Stollings, Kessler and Unger - **Designating February 10, 2015, Corrections Day** - Introduced 2/10/15 - Committee reference dispensed - Adopted 2/10/15
26. By Sen. Trump, Carmichael, Laird, Kessler, Palumbo, Plymale, Stollings, Walters, Yost, Prezioso, Williams, Miller and Unger - **Designating February 10, 2015, Drug Court Day** - Introduced 2/10/15 - Committee reference dispensed - Adopted 2/10/15
27. By Sen. Sypolt, Stollings, D. Hall, Prezioso and Williams - **Recognizing Youth Leadership Association** - Introduced 2/12/15 - Committee reference dispensed - Adopted 2/12/15
28. By Sen. Sypolt, 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, Takubo, Williams, Stollings, Unger, Walters, Woelfel and Yost - **Designating February 12, 2015, WV Home School Day** - Introduced 2/12/15 - Committee reference dispensed - Adopted 2/12/15
29. By Sen. Williams, Prezioso, Beach, Sypolt, Kessler, Leonhardt, Plymale, D. Hall, Unger, Nohe, Stollings, Snyder, Yost and Laird - **Designating February 13, 2015, WVU and WVU Extension Service Day** - Introduced 2/13/15 - Committee reference dispensed - Adopted 2/13/15
30. By Sen. Walters, Unger, Stollings, Gaunch, D. Hall, Boley, M. Hall, Leonhardt, Maynard, Nohe, Palumbo and Takubo - **Designating February 16, 2015, WVSU Day** - Introduced 2/16/15 - Committee reference dispensed - Adopted 2/16/15
31. By Sen. Leonhardt, D. Hall, Snyder, Unger, Laird, Prezioso, Stollings and Williams - **Designating February 16, 2015, Veterans Visibility Day** - Introduced 2/16/15 - Committee reference dispensed - Adopted 2/16/15
32. By Sen. Nohe, Stollings, Unger and D. Hall - **Recognizing**

- Wood County Detachment 1087 of Marine Corps League**  
 - Introduced 2/16/15 - Committee reference dispensed -  
 Adopted 2/16/15
33. By Sen. Miller, Stollings, Snyder, Unger, Williams, Prezioso and Plymale - **Designating February 17, 2015, Local Food Systems Day at Legislature** - Introduced 2/17/15 - Committee reference dispensed - Adopted 2/17/15
34. By Sen. Unger, Prezioso, Plymale, Snyder and Stollings - **Recognizing Delta Sigma Theta Sorority, Inc.** - Introduced 2/17/15 - Committee reference dispensed - Adopted 2/18/15
35. By Sen. Ferns, Plymale, Kessler and D. Hall - **Recognizing Robert Sincavich, Chairman of American Wholesale Marketers Association** - Introduced 2/18/15 - Committee reference dispensed - Adopted 2/18/15
36. By Sen. Plymale, Woelfel, Yost, Unger, Kessler, Laird, Stollings, Nohe, Prezioso and D. Hall - **Memorializing life of Marshall University President Stephen J. Kopp** - Introduced 2/18/15 - Committee reference dispensed - Adopted 2/18/15
37. By Sen. Plymale, Woelfel, Kessler, Laird, Stollings, D. Hall, Unger, Yost, Nohe and Prezioso - **Recognizing Marshall University football team and designating February 18, 2015, Marshall University Day** - Introduced 2/18/15 - Committee reference dispensed - Adopted 2/18/15
38. By Sen. Kirkendoll, Stollings, Williams, Unger, Kessler and Yost - **Recognizing WV Auxiliary of Wives Behind the Badge** - Introduced 2/19/15 - Committee reference dispensed - Adopted 2/19/15
39. By Sen. Stollings, Unger, Kessler and D. Hall - **Recognizing Whitesville, a Turn This Town Around community** - Introduced 2/23/15 - Committee reference dispensed - Adopted 2/23/15
40. By Sen. Woelfel, Plymale, Unger and Stollings - **Celebrating 2014 Barboursville Intermediate Little League All-Stars** - Introduced 2/23/15 - Committee reference dispensed - Adopted 2/23/15
41. By Sen. Carmichael, Unger, Stollings and D. Hall - **Recognizing Ripley, a Turn This Town Around community** - Introduced 2/23/15 - Committee reference dispensed - Adopted 2/23/15
42. By Sen. Walters and Stollings - **Congratulating Famous Superstars Cheerleading Team** - Introduced 2/24/15 - Committee reference dispensed - Adopted 2/24/15

43. By Sen. Walters, Yost, Stollings and Plymale - **Congratulating Linsly School hockey team** - Introduced 2/24/15 - Committee reference dispensed - Adopted 2/24/15
44. By Sen. Walters, Beach, Stollings, Prezioso, Williams and Plymale - **Recognizing WV "Rosie the Riveters"** - Introduced 2/25/15 - Committee reference dispensed - Adopted 2/25/15
45. By Sen. Ferns, Boley, Carmichael, Snyder, Unger, D. Hall, Yost, Leonhardt, Stollings, Beach and Williams - **Designating February 25, 2015, WV Nurses Unity Days** - Introduced 2/25/15 - Committee reference dispensed - Adopted 2/25/15
46. By Sen. Kessler, Prezioso, Williams, Yost, Stollings and Plymale - **Reaffirming commitment between Taiwan and West Virginia** - Introduced 2/26/15 - Committee reference dispensed - Adopted 2/26/15
47. By Sen. Stollings, D. Hall, Plymale, Prezioso and Williams - **Designating week of March 2, 2015, Multiple Sclerosis Awareness Week** - Introduced 2/27/15 - Committee reference dispensed - Adopted 2/27/15
48. By Sen. Cole (Mr. President) and Kessler - **Amending Senate Rule No. 49 relating to Journal** - Introduced 2/27/15 - To Rules - Adopted 3/3/15
49. By Sen. Ferns, Yost, Kessler, Leonhardt and Stollings - **Recognizing 175th anniversary of Bethany College** - Introduced 3/2/15 - Committee reference dispensed - Adopted 3/2/15
50. By Sen. D. Hall, Stollings and Yost - **Designating March 10, 2015, American Red Cross Day** - Introduced 3/5/15 - To Health and Human Resources
51. By Sen. D. Hall, Stollings, Ferns, Prezioso, Gaunch, Walters and Williams - **Honoring Nancy Stuart Tonkin** - Introduced 3/9/15 - Committee reference dispensed - Adopted 3/9/15
52. By Sen. D. Hall, Miller, Plymale, Stollings and Yost - **Recognizing May 4, 2015, National FPIES Awareness Day** - Introduced 3/10/15 - Committee reference dispensed - Adopted 3/10/15
53. By Sen. Prezioso, Stollings, Palumbo, Williams, Leonhardt and Yost - **Recognizing Major General James A. Hoyer** - Introduced 3/10/15 - Committee reference dispensed - Adopted 3/10/15
54. By Sen. D. Hall, Stollings, Palumbo, Prezioso, Yost and Williams - **Designating March, 2015, American Red Cross Month** - Introduced 3/10/15 - Committee reference dispensed

- Adopted 3/10/15
55. By Sen. Sypolt, Williams, Prezioso, Stollings and Plymale - **Designating March 11, 2015, Preston County Day at Legislature** - Introduced 3/11/15 - Committee reference dispensed - Adopted 3/11/15
56. By Sen. Plymale, Woelfel, Beach, Blair, Boley, Boso, Carmichael, Cole (Mr. President), Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams and Yost - **Memorializing life of Honorable Mack Clarkson Jarrell** - Introduced 3/11/15 - Committee reference dispensed - Adopted 3/11/15
57. Originating in Senate Rules - **Authorizing Committee on Confirmations to meet and be paid during interims of 82nd Legislature** - Introduced 3/12/15 - Adopted 3/12/15

#### HOUSE BILLS COMMUNICATED TO SENATE

- \*2001. By Del. Gearheart, Nelson, J., Arvon, Ellington, Folk, White, B., Frich, Hill, Householder, Moffatt and Shott - **Repealing portions of the Alternative and Renewable Energy Portfolio Act** (original same as S. B. No. 1) - Introduced 1/14/15 - To Energy then Judiciary - To House Judiciary 1/16/15 - Passed House 1/22/15 - Title amended - To Senate 1/23/15 - Committee reference dispensed - Passed Senate 1/27/15 - Effective from passage - Senate requests House to concur in changed effective date 1/27/15 - House concurred in Senate effective date 1/28/15 - Effective from passage - To Governor 1/29/15 - Approved by Governor 2/3/15
- \*2002. By Del. Wagner, Overington, Evans, A., Anderson, Waxman, Shott, Kelly, Nelson, E., Folk, Espinosa and Mr. Speaker (Mr. Armstead) - **Predicating actions for damages upon principles of comparative fault** (original same as S. B. No. 2 - similar to S. B. No. 103) - Introduced 1/14/15 - To Judiciary - Amendments pending - Amended - Passed House 1/27/15 - Title amended - To Senate 1/28/15 - To Judiciary - Amended - Passed Senate with amended title 2/9/15 - House refused to concur and requested Senate to recede 2/10/15 - Senate refused to recede and requested conference 2/11/15 - To conference 2/12/15 - Conference committee extended-Joint Rules 2/19/15 - House adopted conference report and passed bill 2/23/15 - Senate adopted conference report and

- passed bill 2/24/15 - To Governor 3/2/15 - Approved by Governor 3/5/15
- \*2004. By Del. Nelson, J., Howell, Statler, Walters, Foster, Zatezalo, White, B., Moffatt, Stansbury, Gearheart and Butler - **Providing a procedure for the development of a state plan under section 111(d) of the Clean Air Act** (original same as S. B. No. 4) - Introduced 1/14/15 - To Energy then Judiciary - To House Judiciary 1/23/15 - Passed House 2/6/15 - Effective from passage - To Senate 2/9/15 - To Judiciary - Amended - Passed Senate with amended title 2/18/15 - Effective from passage - House concurred in Senate amendment and passed 2/19/15 - Effective from passage - To Governor 2/25/15 - Approved by Governor 3/3/15
- \*2005. By Del. Pasdon, Hamrick, Zatezalo, Romine, McCuskey, Walters, Westfall, Arvon, Overington, Espinosa and Moffatt - **Relating to alternative programs for the education of teachers** (original same as S. B. No. 5) - Introduced 1/14/15 - To Education then Finance - To House Finance 1/27/15 - Motion to advance bill with amendments pending and restricted right to amend by Del. Pasdon rejected - Amendments pending - Amended - Passed House 2/10/15 - Title amended - Effective July 1, 2015 - To Senate 2/11/15 - To Education then Finance - To Education 2/11/15 - On 2nd reading to Finance 3/9/15 - Amended - Passed Senate with amended title 3/13/15 - Effective July 1, 2015
- \*2008. By Del. Summers, Evans, D., Hamrick, Ashley, Ireland, Stansbury, Gearheart, Nelson, E., Howell, Blair and Kurcaba - **Auditing the Division of Highways** (original same as S. B. No. 8) - Introduced 1/14/15 - To Government Organization then Finance - To House Finance 1/19/15 - Amended - Passed House 2/6/15 - Effective from passage - To Senate 2/9/15 - To Finance - Constitutional rule suspended - Passed Senate 2/20/15 - Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15
- \*2010. By Del. Kessinger, McCuskey, Border, Shott, Rowan, Frich, Westfall, Lane, Anderson, Sobonya and Faircloth - **Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division** (original same as S. B. No. 10) - Introduced 1/14/15 - To Judiciary - Passed House 2/4/15 - To Senate 2/5/15 - To Judiciary - Amended - Passed Senate with amended title 2/20/15 - House concurred in Senate amendment and passed 2/23/15 - To

- Governor 3/2/15 - Vetoed by Governor 3/6/15 - House amd. & repassed to meet the obj. of the Governor 3/9/15 - Title amended - Senate reconsidered action - Senate concurred in House amendment and repassed bill 3/10/15
- \*2011. By Del. Hanshaw, Shott, Nelson, E., Rohrbach, Sobonya, Weld, Espinosa, Statler and Miller - **Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer** (original same as S. B. No. 11) - Introduced 1/14/15 - To Judiciary - Amended - Amended on 3rd reading - Passed House 2/10/15 - To Senate 2/11/15 - To Judiciary - Amended - Passed Senate 3/11/15 - Title amended
- \*2015. By Del. Foster, Espinosa, Summers, Miller, Lane, Duke, Ellington, McGeehan, Storch, Howell and Ihle - **Requiring the Legislative Auditor to conduct performance reviews and audits for every government spending unit, including all members of the Board of Public Works and the Legislature** (original same as S. B. No. 15) - Introduced 1/14/15 - To Government Organization then Finance - To House Finance 1/22/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Government Organization then Finance - To Government Organization 3/4/15 - On 2nd reading to Finance 3/10/15
- \*2016. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution** (original same as S. B. No. 233) - Introduced 1/14/15 - To Finance - Passed House 3/12/15 - Effective from passage - To Senate 3/13/15 - Committee reference dispensed - Constitutional rule suspended - Amended - Passed Senate 3/13/15 - Effective from passage
- \*2025. By Del. Howell, Shott, Hamrick, Romine, Sobonya, Espinosa, Miller, Weld, Statler, Kurcaba and Canterbury - **Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility** - Introduced 1/14/15 - To Judiciary - Amended - Passed House 1/23/15 - To Senate 1/26/15 - To Judiciary - Amended - Passed Senate with amended title 2/10/15 - House refused to concur and requested Senate to recede 2/11/15 - Senate refused to recede and requested conference 2/12/15 - To conference 2/13/15 - Conference committee extended- Joint Rules 2/20/15 - House adopted conference report and passed bill 2/23/15 - Senate

- adopted conference report and passed bill 2/25/15 - To Governor 3/2/15 - Approved by Governor 3/3/15
- \*2048. By Del. Shott - **Relating to juvenile proceedings** - Introduced 1/14/15 - To Judiciary then Finance - To House Finance 2/16/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Finance
- \*2053. By Del. Shott - **Relating to the form of trust deeds** - Introduced 1/14/15 - To Judiciary - Amended - Passed House 1/30/15 - To Senate 2/2/15 - To Judiciary - Amended - Passed Senate with amended title 3/9/15 - House concurred in Senate amendment and passed 3/10/15
2054. By Del. Shott - **Relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances** - Introduced 1/14/15 - To Judiciary - Amended - Passed House 2/20/15 - To Senate 2/23/15 - To Judiciary
- \*2098. By Del. Hamrick, Householder, Cooper, Arvon, Nelson, J., Howell, Waxman, Ellington, Trecoast, Blair and Kessinger - **Authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice** - Introduced 1/20/15 - To Veterans' Affairs and Homeland Security then Health and Human Resources - To House Health and Human Resources 2/5/15 - Passed House 2/19/15 - To Senate 2/20/15 - To Health and Human Resources - Amended - Passed Senate with amended title 3/12/15
- \*2099. By Del. Howell, Householder, Nelson, J., Statler, Walters, Arvon, Border, Folk, Hamilton, Evans, A. and McGeehan - **Extending the time of meetings of local levying bodies when meetings are delayed** - Introduced 1/20/15 - To Political Subdivisions then Judiciary - To House Judiciary 2/4/15 - Amended - Passed House 2/19/15 - To Senate 2/20/15 - To Government Organization - Passed Senate 2/28/15 - To Governor 3/9/15 - Approved by Governor 3/11/15
2100. By Del. Williams, Campbell, Ellington, Hamilton, Rowan and Fleischauer - **Caregiver Advise, Record and Enable Act** (original same as S. B. No. 244) - Introduced 1/20/15 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Amended - Passed House 2/19/15 - Title amended - To Senate 2/20/15 - To Health and Human Resources - Amended - Passed Senate with amended title 3/9/15 - House concurred in Senate amendment and passed 3/10/15
- \*2103. By Del. Howell, Hamrick, Householder, Statler, Walters,



- Arvon, Blair, Kessinger, Border, Zatezalo and Weld - **Relating generally to boards of examination and registration** - Introduced 1/20/15 - To Government Organization then Finance - To House Finance 1/22/15 - Passed House 2/26/15 - To Senate 2/27/15 - To Government Organization then Finance - To Government Organization 2/27/15
2114. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act** (original same as S. B. No. 240) - Introduced 1/20/15 - To Finance - Passed House 2/4/15 - Effective from passage - To Senate 2/5/15 - To Finance - Passed Senate 2/17/15 - Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15
2115. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of the term "federal taxable income" and certain other terms used in the West Virginia Corporation Net Income Tax Act** (original same as S. B. No. 241) - Introduced 1/20/15 - To Finance - Passed House 2/4/15 - Effective from passage - To Senate 2/5/15 - To Finance - Passed Senate 2/17/15 - Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15
- \*2128. By Del. Howell, Hamrick, Householder, Statler, Moffatt, Walters, Arvon, Blair, Kessinger, Border and Frich - **Permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds** (original similar to S. B. No. 118) - Introduced 1/20/15 - To Judiciary - Passed House 2/5/15 - To Senate 2/6/15 - To Judiciary - Amended - Passed Senate with amended title 3/11/15 - House concurred in Senate amendment and passed 3/12/15
2138. By Del. Folk, Gearheart, Householder, Howell, Nelson, J., Ireland, Faircloth, Williams, Lynch, Shott and McGeehan - **Adding aircraft operations on private airstrips and farms to the definition of recreational purpose** - Introduced 1/20/15 - To Judiciary - Passed House 1/29/15 - To Senate 1/30/15 - To Judiciary - Passed Senate 2/11/15 - To Governor 2/17/15 - Approved by Governor 2/18/15
- \*2139. By Del. Perry, Pasdon, Phillips, L., Hamrick, Rowan, Ambler, Cooper, Espinosa, Pethtel, Romine and Longstreth - **Relating**

- to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes** - Introduced 1/20/15 - To Education then Finance - To House Finance 2/11/15 - Passed House 2/20/15 - Effective from passage - To Senate 2/23/15 - To Pensions then Education - To Pensions 2/23/15 - To Education 3/5/15 - Passed Senate 3/12/15 - Effective from passage
2140. By Del. Perry, Pasdon, Hamrick, Rowan, Ambler, Cooper, Romine, Moye, Hartman and Williams - **Building governance and leadership capacity of county board during period of state intervention** - Introduced 1/20/15 - To Education then Finance - 2nd reference dispensed - Passed House 2/20/15 - To Senate 2/23/15 - To Education - Passed Senate 3/13/15
- \*2148. By Del. Gearheart, Hamrick, Smith, R., Nelson, E., Howell, Arvon, Butler, Azinger, Espinosa, Frich and Kessinger - **Conforming the motor vehicle law of this state to the requirements of section 1405(a) of the federal Transportation Equity Act for the Twenty-first Century** - Introduced 1/20/15 - To Roads and Transportation then Judiciary - To House Judiciary 2/3/15 - Passed House 3/4/15 - To Senate 3/5/15 - To Transportation and Infrastructure - Passed Senate 3/12/15
- \*2151. By Del. Perry, Pasdon, Phillips, L., Rowan, Ambler, Cooper, Espinosa, Pethtel, Romine, Longstreth and Moye - **Making the West Virginia state teacher of the year an ex officio, nonvoting member of the West Virginia Board of Education** - Introduced 1/20/15 - To Education - Amended - Passed House 2/6/15 - Effective from passage - To Senate 2/9/15 - To Education
- \*2157. By Del. Lane - **Relating to absentee ballot fraud** - Introduced 1/20/15 - To Judiciary - Passed House 2/17/15 - To Senate 2/18/15 - To Judiciary - Passed Senate 3/3/15 - To Governor 3/9/15 - Approved by Governor 3/11/15
- \*2160. By Del. Rowan, Cowles, Perry, Williams, Hamilton, Anderson, Pasdon, Duke, Espinosa, Miley and Nelson, E. - **WV Schools for the Deaf and Blind eligible for School Building Authority funding** (original same as S. B. No. 252) - Introduced 1/20/15 - To Education then Finance - To House Finance 1/27/15 - Passed House 2/17/15 - Effective from passage - To Senate 2/18/15 - To Education then Finance - To Education 2/18/15 - On 2nd reading to Finance 3/10/15 - On 3rd reading 3/14/15

2161. By Del. Fleischauer, Pasdon, Storch, Guthrie, Border, Phillips, L., Moore, Hamilton, Sobonya, Miller and Manchin - **Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking** - Introduced 1/20/15 - To Judiciary then Finance - 2nd reference dispensed - Amended - Amended on 3rd reading - Passed House 2/27/15 - Title amended - To Senate 2/28/15 - To Judiciary then Finance - To Judiciary 2/28/15 - On 2nd reading to Finance 3/10/15 - Amended - On 3rd reading 3/14/15
- \*2187. By Del. Overington, Hanshaw, Gearheart, Frich, Sobonya, Householder, Moffatt, Kelly, Rowan, Butler and Cadle - **Encouraging public officials to display the national motto on all public property and public buildings** - Introduced 1/21/15 - To Government Organization then Finance - To House Finance 1/26/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Government Organization - Passed Senate 3/12/15
2200. By Del. Shott, Lane, McCuskey, Manchin and Fleischauer - **Revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare** (original same as S. B. No. 253) - Introduced 1/21/15 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 2/3/15 - To Senate 2/4/15 - To Judiciary - Amended - Passed Senate with amended title 2/13/15 - Effective from passage - House concurred in Senate amendment and passed 2/16/15 - Effective from passage - To Governor 2/19/15 - Approved by Governor 2/19/15
2201. By Del. Ireland, Folk, Manchin, Lynch, Rowe, Fleischauer, Skinner, Fast, Fluharty, Byrd and Summers (Originating in House Judiciary) - **Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards** (original similar to S. B. No. 1) - Introduced 1/20/15 - Amendments pending - Reformed Amendment reported - Amended - Passed House 1/23/15 - To Senate 1/26/15 - To Energy, Industry and Mining then Judiciary - To Energy, Industry and Mining 1/26/15 - To Judiciary 1/28/15 - Amended - Passed Senate with amended title 2/13/15 - Effective from passage - House concurred in Senate amendment and passed 2/16/15 - Effective from passage - To Governor 2/18/15 - Vetoed by Governor 2/24/15 - House amd. & repassed to meet the obj. of the Governor 2/26/15 - Effective from passage - Senate concurred in House amendment and repassed bill 2/28/15 - Effective from passage

- To Governor 3/9/15
- \*2202. By Del. Rowan, Romine, Pasdon, Duke, Perry, Moye, Ambler, Butler, Pethtel, Cooper and Evans, D. - **Relating to more equitable disbursement of funds to county boards** - Introduced 1/22/15 - To Education then Finance - To House Finance 2/10/15 - Passed House 2/26/15 - Title amended - To Senate 2/27/15 - To Education
2212. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund** (original same as S. B. No. 264) - Introduced 1/22/15 - To Finance - Passed House 2/17/15 - Effective from passage - To Senate 2/18/15 - To Finance - Passed Senate 2/25/15 - Effective from passage - To Governor 3/2/15 - Approved by Governor 3/3/15
2213. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Reducing the distributions to the West Virginia Infrastructure Fund** (original same as S. B. No. 265) - Introduced 1/22/15 - To Finance - Advance bill with amendment pending rejected - Amended - Passed House 2/17/15 - Title amended - Effective from passage - To Senate 2/18/15 - To Finance - Removed from calendar by action of Committee on Rules on 2nd reading - Amended - Passed Senate 3/3/15 - Effective from passage - House refused to concur and requested Senate to recede 3/4/15 - Senate refused to recede and requested conference 3/5/15 - To conference 3/6/15 - House adopted conference report and passed bill 3/10/15 - Effective from passage - Senate adopted conference report and passed bill 3/11/15 - Effective from passage
- \*2217. By Del. Overington, Walters, Cowles, Upson, Blair, Espinosa, Deem, Phillips, R., Shott, Smith, R. and Sobonya - **Relating to qualifications of the Commissioner of Labor** (original similar to S. B. No. 279) - Introduced 1/22/15 - To Industry and Labor then Government Organization - To House Government Organization 1/28/15 - Passed House 2/4/15 - To Senate 2/5/15 - Committee reference dispensed - Amended - Passed Senate with amended title 2/9/15 - House concurred in Senate amendment and passed 2/10/15 - To Governor 2/13/15 - Approved by Governor 2/18/15
- \*2223. By Del. Walters and Frich - **Including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or**

- residential real estate in the definitions of "primary mortgage loan" and "subordinate mortgage loan"** (original same as S. B. No. 285) - Introduced 1/22/15 - To Banking and Insurance then Finance - To House Finance 1/30/15 - Passed House 2/10/15 - To Senate 2/11/15 - To Banking and Insurance then Finance - To Banking and Insurance 2/11/15 - To Finance 3/2/15
2224. By Del. Howell, Manchin, Rowan, Storch, Canterbury, Stansbury, Zatezalo, Butler, Evans, D., Ambler and Cooper - **Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations** - Introduced 1/22/15 - To Veterans' Affairs and Homeland Security then Judiciary - To House Judiciary 1/29/15 - Amended - Passed House 2/10/15 - To Senate 2/11/15 - To Military then Judiciary - To Military 2/11/15 - To Judiciary 2/25/15 - Passed Senate with amended title 3/12/15 - Effective from passage
2226. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Eliminating dedication of corporation net income tax revenues to and deposits of such revenues into the Special Railroad Intermodal Enhancement Fund** (original same as S. B. No. 268) - Introduced 1/22/15 - To Finance - Amended - Amended on 3rd reading - Passed House 3/4/15 - Title amended - To Senate 3/5/15 - To Finance
- \*2227. By Del. Phillips, L., Eldridge, Gearheart, Moffatt, Nelson, J., White, H., Guthrie, Rowe, Marcum, Perdue and Hornbuckle - **Relating to the National Coal Heritage Area Authority** (original same as S. B. No. 282) - Introduced 1/22/15 - To Government Organization - Passed House 1/30/15 - To Senate 2/2/15 - To Government Organization - Passed Senate 2/11/15 - To Governor 2/17/15 - Approved by Governor 2/18/15
- \*2233. By Del. Walters, Sobonya, Rohrbach, Ambler, Mr. Speaker (Mr. Armstead), Storch, White, H., Phillips, R., Ireland, Hanshaw and Nelson, E. - **Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office** - Introduced 1/22/15 - To Judiciary then Finance - To House Finance 2/26/15 - Amended - Passed House 3/4/15 - Title amended - To Senate 3/5/15 - To Judiciary - Amended - On 3rd reading 3/14/15
- \*2234. By Del. Ashley, Shott, Lane, Nelson, E., Upson, Hanshaw, Mr. Speaker (Mr. Armstead), McCuskey, Manchin, Campbell and Rowe - **Requiring a court to permit a party in a**

- divorce proceeding to resume using the name he or she used prior to the marriage** - Introduced 1/22/15 - To Judiciary - Passed House 2/5/15 - To Senate 2/6/15 - To Judiciary - Amended - Passed Senate with amended title 2/20/15 - House refused to concur and requested Senate to recede 2/24/15 - Senate receded and passed 2/25/15 - To Governor 3/2/15 - Approved by Governor 3/3/15
- \*2239. By Del. Howell, Ellington, Arvon, Householder, Phillips, R., Miller, Storch, Waxman, Summers and Rohrbach - **Creating a logistical advisory committee** - Introduced 1/22/15 - To Health and Human Resources then Government Organization - To House Government Organization 2/26/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Government Organization
- \*2240. By Del. Kurcaba, Fleischauer, Statler, Householder, Espinosa, Moffatt, Summers, Blair, Hicks, Byrd and Upson - **Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense** (original similar to S. B. No. 396) - Introduced 1/23/15 - To Judiciary then Finance - To House Finance 2/19/15 - Passed House 2/25/15 - To Senate 2/26/15 - To Judiciary - Amended - Passed Senate with amended title 3/13/15
- \*2263. By Del. Cowles - **Providing guidance for prosecuting attorneys in cases involving abused and neglected children** - Introduced 1/23/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - On 3rd reading with right to amend 3/14/15
- \*2266. By Del. Shott, Ellington and Gearheart - **Relating to the publication requirements of the administration of estates** - Introduced 1/23/15 - To Judiciary then Finance - 2nd reference dispensed - Passed House 2/11/15 - To Senate 2/12/15 - To Judiciary then Finance - To Judiciary 2/12/15 - To Finance 3/5/15 - Amended - On 3rd reading 3/14/15
- \*2268. By Del. Hamilton, Evans, A., Lynch, Wagner, Nelson, J., Campbell, Hartman, Sponaule, Canterbury, Williams and Ashley - **Removing the severance tax on timber** (original similar to S. B. No. 276) - Introduced 1/23/15 - To Finance - Passed House 2/26/15 - To Senate 2/27/15 - To Finance
2272. By Del. Ellington, Householder, Arvon, Howell, Kurcaba, Stansbury, Sobonya and Summers - **Relating to the authority of the Board of Pharmacy** - Introduced 1/23/15 - To Health and Human Resources then Government Organization - To House Government Organization 2/12/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Health and Human

- Resources - Passed Senate with amended title 3/9/15 - House concurred in Senate title amendment 3/9/15 - Passed House 3/9/15
2274. By Del. Hanshaw, Hamilton, Evans, A. and Azinger - **Authorizing the Commissioner of Corrections to enter into mutual aid agreements** (original same as S. B. No. 309) - Introduced 1/23/15 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 2/12/15 - To Senate 2/13/15 - To Judiciary then Finance - To Judiciary 2/13/15 - Committee reference dispensed - Constitutional rule suspended - Passed Senate with amended title 2/20/15 - House concurred in Senate title amendment 2/20/15 - Passed House 2/20/15 - To Governor 2/25/15 - Approved by Governor 2/25/15
- \*2283. By Del. Sobonya - **Authorizing the Department of Environmental Protection to promulgate legislative rules** - Introduced 1/26/15 - To Industry and Labor then Judiciary - To House Judiciary 2/4/15 - Passed House 2/25/15 - Effective from passage - To Senate 2/26/15 - To Judiciary - Passed Senate with amended title 3/11/15 - Effective from passage - House concurred in Senate amendment and passed 3/12/15 - Effective from passage
- \*2366. By Del. Rowan, Phillips, L., Miller, Sobonya, Smith, P., Border, Arvon and Storch - **Relating generally to the solicitation of minors** - Introduced 1/26/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Amended - Laid over on 3rd reading 3/13/15
- \*2368. By Del. Faircloth, Evans, D., Kessinger, Border, Ellington, Sobonya, Kurcaba, Waxman, Rohrbach and Summers - **Relating to child welfare** - Introduced 1/26/15 - To Health and Human Resources - Passed House 3/2/15 - To Senate 3/3/15 - To Health and Human Resources - Amended - Passed Senate with amended title 3/10/15 - House refused to concur and requested Senate to recede 3/12/15 - Senate refused to recede and requested conference 3/13/15
2370. By Del. Pasdon, Duke, Rowan, Wagner, Upson, Ambler and Espinosa - **Increasing the powers of regional councils for governance of regional education service agencies** - Introduced 1/26/15 - To Education - Amended - Passed House 2/11/15 - To Senate 2/12/15 - To Education - Passed Senate 3/12/15
- \*2377. By Del. Pasdon, Statler, Duke, Wagner, Romine, Ambler, Espinosa and Campbell - **Authorizing State Board of**

- Education to approve certain alternatives with respect to instructional time** - Introduced 1/26/15 - To Education then Judiciary - To House Judiciary 2/6/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Education - Passed Senate 3/12/15
- \*2381. By Del. Ambler, Cooper, Evans, D., Perry, Duke, Rohrbach, Espinosa, Upson, Rowan and Romine - **Providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at certain schools** - Introduced 1/26/15 - To Education then Finance - To House Finance 2/20/15 - Amended - Passed House 2/28/15 - Effective July 1, 2015 - To Senate 3/1/15 - To Education then Finance - To Education 3/1/15 - To Finance 3/4/15 - Passed Senate 3/11/15 - Effective July 1, 2015
2387. By Del. Pasdon, Statler, Rowan, Romine, Ambler and Espinosa - **Relating to a framework for initiating comprehensive transformation of school leadership** - Introduced 1/27/15 - To Education - Passed House 2/17/15 - To Senate 2/18/15 - To Education
- \*2391. By Del. Pasdon, Duke, Statler, Kurcaba, Upson, Rohrbach, Evans, D., Cooper, Romine, Wagner and Rowan - **Reducing early childhood education program requirements from five days per week to four days per week and imposing minimum instructional hours per week and minimum instructional days per year** - Introduced 1/27/15 - To Education - Passed House 2/18/15 - To Senate 2/19/15 - To Education
- \*2395. By Del. Westfall, Pasdon, White, B., Frich, O'Neal and Ashley - **Storm Scammer Consumer Protection Act** - Introduced 1/27/15 - To Banking and Insurance then Judiciary - To House Judiciary 2/13/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Judiciary - Amended - On 3rd reading 3/14/15
- \*2429. By Del. Smith, P., Perry, Hamrick, Moye, Eldridge, Lynch, Williams, Ferro, Reynolds, Faircloth and Sobonya - **Requiring a convicted sex offender who volunteers for an organization whose volunteers have contact with minors to inform that organization of his or her conviction** - Introduced 1/27/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary
- \*2432. By Del. Ellington, Householder, Arvon, Howell and Stansbury - **Relating to the licensure requirements to practice pharmacist care** - Introduced 1/27/15 - To Health and Human Resources then Government Organization - To



- House Government Organization 2/12/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Government Organization - Passed Senate 3/9/15
2444. By Mr. Speaker (Mr. Armstead), Del. Miller, Waxman, Azinger, Upson, Kessinger, Summers, Hanshaw, Kurcaba, Hill and Nelson, E. - **Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals** - Introduced 1/28/15 - To Small Business, Entrepreneurship and Economic Development - Amended - Passed House 2/11/15 - Title amended - To Senate 2/12/15 - To Economic Development
- \*2457. By Del. Sobonya, Miller, Frich, Foster, Overington, Nelson, J., Ellington, Rohrbach and Walters - **Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles** - Introduced 1/28/15 - To Judiciary - Passed House 2/24/15 - To Senate 2/25/15 - Committee reference dispensed - Passed Senate 2/27/15 - To Governor 3/9/15
2461. By Del. Walters, McCuskey, Frich, Azinger, Westfall, Moore, Skinner, Perry, Perdue, Bates and Nelson, E. - **Relating to delinquency proceedings of insurers** (original same as S. B. No. 313) - Introduced 1/28/15 - To Banking and Insurance then Judiciary - To House Judiciary 2/6/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Judiciary - Passed Senate 3/12/15
- \*2462. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to certain deposits of tax proceeds** (original same as S. B. No. 303) - Introduced 1/28/15 - To Finance - Passed House 2/26/15 - To Senate 2/27/15 - To Finance - Passed Senate 3/9/15
- \*2466. By Del. Storch, Zatezalo, McGeehan, Weld, Fluharty, Trecost, Ferro, Howell, Pasdon, Evans, D. and Summers - **Exempting valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events** - Introduced 1/28/15 - To Judiciary then Finance - To House Finance 2/18/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Judiciary - Amended - Passed Senate with amended title 3/13/15
- \*2474. By Del. Cowles, Rowan and Duke - **Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind** - Introduced 1/28/15 - To Education then Finance - To House Finance 2/24/15 - Passed

- House 3/2/15 - To Senate 3/3/15 - To Finance
- \*2478. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to public school finance** (original same as S. B. No. 288) - Introduced 1/28/15 - To Education then Finance - To House Finance 2/17/15 - Amended - Passed House 2/28/15 - Title amended - Effective July 1, 2015 - To Senate 3/1/15 - To Education then Finance - To Education 3/1/15 - To Finance 3/5/15 - Amended - Passed Senate 3/11/15 - Title amended - Effective July 1, 2015
2479. By Del. Fleischauer, Sobonya, Statler, Kurcaba, Morgan, Hartman, Pasdon, Perdue, Manchin, Pethtel and Overington - **Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs** - Introduced 1/28/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Laid over on 3rd reading 3/13/15
- \*2485. By Del. Folk, Canterbury, Reynolds, Hamilton, Kurcaba, McGeehan, Storch, O'Neal, Pasdon, Faircloth and Householder - **Relating to the West Virginia Future Fund** - Introduced 1/28/15 - To Finance - Passed House 3/2/15 - To Senate 3/3/15 - To Finance
2492. By Del. Householder, Azinger, Espinosa, Upson, Ellington, Gearheart, Campbell, Ihle, Blair, Hamrick and Waxman - **Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission** - Introduced 1/28/15 - To Government Organization - Passed House 2/20/15 - To Senate 2/23/15 - To Government Organization - Passed Senate 3/13/15
- \*2493. By Del. McCuskey, Westfall, Ashley, Bates, Ellington, Frich, Householder, Perdue, Sobonya, Walters and Rohrbach - **Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications** - Introduced 1/28/15 - To Banking and Insurance then Health and Human Resources - To House Health and Human Resources 1/30/15 - Passed House 2/24/15 - To Senate 2/25/15 - To Health and Human Resources - Passed Senate 3/12/15
- \*2496. By Del. Ellington, Howell, Householder, Sobonya, Fleischauer and Frich - **Adopting the Interstate Medical**

- Licensure Compact** (original same as S. B. No. 330) - Introduced 1/29/15 - To Health and Human Resources then Judiciary - To House Judiciary 2/6/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Health and Human Resources - Passed Senate 3/12/15
- \*2502. By Del. Espinosa, Upson, Gearheart, Cooper, Ambler, O'Neal, Miller, Sobonya, Shott, Arvon and Blair - **Possessing deadly weapons on school buses or on the premises of educational facilities** - Introduced 1/29/15 - To Education then Judiciary - To House Judiciary 2/20/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Judiciary - Passed Senate 3/11/15
- \*2505. By Del. Canterbury, Pethtel, Folk, Walters, Hamilton, Marcum, Kurcaba and Hicks - **Relating to retirement system participation and concurrent employment provisions** (original similar to S. B. No. 305) - Introduced 1/29/15 - To Pensions and Retirement then Finance - To House Finance 2/6/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Pensions - Passed Senate 3/9/15
- \*2507. By Del. Canterbury, Pethtel, Folk, Kurcaba, Walters, Hamilton, Marcum and Hicks - **Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System** (original same as S. B. No. 301) - Introduced 1/29/15 - To Pensions and Retirement then Finance - To House Finance 2/6/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Pensions - Passed Senate 3/9/15
- \*2515. By Del. Phillips, R., Nelson, J., Eldridge, White, H., Marcum, Reynolds, Phillips, L., Smith, R., Sobonya, Hill and Arvon - **Relating to elk restoration** - Introduced 1/29/15 - To Agriculture and Natural Resources then Finance - To House Finance 2/18/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Natural Resources then Finance - To Natural Resources 3/4/15 - On 2nd reading to Finance 3/9/15 - On 3rd reading with right to amend 3/14/15
- \*2518. By Del. Walters, Pasdon, Householder, Ellington, Folk, Kurcaba, Fleischauer, Sponaugle, Reynolds, Perdue and Blair - **Requiring insurers issuing group accident and sickness insurance policies to certain employers to furnish claims loss experience to policyholders** - Introduced 1/30/15 - To Banking and Insurance then Judiciary - To House Judiciary 2/13/15 - Passed House 3/4/15 - To Senate 3/5/15 - To Banking and Insurance
2521. By Del. Canterbury, Pethtel, Folk, Walters, Hamilton, Marcum and Hicks - **Clarifying the scope, application and**

- methods for error correction required by the CPRB** - Introduced 1/30/15 - To Pensions and Retirement then Judiciary - To House Judiciary 2/13/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Pensions then Finance - To Pensions 3/4/15
2523. By Del. Ashley, Westfall, Phillips, R., McCuskey and Nelson, E. - **Creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019** (original similar to S. B. No. 381 ) - Introduced 1/30/15 - To Finance - Passed House 2/18/15 - To Senate 2/19/15 - To Finance - Passed Senate 2/27/15 - To Governor 3/9/15 - Approved by Governor 3/11/15
- \*2527. By Del. Pasdon, Marcum, Kessinger, Phillips, R., Upson and Phillips, L. - **Creating a Task Force on Prevention of Sexual Abuse of Children; "Erin Merryn's Law"** (original similar to S. B. No. 387) - Introduced 2/2/15 - To Education then Finance - 2nd reference dispensed - Passed House 2/18/15 - To Senate 2/19/15 - To Judiciary - Amended - Passed Senate with amended title 3/9/15 - House concurred in Senate amend with amend, passed bill 3/12/15 - Senate concurred in House amendments and passed bill 3/13/15
2535. By Del. Longstreth, Ferro, Caputo, Rowan, O'Neal, Ashley, Hamrick, Phillips, L., Fleischauer, Skinner and Smith, P. - **Relating generally to suicide prevention training, "Jamie's Law"** (original similar to S. B. No. 359) - Introduced 2/2/15 - To Health and Human Resources then Education - 2nd reference dispensed - Amended - Passed House 2/19/15 - To Senate 2/20/15 - To Education - Amended - Passed Senate 3/9/15 - Title amended - House concurred in Senate amendment and passed 3/10/15
- \*2536. By Del. Westfall, Walters, White, B., Ashley, Frich and Kurcaba - **Relating to travel insurance limited lines producers** (original similar to S. B. No. 365) - Introduced 2/2/15 - To Banking and Insurance then Judiciary - To House Judiciary 2/6/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Judiciary - Amended - Passed Senate 3/11/15 - House concurred in Senate amendment and passed 3/12/15
2545. By Del. Pasdon, Duke, Perry and Moye - **Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification** - Introduced 2/2/15 - To Education then Finance - To House Finance 2/12/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Education

- \*2549. By Del. Lane, Nelson, E., Walters, Stansbury, White, B., Rowe, McCuskey, Guthrie, Byrd and Pushkin - **Relating to the preparation and publication of county financial statements** - Introduced 2/2/15 - To Political Subdivisions then Judiciary - To House Judiciary 2/12/15 - Passed House 3/4/15 - To Senate 3/5/15 - To Government Organization - Amended - Passed Senate with amended title 3/13/15
- \*2550. By Del. Cowles, Miller, Householder, Moffatt, McGeehan, Sponaugle, White, H., Campbell, Skinner, Rowe and Perry - **Increasing the number of unexcused absences of a student before action may be taken against the parent** (original similar to S. B. No. 256) - Introduced 2/2/15 - To Education then Judiciary - To House Judiciary 2/24/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Education - Amended - Passed Senate with amended title 3/9/15 - House concurred in Senate amend with amend, passed bill 3/11/15 - Senate concurred in House amendments and passed bill 3/12/15
- \*2557. By Del. Walters, Westfall, Pasdon, Moffatt, Morgan, Perry, Hartman, McCuskey, Frich, Storch and White, H. - **Clarifying that an insured driver of a motor vehicle is covered by the driver's auto insurance policy when renting or leasing a vehicle** (original similar to S. B. No. 394) - Introduced 2/2/15 - To Banking and Insurance then Judiciary - To House Judiciary 2/20/15 - Passed House 3/4/15 - To Senate 3/5/15 - To Banking and Insurance - Amended - Passed Senate with amended title 3/11/15 - House concurred in Senate amendment and passed 3/12/15
- \*2562. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to sales tax increment financing** - Introduced 2/2/15 - To Finance - Amendments pending - Passed House 2/23/15 - Effective from passage - To Senate 2/24/15 - To Finance - Passed Senate 3/10/15 - Effective from passage
- \*2568. By Del. Sobonya, Arvon, Kessinger, Rowan, Summers, Border, Blair, Espinosa, Waxman, Moye and Eldridge - **The Pain-Capable Unborn Child Protection Act** - Introduced 2/3/15 - To Health and Human Resources then Judiciary - To House Judiciary 2/6/15 - Motion for previous question rejected - Passed House 2/11/15 - To Senate 2/12/15 - To Judiciary - Passed Senate with amended title 2/25/15 - House concurred in Senate title amendment 2/25/15 - Passed House 2/25/15 - Effective from passage - Effective ninety days from passage - To Governor 3/2/15 - Vetoed by Governor 3/2/15 -

- House passed over veto 3/4/15 - Passed Senate notwithstanding objections of the Governor 3/6/15
2569. By Del. Gearheart and Hamrick - **Relating to the Dealer Recovery Program** - Introduced 2/3/15 - To Roads and Transportation then Finance - To House Finance 2/10/15 - Passed House 2/26/15 - Title amended - To Senate 2/27/15 - To Finance
- \*2571. By Del. Walters and Foster - **Creating a fund for pothole repair contributed to by private businesses or entities** - Introduced 2/3/15 - To Roads and Transportation then Finance - To House Finance 2/17/15 - Passed House 2/26/15 - Title amended - To Senate 2/27/15 - To Finance - On 3rd reading 3/14/15
2576. By Del. Howell, Hartman, Kessinger, Cadle, Arvon, Moffatt, McGeehan, Zatezalo, Faircloth, Smith, R. and Ferro - **Creating new code sections which separate the executive departments** - Introduced 2/3/15 - To Government Organization - Amended - Passed House 2/10/15 - To Senate 2/11/15 - To Government Organization - Amended - Passed Senate 2/28/15 - House refused to concur and requested Senate to recede 3/2/15 - Senate refused to recede and requested conference 3/3/15 - To conference 3/4/15 - House adopted conference report and passed bill 3/10/15 - Senate adopted conference report and passed bill 3/11/15
- \*2585. By Del. Border, Anderson, Ireland, Miller, Kessinger, Zatezalo, Kelly, Cadle, Smith, R., Phillips, L. and Caputo - **Requiring leaseholders of mineral interests to notify the owners of the minerals when there is an assignment of the lease to another party** - Introduced 2/4/15 - To Judiciary - Passed House 3/3/15 - To Senate 3/4/15 - To Judiciary - On 3rd reading with right to amend 3/14/15
- \*2586. By Del. Shott, Lane, Miller, Frich, Rowan, Fleischauer, Border, Pasdon and Waxman - **Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief** - Introduced 2/4/15 - To Judiciary - Passed House 2/19/15 - To Senate 2/20/15 - To Judiciary - Amended - Passed Senate 3/10/15 - House concurred in Senate amendment and passed 3/11/15
2595. By Del. McGeehan and Canterbury - **Relating to certificates of need for the development of health facilities in this state** - Introduced 2/4/15 - To Health and Human Resources then Judiciary - To House Judiciary 2/26/15 - Passed House 3/4/15

- To Senate 3/6/15 - To Health and Human Resources - Passed Senate 3/12/15
2598. By Del. Campbell, Perry, Cowles, Ambler, Cooper, Reynolds, Rowan, Moye, Pasdon and Marcum - **Ensuring that teachers of students with disabilities receive complete information about the school's plan for accommodating the child's disabilities** - Introduced 2/4/15 - To Education - Passed House 2/20/15 - To Senate 2/23/15 - To Education - On 3rd reading 3/14/15
2606. By Del. Sponaugle and Shott - **Clarifying the potential sentence for disorderly conduct** - Introduced 2/4/15 - To Judiciary - Passed House 2/17/15 - To Senate 2/18/15 - To Judiciary - Passed Senate 3/11/15
2607. By Del. Sponaugle and Shott - **Relating to the violation of interfering with emergency services communications and clarifying penalties** - Introduced 2/4/15 - To Judiciary - Passed House 2/19/15 - To Senate 2/20/15 - To Judiciary - Passed Senate with amended title 3/13/15
2608. By Del. Sponaugle and Shott - **Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders** - Introduced 2/4/15 - To Judiciary - Passed House 2/17/15 - To Senate 2/18/15 - To Judiciary - Passed Senate 3/12/15
2615. By Del. Lane and Faircloth - **West Virginia Small Business Capital Act** - Introduced 2/5/15 - To Small Business, Entrepreneurship and Economic Development then Finance - 2nd reference dispensed - Amended - Passed House 2/24/15 - Title amended - To Senate 2/25/15 - To Finance
2625. By Del. Ashley and Ireland - **Continuing the current hazardous waste management fee** - Introduced 2/5/15 - To Government Organization then Judiciary - To House Judiciary 2/12/15 - Passed House 2/20/15 - To Senate 2/23/15 - To Government Organization - Passed Senate 3/12/15
2626. By Del. Ashley, Ireland and Frich - **Relating to use of the Abandoned Land Reclamation Fund** - Introduced 2/5/15 - To Finance - Passed House 2/20/15 - To Senate 2/23/15 - To Finance - Passed Senate 3/9/15
2627. By Del. McCuskey, Phillips, R., Smith, R., Nelson, J., Stansbury, McGeehan, Eldridge, Arvon, White, H., Marcum and Butler - **Providing protection against property crimes committed against coal mines, utilities and other industrial facilities** - Introduced 2/5/15 - To Energy then Judiciary - To House Judiciary 2/18/15 - Amended - Passed House 2/25/15

- To Senate 2/26/15 - To Judiciary - Amended - Passed Senate with amended title 3/11/15
2628. By Del. Rowe, Shott, Lane, Guthrie, Pushkin, Byrd, Manchin, Skinner, Deem, Lynch and White, B. - **Changing the date of filing announcements of candidacies** - Introduced 2/5/15 - To Judiciary - Passed House 2/25/15 - To Senate 2/26/15 - To Judiciary - Amended - Passed Senate with amended title 3/11/15
2632. By Del. Westfall, Pasdon, Hamrick, Ambler, Cooper, Upson, Statler, Kurcaba, Duke, Rohrbach and Espinosa - **Exempting the procurement of certain instructional materials for use in and in support of public schools from the division of purchasing requirements** - Introduced 2/6/15 - To Education then Finance - 2nd reference dispensed - Passed House 2/20/15 - Effective July 1, 2015 - To Senate 2/23/15 - To Finance - Amended - Passed Senate 3/9/15 - Title amended - Effective from passage - House concurred in Senate amendment and passed 3/11/15 - Effective from passage
- \*2636. By Del. Folk, Phillips, R., Faircloth, McGeehan, Nelson, J., Householder, Butler, Marcum, Frich, White, H. and Shott - **Exempting information contained in a concealed weapon permit application from the Freedom of Information Act** (original same as S. B. No. 275) - Introduced 2/6/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Amended - On 3rd reading 3/14/15
2645. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expanding the availability of the Underwood-Smith Teacher Loan Assistance Program** (original same as S. B. No. 408) - Introduced 2/6/15 - To Education then Finance - 2nd reference dispensed - Amended - Passed House 3/4/15 - Title amended - To Senate 3/5/15 - To Education - Passed Senate 3/9/15
2646. By Del. Phillips, R., Nelson, J., Butler, Marcum, Eldridge, Ashley, Walters, Hanshaw, Hartman, McCuskey and White, H. - **Legalizing and regulating the sale and use of fireworks** (original similar to S. B. No. 75) - Introduced 2/6/15 - To Veterans' Affairs and Homeland Security then Finance - 2nd reference dispensed - Passed House 2/20/15 - To Senate 2/23/15 - To Judiciary - Amended - Passed Senate with amended title 3/13/15
- \*2648. By Del. Pasdon, Stansbury, Ellington, Statler, Kurcaba, Householder, Fleischauer and Rohrbach - **Allowing authorized entities to maintain a stock of epinephrine**



- auto-injectors to be used for emergency** - Introduced 2/6/15  
 - To Health and Human Resources then Judiciary - To House  
 Judiciary 2/12/15 - Passed House 2/24/15 - To Senate 2/25/15  
 - To Judiciary - Amended - Passed Senate with amended title  
 3/9/15 - House concurred in Senate amendment and passed  
 3/11/15
- \*2652. By Del. Ellington, Householder, Ashley, Boggs, Folk,  
 Hamilton, Howell, McGeehan, Storch, Weld and Zatezalo -  
**Reducing the assessment paid by hospitals to the Health  
 Care Authority** - Introduced 2/6/15 - To Health and Human  
 Resources then Finance - To House Finance 2/13/15 - Passed  
 House 2/26/15 - Effective from passage - To Senate 2/27/15  
 - To Finance - Amended - Passed Senate with amended title  
 3/11/15 - Effective from passage - House concurred in Senate  
 amendment and passed 3/12/15 - Effective from passage
2657. By Del. Evans, A., Eldridge, Hamilton, Phillips, L., Guthrie,  
 Romine, Rowan, Canterbury, Lynch and Sponaule -  
**Allowing members of the Livestock Care Standards Board  
 to be reimbursed for expenses consistent with the West  
 Virginia Department of Agriculture Travel Policy and  
 Procedure** - Introduced 2/6/15 - To Agriculture and Natural  
 Resources then Finance - To House Finance 2/18/15 - Passed  
 House 2/26/15 - To Senate 2/27/15 - To Finance - Passed  
 Senate 3/9/15
2658. By Del. Evans, A., Hamilton, Romine, Phillips, L., Ambler,  
 Eldridge, Guthrie, Rowan, Canterbury and Lynch - **Relating  
 to the inspection and slaughter of nontraditional  
 agriculture** - Introduced 2/6/15 - To Agriculture and Natural  
 Resources then Health and Human Resources - To House  
 Health and Human Resources 2/18/15 - Passed House 2/28/15  
 - To Senate 3/1/15 - To Agriculture and Rural Development  
 - Amended - Passed Senate 3/11/15 - House concurred in  
 Senate amendment and passed 3/12/15
- \*2662. By Del. Stansbury, Ellington, Householder, Phillips, R., Byrd,  
 Faircloth, Sponaule, Weld, Moore, White, B. and Pushkin -  
**Eye Care Consumer Protection Law** - Introduced 2/9/15 -  
 To Health and Human Resources - Passed House 2/24/15 - To  
 Senate 2/25/15 - To Health and Human Resources - Passed  
 Senate 3/12/15
2663. By Del. Ashley and Frich - **Creating the Rehabilitation  
 Services Vending Program Fund** - Introduced 2/9/15 - To  
 Finance - Passed House 2/20/15 - To Senate 2/23/15 - To  
 Finance - Passed Senate 3/13/15

2664. By Del. Sobonya, Butler, McCuskey, Stansbury, Nelson, E., Ihle, Householder, Ellington, Westfall, Marcum and Byrd - **Creating "Andrea and Willy's Law"; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs** - Introduced 2/9/15 - To Judiciary then Finance - To House Judiciary 2/9/15 - 2nd reference dispensed - Amended - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Amended - On 3rd reading 3/14/15
2669. By Del. Ellington, Householder, Pasdon and Campbell - **Relating to compulsory tuberculosis testing** (original same as S. B. No. 424) - Introduced 2/9/15 - To Education then Health and Human Resources - 2nd reference dispensed - Passed House 2/20/15 - To Senate 2/23/15 - Committee reference dispensed - Passed Senate 2/25/15 - To Governor 3/2/15 - Approved by Governor 3/3/15
- \*2674. By Del. Kurcaba, Householder, Pasdon, Statler, Ellington, Cooper, Ambler and Moffatt - **Making home schooled students eligible for a PROMISE scholarship without taking the GED test** (original same as S. B. No. 448) - Introduced 2/10/15 - To Education then Finance - 2nd reference dispensed - Passed House 2/25/15 - Effective from passage - To Senate 2/26/15 - To Finance - Amended - Passed Senate with amended title 3/13/15 - Effective from passage
2675. By Del. Nelson, E., Ashley, Hanshaw, Ireland, Smith, R., Storch, Phillips, R., White, B., McCuskey, Waxman and Summers - **Reducing certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund** - Introduced 2/10/15 - To Finance - Amendments pending - Motion for previous question on motion to return bill to Special Calendar rejected - Motion to return bill to Special Calendar rejected - Passed House 3/3/15 - To Senate 3/4/15 - To Finance
- \*2688. By Del. Ireland, Anderson, Ambler and Evans, D. - **Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells** - Introduced 2/11/15 - To Energy then Judiciary - To House Judiciary 2/13/15 - Motion to reject bill not adopted - Shall bill be advanced to 3rd Reading with the amendments pending? Rejected - Motion for previous question rejected - Motion for previous question on the motion to limit debate per House Rule 38 adopted - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Amended - On 3rd reading 3/14/15

- \*2702. By Del. Pasdon, Perry, Moye, Hamrick, Campbell, Statler, Rowan and Espinosa - **Redefining service personnel class titles of early childhood classroom assistant teacher** - Introduced 2/12/15 - To Education - Amended - Passed House 2/20/15 - Effective from passage - To Senate 2/23/15 - To Education - Passed Senate 3/9/15 - Effective from passage
2712. By Del. Skinner, Reynolds, Pushkin, Sponaugle, Guthrie and Householder - **Relating to employment and privacy protection** - Introduced 2/12/15 - To Judiciary - Amended - Passed House 3/4/15 - To Senate 3/6/15 - To Judiciary - On 2nd reading to Judiciary 3/6/15
- \*2717. By Del. Marcum, Pasdon, Perry, White, H., Phillips, R., Williams, Eldridge, Rodighiero, Reynolds and Campbell - **Relating to hiring of public school employees** - Introduced 2/12/15 - To Education - Amended - Passed House 3/4/15 - To Senate 3/6/15 - To Education - On 2nd reading to Education 3/6/15
- \*2718. By Del. Gearheart, Butler, Hamrick, Ihle, Householder, Westfall, Miller, Border, Cooper, Hanshaw and Ellington - **Transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund and closing the Racetrack Modernization Fund** - Introduced 2/12/15 - To Finance - Amendments pending - Amended on 3rd reading - Passed House 3/3/15 - Title amended - To Senate 3/4/15 - To Finance
2726. By Del. Shott, Folk, Overington, Sobonya, Azinger, Deem and Waxman - **Clarifying choice of laws issues in product's liability actions** - Introduced 2/13/15 - To Judiciary - Passed House 2/20/15 - To Senate 2/23/15 - To Judiciary - Amended - Passed Senate with amended title 3/1/15 - House concurred in Senate amendment and passed 3/3/15 - Effective July 1, 2015 - Senate concurred in House effective date - Effective July 1, 2015
- \*2728. By Del. McCuskey, Westfall and Frich - **Relating to risk-based capital reporting for health organizations** (original same as S. B. No. 368) - Introduced 2/13/15 - To Banking and Insurance then Finance - To House Finance 2/20/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Finance
2733. By Del. Ellington and Householder - **Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law** - Introduced 2/13/15 - To Health and Human Resources then Judiciary -

- 2nd reference dispensed - Amended - Passed House 2/24/15 - To Senate 2/25/15 - To Health and Human Resources - Passed Senate 3/12/15
- \*2755. By Del. Boggs, Hartman, Evans, D., Perry, Ashley, Pasdon, Pethel, Duke and Williams - **Relating to service and professional employee positions at jointly established schools** - Introduced 2/16/15 - To Education - Constitutional Rule rejected - House further considered bill - Passed House 2/23/15 - Effective from passage - To Senate 2/24/15 - To Education - Passed Senate 3/9/15 - Effective from passage
- \*2756. By Del. Trecost, Lynch, Marcum, Phillips, R., Sponaugle, Statler and Kelly - **Authorizing appointees or employees of the Alcohol Beverage Control Commissioner to carry concealed handguns** - Introduced 2/16/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/6/15 - To Judiciary - On 2nd reading to Judiciary 3/6/15
2760. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Bureau of Senior Services - Lottery Senior Citizens Fund** (original same as S. B. No. 474) - Introduced 2/16/15 - To Finance - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Finance - Passed Senate 3/6/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
2764. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the State Department of Education - School Building Authority** (original same as S. B. No. 470) - Introduced 2/16/15 - To Finance - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Finance - Passed Senate 3/6/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
- \*2766. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and Human Resources** (original same as S. B. No. 468) - Introduced 2/16/15 - To Finance - Passed House 3/9/15 - Effective from passage - To Senate 3/10/15 - To Finance - On 3rd reading with right to amend 3/14/15
- \*2769. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from**

- various agencies** (original same as S. B. No. 465) - Introduced 2/16/15 - To Finance - Passed House 3/9/15 - Effective from passage - To Senate 3/10/15 - To Finance - Amended - On 3rd reading 3/14/15
2770. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services** (original same as S. B. No. 464) - Introduced 2/16/15 - To Finance - Passed House 2/23/15 - Effective from passage - To Senate 2/24/15 - To Finance - Passed Senate 3/6/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
- \*2772. By Del. Miley [By Request of the Executive] - **Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Auditor's Office - Purchasing Card Administration Fund** (original same as S. B. No. 462) - Introduced 2/16/15 - To Finance - Amendments pending - Amended - Passed House 3/9/15 - Title amended - Effective from passage - To Senate 3/10/15 - To Finance - On 3rd reading 3/14/15
2776. By Del. Stansbury, Campbell, Rodighiero, Householder, Ashley, Fleischauer, Summers, Longstreth, Kurcaba, Ellington and Eldridge (Originating in House Health and Human Resources) - **Relating to prescribing hydrocodone combination drugs for a duration of no more than three days** - Introduced 2/13/15 - Passed House 2/18/15 - To Senate 2/19/15 - To Health and Human Resources - Passed Senate with amended title 3/9/15 - House concurred in Senate title amendment 3/9/15 - Passed House 3/9/15
2777. By Del. Faircloth, Ihle, Hill, Kessinger, Stansbury, Hamrick, Hartman, Ferro, McGeehan, Zatezalo and Blair (Originating in House Government Organization) - **Relating to licensing of barbers, cosmetologists, and hairstylists, and revising the membership requirements of the Board of Barbers and Cosmetologists** - Introduced 2/13/15 - Amended - Passed House 2/18/15 - Title amended - To Senate 2/19/15 - To Government Organization
- \*2778. By Del. Gearheart, McCuskey, Storch, Hamrick, Espinosa, Nelson, E., Westfall, Mr. Speaker (Mr. Armstead), O'Neal, Pethel and Ferro - **State Infrastructure Fund Program** (original similar to S. B. No. 379) - Introduced 2/16/15 - To Roads and Transportation then Finance - To House Finance 2/17/15 - Passed House 2/25/15 - To Senate 2/26/15 - To

- Finance - Passed Senate 3/9/15
2780. By Del. Pasdon, Statler, Kurcaba, Duke, Sobonya, Espinosa, Rohrbach, Fleischauer, Miller, Morgan and Frich - **Enhancing the ability of campus police officers at public colleges to perform their duties** (original similar to S. B. No. 426) - Introduced 2/17/15 - To Education then Finance - 2nd reference dispensed - Passed House 2/27/15 - To Senate 2/28/15 - To Education - Passed Senate 3/12/15
- \*2790. By Del. Westfall, Waxman, Shott and Frich - **Relating to minimum responsibility limits of car insurance** - Introduced 2/17/15 - To Banking and Insurance then Judiciary - To House Judiciary 2/20/15 - Passed House 3/2/15 - To Senate 3/3/15 - To Judiciary - Passed Senate 3/11/15
- \*2793. By Del. Kurcaba, Statler, Ellington, Pasdon, Cooper, Ambler and Kelly - **Relating to exemptions from mandatory school attendance** (original similar to S. B. No. 444) - Introduced 2/17/15 - To Education - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Education - Amended - Amended - Amended - Passed Senate 3/12/15 - Title amended - Effective from passage
- \*2795. By Del. Westfall, White, B. and McCuskey - **Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order** (original same as S. B. No. 539) - Introduced 2/17/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/6/15 - To Judiciary - On 2nd reading to Judiciary 3/6/15
- \*2796. By Mr. Speaker (Mr. Armstead) - **Providing paid leave for certain state officers and employees during a declared state of emergency** - Introduced 2/18/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/5/15 - To Finance
2797. By Del. Campbell, Perry, Moye, Fleischauer, Bates, Guthrie, Ellington, Householder, Ashley, Smith, P. and McCuskey - **Changing the term "mentally retarded" to "intellectually disabled;" and changing the term "handicapped" to "disabled"** - Introduced 2/18/15 - To Health and Human Resources - To House Judiciary 2/26/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Health and Human Resources - Passed Senate 3/12/15
- \*2805. By Del. Eldridge, Hamilton, Rodighiero, Canterbury, White, H., Williams, Trecost, Perry, Moye and Campbell - **Transferring to an adult correctional facility any juvenile whose sentence runs beyond his or her eighteenth birthday**

- Introduced 2/18/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/6/15 - To Judiciary - On 2nd reading to Judiciary 3/6/15
- \*2810. By Del. Guthrie, Pushkin, Byrd, Rowe, McCuskey, White, B., Stansbury and Walters - **Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety** - Introduced 2/18/15 - To Judiciary then Finance - 2nd reference dispensed - Passed House 3/4/15 - To Senate 3/6/15 - To Finance - On 3rd reading 3/14/15
- \*2811. By Del. Westfall, McCuskey and Frich - **Deleting obsolete provisions regarding the Physicians' Mutual Insurance Company** - Introduced 2/18/15 - To Banking and Insurance then Finance - To House Finance 2/20/15 - Passed House 2/28/15 - To Senate 3/1/15 - To Banking and Insurance - Passed Senate 3/13/15
- \*2812. By Del. Canterbury and O'Neal - **Clarifying use of subsistence allowance in determining compensation for purposes of calculating pension benefits for natural resources police officers** - Introduced 2/18/15 - To Pensions and Retirement then Finance - To House Finance 2/19/15 - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Pensions
2820. By Del. Shott, Manchin and Foster - **Relating to affirmative defenses against mechanics' liens** - Introduced 2/19/15 - To Judiciary - To House Judiciary 2/19/15 - Amended - Amended on 3rd reading - Passed House 2/25/15 - To Senate 2/26/15 - To Judiciary
- \*2823. By Del. Walters, Blair, Upson, Ireland, Phillips, R., White, H., Nelson, J., Hanshaw, Nelson, E., Boggs and Caputo - **Eliminating the street and interurban and electric railways tax** - Introduced 2/19/15 - To Finance - Passed House 2/28/15 - To Senate 3/1/15 - To Finance
- \*2828. By Del. Cowles, Storch, Miller, Border, Shott and Upson - **Modifying the requirements that allow a child witness to testify by closed circuit television** (original similar to S. B. No. 460) - Introduced 2/19/15 - To Judiciary - Passed House 3/4/15 - To Senate 3/6/15 - To Judiciary - On 2nd reading to Judiciary 3/6/15
- \*2829. By Del. Householder, Summers, Sobonya, Campbell, Fleischauer and Rodighiero - **Defining "midwife", "certified midwife" and "midwifery"** (original same as S. B. No. 501) - Introduced 2/19/15 - To Health and Human Resources -

- Amended - Passed House 3/2/15 - To Senate 3/3/15 - To Health and Human Resources
- \*2840. By Del. Campbell, Rowan, Pasdon, Cooper, Perry and Eldridge - **Providing an alternative plan to make up lost days of instruction** - Introduced 2/20/15 - To Education then Finance - To House Finance 2/24/15 - Passed House 3/3/15 - Effective July 1, 2015 - To Senate 3/4/15 - To Education - On 3rd reading 3/14/15
- \*2867. By Del. Perry and Williams - **Requiring recommendations for higher education course credit transfer** - Introduced 2/20/15 - To Education - Passed House 3/4/15 - To Senate 3/6/15 - To Education - Amended - Passed Senate 3/12/15
2876. By Del. Nelson, E., Ashley, Boggs, Williams, Anderson, Evans, A., Walters, Canterbury, Hamilton, Phillips, L. and Pethel - **Finding and declaring certain claims against the state and its agencies to be moral obligations of the state** - Introduced 2/20/15 - To Finance - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Finance - Passed Senate 3/9/15 - Effective from passage
2877. By Del. Miller, Williams, Faircloth, Rowe, Hill, Stansbury, Espinosa and Westfall (Originating in House Small Business, Entrepreneurship and Economic Development) - **Relating to electronic filing of tax returns and electronic funds transfers in payment of taxes** - Introduced 2/19/15 - To House Finance 2/19/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Finance - On 3rd reading 3/14/15
- \*2878. By Del. Miller, Manchin, Espinosa, Skinner, Hornbuckle, Lane, Hill, Stansbury, Rowe, Williams and Upson (Originating in House Small Business, Entrepreneurship and Economic Development) - **Creating a one-stop electronic business portal in West Virginia** - Introduced 2/19/15 - To House Government Organization 2/19/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Government Organization - Amended - Passed Senate with amended title 3/13/15
2879. By Del. Walters, Frich, Azinger, Shott, Nelson, E., Deem, Waxman, White, B. and Ashley (Originating in House Banking and Insurance) - **Relating to certain limitations on amount of state funds on deposit in any depository** - Introduced 2/19/15 - Passed House 2/24/15 - To Senate 2/25/15 - To Banking and Insurance - Passed Senate 3/5/15 - To Governor 3/9/15
2880. By Del. Stansbury, Rohrbach, Householder, Phillips, R., Arvon, Howell, Moffatt, Shott, Ellington, Nelson, E. and



- Campbell (Originating in House Health and Human Resources) - **Creating an addiction treatment pilot program** - Introduced 2/20/15 - Laid over until 2/24/15 - Amended - Passed House 3/3/15 - Title amended - To Senate 3/4/15 - To Health and Human Resources - Amended - Passed Senate 3/9/15 - House concurred in Senate amendment and passed 3/10/15
2884. By Del. Pasdon and Perry - **Modifying training and development requirement for certain members of certain higher education boards** - Introduced 2/23/15 - To Education - Passed House 2/27/15 - To Senate 2/28/15 - To Education - Passed Senate 3/12/15
2888. By Del. Evans, A., Hamilton, Folk, Lynch, Williams, Smith, R., Canterbury, Romine and Ambler (Originating in House Agriculture and Natural Resources) - **Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease** - Introduced 2/23/15 - Passed House 2/26/15 - To Senate 2/27/15 - To Natural Resources - Passed Senate 3/11/15
2892. By Del. Pasdon, Duke, Miller, Hornbuckle, Perry, Rohrbach, Morgan and Sobonya - **Authorizing certain legislative rules regarding higher education** - Introduced 2/24/15 - To Education - Passed House 3/4/15 - Effective from passage - To Senate 3/5/15 - To Judiciary - On 2nd reading to Education 3/9/15 - Passed Senate 3/12/15 - Effective from passage
- \*2902. By Del. Campbell, Perry, Reynolds, Pasdon, Rodighiero, Ellington, Rowan, Rohrbach, Hamrick, Nelson, E. and Ashley - **West Virginia ABLE Act** - Introduced 2/24/15 - To Banking and Insurance then Judiciary - 2nd reference dispensed - Passed House 3/4/15 - To Senate 3/6/15 - To Banking and Insurance - Passed Senate 3/11/15
2914. By Del. Hartman, Sponaugle, Campbell and Perry - **Providing for voluntary dissolution of resort area district** - Introduced 2/24/15 - To Finance - Passed House 3/3/15 - To Senate 3/4/15 - To Judiciary - Amended - Passed Senate with amended title 3/10/15 - House concurred in Senate amendment and passed 3/11/15
- \*2916. By Del. Nelson, E., Ashley, Anderson, Boggs, Williams, White, H., Storch, Gearheart, Bates, Espinosa and O'Neal - **Providing limited borrowing authority to the Governor for the completion of renovations to Capitol Complex Building 3** - Introduced 2/24/15 - To Finance - Passed House

- 3/3/15 - To Senate 3/4/15 - To Finance
2926. By Del. Folk, Ashley, Walters and Frich - **Relating to deferral charges in connection with a consumer credit sale or consumer loan** - Introduced 2/24/15 - To Banking and Insurance then Finance - To House Finance 2/27/15 - Passed House 3/4/15 - Title amended - To Senate 3/6/15 - To Finance - On 3rd reading with right to amend 3/14/15
2931. By Del. Ashley and Westfall - **Adding drugs to the classification of schedule I drugs** - Introduced 2/24/15 - To Health and Human Resources then Judiciary - To House Judiciary 2/26/15 - Passed House 3/4/15 - To Senate 3/5/15 - To Health and Human Resources - Passed Senate 3/12/15
2933. By Del. Nelson, E., Anderson, Canterbury, Espinosa, Frich, Hamilton, Westfall, Moyer and Williams (Originating in House Finance) - **Making a supplementary appropriation to the Department of Administration, Public Defender Services** - Introduced 2/23/15 - Passed House 2/26/15 - Effective from passage - To Senate 2/27/15 - To Finance - Passed Senate 3/6/15 - Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
- \*2934. By Del. Pasdon, Butler, Moffatt, Waxman, Storch, Espinosa, Lane, Kessinger, Sobonya, Howell and Duke - **Repealing the common core standards** - Introduced 2/24/15 - To Education - Motion to refer bill to committee on Finance rejected - Amended - Motion to commit bill to Finance committee rejected - Amended on 3rd reading - Passed House 2/28/15 - Title amended - To Senate 3/1/15 - To Education then Finance - To Education 3/1/15 - On 2nd reading to Finance 3/9/15 - On 3rd reading with right to amend 3/14/15
- \*2939. By Del. White, B. - **Relating to requirements for mandatory reporting of sexual offenses on school premises involving students** - Introduced 2/24/15 - To Judiciary - Amended - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary - Amended - Passed Senate with amended title 3/12/15 - House refused to concur and requested Senate to recede 3/13/15 - Senate refused to recede and requested conference 3/13/15
- \*2968. By Mr. Speaker (Mr. Armstead), Del. Ashley, Bates, Perry, Kessinger, Hicks, Cooper, Shott, McCuskey and Arvon - **Exempting from property tax certain properties in this state owned by nonprofit youth organizations** - Introduced 2/24/15 - To Finance - Amendments pending - Amended - Passed House 3/4/15 - Title amended - To Senate 3/5/15 - To

- Finance - Amended - Passed Senate 3/11/15 - House concurred in Senate amendment and passed 3/12/15
2976. By Del. Pasdon, Perry, Rohrbach, Campbell and Ellington - **Expanding the eligible master's and doctoral level programs for which a Nursing Scholarship may be awarded** - Introduced 2/24/15 - To Education - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Education - Passed Senate 3/12/15 - Effective from passage
- \*2999. By Del. Miller, Hicks, Hornbuckle, Reynolds, Rohrbach, Rodighiero, Perdue, Campbell, Sobonya, Pushkin and Frich - **Relating to neonatal abstinence centers** - Introduced 2/24/15 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Passed House 3/3/15 - To Senate 3/4/15 - To Health and Human Resources - Amended - Passed Senate with amended title 3/9/15 - House concurred in Senate amendment and passed 3/9/15
- \*3006. By Del. Nelson, E., Ashley, Anderson, Boggs, Williams, White, H., Storch, Gearheart, Bates, Espinosa and O'Neal - **Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies** - Introduced 2/24/15 - To Finance - To House Finance 2/24/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Finance - On 3rd reading 3/14/15
3017. By Del. Pasdon, Perdue, Perry, Rohrbach, Rowan, Duke, Campbell, Moye, Ambler and Upson (Originating in House Education) - **Addressing sudden cardiac arrest in interscholastic athletes** - Introduced 2/27/15 - Passed House 3/3/15 - To Senate 3/4/15 - To Education
3019. By Del. Ireland, Overington, Foster, Fast, Lynch, Azinger, Shott, Hicks and Hanshaw (Originating in House Judiciary) - **Requiring official business and records of the state and its political subdivisions be conducted in English** - Introduced 2/28/15 - Amended - Passed House 3/4/15 - To Senate 3/6/15 - To Government Organization then Judiciary - On 2nd reading to Judiciary 3/11/15
3020. By Del. Nelson, E., Ashley, Anderson, Williams, Evans, A., Boggs, Hamilton, Phillips, L., Butler, Espinosa and O'Neal (Originating in House Finance) - **Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Corrections** - Introduced 3/5/15 - Passed House 3/9/15 - Effective from passage - To Senate 3/10/15 - To Finance - On 3rd reading 3/14/15
3021. By Del. Nelson, E., Ashley, Anderson, Williams, Boggs,

- Espinosa, O'Neal and Bates (Originating in House Finance) - **Making a supplementary appropriation to the Department of Health and Human Resources** - Introduced 3/5/15 - Passed House 3/9/15 - Effective from passage - To Senate 3/10/15 - To Finance - On 3rd reading with right to amend 3/14/15
3022. By Del. Ashley, Nelson, E., Williams, Canterbury, Hamilton, Pethel, Householder, Butler, Phillips, L., Espinosa and Westfall (Originating in House Finance) - **Making a supplementary appropriation to the Treasurer's Office, to the State Board of Education, to Mountwest Community and Technical College, to the West Virginia School of Osteopathic Medicine, and to West Virginia State University** - Introduced 3/5/15 - Passed House 3/9/15 - Effective from passage - To Senate 3/10/15 - To Finance - On 3rd reading with right to amend 3/14/15

#### HOUSE JOINT RESOLUTIONS COMMUNICATED TO SENATE

- \*13. By Del. Overington, Householder, Moffatt, Espinosa, Upson, Frich, Phillips, R., Perdue, Hanshaw, Border and Miller - **The Homestead Exemption Increase Amendment** - Introduced 1/27/15 - To Judiciary then Finance - To House Finance 2/26/15 - Amended - Adopted by House 3/4/15 - To Senate 3/5/15 - To Government Organization then Finance - To Government Organization 3/5/15

#### HOUSE CONCURRENT RESOLUTIONS COMMUNICATED TO SENATE

1. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Introduced 1/14/15 - Reference dispensed - Adopted by House 1/14/15 - To Senate 1/14/15 - Committee reference dispensed - Adopted by Senate 1/14/15
- \*4. By Del. Phillips, R., Eldridge, Marcum and Moffatt - **The US Army PFC Clarence Allen Mooney Memorial Bridge** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 2/3/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15
- \*6. By Del. Smith, R. and Williams - **The Army Air Force SGT**

- Everett Wayne "Bud" Sell Memorial Bridge** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 2/3/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15
7. By Del. Arvon, Kessinger and Border - **The Kenneth A. Chapman, Sr. Memorial Bridge** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure - On Unfinished Business 3/14/15
- \*9. By Del. Phillips, L., Arvon, Phillips, R., Rodighiero, White, H. and White, B. - **The U. S. Air Force Lt. Col. John Richard "Toots" Wilcox Memorial Bridge** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 2/3/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15
- \*19. By Del. Phillips, R., Marcum, Eldridge and Moffatt - **The U. S. Army SGT Bobby Ray Adkins Memorial Highway** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 2/3/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15
- \*20. By Del. Phillips, L., Arvon, Phillips, R., Rodighiero, White, H. and White, B. - **The Virginia & U. S. Army Major Woodrow Cook Memorial Road** - Introduced 1/22/15 - To Roads and Transportation then Rules - To House Rules 2/17/15 - Adopted by House 2/19/15 - To Senate 2/20/15 - To Transportation and Infrastructure - Adopted by Senate 3/4/15
- \*21. By Del. Statler, Kurcaba, Fleischauer, Frich, Border, Pasdon, Evans, D., Summers, Pethtel, Blair, Hamrick and Pushkin - **The PFC James Elwood Wickline Memorial Bridge** - Introduced 1/23/15 - To Roads and Transportation then Rules - To House Rules 2/3/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - On Unfinished Business 3/14/15
- \*23. By Mr. Speaker (Mr. Armstead) - **The US Marine Corps PFC Clayton Andrew Craft Memorial Bridge** - Introduced 1/26/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
- \*24. By Mr. Speaker (Mr. Armstead) - **The US Army SP5 Johnnie Marvin Ayers Memorial Bridge** - Introduced

- 1/26/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure - On Unfinished Business 3/14/15
- \*27. By Mr. Speaker (Mr. Armstead), Del. Walters, Evans, D. and Nelson, J. - **The West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge** - Introduced 1/27/15 - To Roads and Transportation then Rules - To House Rules 2/3/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - On Unfinished Business 3/14/15
- \*28. By Del. Hamilton - **The USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial Bridge.** - Introduced 1/28/15 - To Roads and Transportation then Rules - To House Rules 2/10/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15
29. By Del. Campbell, Smith, P., Rodighiero, Westfall, Summers, Moore, Moffatt, Sobonya, Householder, Kelly and Azinger - **That April 2 be designated as West Virginia Autism Awareness Day.** - Introduced 1/28/15 - To Rules - Adopted by House 2/26/15 - To Senate 2/27/15 - To Health and Human Resources
30. By Del. Marcum, Eldridge, Bates, Blair, Boggs, Border, Caputo, Faircloth, Ferro, Hamilton, Hartman, Hicks, Hill, Hornbuckle, Ihle, Kessinger, Longstreth, Lynch, Miley, Moore, Morgan, Moye, Perry, Pethel, Phillips, R., Reynolds, Rodighiero, Smith, P., Smith, R., Sponaugle, Stansbury, Westfall and White, H. - **The Baisden Family Memorial Bridge.** - Introduced 1/28/15 - To Roads and Transportation then Rules - To House Rules 2/11/15 - Adopted by House 2/19/15 - To Senate 2/20/15 - To Transportation and Infrastructure - On Unfinished Business 3/14/15
31. By Del. Rowan, Smith, R., Phillips, L., Phillips, R., White, H., Moye, Ambler, Cooper, Ireland, Hill and Marcum - **Declaring the Northern Red Salamander to be the official state amphibian.** - Introduced 1/30/15 - To Agriculture and Natural Resources then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Government Organization - Adopted by Senate 3/12/15
- \*32. By Mr. Speaker (Mr. Armstead) - **The Lipscomb Brothers Veterans Bridge** - Introduced 2/2/15 - To Roads and Transportation then Rules - To House Rules 2/10/15 -

- Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - On Unfinished Business 3/14/15
- \*35. By Del. Ihle, Westfall, Cadle, Hanshaw, Ashley, Sponaugle, Smith, P., Hartman, Evans, A., Campbell and Boggs - **The Historic Blue-Gray Highway.** - Introduced 2/2/15 - To Roads and Transportation then Rules - To House Rules 2/10/15 - Adopted by House 2/20/15 - To Senate 2/23/15 - To Transportation and Infrastructure - Adopted by Senate 3/11/15
- \*36. By Del. Rodighiero, Eldridge, Moffatt and Hicks - **The US Army SPC David H. Stamper Memorial Bridge.** - Introduced 2/2/15 - To Roads and Transportation then Rules - To House Rules 2/17/15 - Adopted by House 2/19/15 - To Senate 2/20/15 - To Transportation and Infrastructure
37. By Del. Ambler and Canterbury - **The U. S. Army PV2 Eskridge A. Waggoner Memorial Bridge** - Introduced 2/3/15 - To Roads and Transportation then Rules - To House Rules 2/17/15 - Adopted by House 2/19/15 - To Senate 2/20/15 - To Transportation and Infrastructure
38. By Del. Evans, A., Sponaugle, Hartman and Romine - **The Captain John Bond and the West Virginia State Troops Memorial Bridge** - Introduced 2/4/15 - To Roads and Transportation then Rules - To House Rules 2/17/15 - Adopted by House 2/19/15 - To Senate 2/20/15 - To Transportation and Infrastructure
- \*39. By Del. Moore, Gearheart, Phillips, L. and White, H. - **The USMC LCpl Julius C. "Corky" Foster Memorial Bridge.** - Introduced 2/4/15 - To Roads and Transportation then Rules - To House Rules 2/24/15 - Adopted by House 2/26/15 - To Senate 2/27/15 - To Transportation and Infrastructure - On Unfinished Business 3/14/15
- \*42. By Del. Rowe, Mr. Speaker (Mr. Armstead), Guthrie, Pushkin, Byrd, McCuskey, Moore, Hornbuckle, White, B., Upson and Shott - **The Boyhood Home of Booker T. Washington.** - Introduced 2/5/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure - On Unfinished Business 3/14/15
44. By Del. Rowan, Cowles, Butler, Eldridge, Ferro, Fluharty, Hamrick, Hartman, Kelly, Longstreth, Manchin, Nelson, J., Rohrbach, Romine, Skinner, Sponaugle, Trecost, White, B., White, H. and Zatezalo - **The North River Mills Historic Trace.** - Introduced 2/5/15 - To Roads and Transportation

- then Rules - To House Rules 3/10/15 - Adopted by House 3/12/15
- \*45. By Del. Pethel - **The US Army COL William L. Glover Memorial Bridge.** - Introduced 2/6/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure
46. By Del. Nelson, J., Moffatt, McGeehan, Storch, Westfall, Espinosa, Folk, Butler, Ihle, Stansbury and Gearheart - **The U. S. Army SSG James C. Vickers and U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge.** - Introduced 2/6/15 - To Roads and Transportation then Rules - To House Rules 2/17/15 - Adopted by House 2/19/15 - To Senate 2/20/15 - To Transportation and Infrastructure
- \*50. By Del. Marcum, McCuskey, Hicks, Perdue, Phillips, R., Rodighiero, Westfall, White, H., Gearheart and Reynolds - **Historic Dingess Tunnel, 100 Years Old, 1914.** - Introduced 2/10/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
51. By Del. Eldridge, Storch, Moore, Fluharty, Lynch, Bates, Ashley, Phillips, R., Williams, Marcum and Arvon - **Making the fiddle the official musical instrument of the State of West Virginia.** - Introduced 2/10/15 - To Rules - Adopted by House 2/26/15 - To Senate 2/27/15 - To Government Organization
- \*53. By Del. Phillips, R., Marcum and Eldridge - **The U. S. Army SSG Styish R. Morris Memorial Road** - Introduced 2/11/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
- \*55. By Del. Miller, Morgan, Nelson, E., Sobonya, Rohrbach, Perdue, McCuskey, Ashley, Hornbuckle, Reynolds and Hicks - **The William C. Campbell Memorial Highway** - Introduced 2/12/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure
58. By Del. Rowan and Cowles - **The U. S. Army PV2 William Frederick Kump Memorial Bridge** - Introduced 2/12/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure
- \*60. By Del. Perdue, Hicks and Reynolds - **The U. S. Army SFC Jesse Muncy Memorial Bridge** - Introduced 2/12/15 - To Roads and Transportation then Rules - To House Rules 3/3/15



- Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure
- \*63. By Del. Westfall, Ihle, Ashley, Folk, Householder, Espinosa, Cooper, Perry, Butler and Cadle - **The Harry Ripley Memorial Bridge** - Introduced 2/13/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
- \*65. By Del. Nelson, J., Moffatt, Gearheart, Smith, R., Phillips, R., Campbell, Hicks, Butler, Eldridge, Manchin and Boggs - **The U. S. Army PFC Willie Paul Wilson Bridge** - Introduced 2/16/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure
- \*68. By Del. Hamrick, Waxman, Miley, Trecost, Mr. Speaker (Mr. Armstead), Nelson, J., Gearheart, McCuskey and Espinosa - **The Army SSG Harold 'Dean' Baker Memorial Bridge** - Introduced 2/17/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure
- \*70. By Del. Cooper, Ambler, Cadle, O'Neal and Canterbury - **The Army SPC 4 Everette R. Johnson Memorial Bridge** - Introduced 2/17/15 - To Roads and Transportation then Rules - To House Rules 3/10/15 - Adopted by House 3/12/15
74. By Del. McCuskey and Shott - **Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2002** - Introduced 2/18/15 - Reference dispensed - Adopted by House 2/18/15 - To Senate 2/19/15 - Committee reference dispensed - Adopted by Senate 2/19/15
77. By Mr. Speaker (Mr. Armstead), Del. Howell, Anderson, Arvon, Blair, Border, Butler, Cadle, Canterbury, Cooper, Cowles, Duke, Evans, D., Folk, Frich, Hamilton, Hamrick, Hartman, Householder, Ihle, Kelly, Kessinger, Longstreth, McGeehan, Miley, Miller, Morgan, Overington, Pasdon, Perry, Phillips, R., Pushkin, Reynolds, Rowan, Smith, P., Stansbury, Statler, Walters, Weld, Westfall and Williams - **Designating the second Friday in July as West Virginia Collector Car Appreciation Day** - Introduced 2/19/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
79. By Del. Pethtel - **The U. S. Army PFC Junior David Starkey Memorial Bridge** - Introduced 2/19/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15

- \*80. By Del. Ashley - **The Army SSG Landon Clair Ray and Army SPC4 Garry Dwight Haynes Memorial Bridge** - Introduced 2/20/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
82. By Del. Weld - **Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2025** - Introduced 2/20/15 - Reference dispensed - Adopted by House 2/20/15 - To Senate 2/20/15 - Committee reference dispensed - Adopted by Senate 2/20/15
83. By Del. Walters, Canterbury, Pethtel, Hamilton, Kurcaba, Folk and Marcum (Originating in House Pensions and Retirement) - **Requesting the Joint Committee on Government and Finance to study the needs, challenges, and issues facing municipalities in this state as to the funding of their police and firefighter pension plans** - Introduced 2/20/15 - Adopted by House 2/23/15 - To Senate 2/24/15 - To Pensions then Rules - To Pensions 2/24/15 - To Rules 3/6/15
- \*90. By Del. Eldridge, Reynolds, Marcum, Moffatt, Phillips, R., Hornbuckle, Morgan and Rodighiero - **The U. S. Army CPL Wilson B. Lambert, Jr., Memorial Road** - Introduced 2/25/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
91. By Del. Nelson, J., Eldridge, Hicks, Longstreth, Bates, Boggs, Butler, Campbell, Caputo, Ferro, Fluharty, Folk, Gearheart, Hill, Hornbuckle, Ireland, Manchin, Marcum, McGeehan, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, Phillips, L., Rodighiero, Rohrbach, Skinner, Smith, R., Sobonya, Sponaugle, Stansbury, Statler, Summers, Trecost, Wagner, Westfall, White, H. and Williams - **Designating days for the display of the Honor and Remember Flag** - Introduced 2/25/15 - To Rules - Adopted by House 3/4/15 - To Senate 3/5/15 - To Military - Amended - Adopted by Senate 3/10/15 - House concurred in Senate amendment and adopted 3/11/15
- \*93. By Del. Rowan - **The CSA LTG Thomas J. "Stonewall" Jackson Bridge** - Introduced 2/25/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
- \*98. By Del. McCuskey, Ashley and Gearheart - **Jack Furst Drive** - Introduced 2/26/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure - On Unfinished Business 3/14/15

- \*102. By Del. Miley, Hamrick, Trecost and Waxman - **The U. S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge** - Introduced 2/27/15 - To Roads and Transportation then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
105. By Del. Perry, Kessinger, Fast and Guthrie - **Recognizing West Virginia University Institute of Technology as a vital part of higher education in West Virginia** - Introduced 3/1/15 - To Education then Rules - To House Rules 3/9/15 - Adopted by House 3/12/15
112. By Del. Canterbury, Ambler and Cooper - **The Howard M. 'Toddy' Loudin Memorial Highway** - Introduced 3/6/15 - To Roads and Transportation then Rules - To House Rules 3/10/15 - Adopted by House 3/12/15
113. By Del. Howell, Evans, A. and Rowan - **Mineral County, Celebrating the Sesquicentennial, 1866 - 2016** - Introduced 3/9/15 - To Rules - Adopted by House 3/10/15 - To Senate 3/11/15 - To Transportation and Infrastructure
114. By Del. Pasdon, Duke, Ambler, Campbell, Cooper, Ellington, Espinosa, Evans, D., Hamrick, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Statler, Trecost, Upson and Wagner (Originating in House Education) - **Requesting that the Joint Committee on Government and Finance study the circumstances where West Virginia home schooled students who have completed their course work should be authorized to take the GED test** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15
115. By Del. Pasdon, Duke, Ambler, Campbell, Cooper, Ellington, Espinosa, Evans, D., Hamrick, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Statler, Trecost, Upson and Wagner (Originating in House Education) - **Requesting the Joint Committee on Government and Finance to conduct a study on state funding for school bus replacement** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15
116. By Del. Pasdon, Duke, Ambler, Campbell, Cooper, Ellington, Espinosa, Evans, D., Hamrick, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Statler, Trecost, Upson and Wagner (Originating in House Education) - **Requesting the Joint Committee on Government and Finance to conduct**

- a study on appropriate limits on the number, time and uses of state summative assessments** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15
118. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance conduct a study of agencies that are exempt from article three, chapter five-a** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15
119. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Sponaugle, Stansbury and Zatezalo (Originating in House Government Organization) - **Conducting a study of creating a Statewide Interoperable Radio Network** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15
120. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Sponaugle, Stansbury and Zatezalo (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance study the James "Tiger" Morton catastrophic illness fund** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15
122. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance authorize a study on increasing state government budget and spending transparency** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15
123. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Sponaugle, Stansbury and Zatezalo (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance conduct a study of the impact of admitting all Class I, II, III, and IV municipalities to the**

- Municipal Home Rule Pilot Program** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15
124. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization) - **Requesting that the Joint Committee on Government and Finance authorize a study on the regulation of public utilities** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15
125. By Del. Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, Nelson, J., Phillips, R., Smith, P., Smith, R., Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance conduct a study of public access and availability in one location to all ordinances, rules and regulations adopted by a county commission** - Introduced 3/9/15 - To House Rules 3/9/15 - Adopted by House 3/12/15
130. By Del. Rowan, Williams, Border, Campbell, Duke, Ferro, Hamilton, Kelly, Moye, Overington, Perry, Pethtel, Romine, White, B. and Zatezalo (Originating in House Senior Citizen Issues) - **Requesting the Joint Committee on Government and Finance to study and review current law, procedure and public services intended to protect against senior citizen financial abuse and exploitation** - Introduced 3/10/15 - Adopted by House 3/11/15 - To Senate 3/12/15 - To Rules
131. By Del. Rowan, Williams, Border, Campbell, Duke, Ferro, Hamilton, Kelly, Moye, Overington, Perry, Pethtel, Romine, White, B. and Zatezalo (Originating in House Senior Citizen Issues) - **Requesting the Joint Committee on Government and Finance to study the issues, needs and challenges facing senior citizens in this state** - Introduced 3/10/15 - Adopted by House 3/11/15 - To Senate 3/12/15 - To Rules
132. By Del. Hamilton, Evans, A., Ambler, Romine, Eldridge, Phillips, L., Border, Cadle, Campbell, Canterbury, Rodighiero, Smith, R., Wagner and Zatezalo (Originating in House Agriculture and Natural Resources) - **Requesting the Joint Committee on Government and Finance study the economic impact of making all hunting and fishing licenses valid for a period of one year from the date of**

- issue** - Introduced 3/10/15 - Adopted by House 3/11/15 - To Senate 3/12/15 - To Rules
133. By Del. Hamilton, Evans, A., Ambler, Romine, Eldridge, Phillips, L., Border, Cadle, Campbell, Canterbury, Rodighiero, Smith, R., Wagner and Zatezalo (Originating in House Agriculture and Natural Resources) - **Requesting the Joint Committee on Government and Finance study the economic impact of reducing or eliminating the necessity for certain hunting, fishing and trapping licenses** - Introduced 3/10/15 - Adopted by House 3/11/15 - To Senate 3/12/15 - To Rules
134. By Del. Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources) - **Requesting the Joint Committee on Government and Finance to study the Health Care Authority and the certificate of need review process** - Introduced 3/11/15 - Adopted by House 3/12/15
135. By Del. Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources) - **Requesting the Joint Committee on Government and Finance to study state hospitals in regards to the Hartley Case** - Introduced 3/11/15 - Adopted by House 3/12/15
136. By Del. Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources) - **Requesting the Joint Committee on Government and Finance study that insurers cover topical ophthalmic treatment early refills in a manner similar to or consistent with CMS guidelines** - Introduced 3/11/15 - Adopted by House 3/12/15
137. By Del. Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources) - **Requesting the Joint Committee on Government and Finance to study access and costs associated with cancer clinical trials** - Introduced 3/11/15 -

- Adopted by House 3/12/15
138. By Del. Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources) - **Requesting the Joint Committee on Government and Finance to study and review the managed care system within the Bureau for Medical Services** - Introduced 3/11/15 - Adopted by House 3/12/15
139. By Del. Pasdon, Espinosa, Rodighiero, Statler, Trecost and Upson (Originating in House Education) - **Requesting the Joint Committee on Government and Finance study the policies regarding sexual violence, domestic violence, dating violence, and stalking at public colleges in the state** - Introduced 3/11/15 - Adopted by House 3/12/15
140. By Del. Pasdon, Duke, Espinosa, Hamrick, Kelly, Kurcaba, Moye and Pushkin (Originating in House Education) - **Requesting the Joint Committee on Government and Finance to conduct a study on public school finance** - Introduced 3/11/15 - Adopted by House 3/12/15
141. By Del. Trecost and Ihle (Originating in House Political Subdivisions) - **Requesting that the Joint Committee on Government and Finance study the appropriate process for removing county, school district and municipal officers** - Introduced 3/11/15 - Adopted by House 3/12/15
143. By Del. Ashley, Anderson, Williams, Evans, A., Canterbury, Hamilton, Pethel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, White, H., Gearheart and Miller (Originating in House Finance) - **Requesting the Joint Committee on Government and Finance, to study the public-private partnership model for the operation and maintenance of all or some of the State's hospital and nursing facilities** - Introduced 3/12/15 - Adopted by House 3/13/15
146. By Del. Ashley, Anderson, Williams, Evans, A., Canterbury, Hamilton, Pethel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, White, H., Gearheart and Miller (Originating in House Finance) - **Requesting the Joint Committee on Government and Finance to study the special funds of the State** - Introduced 3/12/15 - Adopted by House 3/13/15
147. By Del. Ashley, Anderson, Williams, Evans, A., Canterbury, Hamilton, Pethel, Householder, Butler, Espinosa, Moye,

- Westfall, Frich, Bates, Storch, White, H., Gearheart and Miller (Originating in House Finance) - **Requesting the Joint Committee on Government and Finance to study the leasing of oil and gas mineral rights on State lands** - Introduced 3/12/15 - Adopted by House 3/13/15
148. By Del. Ashley, Anderson, Williams, Evans, A., Canterbury, Hamilton, Pethel, Householder, Butler, Espinosa, Moyer, Westfall, Frich, Bates, Storch, White, H., Gearheart and Miller (Originating in House Finance) - **Requesting study on the collection, distribution and use of telecommunications fee revenues** - Introduced 3/12/15 - Adopted by House 3/13/15
149. By Del. Ashley, Anderson, Williams, Evans, A., Canterbury, Hamilton, Pethel, Householder, Butler, Espinosa, Moyer, Westfall, Frich, Bates, Storch, White, H., Gearheart and Miller (Originating in House Finance) - **Requesting the Joint Committee on Government and Finance to study potential improvements to pensions for retired teachers and public employees who have been retired for ten or more years** - Introduced 3/12/15 - Adopted by House 3/13/15
150. By Del. Miller, Espinosa, Ashley, Bates, Hanshaw, Lane, Morgan, Stansbury and Westfall (Originating in House Small Business, Entrepreneurship and Economic Development) - **Requesting that the Joint Committee on Government and Finance study the distribution of unemployment rates across the state's fifty-five counties** - Introduced 3/12/15 - Adopted by House 3/13/15

### SENATE BILLS PASSED LEGISLATURE

3. By Sen. Palumbo, Leonhardt, Boley, Ferns, D. Hall, Karnes, Maynard, Nohe, Sypolt, Trump, Blair, Williams, Plymale, Kirkendoll, Stollings and Cole (Mr. President) - **Relating to real property possessor's liability for trespasser harm** (original same as H. B. No. 2003) - Passed 1/29/2015 - To Governor 2/4/15 - Approved by Governor 2/9/15
- \*6. By Sen. Ferns, Boley, Carmichael, Gaunch, Leonhardt, Mullins, Nohe, Trump, Blair, Plymale, Stollings, Cole (Mr. President) and Takubo - **Relating to medical professional liability** (original same as H. B. No. 2006) - Passed 2/23/2015; Effective from passage - To Governor 2/27/15 - Vetoed by Governor 3/5/15 - Senate reconsidered action 3/6/15 - Senate amended, repassed to meet objections of



- Governor 3/6/15 - House concurred in Senate amendment 3/9/15 - Repassed House to meet the objections of the Governor 3/9/15 - Title amended 3/9/15 - Senate concurred in House amendment and repassed bill 3/10/15; Effective from passage
- \*7. By Sen. Stollings, Boley, Ferns, Gaunch, D. Hall, M. Hall, Walters, Blair, Plymale, Unger, Kirkendoll, Kessler, Facemire, Cole (Mr. President), Takubo and Williams - **Requiring CPR and care for conscious choking instruction in public schools** (original same as H. B. No. 2007 - similar to H. B. No. 2443) - Passed 2/12/2015; Effective July 1, 2015 - To Governor 2/19/15 - Approved by Governor 2/24/15
  - \*12. By Sen. Carmichael, Boley, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Mullins, Sypolt, Nohe, Trump, Blair and Cole (Mr. President) - **Relating to payment of separated employee's outstanding wages** (original same as H. B. No. 2012 - similar to S. B. No. 102) - Passed 3/13/2015
  - \*13. By Sen. Nohe, Boley, Ferns, D. Hall, Karnes, Maynard, Mullins, Sypolt, Trump, Blair, Williams and Cole (Mr. President) - **Reinstating open and obvious doctrine for premises liability** (original same as H. B. No. 2013) - Passed 2/18/2015; Effective from passage - To Governor 2/25/15 - Approved by Governor 3/3/15
  - \*19. By Sen. Plymale - **Specifying minimum early childhood education program instruction days** - Passed 3/13/2015
  - \*30. By Sen. D. Hall, Trump, Blair, Williams and Karnes - **Permitting shared animal ownership agreement to consume raw milk** (original same as H. B. No. 2448) - Passed 3/12/2015
  - 89. By Sen. Laird and Miller - **Relating to compensation for certain public officials** - Passed 3/11/2015
  - 106. By Sen. Carmichael - **Excepting professional engineer member from sanitary board when project engineer is under contract** - Passed 3/12/2015; Effective from passage
  - \*175. By Sen. Snyder - **Authorizing DHHR promulgate legislative rules** - Passed 2/28/2015; Effective from passage - To Governor 3/5/15 - Approved by Governor 3/11/15
  - \*182. By Sen. Snyder - **Authorizing Department of Military Affairs and Public Safety promulgate legislative rules** - Passed 3/13/2015; Effective from passage
  - \*187. By Sen. Snyder - **Authorizing Department of Revenue promulgate legislative rules** - Passed 2/28/2015; Effective from passage - To Governor 3/5/15 - Approved by Governor

- 3/5/15
- \*237. By Sen. D. Hall, Romano, Snyder, Facemire and Williams - **Creating Captive Cervid Farming Act** (original similar to H. B. No. 2033) - Passed 2/13/2015; Effective from passage - To Governor 2/19/15 - Approved by Governor 2/25/15
238. By Sen. D. Hall, Nohe and Stollings - **Limiting certain county board of education liability arising from unorganized recreation** (original same as H. B. No. 2441) - Passed 2/25/2015 - To Governor 3/3/15 - Approved by Governor 3/5/15 - Approved by Governor 3/5/15
- \*243. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to school nutrition standards during state of emergency or preparedness** (original same as H. B. No. 2118) - Passed 3/13/2015; Effective from passage
- \*249. By Sen. Trump, Blair, Ferns, M. Hall and Walters - **Prohibiting straight party voting in general election** - Passed 3/11/2015
- \*255. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Eliminating certain boards, councils, committees, panels, task forces and commissions** (original same as H. B. No. 2177) - Passed 2/20/2015 - To Governor 2/27/15 - Approved by Governor 3/3/15
262. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Transferring CHIP and Children's Health Insurance Agency from Department of Administration to DHHR** (original same as H. B. No. 2210) - Passed 2/18/2015 - To Governor 2/25/15 - Approved by Governor 2/25/15
267. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Repealing code relating to Governor's Office of Health Enhancement and Lifestyle Planning** (original same as H. B. No. 2209) - Passed 3/13/2015
- \*277. By Sen. Miller, D. Hall, Laird, Williams and Kirkendoll - **Requiring issuance of certificate of birth resulting in stillbirth** - Passed 3/9/2015
- \*280. By Sen. Cole (Mr. President), Boley, Ferns, Mullins, Nohe, Sypolt, Prezioso, Facemire, D. Hall, Williams, Kessler, Palumbo and Beach - **Allowing well work permit transfers** - Passed 1/28/2015; Effective from passage - To Governor 2/2/15 - Approved by Governor 2/4/15
283. By Sen. Nohe, Gaunch and Plymale - **Relating to state banking institutions** (original same as H. B. No. 2379) - Passed 3/11/2015
- \*284. By Sen. Nohe, Plymale, Sypolt, Walters, Blair, Williams,

- Prezioso and D. Hall - **Relating to chief law-enforcement officer's requirement to certify transfer or making of certain firearms** - Passed 3/12/2015
- \*287. By Sen. Takubo, Boley, Carmichael, Gaunch, Stollings, Walters, Williams, Trump and Blair - **Providing posthumous high school diplomas** (original same as H. B. No. 2156 - similar to H. B. No. 2516) - Passed 3/13/2015
292. By Sen. Nohe and Gaunch - **Relating to licenses for business of currency exchange, transportation or transmission** (original same as H. B. No. 2241) - Passed 3/10/2015
294. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Eliminating certain unnecessary, inactive or redundant councils, committees and boards** (original same as H. B. No. 2469) - Passed 3/3/2015 - To Governor 3/10/15 - Approved by Governor 3/11/15
298. By Sen. Gaunch and Trump - **Clarifying funds within Public Employees Retirement Fund** (original same as H. B. No. 2504) - Passed 2/20/2015 - To Governor 2/27/15 - Approved by Governor 3/3/15
299. By Sen. Gaunch and Trump - **Clarifying start date of State Police duty-related and nonduty related disability payments** (original same as H. B. No. 2506) - Passed 2/23/2015 - To Governor 2/27/15 - Approved by Governor 3/3/15
302. By Sen. Gaunch and Trump - **Relating to state retirement plans** (original same as H. B. No. 2560) - Passed 2/20/2015 - To Governor 2/27/15 - Approved by Governor 3/3/15
322. By Sen. Nohe, Boley, Palumbo, Leonhardt and Trump - **Eliminating mandatory electronic recount of ballots in recounts** - Passed 3/10/2015
332. By Sen. M. Hall - **Relating to administrative fees for Tax Division, Department of Revenue** (original same as H. B. No. 2538) - Passed 3/10/2015
- \*335. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating Access to Opioid Antagonists Act** (original same as H. B. No. 2543) - Passed 2/12/2015 - To Governor 2/19/15 - Vetoed by Governor 2/24/15 - Senate reconsidered action 2/26/15 - Senate amended and repassed 1 2/26/15 - House concurred in Senate amendment 2/26/15 - Repassed House to meet the objections of the Governor 2/26/15 - To Governor 3/3/15 3/3/15 - Approved by Governor 3/9/15 3/9/15
- \*336. By Sen. Ferns and Takubo - **Eliminating Health Care**

- Authority's power to apply certain penalties to future rate applications** - Passed 3/11/2015; Effective from passage
- \*342. By Sen. Gaunch, Trump and Plymale - **Clarifying scope, application and requirements for error corrections by CPRB** (original same as H. B. No. 2521) - Passed 3/12/2015
  - \*344. By Sen. Trump, Carmichael and Blair - **Relating to duty to mitigate damages in employment claims** - Passed 3/10/2015
  - \*347. By Sen. Sypolt, Beach, Blair, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Williams and Ferns - **Creating Firearms Act of 2015** - Passed 3/13/2015
  - \*351. By Sen. Ferns - **Relating to charitable organization contribution levels requiring independent audit reports** (original same as H. B. No. 2716) - Passed 3/6/2015 - To Governor 3/10/15 - Approved by Governor 3/11/15
  - \*352. By Sen. Walters - **Expanding scope of cooperative associations to goods and services including recycling** (original similar to H. B. No. 2603) - Passed 3/13/2015
  - \*357. By Sen. Mullins, Blair, Boley, Boso, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Carmichael, Kirkendoll, Leonhardt, Maynard, Nohe, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Walters and Williams - **Creating Coal Jobs and Safety Act of 2015** (original similar to H. B. No. 2566) - Passed 3/3/2015 - To Governor 3/6/15 - Approved by Governor 3/12/15
  - 360. By Sen. Miller, Beach, Carmichael, D. Hall, Mullins, Nohe, Sypolt, Williams, Woelfel, Laird, Plymale and Facemire - **Repealing code sections relating to book indexes and claims reports required by court clerks** - Passed 3/12/2015; Effective from passage
  - \*361. By Sen. Blair - **Eliminating prevailing hourly wage requirement for construction of public improvements** (original similar to H. B. No. 2206 and S. B. No. 245) - Passed 3/4/2015; Effect April, 13, 2015 - To Governor 3/6/15 - Approved by Governor 3/12/15
  - \*366. By Sen. Ferns, Stollings, Walters and D. Hall - **Creating Patient Protection and Transparency Act** - Passed 3/11/2015
  - 370. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reorganizing Governor's Committee on Crime, Delinquency and Correction and its subcommittees** (original same as H. B. No. 2565) - Passed 3/13/2015
  - \*373. By Sen. Nohe, Gaunch, D. Hall, Karnes and Blair - **Allowing wireless communication image serve as proof of motor**

- vehicle insurance** - Passed 3/13/2015
- \*374. By Sen. Trump and D. Hall - **Permitting in absentia parole hearings in certain instances** (original same as H. B. No. 2703) - Passed 3/6/2015; Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15
- \*375. By Sen. Trump - **Specifying who receives parole hearing notices via regular or certified mail** (original same as H. B. No. 2721) - Passed 3/6/2015; Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15
- \*378. By Sen. Snyder, Blair, Miller, Kessler, Kirkendoll and Gaunch - **Relicensing electricians without retesting under certain circumstances** - Passed 2/20/2015; Effective from passage - To Governor 2/27/15 - Approved by Governor 3/3/15
382. By Sen. M. Hall and Walters - **Declaring claims against state** - Passed 2/28/2015; Effective from passage - To Governor 3/5/15 - Approved by Governor 3/5/15
- \*390. By Sen. Trump - **Authorizing PSC approve expedited cost recovery of natural gas utility infrastructure projects** (original same as H. B. No. 2743) - Passed 3/13/2015
398. By Sen. Ferns, D. Hall and Stollings - **Extending expiration date for health care provider tax on eligible acute care hospitals** (original same as H. B. No. 2614) - Passed 2/27/2015; Effective July 1, 2015 - To Governor 3/3/15 - Approved by Governor 3/5/15
403. By Sen. Walters and Nohe - **Increasing period during which recorded and refiled motor vehicle liens are valid** (original same as H. B. No. 2621 and H. B. No. 2673) - Passed 3/12/2015
- \*407. By Sen. Plymale - **Implementing state safety oversight program** - Passed 3/13/2015
- \*409. By Sen. Carmichael, Blair, Boso, Gaunch, M. Hall, Walters and Williams - **Establishing Fair and Open Competition in Governmental Construction Act** - Passed 3/12/2015
- \*411. By Sen. Takubo, Carmichael, Ferns, Gaunch and Mullins - **Creating Asbestos Bankruptcy Trust Claims Transparency Act and Asbestos and Silica Claims Priorities Act** - Passed 3/11/2015
412. By Sen. Blair - **Relating to Real Estate Commission complaint filings** (original same as H. B. No. 2732) - Passed 3/12/2015
415. By Sen. Trump (Originating in Senate Judiciary) - **Relating to circuit judges** - Passed 3/13/2015

418. By Sen. Nohe and Gaunch - **Relating to trustee real estate sale under deed of trust** (original same as H. B. No. 2655) - Passed 3/13/2015
- \*421. By Sen. Trump, Carmichael, Blair and Gaunch - **Relating to punitive damages in civil actions** - Passed 3/10/2015
- \*430. By Sen. Trump - **Permitting mutual orders enjoining certain contact between parties to domestic relations actions** - Passed 3/13/2015; Effective from passage
445. By Sen. M. Hall, Stollings, Boley, Boso, Snyder, Facemire and Plymale - **Relating to investment of RJCFA funds** - Passed 3/10/2015
454. By Sen. Prezioso, Beach, D. Hall, Kessler, Leonhardt, Plymale, Walters, Woelfel, Facemire and Stollings - **Criminalizing trademark counterfeiting** (original same as H. B. No. 2779 and S. B. No. 406) - Passed 3/10/2015
463. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation to DHHR, DHS, Health Care Provider Tax, Medicaid State Share Fund** (original same as H. B. No. 2771) - Passed 3/3/2015; Effective from passage - To Governor 3/10/15 - Approved by Governor 3/11/15
466. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to Department of Commerce** (original same as H. B. No. 2691, H. B. No. 2768 and S. B. No. 440) - Passed 3/3/2015; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
467. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to Department of Agriculture, State Conservation Committee** (original same as H. B. No. 2767) - Passed 3/3/2015; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
469. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to DEP, Division of Environmental Protection** (original same as H. B. No. 2765) - Passed 3/3/2015; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
471. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to DHHR, Human Rights Commission, and DHHR, DHS** (original same as H. B. No. 2763) - Passed

- 3/3/2015; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
472. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation to DOT, DMV, Motor Vehicle Fees Fund** (original same as H. B. No. 2762) - Passed 3/6/2015; Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15
473. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation of federal funds to DMAPS, WV State Police** (original same as H. B. No. 2761) - Passed 3/2/2015; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
475. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation to DMAPS, Division of Corrections, Parolee Supervision Fees, and WV State Police, Motor Vehicle Inspection Fund** (original same as H. B. No. 2759) - Passed 3/6/2015; Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15
476. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Making supplementary appropriation to Department of Administration, Division of Purchasing, Purchasing Improvement Fund** (original same as H. B. No. 2758) - Passed 3/2/2015; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
477. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplementing, amending, decreasing and increasing appropriation from State Road Fund to DOH** (original same as H. B. No. 2757 and S. B. No. 441) - Passed 3/4/2015; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
479. By Sen. Trump, Carmichael, Maynard, Miller, Woelfel, Snyder, Ferns, Palumbo, Nohe, Beach, Gaunch, Karnes, D. Hall, Kirkendoll, Romano, Williams and Leonhardt (Originating in Senate Judiciary) - **Adding additional family court judges** (original similar to H. B. No. 2108 and S. B. No. 70) - Passed 3/13/2015
481. By Sen. Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel - **Relating to municipal policemen's and firemen's pension and relief funds' investment** - Passed 3/13/2015
483. By Sen. Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel - **Clarifying continuing election of municipal**

- policemen's and firemen's pension and relief funds' trustees** - Passed 3/13/2015
- \*486. By Sen. Leonhardt, Boso, D. Hall, Karnes, Maynard, Mullins, Nohe, Romano and Walters - **Authorizing special license plates for Civil Air Patrol vehicles** (original same as H. B. No. 2753) - Passed 3/13/2015
- \*488. By Sen. Williams, Prezioso and Stollings - **Reestablishing and modifying Broadband Deployment Council** - Passed 3/13/2015
489. By Sen. Carmichael - **Imposing statute of limitations on civil actions derived from surveying of real property** - Passed 3/10/2015
502. By Sen. Sypolt, Ferns, Gaunch, Kirkendoll, Leonhardt, Plymale, Prezioso and Stollings - **Relating to eligibility for certain reclamation or remediation tax credit** (original same as H. B. No. 2816) - Passed 3/12/2015
507. By Sen. Trump and Plymale - **Relating to monitoring inmates' electronic communications** (original same as H. B. No. 2964) - Passed 3/6/2015; Effective from passage - To Governor 3/10/15 - Approved by Governor 3/13/15
508. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reorganizing Hatfield-McCoy Regional Recreation Authority** (original same as H. B. No. 2835) - Passed 3/2/2015 - To Governor 3/10/15 - Approved by Governor 3/13/15
514. By Sen. Gaunch and Plymale - **Relating to investments of local policemen's and firemen's pension and relief funds** - Passed 3/13/2015
515. By Sen. Gaunch and Plymale - **Allowing Municipal Pensions Oversight Board invest funds with Investment Management Board or Board of Treasury Investments** - Passed 3/13/2015
532. By Sen. Trump, Woelfel, Plymale, Stollings, Takubo, Prezioso, Carmichael, Ferns and Beach - **Relating to civil liability immunity for clinical practice plans and medical and dental school personnel** - Passed 3/12/2015
545. By Sen. Nohe, Walters, Palumbo and Gaunch - **Removing certain prior bank overdraft approval by director or executive officer** - Passed 3/10/2015
559. By Sen. M. Hall and Ferns - **Relating to social work provisional licensing** (original same as H. B. No. 2948) - Passed 3/9/2015
576. By Sen. Blair, Walters, Williams, Leonhardt, Facemire,



- Maynard, Yost, Snyder, Ferns, Miller, Gaunch, Mullins, Palumbo and Boso (Originating in Senate Government Organization) - **Relating to internet protocol-enabled service and voice over internet protocol-enabled service** - Passed 3/10/2015
578. By Sen. Trump, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Nohe and Williams - **Relating to occupational disease claims** - Passed 3/10/2015
581. By Sen. M. Hall, Walters, Blair, Boley, Boso, Facemire, Kessler, Laird, Mullins, Plymale, Stollings, Sypolt, Takubo, Unger and Yost (Originating in Senate Finance) - **Relating to Tourism Promotion Fund and Courtesy Patrol Fund** - Passed 3/13/2015; Effective July 1, 2015
583. By Sen. M. Hall, Walters, Blair, Boso, Facemire, Laird, Mullins, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance) - **Increasing tax rate on providers of certain nursing facility services** - Passed 3/13/2015; Effective July 1, 2015

**SENATE CONCURRENT RESOLUTIONS  
ADOPTED BY LEGISLATURE**

1. By Sen. Cole, M. Hall and Kessler - **Authorizing payment of supplies, services, printing and other expenses** - Adopted 1/15/15
3. By Sen. Palumbo, Blair and Stollings - **Requesting DOH name portion of Rt. 25 in Kanawha County "U. S. Army Sgt. James Lawrence Taylor Memorial Road"** - Adopted 3/12/15
12. By Sen. Cole (Mr. President), Carmichael and Kessler - **Adopting Joint Rules of Senate and House of Delegates** - Adopted 1/27/15
- \*14. By Sen. Beach, Kessler, Leonhardt, Prezioso, Unger, Stollings, Miller and Yost - **Requesting DOH erect signs in Marion County designated "Home of Francis H. Pierpont, Father of West Virginia and Governor of Restored Virginia"** - Adopted 3/4/15
- \*18. By Sen. Kessler, Leonhardt, Yost, Plymale and Beach - **Requesting DOH name bridge in Wetzel County "U. S. Army COL William L. Glover Memorial Bridge"** - Adopted 3/10/15
- \*19. By Sen. Maynard, Plymale, Kirkendoll and Stollings - **Requesting DOH name stretch of road in Wayne County**

- "Darrell W. Sanders Memorial Highway"** - Adopted 3/10/15
- \*20. By Sen. Maynard, Plymale, D. Hall and Stollings - **Requesting DOH name stretch of road in McDowell County "U. S. Army 1SG Joe C. Alderman Memorial Road"** - Adopted 3/12/15
22. By Sen. Stollings and Plymale - **Requesting DOH name portion of U. S. Rt. 119 in Boone County "U. S. Army SGT Mark Andrew Messer Memorial Road"** - Adopted 3/12/15
23. By Sen. Maynard, Plymale and Stollings - **Requesting DOH name bridge in McDowell County "U. S. Army SFC Anthony Barton Memorial Bridge"** - Adopted 3/12/15
25. By Sen. Prezioso, D. Hall, Plymale, Williams and Stollings - **Requesting DOH name bridge in Harrison County "U. S. Army PFC Nick A. Cavallaro Memorial Bridge" and "U. S. Army SSG Benjamin T. Portaro Memorial Bridge"** - Adopted 3/12/15
29. By Sen. Palumbo, Boley, Gaunch, Takubo, Walters, Stollings, Prezioso and D. Hall - **Requesting DOH name bridge in Kanawha County "Rosie the Riveter Memorial Bridge"** - Adopted 3/12/15
31. By Sen. Cole (Mr. President) - **Authorizing meeting of Joint Select Committee on Tax Reform** - Adopted 3/10/15
- \*34. By Sen. Woelfel, Miller, Laird, Unger and Stollings - **Requesting DOH name bridge in Greenbrier County "U. S. Army Air Corps LT William H. Corkrean, Jr., Memorial Bridge"** - Adopted 3/12/15
- \*35. By Sen. Stollings and Unger - **Requesting DOH name bridge in McDowell County "U. S. Army CPL Zane Joseph Gero and U. S. Marine Corps CPL John Anthony 'Tony' Gero Memorial Bridge"** - Adopted 3/12/15
41. By Sen. Blair, Trump and Stollings - **Requesting DOH name bridge in Berkeley County "W. C. Honaker and Clyde Spies Memorial Bridge"** - Adopted 3/12/15
42. By Sen. Laird, Miller, Carmichael and Stollings - **Requesting DOH name bridge in Fayette County "Tygrett Brothers Seven Veterans Bridge"** - Adopted 3/12/15
43. By Sen. Boso and Stollings - **Requesting DOH name bridge in Nicholas County "U. S. Army SPC Richard Nesselrotte Bridge"** - Adopted 3/12/15
44. By Sen. Boso and Stollings - **Requesting DOH name bridge in Randolph County "U. S. Navy PO2 Robert Paul Laderach Memorial Bridge"** - Adopted 3/12/15

45. By Sen. Carmichael and Stollings - **Requesting DOH name bridge in Jackson County "James P. Spano, Jr., Memorial Bridge"** - Adopted 3/12/15
47. By Sen. Cole (Mr. President) and Kessler - **Amending Joint Rules of Senate and House relating to printing enrolled bills** - Adopted 3/10/15
50. By Sen. M. Hall, Walters, Blair, Boley, Boso, Facemire, Kessler, Laird, Mullins, Plymale, Stollings, Sypolt, Takubo, Unger and Yost (Originating in Senate Finance) - **Providing for issuance of refunding bonds pursuant to Safe Roads Amendment of 1966** - Adopted 3/7/15

### HOUSE BILLS PASSED LEGISLATURE

- \*2001. By Del. Gearheart, Nelson, J., Arvon, Ellington, Folk, White, B., Frich, Hill, Householder, Moffatt and Shott - **Repealing portions of the Alternative and Renewable Energy Portfolio Act** (original same as S. B. No. 1) - Passed 1/27/2015; Effective from passage - To Governor 1/29/15 - Approved by Governor 2/3/15
- \*2002. By Del. Wagner, Overington, Evans, A., Anderson, Waxman, Shott, Kelly, Nelson, E., Folk, Espinosa and Mr. Speaker (Mr. Armstead) - **Predicating actions for damages upon principles of comparative fault** (original same as S. B. No. 2 - similar to S. B. No. 103) - Passed 2/24/2015 - To Governor 3/2/15 - Approved by Governor 3/5/15
- \*2004. By Del. Nelson, J., Howell, Statler, Walters, Foster, Zatezalo, White, B., Moffatt, Stansbury, Gearheart and Butler - **Providing a procedure for the development of a state plan under section 111(d) of the Clean Air Act** (original same as S. B. No. 4) - Passed 2/19/2015; Effective from passage - To Governor 2/25/15 - Approved by Governor 3/3/15
- \*2008. By Del. Summers, Evans, D., Hamrick, Ashley, Ireland, Stansbury, Gearheart, Nelson, E., Howell, Blair and Kurcaba - **Auditing the Division of Highways** (original same as S. B. No. 8) - Passed 2/20/2015; Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15
- \*2010. By Del. Kessinger, McCuskey, Border, Shott, Rowan, Frich, Westfall, Lane, Anderson, Sobonya and Faircloth - **Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division** (original same as S. B. No. 10) - Passed 2/23/2015 - To Governor

- 3/2/15 - Vetoed by Governor 3/6/15 - House amd. & repassed to meet the obj. of the Governor 3/9/15 - Title amended 3/9/15 - Senate reconsidered action 3/10/15 - Senate concurred in House amendment and repassed bill 3/10/15
- \*2025. By Del. Howell, Shott, Hamrick, Romine, Sobonya, Espinosa, Miller, Weld, Statler, Kurcaba and Canterbury - **Prohibiting certain sex offenders from loitering within one thousand feet of a school or child care facility** - Passed 2/25/2015 - To Governor 3/2/15 - Approved by Governor 3/3/15
- \*2053. By Del. Shott - **Relating to the form of trust deeds** - Passed 3/10/2015
- \*2099. By Del. Howell, Householder, Nelson, J., Statler, Walters, Arvon, Border, Folk, Hamilton, Evans, A. and McGeehan - **Extending the time of meetings of local levying bodies when meetings are delayed** - Passed 2/28/2015 - To Governor 3/9/15 - Approved by Governor 3/11/15
2100. By Del. Williams, Campbell, Ellington, Hamilton, Rowan and Fleischauer - **Caregiver Advise, Record and Enable Act** (original same as S. B. No. 244) - Passed 3/10/2015
2114. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act** (original same as S. B. No. 240) - Passed 2/17/2015; Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15
2115. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of the term "federal taxable income" and certain other terms used in the West Virginia Corporation Net Income Tax Act** (original same as S. B. No. 241) - Passed 2/17/2015; Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15
- \*2128. By Del. Howell, Hamrick, Householder, Statler, Moffatt, Walters, Arvon, Blair, Kessinger, Border and Frich - **Permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds** (original similar to S. B. No. 118) - Passed 3/12/2015
2138. By Del. Folk, Gearheart, Householder, Howell, Nelson, J., Ireland, Faircloth, Williams, Lynch, Shott and McGeehan - **Adding aircraft operations on private airstrips and farms to the definition of recreational purpose** - Passed 2/11/2015 - To Governor 2/17/15 - Approved by Governor 2/18/15

- \*2139. By Del. Perry, Pasdon, Phillips, L., Hamrick, Rowan, Ambler, Cooper, Espinosa, Pethtel, Romine and Longstreth - **Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes** - Passed 3/12/2015; Effective from passage
2140. By Del. Perry, Pasdon, Hamrick, Rowan, Ambler, Cooper, Romine, Moye, Hartman and Williams - **Building governance and leadership capacity of county board during period of state intervention** - Passed 3/13/2015
- \*2148. By Del. Gearheart, Hamrick, Smith, R., Nelson, E., Howell, Arvon, Butler, Azinger, Espinosa, Frich and Kessinger - **Conforming the motor vehicle law of this state to the requirements of section 1405(a) of the federal Transportation Equity Act for the Twenty-first Century** - Passed 3/12/2015
- \*2157. By Del. Lane - **Relating to absentee ballot fraud** - Passed 3/3/2015 - To Governor 3/9/15 - Approved by Governor 3/11/15
- \*2187. By Del. Overington, Hanshaw, Gearheart, Frich, Sobonya, Householder, Moffatt, Kelly, Rowan, Butler and Cadle - **Encouraging public officials to display the national motto on all public property and public buildings** - Passed 3/12/2015
2200. By Del. Shott, Lane, McCuskey, Manchin and Fleischauer - **Revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare** (original same as S. B. No. 253) - Passed 2/16/2015; Effective from passage - To Governor 2/19/15 - Approved by Governor 2/19/15
2201. By Del. Ireland, Folk, Manchin, Lynch, Rowe, Fleischauer, Skinner, Fast, Fluharty, Byrd and Summers (Originating in House Judiciary) - **Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards** (original similar to S. B. No. 1) - Passed 2/16/2015; Effective from passage - To Governor 2/18/15 - Vetoed by Governor 2/24/15 - House amd. & repassed to meet the obj. of the Governor 2/26/15 - Senate concurred in House amendment and repassed bill 2/28/15; Effective from passage - To Governor 3/9/15
2212. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund**

- (original same as S. B. No. 264) - Passed 2/25/2015; Effective from passage - To Governor 3/2/15 - Approved by Governor 3/3/15
2213. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Reducing the distributions to the West Virginia Infrastructure Fund** (original same as S. B. No. 265) - Passed 3/11/2015; Effective from passage
- \*2217. By Del. Overington, Walters, Cowles, Upson, Blair, Espinosa, Deem, Phillips, R., Shott, Smith, R. and Sobonya - **Relating to qualifications of the Commissioner of Labor** (original similar to S. B. No. 279) - Passed 2/10/2015 - To Governor 2/13/15 - Approved by Governor 2/18/15
- \*2227. By Del. Phillips, L., Eldridge, Gearheart, Moffatt, Nelson, J., White, H., Guthrie, Rowe, Marcum, Perdue and Hornbuckle - **Relating to the National Coal Heritage Area Authority** (original same as S. B. No. 282) - Passed 2/11/2015 - To Governor 2/17/15 - Approved by Governor 2/18/15
- \*2234. By Del. Ashley, Shott, Lane, Nelson, E., Upson, Hanshaw, Mr. Speaker (Mr. Armstead), McCuskey, Manchin, Campbell and Rowe - **Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage** - Passed 2/25/2015 - To Governor 3/2/15 - Approved by Governor 3/3/15
2272. By Del. Ellington, Householder, Arvon, Howell, Kurcaba, Stansbury, Sobonya and Summers - **Relating to the authority of the Board of Pharmacy** - Passed 3/9/2015
2274. By Del. Hanshaw, Hamilton, Evans, A. and Azinger - **Authorizing the Commissioner of Corrections to enter into mutual aid agreements** (original same as S. B. No. 309) - Passed 2/20/2015 - To Governor 2/25/15 - Approved by Governor 2/25/15
- \*2283. By Del. Sobonya - **Authorizing the Department of Environmental Protection to promulgate legislative rules** - Passed 3/12/2015; Effective from passage
2370. By Del. Pasdon, Duke, Rowan, Wagner, Upson, Ambler and Espinosa - **Increasing the powers of regional councils for governance of regional education service agencies** - Passed 3/12/2015
- \*2377. By Del. Pasdon, Statler, Duke, Wagner, Romine, Ambler, Espinosa and Campbell - **Authorizing State Board of Education to approve certain alternatives with respect to instructional time** - Passed 3/12/2015
- \*2381. By Del. Ambler, Cooper, Evans, D., Perry, Duke, Rohrbach,

- Espinosa, Upson, Rowan and Romine - **Providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at certain schools** - Passed 3/11/2015; Effective July 1, 2015
- \*2432. By Del. Ellington, Householder, Arvon, Howell and Stansbury - **Relating to the licensure requirements to practice pharmacist care** - Passed 3/9/2015
- \*2457. By Del. Sobonya, Miller, Frich, Foster, Overington, Nelson, J., Ellington, Rohrbach and Walters - **Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles** - Passed 2/27/2015 - To Governor 3/9/15
2461. By Del. Walters, McCuskey, Frich, Azinger, Westfall, Moore, Skinner, Perry, Perdue, Bates and Nelson, E. - **Relating to delinquency proceedings of insurers** (original same as S. B. No. 313) - Passed 3/12/2015
- \*2462. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to certain deposits of tax proceeds** (original same as S. B. No. 303) - Passed 3/9/2015
2492. By Del. Householder, Azinger, Espinosa, Upson, Ellington, Gearheart, Campbell, Ihle, Blair, Hamrick and Waxman - **Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission** - Passed 3/13/2015
- \*2493. By Del. McCuskey, Westfall, Ashley, Bates, Ellington, Frich, Householder, Perdue, Sobonya, Walters and Rohrbach - **Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications** - Passed 3/12/2015
- \*2496. By Del. Ellington, Howell, Householder, Sobonya, Fleischauer and Frich - **Adopting the Interstate Medical Licensure Compact** (original same as S. B. No. 330) - Passed 3/12/2015
- \*2502. By Del. Espinosa, Upson, Gearheart, Cooper, Ambler, O'Neal, Miller, Sobonya, Shott, Arvon and Blair - **Possessing deadly weapons on school buses or on the premises of educational facilities** - Passed 3/11/2015
- \*2505. By Del. Canterbury, Pethel, Folk, Walters, Hamilton, Marcum, Kurcaba and Hicks - **Relating to retirement system participation and concurrent employment provisions** (original similar to S. B. No. 305) - Passed 3/9/2015

- \*2507. By Del. Canterbury, Pethtel, Folk, Kurcaba, Walters, Hamilton, Marcum and Hicks - **Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System** (original same as S. B. No. 301) - Passed 3/9/2015
2523. By Del. Ashley, Westfall, Phillips, R., McCuskey and Nelson, E. - **Creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019** (original similar to S. B. No. 381 ) - Passed 2/27/2015 - To Governor 3/9/15 - Approved by Governor 3/11/15
- \*2527. By Del. Pasdon, Marcum, Kessinger, Phillips, R., Upson and Phillips, L. - **Creating a Task Force on Prevention of Sexual Abuse of Children; "Erin Merryn's Law"** (original similar to S. B. No. 387) - Passed 3/13/2015
2535. By Del. Longstreth, Ferro, Caputo, Rowan, O'Neal, Ashley, Hamrick, Phillips, L., Fleischauer, Skinner and Smith, P. - **Relating generally to suicide prevention training, "Jamie's Law"** (original similar to S. B. No. 359) - Passed 3/10/2015
- \*2536. By Del. Westfall, Walters, White, B., Ashley, Frich and Kurcaba - **Relating to travel insurance limited lines producers** (original similar to S. B. No. 365) - Passed 3/12/2015
- \*2550. By Del. Cowles, Miller, Householder, Moffatt, McGeehan, Sponaugle, White, H., Campbell, Skinner, Rowe and Perry - **Increasing the number of unexcused absences of a student before action may be taken against the parent** (original similar to S. B. No. 256) - Passed 3/12/2015
- \*2557. By Del. Walters, Westfall, Pasdon, Moffatt, Morgan, Perry, Hartman, McCuskey, Frich, Storch and White, H. - **Clarifying that an insured driver of a motor vehicle is covered by the driver's auto insurance policy when renting or leasing a vehicle** (original similar to S. B. No. 394) - Passed 3/12/2015
- \*2562. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to sales tax increment financing** - Passed 3/10/2015; Effective from passage
- \*2568. By Del. Sobonya, Arvon, Kessinger, Rowan, Summers, Border, Blair, Espinosa, Waxman, Moye and Eldridge - **The Pain-Capable Unborn Child Protection Act** - Passed 2/25/2015; Effective from passage - To Governor 3/2/15 - Vetoed by Governor 3/2/15 - House passed over veto 3/4/15 - Passed Senate notwithstanding objections of the Governor 3/6/15; Effective from passage



2576. By Del. Howell, Hartman, Kessinger, Cadle, Arvon, Moffatt, McGeehan, Zatezalo, Faircloth, Smith, R. and Ferro - **Creating new code sections which separate the executive departments** - Passed 3/11/2015
- \*2586. By Del. Shott, Lane, Miller, Frich, Rowan, Fleischauer, Border, Pasdon and Waxman - **Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief** - Passed 3/11/2015
2595. By Del. McGeehan and Canterbury - **Relating to certificates of need for the development of health facilities in this state** - Passed 3/12/2015
2606. By Del. Sponaugle and Shott - **Clarifying the potential sentence for disorderly conduct** - Passed 3/11/2015
2608. By Del. Sponaugle and Shott - **Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders** - Passed 3/12/2015
2625. By Del. Ashley and Ireland - **Continuing the current hazardous waste management fee** - Passed 3/12/2015
2626. By Del. Ashley, Ireland and Frich - **Relating to use of the Abandoned Land Reclamation Fund** - Passed 3/9/2015
2632. By Del. Westfall, Pasdon, Hamrick, Ambler, Cooper, Upson, Statler, Kurcaba, Duke, Rohrbach and Espinosa - **Exempting the procurement of certain instructional materials for use in and in support of public schools from the division of purchasing requirements** - Passed 3/11/2015; Effective from passage
2645. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expanding the availability of the Underwood-Smith Teacher Loan Assistance Program** (original same as S. B. No. 408) - Passed 3/9/2015
- \*2648. By Del. Pasdon, Stansbury, Ellington, Statler, Kurcaba, Householder, Fleischauer and Rohrbach - **Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency** - Passed 3/11/2015
- \*2652. By Del. Ellington, Householder, Ashley, Boggs, Folk, Hamilton, Howell, McGeehan, Storch, Weld and Zatezalo - **Reducing the assessment paid by hospitals to the Health Care Authority** - Passed 3/12/2015; Effective from passage
2657. By Del. Evans, A., Eldridge, Hamilton, Phillips, L., Guthrie, Romine, Rowan, Canterbury, Lynch and Sponaugle - **Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West**

- Virginia Department of Agriculture Travel Policy and Procedure** - Passed 3/9/2015
2658. By Del. Evans, A., Hamilton, Romine, Phillips, L., Ambler, Eldridge, Guthrie, Rowan, Canterbury and Lynch - **Relating to the inspection and slaughter of nontraditional agriculture** - Passed 3/12/2015
- \*2662. By Del. Stansbury, Ellington, Householder, Phillips, R., Byrd, Faircloth, Sponaugle, Weld, Moore, White, B. and Pushkin - **Eye Care Consumer Protection Law** - Passed 3/12/2015
2663. By Del. Ashley and Frich - **Creating the Rehabilitation Services Vending Program Fund** - Passed 3/13/2015
2669. By Del. Ellington, Householder, Pasdon and Campbell - **Relating to compulsory tuberculosis testing** (original same as S. B. No. 424) - Passed 2/25/2015 - To Governor 3/2/15 - Approved by Governor 3/3/15
- \*2702. By Del. Pasdon, Perry, Moye, Hamrick, Campbell, Statler, Rowan and Espinosa - **Redefining service personnel class titles of early childhood classroom assistant teacher** - Passed 3/9/2015; Effective from passage
2726. By Del. Shott, Folk, Overington, Sobonya, Azinger, Deem and Waxman - **Clarifying choice of laws issues in product's liability actions** - Passed 3/3/2015; Effective July 1, 2015
2733. By Del. Ellington and Householder - **Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law** - Passed 3/12/2015
- \*2755. By Del. Boggs, Hartman, Evans, D., Perry, Ashley, Pasdon, Pethel, Duke and Williams - **Relating to service and professional employee positions at jointly established schools** - Passed 3/9/2015; Effective from passage
2760. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Bureau of Senior Services - Lottery Senior Citizens Fund** (original same as S. B. No. 474) - Passed 3/6/2015; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
2764. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the State Department of Education - School Building Authority** (original same as S. B. No. 470) - Passed 3/6/2015; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
2770. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request

- of the Executive] - **Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services** (original same as S. B. No. 464) - Passed 3/6/2015; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
2776. By Del. Stansbury, Campbell, Rodighiero, Householder, Ashley, Fleischauer, Summers, Longstreth, Kurcaba, Ellington and Eldridge (Originating in House Health and Human Resources) - **Relating to prescribing hydrocodone combination drugs for a duration of no more than three days** - Passed 3/9/2015
- \*2778. By Del. Gearheart, McCuskey, Storch, Hamrick, Espinosa, Nelson, E., Westfall, Mr. Speaker (Mr. Armstead), O'Neal, Pethtel and Ferro - **State Infrastructure Fund Program** (original similar to S. B. No. 379) - Passed 3/9/2015
2780. By Del. Pasdon, Statler, Kurcaba, Duke, Sobonya, Espinosa, Rohrbach, Fleischauer, Miller, Morgan and Frich - **Enhancing the ability of campus police officers at public colleges to perform their duties** (original similar to S. B. No. 426) - Passed 3/12/2015
- \*2790. By Del. Westfall, Waxman, Shott and Frich - **Relating to minimum responsibility limits of car insurance** - Passed 3/11/2015
2797. By Del. Campbell, Perry, Moye, Fleischauer, Bates, Guthrie, Ellington, Householder, Ashley, Smith, P. and McCuskey - **Changing the term "mentally retarded" to "intellectually disabled;" and changing the term "handicapped" to "disabled"** - Passed 3/12/2015
- \*2811. By Del. Westfall, McCuskey and Frich - **Deleting obsolete provisions regarding the Physicians' Mutual Insurance Company** - Passed 3/13/2015
2876. By Del. Nelson, E., Ashley, Boggs, Williams, Anderson, Evans, A., Walters, Canterbury, Hamilton, Phillips, L. and Pethtel - **Finding and declaring certain claims against the state and its agencies to be moral obligations of the state** - Passed 3/9/2015; Effective from passage
2879. By Del. Walters, Frich, Azinger, Shott, Nelson, E., Deem, Waxman, White, B. and Ashley (Originating in House Banking and Insurance) - **Relating to certain limitations on amount of state funds on deposit in any depository** - Passed 3/5/2015 - To Governor 3/9/15
2880. By Del. Stansbury, Rohrbach, Householder, Phillips, R., Arvon, Howell, Moffatt, Shott, Ellington, Nelson, E. and

- Campbell (Originating in House Health and Human Resources) - **Creating an addiction treatment pilot program** - Passed 3/10/2015
2884. By Del. Pasdon and Perry - **Modifying training and development requirement for certain members of certain higher education boards** - Passed 3/12/2015
2888. By Del. Evans, A., Hamilton, Folk, Lynch, Williams, Smith, R., Canterbury, Romine and Ambler (Originating in House Agriculture and Natural Resources) - **Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease** - Passed 3/11/2015
2892. By Del. Pasdon, Duke, Miller, Hornbuckle, Perry, Rohrbach, Morgan and Sobonya - **Authorizing certain legislative rules regarding higher education** - Passed 3/12/2015; Effective from passage
- \*2902. By Del. Campbell, Perry, Reynolds, Pasdon, Rodighiero, Ellington, Rowan, Rohrbach, Hamrick, Nelson, E. and Ashley - **West Virginia ABLE Act** - Passed 3/11/2015
2914. By Del. Hartman, Sponaugle, Campbell and Perry - **Providing for voluntary dissolution of resort area district** - Passed 3/11/2015
2931. By Del. Ashley and Westfall - **Adding drugs to the classification of schedule I drugs** - Passed 3/12/2015
2933. By Del. Nelson, E., Anderson, Canterbury, Espinosa, Frich, Hamilton, Westfall, Moyer and Williams (Originating in House Finance) - **Making a supplementary appropriation to the Department of Administration, Public Defender Services** - Passed 3/6/2015; Effective from passage - To Governor 3/9/15 - Approved by Governor 3/11/15
- \*2968. By Mr. Speaker (Mr. Armstead), Del. Ashley, Bates, Perry, Kessinger, Hicks, Cooper, Shott, McCuskey and Arvon - **Exempting from property tax certain properties in this state owned by nonprofit youth organizations** - Passed 3/12/2015
2976. By Del. Pasdon, Perry, Rohrbach, Campbell and Ellington - **Expanding the eligible master's and doctoral level programs for which a Nursing Scholarship may be awarded** - Passed 3/12/2015; Effective from passage
- \*2999. By Del. Miller, Hicks, Hornbuckle, Reynolds, Rohrbach, Rodighiero, Perdue, Campbell, Sobonya, Pushkin and Frich - **Relating to neonatal abstinence centers** - Passed 3/9/2015

**HOUSE CONCURRENT RESOLUTIONS  
ADOPTED BY LEGISLATURE**

1. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Adopted 1/14/15
- \*4. By Del. Phillips, R., Eldridge, Marcum and Moffatt - **The US Army PFC Clarence Allen Mooney Memorial Bridge** - Adopted 3/11/15
- \*6. By Del. Smith, R. and Williams - **The Army Air Force SGT Everett Wayne "Bud" Sell Memorial Bridge** - Adopted 3/4/15
- \*9. By Del. Phillips, L., Arvon, Phillips, R., Rodighiero, White, H. and White, B. - **The U. S. Air Force Lt. Col. John Richard "Toots" Wilcox Memorial Bridge** - Adopted 3/11/15
- \*19. By Del. Phillips, R., Marcum, Eldridge and Moffatt - **The U. S. Army SGT Bobby Ray Adkins Memorial Highway** - Adopted 3/11/15
- \*20. By Del. Phillips, L., Arvon, Phillips, R., Rodighiero, White, H. and White, B. - **The Virginia & U. S. Army Major Woodrow Cook Memorial Road** - Adopted 3/4/15
- \*28. By Del. Hamilton - **The USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial Bridge.** - Adopted 3/11/15
31. By Del. Rowan, Smith, R., Phillips, L., Phillips, R., White, H., Moyer, Ambler, Cooper, Ireland, Hill and Marcum - **Declaring the Northern Red Salamander to be the official state amphibian.** - Adopted 3/12/15
- \*35. By Del. Ihle, Westfall, Cadle, Hanshaw, Ashley, Sponaugle, Smith, P., Hartman, Evans, A., Campbell and Boggs - **The Historic Blue-Gray Highway.** - Adopted 3/11/15
74. By Del. McCuskey and Shott - **Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2002** - Adopted 2/19/15
82. By Del. Weld - **Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2025** - Adopted 2/20/15
91. By Del. Nelson, J., Eldridge, Hicks, Longstreth, Bates, Boggs, Butler, Campbell, Caputo, Ferro, Fluharty, Folk, Gearheart, Hill, Hornbuckle, Ireland, Manchin, Marcum, McGeehan, Miley, Moore, Morgan, Moyer, Perdue, Perry, Pethel, Phillips,

L., Rodighiero, Rohrbach, Skinner, Smith, R., Sobonya, Sponaugle, Stansbury, Statler, Summers, Trecost, Wagner, Westfall, White, H. and Williams - **Designating days for the display of the Honor and Remember Flag** - Adopted 3/11/15

### SENATE BILLS VETOED BY GOVERNOR

- \*6. By Sen. Ferns, Boley, Carmichael, Gaunch, Leonhardt, Mullins, Nohe, Trump, Blair, Plymale, Stollings, Cole (Mr. President) and Takubo - **Relating to medical professional liability** (original same as H. B. No. 2006) - Passed 2/23/2015; Effective from passage - To Governor 2/27/15 - Vetoed by Governor 3/5/15 - Senate reconsidered action 3/6/15 - Senate amended, repassed to meet objections of Governor 3/6/15 - House concurred in Senate amendment 3/9/15 - Repassed House to meet the objections of the Governor 3/9/15 - Title amended 3/9/15 - Senate concurred in House amendment and repassed bill 3/10/15; Effective from passage
- \*335. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating Access to Opioid Antagonists Act** (original same as H. B. No. 2543) - Passed 2/12/2015 - To Governor 2/19/15 - Vetoed by Governor 2/24/15 - Senate reconsidered action 2/26/15 - Senate amended and repassed 1 2/26/15 - House concurred in Senate amendment 2/26/15 - Repassed House to meet the objections of the Governor 2/26/15 - To Governor 3/3/15 3/3/15 - Approved by Governor 3/9/15 3/9/15
- 389. By Sen. Blair, Yost, Maynard, Facemire, Leonhardt, Williams, Walters, Boso, Palumbo, Mullins, Gaunch, Miller, Ferns and Snyder (Originating in Senate Government Organization) - **Relating to Board of Registration for Professional Engineers license renewals and reinstatements** - Passed 2/19/2015; Effective from passage - To Governor 2/25/15 - Vetoed by Governor 2/27/15 - Senate reconsidered action 2/28/15 - Senate amended and repassed 1 2/28/15 - House concurred in Senate amendment 3/2/15 - Repassed House to meet the objections of the Governor 3/2/15; Effective from passage - To Governor 3/9/15 3/9/15 - Vetoed by Governor 3/11/15 - Senate reconsidered action 3/12/15 - Senate amended, repassed to meet objections of Governor 3/12/15

- \*435. By Sen. Blair, D. Hall, Boso, Carmichael, Kirkendoll, Laird, Stollings, Trump, Williams, Prezioso, Plymale, Gaunch and Walters - **Creating WV Sheriffs' Bureau of Professional Standards** - Passed 3/4/2015 - To Governor 3/9/15 - Vetoed by Governor 3/13/15 - Senate reconsidered action 3/13/15 - Senate amended, repassed to meet objections of Governor 3/13/15

#### HOUSE BILLS VETOED BY GOVERNOR

- \*2010. By Del. Kessinger, McCuskey, Border, Shott, Rowan, Frich, Westfall, Lane, Anderson, Sobonya and Faircloth - **Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division** (original same as S. B. No. 10) - Passed 2/23/2015 - To Governor 3/2/15 - Vetoed by Governor 3/6/15 - House amd. & repassed to meet the obj. of the Governor 3/9/15 - Title amended 3/9/15 - Senate reconsidered action 3/10/15 - Senate concurred in House amendment and repassed bill 3/10/15
2201. By Del. Ireland, Folk, Manchin, Lynch, Rowe, Fleischauer, Skinner, Fast, Fluharty, Byrd and Summers (Originating in House Judiciary) - **Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards** (original similar to S. B. No. 1) - Passed 2/16/2015; Effective from passage - To Governor 2/18/15 - Vetoed by Governor 2/24/15 - House amd. & repassed to meet the obj. of the Governor 2/26/15 - Senate concurred in House amendment and repassed bill 2/28/15; Effective from passage - To Governor 3/9/15
- \*2568. By Del. Sobonya, Arvon, Kessinger, Rowan, Summers, Border, Blair, Espinosa, Waxman, Moye and Eldridge - **The Pain-Capable Unborn Child Protection Act** - Passed 2/25/2015; Effective from passage - To Governor 3/2/15 - Vetoed by Governor 3/2/15 - House passed over veto 3/4/15 - Passed Senate notwithstanding objections of the Governor 3/6/15; Effective from passage

# **SENATE CALENDAR**

**Saturday, March 14, 2015**

**10:30 A.M.**

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## **UNFINISHED BUSINESS**

Com. Sub. for S. C. R. No. 36 - Requesting DOH name bridge in McDowell County "Homer Hopkins Bridge".

S. C. R. No. 60 - Requesting DOH name bridge in Logan County "U. S. Army SGT Bernard C. Maynard Memorial Bridge".

S. C. R. No. 62 - Requesting Joint Committee on Government and Finance study racing and gaming industries.

S. C. R. No. 64 - Requesting Joint Committee on Government and Finance study development of state occupational safety and health plan.

S. C. R. No. 65 - Requesting Joint Committee on Government and Finance study state road funding needs.

S. C. R. No. 66 - Requesting Joint Committee on Government and Finance study highway and bridge revenue sources.

S. C. R. No. 67 - Requesting Joint Committee on Government and Finance study statewide fiber optic broadband infrastructure network.

H. C. R. No. 7 - The Kenneth A. Chapman, Sr. Memorial Bridge.

Com. Sub. for H. C. R. No. 21 - The PFC James Elwood Wickline Memorial Bridge - (Com. amends. pending).



Com. Sub. for H. C. R. No. 24 - The US Army SP5 Johnnie Marvin Ayers Memorial Bridge.

Com. Sub. for H. C. R. No. 27 - The West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge - (Com. amend. pending).

H. C. R. No. 30 - The Baisden Family Memorial Bridge.

Com. Sub. for H. C. R. No. 32 - The Lipscomb Brothers Veterans Bridge.

Com. Sub. for H. C. R. No. 39 - The USMC LCpl Julius C. "Corky" Foster Memorial Bridge.

Com. Sub. for H. C. R. No. 42 - The Boyhood Home of Booker T. Washington.

Com. Sub. for H. C. R. No. 98 - Jack Furst Drive.

### **THIRD READING**

Eng. Com. Sub. for H. B. No. 2160 - WV Schools for the Deaf and Blind eligible for School Building Authority funding (original same as S. B. No. 252). **[PASSAGE]**

Eng. H. B. No. 2161 - Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking - (Com. title amend. pending).

Eng. Com. Sub. for H. B. No. 2233 - Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office - (Com. title amend. pending).

Eng. Com. Sub. for H. B. No. 2263 - Providing guidance for prosecuting attorneys in cases involving abused and

neglected children - (Com. amend. and title amend. pending)  
(With right to amend).

Eng. Com. Sub. for H. B. No. 2266 - Relating to the publication requirements of the administration of estates - (Com. title amend. pending).

Eng. Com. Sub. for H. B. No. 2366 - Relating generally to the solicitation of minors - (Com. title amend. pending).

Eng. Com. Sub. for H. B. No. 2395 - Storm Scammer Consumer Protection Act.

Eng. H. B. No. 2479 - Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs.

Eng. Com. Sub. for H. B. No. 2515 - Relating to elk restoration - (Com. amend. and title amend. pending) (With right to amend).

Eng. Com. Sub. for H. B. No. 2571 - Creating a fund for pothole repair contributed to by private businesses or entities.

Eng. Com. Sub. for H. B. No. 2585 - Requiring leaseholders of mineral interests to notify the owners of the minerals when there is an assignment of the lease to another party - (Com. amend. and title amend. pending) (With right to amend).

Eng. H. B. No. 2598 - Ensuring that teachers of students with disabilities receive complete information about the school's plan for accommodating the child's disabilities.

Eng. Com. Sub. for H. B. No. 2636 - Exempting information contained in a concealed weapon permit application from the Freedom of Information Act - (Com. title amend. pending) (original same as S. B. No. 275).

- Eng. H. B. No. 2664 - Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs - (Com. title amend. pending).
- Eng. Com. Sub. for H. B. No. 2688 - Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells - (Com. title amend. pending).
- Eng. Com. Sub. for H. B. No. 2766 - Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and Human Resources - (Com. amend. and title amend. pending) (With right to amend) (original same as S. B. No. 468). **[PASSAGE]**
- Eng. Com. Sub. for H. B. No. 2769 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from various agencies (original same as S. B. No. 465). **[PASSAGE]**
- Eng. Com. Sub. for H. B. No. 2772 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Auditor’s Office - Purchasing Card Administration Fund (original same as S. B. No. 462). **[PASSAGE]**
- Eng. Com. Sub. for H. B. No. 2810 - Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety.
- Eng. Com. Sub. for H. B. No. 2840 - Providing an alternative plan to make up lost days of instruction. **[JULY 1, 2015]**
- Eng. H. B. No. 2877 - Relating to electronic filing of tax returns and electronic funds transfers in payment of taxes.

- Eng. H. B. No. 2926 - Relating to deferral charges in connection with a consumer credit sale or consumer loan - (Com. amend. and title amend. pending) (With right to amend).
- Eng. Com. Sub. for H. B. No. 2934 - Repealing the common core standards - (Com. amend. and title amend. pending) (With right to amend).
- Eng. Com. Sub. for H. B. No. 3006 - Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies.
- Eng. H. B. No. 3020 - Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Corrections. **[PASSAGE]**
- Eng. H. B. No. 3021 - Making a supplementary appropriation to the Department of Health and Human Resources - (Com. amend. pending) (With right to amend). **[PASSAGE]**
- Eng. H. B. No. 3022 - Making a supplementary appropriation to the Treasurer's Office, to the State Board of Education, to Mountwest Community and Technical College, to the West Virginia School of Osteopathic Medicine, and to West Virginia State University - (Com. amend. and title amend. pending) (With right to amend). **[PASSAGE]**

**ANNOUNCED SENATE  
COMMITTEE MEETINGS**

**Regular Session 2015**

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**Saturday, March 14, 2015**

10:15 a.m. Transportation & Infrastructure (Senate Chamber)