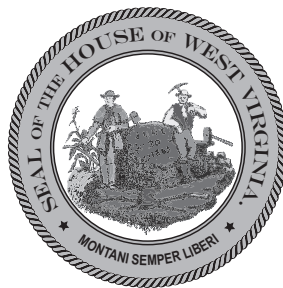


West Virginia Legislature

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February 8, 2016
TWENTY-SEVENTH DAY

Monday, February 8, 2016

TWENTY-SEVENTH DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, February 5, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H.B. 2514, Creating a Bureau of Actuarial Services within the office of the Legislative Auditor,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2514) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H.B. 2028, Relating generally to purchasing,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2028) was referred to the Committee on the Judiciary.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 4324, Authorizing information sharing by Workforce West Virginia,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4324) was referred to the Committee on the Judiciary.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4161, Relating to levies on classifications of property by the Board of Public Works,

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

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4158, Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia – Workforce Investment Act,

And reports back a committee substitute therefore, with the same title, as follows:

Com. Sub. for H. B. 4158 — “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2016, to the Department of Commerce, WorkForce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2016, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2016”,

With the recommendation that the committee substitute do pass.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4148, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act,

And reports the same back, with a title amendment, with the recommendation that it do pass.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 4362, Establishing a felony offense of strangulation,

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

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 4012, West Virginia Religious Freedom Restoration Act,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4012 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4 and §5-11C-5, all relating to establishing the West Virginia Religious Freedom Restoration Act to ensure that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and, strict scrutiny is applied; including a short title; providing definitions; and addressing applicability, construction, remedies, and severability”,

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2101, Eliminating obsolete government entities.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following Senate amendments:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“That §29-12C-1 and §29-12C-2 of the Code of West Virginia, 1931, as amended, be repealed.

§2. Repeal of article relating to the Patient Injury Compensation Plan Study Board.

§29-12C-1 and §29-12C-2 of the Code of West Virginia, 1931, as amended, are hereby repealed.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2101 — “A Bill to amend the Code of West Virginia, 1931, as amended, by repealing §29-12C-1 and §29-12C-2, relating to eliminating obsolete government entities; and repealing sections relating to the Patient Injury Compensation Plan Study Board.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 36**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2101) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

S. B. 1, Establishing WV Workplace Freedom Act.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 29 — “A Bill to amend and reenact §55-2-21 of the Code of West Virginia, 1931, as amended, relating generally to tolling statute of limitations in certain cases; limiting circumstances within which statute of limitations is tolled for institution of third-party complaints associated with pending civil actions; providing alternative periods when statute of limitations on third-party complaints is tolled; defining ‘third-party complaint’; and clarifying that this section does not limit doctrine of equitable tolling or discovery rule; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 159 — “A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications and amendments presented to and recommended by the Legislative Rule-Making Review Committee; directing various agencies to amend and promulgate certain legislative rules; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensing; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselor license renewal and continuing professional education requirements; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapists licensing; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family license renewal and continuing professional education requirements; authorizing the Board of Accountancy to promulgate legislative rule relating to board rules and rules of professional conduct; authorizing the Department of Agriculture to promulgate a legislative rule relating to the inspection of nontraditional domesticated animals; authorizing the Department of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing the Department of Agriculture to promulgate a legislative rule relating to captive cervid farming; directing the Department of Agriculture to amend and promulgate a legislative rule relating to industrial hemp; authorizing the State Conservation Committee to promulgate a legislative rule relating to the West Virginia Conservation Agency Financial Assistance Program; authorizing the Board of Dentistry to promulgate a legislative rule relating to continuing education requirements; authorizing the Board of Dentistry to promulgate a legislative rule relating to expanded duties of dental hygienists and dental assistants; authorizing the State Election Commission to promulgate a legislative rule relating to the regulation of campaign finance; authorizing the State Election Commission to promulgate a legislative rule relating to the West Virginia Supreme Court of Appeals public campaign financing program; authorizing the State Board of Registration for Professional Engineers to promulgate a legislative rule relating to the examination, licensure and practice of professional engineers; authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law enforcement training and certification standards; authorizing the Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to the board; authorizing the Board of Medicine to promulgate a legislative rule relating to the establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities; authorizing the Nursing Home Administrators Licensing Board to promulgate a legislative rule relating

to nursing home administrators; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to record keeping and automated data processing systems; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure of wholesale drug distributors, third-party logistics providers and manufacturers; authorizing the Property Valuation and Procedures Commission to promulgate a legislative rule relating to tax map sales; authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work; authorizing the Secretary of State to promulgate a legislative rule relating to registration forms and receipts; authorizing the Secretary of State to promulgate a legislative rule relating to the elimination of precinct registration books; authorizing the Secretary of State to promulgate a legislative rule relating to absentee voting by military voters who are members of reserve units called to active duty; authorizing the Secretary of State to promulgate a legislative rule relating to the Freedom of Information Act database; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the licensure of speech pathology and audiology; and authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to speech-language pathology and audiology assistants”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 265 — “A Bill to amend and reenact §10-1-22 of the Code of West Virginia, 1931, as amended, relating to confidentiality of certain library records; and clarifying that unpaid library volunteers may have necessary access to user records”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 270 — “A Bill to repeal §19-25-7 of the Code of West Virginia, 1931, as amended, relating to insurance policies and such policies impact on liability of landowners or insurers of landowners who open their property for use by others for military, law-enforcement or homeland-defense training or recreational or wildlife propagation purposes”; which was referred to the Committee on Banking and Insurance then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 330 — “A Bill to amend and reenact §33-6A-1 of the Code of West Virginia, 1931, as amended, relating to automobile liability insurers’ duty to provide a policyholder ten days’ notice of an insurer’s intent to cancel an automobile liability insurance policy if the reason for cancellation is nonpayment of a premium”; which was referred to the Committee on Banking and Insurance then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 385 — “A Bill to amend and reenact §55-7-13d of the Code of West Virginia, 1931, as amended, relating to predicating actions for damages upon principles of comparative fault; and

expanding deadline by which defendant must give notice that nonparty was wholly or partially at fault"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 387 — "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-7, relating to shared animal ownership agreements to consume raw milk; permitting a responsible party to acquire a percentage ownership interest to consume raw milk; setting forth required provisions for shared animal ownership agreements; requiring responsible party to acquire percentage ownership interest in milk-producing animal; requiring payment for percentage ownership for care and boarding of milk-producing animal; providing for receipt of a share of raw milk pursuant to an agreement; requiring written document acknowledging the inherent dangers of consuming raw milk; providing immunity to herd seller for inherent dangers of consuming raw milk; providing no waiver of immunity to herd seller for dangers caused by negligence of herd seller; prohibiting responsible party from distributing, selling or reselling raw milk received pursuant to shared ownership agreement; requiring herd seller to file shared animal ownership agreement with Commissioner of Agriculture; requiring certain additional information be provided by herd seller to Commissioner of Agriculture; requiring herd seller meet animal health requirements established by state veterinarian; requiring parties and physicians to report illnesses related to consumption of raw milk; requiring parties to shared animal ownership agreement and physicians to report illnesses directly related to consuming raw milk; requiring Commissioner of Agriculture contact other parties consuming raw milk from same herd seller upon receipt of report of illness; providing administrative penalties; permitting a person against whom a penalty is imposed to administratively contest that penalty; and providing rule-making authority"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 415 — "A Bill to amend and reenact §8-13-22a of the Code of West Virginia, 1931, as amended, relating to lengthening the maximum term of negotiable certificates of deposit that municipal funds are permitted to hold"; which was referred to Banking and Insurance then Finance.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

S. B. 32, Relating to withdrawal of candidates for office and filling vacancies.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 68 — "A Bill to repeal §16-29B-19, §16-29B-19a, §16-29B-20, §16-29B-21 and §16-29B-21a of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-29B-10 of said code, relating generally to powers and duties of the Health Care Authority; eliminating authority of the Health Care Authority to conduct rate review and set rates for hospitals; and eliminating antiquated studies to be conducted by the Health Care Authority"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 326 — “A Bill to repeal §49-4-901 and §49-4-902 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-8D-10, all relating to repealing the criminal offense of contributing to the delinquency or neglect of a child; creating the criminal offense of contributing to the delinquency of a minor; establishing elements of offense; setting penalties; allowing for additional terms and conditions to be imposed upon conviction; and authorizing restitution”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 361 — “A Bill to amend and reenact §61-2-10a of the Code of West Virginia, 1931, as amended, relating to limiting applicability of sentence suspension with a condition of public service to misdemeanor assault and battery offenses against the elderly; eliminating language affording the possibility of public service for malicious wounding, unlawful wounding and violence to an elderly person during commission of a felony; prohibiting persons convicted of misdemeanor assault or battery where the victim is elderly from performing public service involving the elderly; and removing provision relating to the section’s applicability to persons convicted of certain felonies”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Overington, Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blair, Border, Butler, Cadle, Canterbury, Cooper, Deem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Flanigan, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hill, Householder, Howell, Ihle, Kelly, Kessinger, Kurcaba, Lane, Marcum, McCuskey, McGeehan, Miller, Moffatt, Moye, E. Nelson, J. Nelson, O’Neal, Perry, Phillips, Rohrbach, Romine, Rowan, Shott, P. Smith, R. Smith, Sobonya, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on the Judiciary.

H. C. R. 36 – “Applying for an Article V Amendments Convention to Propose a Constitutional Amendment permitting a calling of a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year together with any related and appropriate fiscal restraints.”

Whereas, Article V of the Constitution of the United States provides authority for a Convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution upon application of two thirds of the Legislatures of the several states (“amendments convention”); and

Whereas, This application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, North Dakota, New Hampshire, New Mexico, Nevada, North Carolina, Ohio, Pennsylvania, South Dakota, Texas and Utah, and this application shall be aggregated with same for the purpose of attaining the two thirds of states necessary to require the calling of a convention, but shall not be aggregated with any applications on any other subject; and

Whereas, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the Legislatures of at least two thirds of the several states have made applications on the same subject and supersedes all previous applications by this Legislature on the same subject; therefore, be it

Resolved by the Legislature of West Virginia:

That as provided in Article V of the Constitution of the United States the Legislature of the State of West Virginia herewith respectfully applies for an Amendments Convention to Propose a Constitutional Amendment limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year together with any related and appropriate fiscal restraints; and, be it

Further Resolved, That the amendments convention contemplated by this application shall be entirely focused upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution providing that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year together with any related and appropriate fiscal restraints; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two thirds of the Legislatures of the several states have made application for an equivalently limited amendments convention; and, be it

Further Resolved, That the Clerk of the House of Delegates forward certified copies of this resolution to the President and Secretary of the United States Senate, to the Speaker and Secretary of the United States House of Representatives, the members of the West Virginia Congressional Delegation, and to the presiding officers of each house of the several State Legislatures, requesting their cooperation in applying for the amendments convention limited to the subject matter contemplated by this application.

Delegates Westfall, Upson, Cadle, Ireland, Flanigan, Householder, Cooper, Foster, Lane, Howell and Weld offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 37 – “Requesting the Division of Highways to name bridge number 18-2-2.72 (18A004) (38.88137, -81.86401), locally known as Millwood Bridge, carrying WV 2 over Little Mill Creek in Jackson County, as the ‘U.S. Army SGT Arthur George Roush Memorial Bridge’.”

Whereas, Sergeant Arthur George Roush was born in in Millwood, West Virginia on June 13, 1932, and was the eighth of eleven children born to Calvin Elmer Roush, Jr. and Goldie Flesher Roush; and

Whereas, Sergeant Roush was a good student in school and took part in church and school activities and, along with his brothers Donald and Pete, was active in 4-H; and

Whereas, Sergeant Roush was adept at wood working projects, making an end table for his Mother as well as several bird houses and little dancing men; and

Whereas, Sergeant Roush went to work on a river boat early in life where he made good money and later bought a new big green Oldsmobile that he was so very proud of; and

Whereas, Sergeant Roush met the girl of his dreams, Becky Jo Barnett, and was looking forward to spending the rest of his life with her; and

Whereas, Sergeant Roush was very fond of children and spent a great deal of time with his nieces and nephews but his life was cut short when he died in Korea on August 14, 1954, and he never got a chance to be a father to his own son, Rodney, who was eight months old when Sergeant Roush died; and

Whereas, While Sergeant Roush's family was devastated by him dying so far away from home, his wife Becky Jo Roush raised their son to be a wonderful man who visits her every day in Broadmore Senior Living in Hurricane; and

Whereas, It is fitting and proper, to honor the life of Sergeant Arthur George Roush for his dedicated service to his community, state and country and gave the ultimate sacrifice by naming this bridge in his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name bridge number 18-2-2.72 (18A004) (38.88137, -81.86401), locally known as Millwood Bridge, carrying WV 2 over Little Mill Creek in Jackson County, as the "U.S. Army SGT Arthur George Roush Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army SGT Arthur George Roush Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and the family of U.S. Army Sergeant Arthur George Roush.

Delegates Rodighiero, Phillips and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules.

H. C. R. 38 – "Requesting the Division of Highways to name a portion of County Route 5/11, White Creek Road, in Lincoln County, near Harts, beginning at a point, latitude 37.922, longitude -82.089, at the intersection of Smokehouse Fork Hart Creek Road, and ending at a point, latitude 37.912, longitude -82.106, at the intersection of White Oak Road, the 'Lando Adkins, Sr. Memorial Road'."

Whereas, Mr. Adkins was born in Harts in 1950 and passed away on July 2, 2012; and

Whereas, Mr. Adkins was a life-long resident of the White Oak area and was a deacon and lifetime member of the White Oak Church; and

Whereas, It is fitting and proper that Mr. Adkins have a road named after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name a portion of County Route 5/11, White Creek Road, in Lincoln County, near Harts, beginning at a point, latitude 37.922, longitude -82.089, at the intersection of Smokehouse Fork Hart Creek Road, and ending at a point, latitude 37.912, longitude -82.106, at the intersection of White Oak Road, the "Lando Adkins, Sr. Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the road as the "Lando Adkins, Sr. Memorial Road"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of Transportation, the Commissioner of Highways and the family of Lando Adkins, Sr.

Delegates Phillips, Marcum, Rodighiero, Moffatt and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 39 – “Requesting the Division of Highways to name Bridge Number 23-119/18-0.01 (23A141) (37.76693, 81.98861), locally known as Chauncey Girder, carrying County Route 119/18 over Island Creek in Logan County, the ‘US Army PFC Cornelius Vance Memorial Bridge’.”

Whereas, Cornelius Vance was born January 29, 1924, at Breeden, Wayne County, West Virginia and later lived at Chauncey, Logan County, West Virginia; and

Whereas, Cornelius Vance served his country in World War II as an Army Private First Class, a member of the 5th Army, 15th Army Group, 85th Custer Division, 337th Infantry (Wolverines), Company B; and

Whereas, PFC Cornelius Vance fought in Rome-Arno, North Apennines and Po Valley Battles in Italy; and

Whereas, PFC Cornelius Vance was awarded the Purple Heart; Three Bronze Stars; Good Conduct Medal; European, African and Middle Eastern Campaign Medals; World War II Victory Ribbon and an Honorable Service Lapel Button for his service during the war; and

Whereas, PFC Cornelius Vance was trained as an automatic rifleman and served in the Army’s 85th Division as a scout and combat infantryman, taking part in the Anzio Beach landing; and assisting the British 8th Army and the U. S. Army 10th Mountain Division with driving the German forces out of the Apennine Mountains; and

Whereas, PFC Cornelius Vance was wounded from gunshot and was transferred to a hospital in Naples, Italy; and

Whereas, Following recovery from his wound, PFC Cornelius Vance was assigned to guard prisoner of war German General Anton Dostler, and escort him to surrender and be tried by a military tribunal, at which he was later sentenced to die by firing squad. General Dostler had previously ordered the execution of 15 American soldiers who were captured while attempting to set explosives in a tunnel. To complete his duty to deliver the general for official surrender and trial, at one point in the journey, PFC Cornelius Vance had to draw his weapon and threaten a crowd of Italians to keep them from killing the general, and at another point, had to protect the general from American soldiers who attempted to remove the general from the vehicle; and

Whereas, After being discharged from the Army December 6th, 1945, PFC Cornelius Vance, along with his brothers Preston and Randolph, returned home from the war to Logan County; and

Whereas, Cornelius Vance married Bertie Lou DeHart of Pine Creek, in the Omar area of Logan County, made their home at Chauncey, and raised seven children: Gloria Jean; Carlene; Donnie; Ronnie; Randal and twins, Pamela and Carmela; and

Whereas, Cornelius Vance worked twenty-eight years as a coal miner, and following a disabling injury as a miner, became a cook and housekeeper at home to help raise his children, and enjoyed hunting, gardening, canning and being a Sunday School teacher at the Walnut Grove Free Will Baptist Church; and

Whereas, Cornelius Vance also helped remodel his church building, assisted the Beth Haven Christian School founded by his brother, the Rev. Preston Vance, and regularly volunteered to drive disabled and elderly neighbors to help them with shopping, banking, medical and other personal errands; and

Whereas, It is appropriate to honor this veteran who served well his country, his family and his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 23-119/18-0.01 (23A141) (37.76693, 81.98861), locally known as Chauncey Girder, carrying County Route 119/18 over Island Creek in Logan County, the "US Army PFC Cornelius Vance Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "US Army PFC Cornelius Vance Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is directed to forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Delegate Duke offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 40 – "Requesting the Division of Highways to name Bridge Number 02-13-0.81 (02A172) (39.46979, -77.97913), locally known as New North Tennessee Avenue Bridge, carrying County Route 13 over Tuscarora Creek in Berkeley County, be named the 'Max G. Parkinson Memorial Bridge'."

Whereas, Max G. Parkinson was born in Martinsburg, Berkeley County, West Virginia, on November 30, 1934. He was the son of the late William Henry Parkinson and Flora Belle White Strine; and

Whereas, Max G. Parkinson served the City of Martinsburg as a City Councilman for Ward 3 for nearly 25 years, and as the Treasurer for 11 years. During this time, he served on a number of committees for the City of Martinsburg, including the Budget and Finance, City Property, Code Enforcement, Personnel, Public Works, Train Station and Utility Committees; and

Whereas, Max G. Parkinson was a member of St. Joseph Catholic Church and a member of the Knights of Columbus, Elks Club and Moose Lodge; and

Whereas, Max G. Parkinson was a Realtor and Broker, and was an owner of Baker Parkinson Real Estate. He served on the Eastern Panhandle Board of Realtors; and

Whereas, Max G. Parkinson loved working outdoors to beautify his community by planting trees and shrubs and was responsible for the beautification project at the North Tennessee Avenue entrance to Briarwood; and

Whereas, Max G. Parkinson is survived by his wife of 61 years, Catherine Mickelinc Parkinson; one son, Michael Parkinson and wife, Debbie of Martinsburg; one grandchild, Marissa Parkinson; one brother Ray Strine and wife, Betty; and two sisters, Shirley Alexander and husband, Lynn, Faye Brown and husband, Bill; and

Whereas, It is fitting that an enduring memorial be established to commemorate his service to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 02-13-0.81 (02A172) (39.46979, -77.97913), locally known as New North Tennessee Avenue Bridge, carrying County Route 13 over Tuscarora Creek in Berkeley County, the "Max G. Parkinson Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge proclaiming it the "Max G. Parkinson Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates, forward a certified copy of this resolution to the Commissioner of the Division of Highways and to the family of the late Max G. Parkinson.

Delegates Miley, Hamrick, Trecost and Waxman offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 41 - Requesting the Division of Highways to name the twin bridges on Interstate 79, over County Route 24 in Harrison County, Bridge Number 17-79-121.32 NB-SB (17A316 and 17A317), latitude 39.30697, longitude -80.27468, locally known as the Meadowbrook Road Overpass, the 'U.S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge'."

Whereas, U.S. Army Air Corps Captain Kenneth R. Winters, Sr. was born on June 3, 1922, and graduated from Washington Irving High School with honors; and

Whereas, With war looming on the horizon and while on the wait list for Virginia Military Institute, Captain Winters had to make some crucial decisions, and joined the Civil Air Patrol at the Benedum Airport; and

Whereas, Upon graduation from the Civil Air Patrol Captain Winters enlisted in the U.S. Army Air Corps, becoming an instructor and test pilot; and

Whereas, After requesting overseas duty in the European theater, Captain Winters began flying B-17 bombers, and moved through the ranks to become lead bomber, and earning the rank of Captain in the United States' fight with Germany; and

Whereas, Captain Winters became a member of the famed "Lucky Bastard Club," completing twenty-five or more missions, before being shot down. He completed his duty as a reservist upon returning to the United States; and

Whereas, Upon returning to civilian life, Captain Winters worked for his father, Cecil Winters, became a successful businessman in the beverage industry and owned the Royal Crown and Dr. Pepper bottling plants in Clarksburg for forty-five years; and

Whereas, Captain Winters was very active in the community, residing on Club View Drive for over forty-six years, serving in the Shriners and as a member of Rotary, and he could remember Interstate 79 as it was being built as his home was right off Exit 121; and

Whereas, Sadly, Captain Winters passed away on September 9, 2014. After spending the last ten months of his life in a local nursing home, he was able to spend the last night of his life at home. He is survived by his wife, Kathryn, and two of his sons, James D. Winters and Craig Winters, all of Harrison County; and

Whereas, Captain Winters was a long-time pillar of the community, and it is fitting that an enduring memorial be established to commemorate his service to his community and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the twin bridges on Interstate 79, over County Route 24 in Harrison County, Bridge Number 17-79-121.32 NB-SB (17A316 and 17A317), latitude 39.30697, longitude -80.27468, locally known as the Meadowbrook Road Overpass, the “U.S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the twin bridges, both northbound and southbound, as the “U.S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the family of the late U.S. Army Corps Captain Kenneth R. Winters, Sr.

Petitions

Delegate Pethel presented a petition signed by residents of Wetzel County requesting the Governor and Legislature increase the amount of state funds allocated to PEIA; which was referred to the Committee on Finance.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegate Duke:

H. B. 4427 — “A Bill to amend and reenact §7-4-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §30-29A-12 and §30-29A-13, all relating to requiring law-enforcement agencies to provide identification to qualified law-enforcement officers in order to allow them to carry firearms for self-defense under the federal Law-Enforcement Officers Safety Act; providing, upon completion of required training and annual background check, prosecuting attorneys and assistant prosecuting attorneys are vested with statutory authority necessary for the option to carry firearms for self-defense pursuant to the applicable federal act; and requiring law-enforcement agencies to provide qualified retired law-enforcement officers the opportunity to receive annual firearms qualification as required under the federal act”; to the Committee on the Judiciary.

By Delegates Householder, Faircloth, Rodighiero, Campbell, Perry and B. White:

H. B. 4428 — “A Bill to amend and reenact §30-8-9 of the Code of West Virginia, 1931, as amended, relating to clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified as a Schedule II substance”; to the Select Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

By Delegates Howell, Rowan, A. Evans, Espinosa, Duke, Lane, Shott, Arvon, Stansbury, Blair and Cowles:

H. B. 4429 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-3, relating to requiring an institution of higher education to allow an event involving the sale of firearms and ammunition to take place on the institution’s campus if

such events were held at the location when the site was previously owned by the National Guard Armory”; to the Committee on Education then the Judiciary.

By Delegates Longstreth, Caputo, Manchin and Ferro:

H. B. 4430 — “A Bill to amend and reenact §7-18-1 of the Code of West Virginia, 1931, as amended, relating to eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days”; to the Committee on Political Subdivisions then Finance.

By Delegates Fast, Kessinger and Perry:

H. B. 4431 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1B-11, relating to relocation or closure of state higher education institutions; establishing legislative findings; requiring an economic and educational accessibility impact study and plan be provided by a state institution of higher education to the Higher Education Policy Commission prior to closure or transfer of the physical presence in an existing location; requiring the commission to review, provide feedback and suggested changes to the institution desiring to close or transfer a physical presence; requiring the commission to make a recommendation to the Legislative Oversight Commission on education accountability (LOCEA); requiring the LOCEA to consider and take action within six months of submission; authorizing amendment of the recommended plan; authorizing transfer or closure pursuant to an approved LOCEA plan”; to the Committee on Education then the Judiciary.

By Delegates Cowles, Ihle, O’Neal, Weld, Fleischauer, McCuskey and Pushkin:

H. B. 4432 — “A Bill to amend and reenact §6-6-1 and §6-6-7 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §6-6-10, all relating to removal of officers; defining terms; revising procedures for removal of certain officers and providing for the payment of costs”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Weld, Zatezalo, Storch and McGeehan:

H. B. 4433 — “A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees receiving pensions from defined-benefit pension plans that have been terminated with a consequent reduced benefit and extending the effective period of the allowed adjustment”; to the Committee on Finance.

By Delegates Faircloth, Ihle, Stansbury, Hill, Kurcaba and Statler:

H. B. 4434 — “A Bill to amend and reenact §11A-3-12, §11A-3-14, §11A-3-18, §11A-3-19, §11A-3-20 and §11A-3-21 of the Code of West Virginia, 1931, as amended, all relating to limitations on tax certificates; and changing the time period that a lien resulting from a tax certificate of sale issued by a sheriff as a result of delinquent property taxes may remain as delinquent property, from eighteen months to six months”; to the Committee on Roads and Transportation then Finance.

By Delegates R. Smith, Ireland, McCuskey and Marcum:

H. B. 4435 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-11, relating to additional duties of the Public Service Commission; authorizing commission to approve expedited cost recovery of electric utility coal-fired boiler modernization and improvement projects deemed just and reasonable and in the public interest; making findings; and establishing application and hearing process”; to the Committee on Energy then Finance.

By Delegates Hicks, Perdue, Marcum, Reynolds, Shaffer, Deem, McGeehan, Folk, Moffatt and J. Nelson:

H. B. 4436 — “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to permitting probation officers to carry deadly weapons on school buses and property”; to the Committee on Education then the Judiciary.

By Delegates Hicks, Marcum, Reynolds, Rodighiero, Shaffer, Faircloth, Frich, Moffatt, J. Nelson and Perdue:

H. B. 4437 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, relating to creating tax credits for small businesses created in this state and operating entirely within West Virginia”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Summers, Ellington, Rohrbach, Waxman, Stansbury, Blair, Hamrick and Fast:

H. B. 4438 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-5-2a; and to amend and reenact §27-5-3 of said code, all relating to the involuntary examination of individuals experiencing a psychiatric emergency or mental illness; authorizing physicians to execute a certificate directing that individuals found to be experiencing a psychiatric emergency be held involuntarily for examination and treatment; defining psychiatric emergency; directing a second physician to attest to the certificate; authorizing law enforcement to take individuals into custody and to transport; directing notice to be provided to mental hygiene commissioners; authorizing mental hygiene commissioners to conduct hearings under certain circumstances; and authorizing individuals certificated to be experiencing a psychiatric emergency to be admitted to mental health facilities for involuntary examination and treatment”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates J. Nelson, Householder, Phillips, R. Smith, Ihle, McGeehan, Folk, Faircloth, Butler, Marcum and Perdue:

H. B. 4439 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-11j, relating to providing a tax credit for persons receiving a concealed weapons permit”; to the Committee on the Judiciary then Finance.

By Delegates J. Nelson, Phillips, R. Smith, Eldridge, Moffatt, Kessinger, Arvon, O’Neal, Moore, B. White and Marcum:

H. B. 4440 — “A Bill to amend and reenact §11-8-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-3-23 of said code, all relating to certain post-mining uses of lands subject to surface mining permits; providing that formerly mined land now leased for agricultural uses will be taxed as farms; and authorizing the secretary of environmental protection to release bonds and deposits of surface mining permittees when the permitted land is donated to economic development agencies”; to the Committee on Energy then Finance.

By Delegates Arvon, Kessinger, Stansbury, A. Evans, Bates, Kurcaba and Hamilton:

H. B. 4441 — “A Bill to repeal §47-19-2, §47-19-4, §47-19-5, §47-19-6 and §47-19-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §47-19-1; §47-19-3 and §47-19-7 of said code; and to amend said code by adding thereto a new section, designated §47-19-9, all relating to drug paraphernalia; prohibiting possession, production or marketing-for-sale things designed or marketed for use with controlled substances; and providing criminal penalties”; to the Select Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Hill, Caputo, Manchin, Hamilton, Atkinson and Ihle:

H. B. 4442 — “A Bill to amend and reenact §60-4-3b of the Code of West Virginia, relating to exempting farm wineries from taxation for sales of wine to retail outlets”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Sobonya, Rohrbach, J. Nelson, Miller, Border, Phillips, Hicks, Perry, Hornbuckle, Morgan and Perdue:

H. B. 4443 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-24c, relating to the Marshall University Forensic Science Center;

requiring the State Police to partner with the Marshall University Forensic Science Center; and classifying it as a criminal justice agency so that it can participate in the National Data Exchange”; to the Committee on the Judiciary.

By Delegates Guthrie, Perry, Kessinger, Pushkin, Byrd, McCuskey, Stansbury, Rowe and B. White:

H. B. 4444 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-39-1, §8-39-2, §8-39-3, §8-39-4, §8-39-5, §8-39-6, §8-39-7, §8-39-8, §8-39-9 and §8-39-10, all relating to the West Virginia Community Homesteading Act; establishing a statewide community homesteading pilot project; requiring the Executive Director of the West Virginia Development Office to administer and oversee the statewide homesteading project; requiring the director to select five municipalities containing distressed communities to establish local homesteading projects as part of the statewide pilot project; authorizing the director to award grant moneys from the Development Office Promotion Fund to assist individuals and organizations to purchase homestead properties using local bank financing; requiring individuals and organizations to forfeit grant moneys if certain conditions are violated; authorizing municipalities to acquire, maintain and convey abandoned property as part of a homesteading project to promote economic development; authorizing a municipality to create a local agency or designate a local agency to administer a homesteading project; establishing requirements for a municipal homesteading project; establishing qualifications for individuals and organizations wishing to purchase homestead property; setting conditions for purchase of homestead property by individual and organizations, authorizing municipalities to accept federal and state grants and donations to fund a local homesteading project, and terminating the statewide homesteading project in the year 2026”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Hanshaw, Espinosa, Perry, Moye, Ambler, Cooper, D. Evans, Westfall and Ellington:

H. B. 4445 — “A Bill to repeal §18-2A-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-2A-1, §18-2A-2, §18-2A-3, §18-2A-4, §18-2A-5, §18-2A-6, §18-2A-7 and §18-2A-8 of said code, all relating to the selection and purchase of instructional educational resources; defining instructional resources; requiring publishers to file statement of instructional resources with State Board of Education; prohibiting publishers from violating article and providing monetary penalty for violating article; permitting supplemental instructional resources to be used in public schools; requiring State Board of Education to establish a policy setting criteria required for instructional resources; allowing county boards of education to adopt instructional resources for use in schools, requiring county boards of education to adopt a policy regarding instructional resource adoption; prohibiting board of education employees from acting as sales agents for publishers of instructional resources and providing penalty for violation”; to the Committee on Education.

By Delegates Ellington, Householder, Arvon, Atkinson, Bates, Cooper, Flanigan, Sobonya, Stansbury, Summers and Waxman:

H. B. 4446 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-1b, relating to increasing teacher salaries”; to the Committee on Education then Finance.

By Delegates Espinosa, D. Evans, Perry, Anderson, Ferro and Duke:

H. B. 4447 — “A Bill to amend and reenact §18-5A-3a of the Code of West Virginia, 1931, as amended, relating to granting a local school improvement council waiver for the purpose of increasing the compulsory school attendance age in Marshall County”; to the Committee on Education.

By Delegates Walters, McCuskey, Frich and Westfall:

H. B. 4448 — “A Bill to amend and reenact §61-3C-14a of the Code of West Virginia, 1931, as amended, relating to providing that conduct allowed under the West Virginia Consumer Credit and

Protection Act, is likewise not a violation of the West Virginia Computer Crime and Abuse Act"; to the Committee on Banking and Insurance then the Judiciary.

House Calendar

Third Reading

Com. Sub. for S. B. 342, Decreasing appropriations from State Fund, General Revenue, to DHHR, Division of Human Services and Bureau of Senior Services; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 37**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 342) passed.

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

On this question, the yeas and nays were taken (**Roll No. 38**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 342) takes effect from its passage.

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

S. B. 357, Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 39**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 357) passed.

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

On this question, the yeas and nays were taken (**Roll No. 40**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 357) takes effect from its passage.

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

S. B. 360, Supplemental appropriation to Division of Human Services; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 41**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 360) passed.

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

On this question, the yeas and nays were taken (**Roll No. 42**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 360) takes effect from its passage.

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

Com. Sub. for H. B. 2366, Relating generally to the solicitation of minors; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 43**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2366) passed.

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

Com. Sub. for H. B. 2511, Health Care Sharing Ministries Freedom to Share Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 44**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Eldridge, Fleischauer, Guthrie and Pushkin.

Absent and Not Voting: Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2511) passed.

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

Com. Sub. for H. B. 4145, Relating to carry or use of a handgun or deadly weapon; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

There being two strike and insert amendments in possession of the Clerk, the Speaker explained to the members that both sponsors would be allowed to explain their amendments but the adoption of one would preclude the consideration of the other.

Delegate Skinner was then recognized and explained the merits of his proposed strike and insert amendment, which was as follows:

On page two, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof, the following

“CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-3. Carrying a deadly weapon without license or other authorization penalties.

(a) Any person ~~under twenty-one years of age, or who is prohibited from possessing firearms under section seven of this article~~ who carries a concealed deadly weapon, without a state license or other lawful authorization established under the provisions of this code, ~~shall be~~ is 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~~ is guilty of a felony and, upon conviction thereof, shall be imprisoned in ~~the penitentiary~~ a state correctional facility 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~~ shall 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~~ is 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~~ may 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 United States citizen or legal resident thereof and 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.~~

(e) ~~(c)~~ All persons applying for a license must complete a training course in handling and firing a handgun, which includes the actual live firing of ammunition by the applicant. The successful completion of any of the following courses fulfills this training requirement: *Provided, That the completed course included the actual live firing of ammunition by the applicant:*

(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 and shall include the instructor's name, signature, and NRA or state instructor identification number, if applicable.

~~(e)~~ (d) 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)~~ (e) 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)~~ (f) ~~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)~~ (g) 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. All duplicate license cards issued on or after July 1, 2017, shall be uniform in size, appearance and information across all fifty-five counties and must feature a photograph of the licensee.

~~(i)~~ (h) The Superintendent of the West Virginia State Police, in cooperation with the West Virginia Sheriffs' Bureau of Professional Standards, 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)~~ (i) 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)~~ (j) 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)~~ (k) 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)~~ (l) 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)~~ (m) 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.

~~(o)~~ (n) 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)~~ (o) 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~~ section are applicable to these applicants.

~~(q)~~ (p) 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~~ this 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)~~ (q) A person who is granted a license and pays fees identified in this section after the effective date of this section is entitled to a tax credit equal to the amount actually paid not to exceed \$100.

~~(s)~~ (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.

~~§61-7-4a. Provisional license to carry deadly weapons; how obtained.~~

~~(a) Any person who is between eighteen and twenty-one years of age and who desires to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for a provisional license, and pay to the sheriff, at the time of application, a fee of \$25, of which \$5 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 eighteen years of age or older;~~

~~(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 within 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 under either section twenty-eight, article two of this chapter or 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 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;~~

~~(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 provisional license 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) Twenty 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 provisional license must complete a training course in handling and firing a handgun, which includes the actual live firing of ammunition by the applicant. The successful completion of any of the following courses fulfills this training requirement: *Provided*, That the completed course included the actual live firing of ammunition by the applicant:~~

~~(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 proof of current service in the United States Armed Forces, Armed Forces Reserves, 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. Certificates, affidavits or other documents submitted to show completion of a course or class shall include instructor information and proof of instructor certification, including, if applicable, the instructor's NRA instructor certification number.~~

~~(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 section two, article five, chapter sixty one of this code.~~

~~(f) The sheriff shall issue a provisional license unless the sheriff 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 \$15 which the sheriff shall forward to the superintendent of the West Virginia State Police within thirty days of receipt. The provisional license is valid until the licensee turns twenty-one years of age, unless sooner revoked.~~

~~(h) Each provisional 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. All duplicate license cards issued shall be uniform in size, appearance and information across all fifty-five counties and must feature a photograph of the licensee. The provisional license shall be readily distinguishable from a license issued pursuant to section four of this article and shall state: 'NOT NICS EXEMPT. This license confers the same rights and privileges to carry a concealed pistol or revolver on the lands or waters of this state as a license issued pursuant to §61-7-4. Except this license does not satisfy the requirements of 18 U.S.C. § 922(t)(3). A NICS check must be performed prior to purchase of a firearm from a federally licensed firearm dealer.'~~

~~(i) The Superintendent of the West Virginia State Police, in coordination with the West Virginia Sheriffs' Bureau of Professional Standards, shall prepare uniform applications for provisional 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 provisional 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 provisional concealed handgun license moves from the address named in the application to another county within the state, the license remains valid until the licensee turns twenty-one years of age unless the sheriff of the new county has determined that the person is no longer eligible for a provisional 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 provisional license is granted, 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) 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.~~

~~(e) 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) 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 this 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.~~

~~(q) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a provisional 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

(a) The licensure provisions set forth in section three of this article do not apply to:

(1) Any person between the ages of 18-20:

(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 or chief executive 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~~ Armed Forces, Reserve or National Guard;

(6) 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) Any federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty; and

(8) Any parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-two of this code in the performance of their duties.

(b) ~~On and after July 1, 2013,~~ The following judicial officers and prosecutors and staff ~~shall be exempted~~ are exempt 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 to obtain a license as 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.

(c) Any prosecuting attorney, assistant prosecuting attorney, or any duly appointed investigator employed by a prosecuting attorney who elects to carry a concealed firearm, may do so pursuant to the federal Law Enforcement Officers Safety Act, 18 U.S.C. §926B, upon completion of training and certification pursuant to section four of this article, and annual firearms training and certification established by the sheriff's department of his or her county, similar to that which is provided to members of the sheriff's department eligible for training and certification under 18 U.S.C §926B, and which shall reasonably accommodate any physical disability of the trainee. Any prosecuting attorney, assistant prosecuting attorney, or any duly appointed investigator employed by a prosecuting attorney who elects to undergo training and certification pursuant to this subsection shall provide, at his or her own expense, a suitable firearm and any ammunition actually expended in training and certification pursuant to this subsection. Upon completion of training and certification pursuant to this subsection, each such prosecuting attorney, assistant prosecuting attorney, or duly appointed investigator employed by a prosecuting attorney shall be issued a photographic identification and certification card, suitable to be carried in a wallet, valid for one year, which shall contain the name, title, official address, full-face color photograph of said prosecuting attorney or assistant prosecuting attorney, the sheriff's signature, the expiration date, the word 'qualified law-enforcement officer under 18 U.S.C. §926B' in conspicuous type and shall indicate completion of periodic training consistent with this subsection and the requirements of 18 U.S.C. §926B. Prosecuting attorneys, assistant prosecuting attorneys, or duly appointed investigators employed by a prosecuting attorney who have successfully completed such training and certification shall have all the rights and authorities necessary in order to comply with 18 U.S.C. §926B. This subsection is supplemental and additional to existing rights to bear arms, and nothing in this subsection shall impair or diminish such rights.

~~(d) Any person twenty-one years of age or older may carry a concealed deadly weapon, without permit, in this state provided that the following conditions are met:~~

~~(1) The person is a United States citizen or legal resident thereof; and~~

~~(2) The person 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.~~

~~(e) Any person who displays a valid photo identification or concealed weapon permit may not be unreasonably detained for purposes of verifying whether that person is a prohibited person.~~

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.

(a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that subsections (b), (g) and (h) of this section are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section twenty-two, article three of the Constitution of the State of West Virginia.

(b)(1) It is unlawful for a person to possess a firearm or other deadly weapon on a school bus as defined in section one, article one, chapter seventeen-a of this code, or in or on a public ~~or private~~ primary or secondary education building, structure, facility or grounds including a vocational education building, structure, facility or grounds where secondary vocational education programs are conducted or at a school-sponsored function or in or on a private primary or secondary education building, structure, facility where such is not allowed by the written policies of the private educational institution.

(2) This subsection does not apply to:

(A) A law-enforcement officer employed by a federal, state, county or municipal law-enforcement agency;

(B) A retired law-enforcement officer who:

(i) Is employed by a state, county or municipal law-enforcement agency;

(ii) Is covered for liability purposes by his or her employer;

(iii) Is authorized by a county board of education and the school principal to serve as security for a school;

(iv) Meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. §926C(c); and

(v) Meets all of the requirements for handling and using a firearm established by his or her employer, and has qualified with his or her firearm to those requirements;

(C) A person specifically authorized by the board of Education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(D) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(E) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(F) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity; or

(G) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity.

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ten years, or fined not more than \$5,000, or both fined and imprisoned.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of subsection (b) of this section shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the ~~Division of Public Safety~~ State Police, county sheriff or municipal police agency.

(d) In addition to the methods of disposition provided by article five, chapter forty-nine of this code, a court which adjudicates a person who is fourteen years of age or older as delinquent for a violation of subsection (b) of this section may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward to the Division of Motor Vehicles.

(e)(1) If a person eighteen years of age or older is convicted of violating subsection (b) of this section, and if the person does not act to appeal the conviction within the time periods described in subdivision (2) of this subsection, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in subdivision (1) of this subsection shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within twenty days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within thirty days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in subdivision (1) of this subsection, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in

the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of section two, article five-a, chapter seventeen-c of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within ten days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.

(f)(1) It is unlawful for a parent, guardian or custodian of a person less than eighteen years of age who knows that the person is in violation of subsection (b) of this section or has reasonable cause to believe that the person's violation of subsection (b) is imminent, to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

(2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(g)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts.

(2) This subsection does not apply to:

(A) A law-enforcement officer acting in his or her official capacity; and

(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over the premises or offices.

(3) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(h)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts, with the intent to commit a crime.

(2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ten years, or fined not more than \$5,000, or both fined and imprisoned.

(i) Nothing in this section may be construed to be in conflict with the provisions of federal law."

Delegate Shott was then recognized to explain his strike and insert amendment, which was as follows:

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

"That §20-2-6a of the Code of West Virginia, 1931, as amended, be repealed; that §61-7-3, §61-7-4, §61-7-6 and §61-7-11a of said code be amended and reenacted; and that said code be amended by adding thereto two new sections, designated §61-7-4a and §61-7-15a, all to read as follows:

CHAPTER 20. CRIMES AND THEIR PUNISHMENT.

§20-2-6a. Carrying a concealed 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 a deadly weapon without license or other authorization by persons under twenty-one years of age or persons that are prohibited from possessing firearms under section seven of this article; penalties.

(a) Any person under twenty-one years of age, or who is prohibited from possessing firearms under section seven of this article who carries a concealed deadly weapon, without a state license or other lawful authorization established under the provisions of this code, ~~shall be~~ is 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~~ is guilty of a felony and, upon conviction thereof, shall be imprisoned in ~~the penitentiary~~ a state correctional facility 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~~ shall 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~~ is 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~~ may 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 United States citizen or legal resident thereof and 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, which includes the actual live firing of ammunition by the applicant. The successful completion of any of the following courses fulfills this training requirement: *Provided, That the completed course included the actual live firing of ammunition by the applicant:*

(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 and shall include the instructor's name, signature, and NRA or state instructor identification number, if applicable.

(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. All duplicate license cards issued on or after July 1, 2017, shall be uniform in size, appearance and information across all fifty-five counties and must feature a photograph of the licensee.

(i) The Superintendent of the West Virginia State Police, in cooperation with the West Virginia Sheriffs' Bureau of Professional Standards, 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) 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.

(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~~ section are 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 this~~ 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) A person who is granted a license and pays fees under this article after the effective date of this section is entitled to a tax credit equal to the amount actually paid not to exceed \$100.

~~(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.

§61-7-4a. Provisional license to carry deadly weapons; how obtained.

(a) Any person who is between eighteen and twenty-one years of age and who desires to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for a provisional license, and pay to the sheriff, at the time of application, a fee of \$25, of which \$5 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 eighteen years of age or older;

(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 within 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 under either section twenty-eight, article two of this chapter or 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 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;

(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 provisional license 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) Twenty 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 provisional license must complete a training course in handling and firing a handgun, which includes the actual live firing of ammunition by the applicant. The successful completion of any of the following courses fulfills this training requirement: *Provided*, That the completed course included the actual live firing of ammunition by the applicant:

(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 proof of current service in the United States Armed Forces, Armed Forces Reserves, 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. Certificates, affidavits or other documents submitted to show completion of a course or class shall include instructor information and proof of instructor certification, including, if applicable, the instructor's NRA instructor certification number.

(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 section two, article five, chapter sixty-one of this code.

(f) The sheriff shall issue a provisional license unless the sheriff 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 \$15 which the sheriff shall forward to the superintendent of the West Virginia State Police within thirty days of receipt. The provisional license is valid until the licensee turns twenty-one years of age, unless sooner revoked.

(h) Each provisional 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. All duplicate license cards issued shall be uniform in size, appearance and information across all fifty-five counties and must feature a photograph of the licensee. The provisional license shall be readily distinguishable from a license issued pursuant to section four of this article and shall state: 'NOT NICS EXEMPT. This license confers the same rights and privileges to carry a concealed pistol or revolver on the lands or waters of this state as a license issued pursuant to §61-7-4. Except this license does not satisfy the requirements of 18 U.S.C. § 922(t)(3). A NICS check must be performed prior to purchase of a firearm from a federally licensed firearm dealer.'

(i) The Superintendent of the West Virginia State Police, in coordination with the West Virginia Sheriffs' Bureau of Professional Standards, shall prepare uniform applications for provisional 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 provisional 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 provisional concealed handgun license moves from the address named in the application to another county within the state, the license remains valid until the licensee turns twenty-one years of age unless the sheriff of the new county has determined that the person is no longer eligible for a provisional 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 provisional license is granted, 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) 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.

(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) 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 this 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.

(q) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a provisional 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 for persons between the ages of 18-20; exemptions from licensing fees.

(a) The licensure provisions set forth in section three of this article do not apply to:

(1) Any person between the ages of 18-20:

(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 or chief executive 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~~ Armed Forces, Reserve or National Guard;

(6) 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) Any federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty; and

(8) Any parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-two of this code in the performance of their duties.

(b) ~~On and after July 1, 2013, The following judicial officers and prosecutors and staff shall be exempted are exempt~~ 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 to obtain a license as 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.

(c) Any prosecuting attorney, assistant prosecuting attorney, or any duly appointed investigator employed by a prosecuting attorney who elects to carry a concealed firearm, may do so pursuant to the federal Law Enforcement Officers Safety Act, 18 U.S.C. §926B, upon completion of training and certification pursuant to section four of this article, and annual firearms training and certification established by the sheriff's department of his or her county, similar to that which is provided to members of the sheriff's department eligible for training and certification under 18 U.S.C §926B , and which shall reasonably accommodate any physical disability of the trainee. Any prosecuting attorney, assistant prosecuting attorney, or any duly appointed investigator employed by a prosecuting attorney who elects to undergo training and certification pursuant to this subsection shall provide, at his or her own expense, a suitable firearm and any ammunition actually expended in training and certification pursuant to this subsection. Upon completion of training and certification pursuant to this subsection, each such prosecuting attorney, assistant prosecuting attorney, or duly appointed investigator employed by a prosecuting attorney shall be issued a photographic identification and certification card, suitable to be carried in a wallet, valid for one year, which shall contain the name, title, official address, full-face color photograph of said prosecuting attorney or assistant prosecuting attorney, the sheriff's signature, the expiration date, the word 'qualified law-enforcement officer under 18 U.S.C. §926B' in conspicuous type and shall indicate completion of periodic training consistent with this subsection and the requirements of 18 U.S.C. §926B. Prosecuting attorneys, assistant prosecuting attorneys, or duly appointed investigators employed by a prosecuting attorney who have successfully completed such training and certification shall have all the rights and authorities necessary in order to comply with 18 U.S.C. §926B. This subsection is supplemental and additional to existing rights to bear arms, and nothing in this subsection shall impair or diminish such rights.

(d) Any person twenty-one years of age or older may carry a concealed deadly weapon, without permit, in this state provided that the following conditions are met:

- (1) The person is a United States citizen or legal resident thereof; and
- (2) The person 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.

(e) Any person who displays a valid photo identification or concealed weapon permit may not be unreasonably detained for purposes of verifying whether that person is a prohibited person.

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.

(a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that subsections (b), (g) and (h) of this section are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section twenty-two, article three of the Constitution of the State of West Virginia.

(b)(1) It is unlawful for a person to possess a firearm or other deadly weapon on a school bus as defined in section one, article one, chapter seventeen-a of this code, or in or on a public ~~or private~~ primary or secondary education building, structure, facility or grounds including a vocational education building, structure, facility or grounds where secondary vocational education programs are conducted or at a school-sponsored function or in or on a private primary or secondary education building, structure, facility where such is not allowed by the written policies of the private educational institution.

(2) This subsection does not apply to:

(A) A law-enforcement officer employed by a federal, state, county or municipal law-enforcement agency;

(B) A retired law-enforcement officer who:

(i) Is employed by a state, county or municipal law-enforcement agency;

(ii) Is covered for liability purposes by his or her employer;

(iii) Is authorized by a county board of education and the school principal to serve as security for a school;

(iv) Meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. §926C(c); and

(v) Meets all of the requirements for handling and using a firearm established by his or her employer, and has qualified with his or her firearm to those requirements;

(C) A person specifically authorized by the Board of Education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(D) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(E) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(F) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity; or

(G) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity.

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ten years, or fined not more than \$5,000, or both fined and imprisoned.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of subsection (b) of this section shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the ~~Division of Public Safety~~ State Police, county sheriff or municipal police agency.

(d) In addition to the methods of disposition provided by article five, chapter forty-nine of this code, a court which adjudicates a person who is fourteen years of age or older as delinquent for a violation of subsection (b) of this section may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward to the Division of Motor Vehicles.

(e)(1) If a person eighteen years of age or older is convicted of violating subsection (b) of this section, and if the person does not act to appeal the conviction within the time periods described in subdivision (2) of this subsection, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in subdivision (1) of this subsection shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within twenty days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within thirty days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in subdivision (1) of this subsection, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of section two, article five-a, chapter seventeen-c of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within ten days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in

the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.

(f)(1) It is unlawful for a parent, guardian or custodian of a person less than eighteen years of age who knows that the person is in violation of subsection (b) of this section or has reasonable cause to believe that the person's violation of subsection (b) is imminent, to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

(2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(g)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts.

(2) This subsection does not apply to:

(A) A law-enforcement officer acting in his or her official capacity; and

(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over the premises or offices.

(3) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(h)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts, with the intent to commit a crime.

(2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ten years, or fined not more than \$5,000, or both fined and imprisoned.

(i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

§61-7-15a. 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 a state correctional facility of five years, which sentence may 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 a state correctional facility of ten years, to run consecutively, not concurrently, which sentence may not be reduced or suspended.

(c) Unless otherwise provided in this code, the 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."

On motion of Delegate Eldridge, the strike and insert amendment offered by Delegate Shott was amended on page nineteen, section eleven-a, line seventeen, following the semi-colon, by inserting the following:

“(B) Any probation officer appointed pursuant to section five, article twelve, chapter sixty-two of this code in the performance of his or her duties” followed by a semi-colon.

And,

By re-lettering subsequent paragraphs of subsection (b) accordingly.

Delegate Byrd moved to amend the strike and insert amendment on page eighteen, section six, subsection (d), line seventy-one, after the word “thereof”, by inserting “and resident of this state”.

On the adoption of the amendment, Delegate Byrd demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken **(Roll No. 45)**, and there were--yeas 26, nays 73, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Ambler, Anderson, Atkinson, Bates, Blackwell, Byrd, Caputo, Cooper, D. Evans, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Morgan, Perdue, Pushkin, Reynolds, Rowe, Shaffer, Skinner and Trecost.

Absent and Not Voting: Moore.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Skinner moved to amend the amendment on page one, by striking out the enacting section and inserting in lieu thereof the following:

§61-7-3. Carrying a deadly weapon without license or other authorization by persons under twenty-one years of age; penalties.

~~(a) Any person under twenty-one years of age, or who is prohibited from possessing firearms under section seven of this article who carries a concealed deadly weapon, without a state license or other lawful authorization established under the provisions of this code, shall be is 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 a state correctional facility not less than ~~one~~ two 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.”~~

On the adoption of the amendment, Delegate Skinner demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 46**), and there were--yeas 9, nays 90, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Caputo, Fleischauer, Guthrie, Longstreth, Manchin, Miley, Morgan, Shaffer and Skinner.

Absent and Not Voting: Moore.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Skinner moved to amend the amendment on page one, by striking out the enacting section and inserting in lieu thereof the following:

“That §20-2-6a of the Code of West Virginia, 1931, as amended, be repealed; that §61-7-3, §61-7-4, §61-7-6 and §61-7-11a of said code be amended and reenacted; and that said code be amended by adding thereto two new sections, designated §61-7-3a and §61-7-4a, all to read as follows” followed by a colon.

And,

On page two of the amendment, following section three, by inserting a new section, designated three-a, to read as follows:

“§61-7-3a. Carrying a deadly weapon without training course; penalties.

Any person who carries a concealed deadly weapon, without completing a training course in handling and firing a handgun, as set forth in subsection (d), section four of this article, shall be guilty of a felony if any use likely to pose a risk to the public or any harm occurs from such carrying, and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than five years and fined not less than \$1,000 nor more than \$5,000.”

On the adoption of the amendment, Delegate Skinner demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 47**), and there were--yeas 3, nays 96, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Lynch, Manchin and Skinner.

Absent and Not Voting: Moore.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Speaker Pro Tempore Anderson in the Chair

Delegate Skinner moved to amend the amendment on page one, by striking out the enacting section and inserting in lieu thereof the following:

“That §20-2-6a of the Code of West Virginia, 1931, as amended, be repealed; that §61-7-3, §61-7-4, §61-7-6 and §61-7-11a of said code be amended and reenacted; and that said code be amended by adding thereto two new sections, designated §61-7-3a and §61-7-4a, all to read as follows” followed by a colon.

And,

On page two of the amendment, following section three, by inserting a new section, designated three-a, to read as follows:

“§61-7-3a. Carrying a deadly weapon without training course; penalties.

(a) Any person who carries a concealed deadly weapon, without completing a training course in handling and firing a handgun, as set forth in subsection (d), section four of this article, shall maintain an insurance policy in effect continuously throughout such carrying, such policy to be delivered or issued for the delivery in this state by an insurance company authorized to issue policies in this state and such policy to protect against harm occurring from such carrying.

(b) Any such person who does not maintain such an insurance policy shall be guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than five years and fined not less than \$1,000 nor more than \$5,000.”

Mr. Speaker, Mr. Armstead, in the Chair

On the adoption of the amendment, Delegate Guthrie demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 48**), and there were--yeas 2, nays 97, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Guthrie and Skinner.

Absent and Not Voting: Moore.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Marcum requested to be excused from voting on the passage of Com. Sub. for H. B. 4145 under the provisions of House Rule 49.

The Speaker replied that any impact on Delegate Marcum would be as member of a class of persons potentially affected by the passage of the bill and refused to excuse the Gentleman from voting.

Delegate Manchin arose to a point of order as to the germaneness of the amendment.

To the point of order the Speaker replied, stating that the amendment was consistent with the fundamental purpose of the bill and therefore ruled the amendment germane.

Delegate Manchin then arose to a point of inquiry, citing House Rule 44, which relates to division of a question.

To the inquiry, the Speaker cited Jefferson’s Manual regarding amending and dividing a question.

The amendment recommended by Delegate Shott, as amended, was then adopted.

Having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 49**), and there were--yeas 68, nays 31, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Ambler, Anderson, Atkinson, Bates, Blackwell, Byrd, Caputo, Cooper, Cowles, D. Evans, Ferro, Fleischauer, Guthrie, Hamilton, Hornbuckle, Ireland, Longstreth, Lynch, Manchin, McCuskey, Miley, Morgan, E. Nelson, Perdue, Pethel, Pushkin, Reynolds, Rowe, Skinner, Trecost and Westfall.

Absent and Not Voting: Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4145) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 4145 - "A Bill to repeal §20-2-6a of the Code of West Virginia, 1931, as amended; to amend and reenact §61-7-3, §61-7-4, §61-7-6 and §61-7-11a of said code; and to amend said code by adding thereto two new sections, designated §61-7-4a and §61-7-15a, all relating to carry or use of a handgun or deadly weapon; establishing that criminal penalties for carrying a concealed deadly weapon without state license or other lawful authorization applies only to persons under twenty-one years of age and prohibited persons; requiring an applicant for a concealed weapon permit be a United States citizen or legal resident thereof, a resident of this state and of the county in which application is made; permitting persons eighteen years and older to obtain a concealed carry permit; requiring actual live firing of ammunition in training; requiring an applicant for a concealed carry permit to provide a copy of instructor's certification; requiring that on or after January 1, 2017, all duplicate license cards issued by county sheriffs be uniform across all fifty-five counties and feature a photograph of the licensee; requiring State Police, in cooperation with the Sheriffs' Bureau of Professional Standards, prepare uniform applications for licenses and license cards; entitling a person who is granted a license and pays fees under Chapter 61, Article 7 after the effective date of §61-7-4 to a tax credit equal to the amount actually paid not to exceed \$100; creating a provisional license to carry concealed deadly weapons for persons between eighteen and twenty-one years of age; establishing provisional license application requirements and procedures; exempting members of the United States Armed Forces, Reserve or National Guard from permit requirements; permitting prosecuting attorneys, assistant prosecuting attorneys or investigators employed by a prosecuting attorney to elect to carry a concealed firearm pursuant to the federal Law Enforcement Officers Safety Act; eliminating the requirement for persons twenty-one years of age and older to possess a permit to carry a concealed deadly weapon provided that certain conditions are met, including being a United States citizen or legal resident, being twenty-one years of age or older and not prohibited from possessing firearms; providing that a person who displays a valid photo identification or concealed weapon permit may not be unreasonably detained for purposes of verifying whether that person is a prohibited person; requiring a school principal to report certain violations to the State Police; and permitting private schools written policies to govern whether a person may possess a firearm or other deadly weapon in or on a private primary or secondary education building, structure or facility; providing enhanced penalties for use of a firearm during the planning or commission of a felony; and excepting enhanced penalties in certain circumstances when a firearm is used in defense of self or others."

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

Com. Sub. for H. B. 4163, Providing the authority and procedure for municipalities to give notice to, and publish the names of, entities delinquent in paying business and occupation taxes; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 50**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger and McGeehan.

Absent and Not Voting: Byrd and Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4163) passed.

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

H. B. 4393, Relating to enhanced penalties for use of a firearm during commission of a felony; on third reading, coming up in regular order, was, on motion of Delegate Cowles, laid upon the table.

Second Reading

Com. Sub. for H. B. 4186, Relating to additional duties of the Public Service Commission; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page four, section three, line seventeen, after the words "as provided for in", by inserting the words "section two-b" followed by a comma.

The bill was then ordered to engrossment and third reading.

First Reading

Com. Sub. for H. B. 2444, Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leave of absence for the day was granted Delegate Moore.

Remarks by Members

Delegate Shott asked and obtained unanimous consent that the remarks of Delegate Lane regarding Com. Sub. for H. B. 4145 be printed in the Appendix to the Journal.

Delegate Phillips asked and obtained unanimous consent that the remarks of Delegate Perdue regarding Com. Sub. for H. B. 4145 be printed in the Appendix to the Journal.

Miscellaneous Business

Delegate Upson filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 4298.

Delegate Frich filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 4414 and H. B. 4434.

Delegate J. Nelson filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. C. R. 36.

At 3:48 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 9, 2016.

HOUSE ABSTRACT

2016 Regular Session

CONTAINING

Active House Bills as of February 8, 2016

*Denotes Committee Substitutes

ACTIVE HOUSE BILLS

2028. By Del. Shott - **Relating generally to purchasing** - Introduced 1/13/2016 - To Government Organization then Judiciary - To House Judiciary 2/8/2016
- *2101. By Del. Morgan, Caputo, Faircloth, Folk, Howell and Smith, R. - **Eliminating obsolete government entities** - Introduced 1/13/2016 - To Government Organization - Passed House 1/21/2016 - To Senate 1/25/2016 - To Government Organization - Amended - Passed Senate with amended title 2/4/2016 - House concurred in Senate amendment and passed 2/8/2016
- *2366. By Del. Rowan, Miller, Sobonya, Smith, P., Border, Arvon and Storch - **Relating generally to the solicitation of minors** - Introduced 1/13/2016 - To Judiciary - Passed House 2/8/2016
- *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 1/13/2016 - To Small Business, Entrepreneurship and Economic Development - On 2nd reading, House Calendar 2/9/2016
- *2511. By Del. Walters, Howell, Ellington, Canterbury, Smith, R., Gearheart, Perry, Smith, P. and Ambler - **Health Care Sharing Ministries Freedom to Share Act** - Introduced 1/13/2016 - To Health and Human Resources then Judiciary - To House Judiciary 1/15/2016 - Passed House 2/8/2016
2514. By Del. Walters, Howell, Ellington, Canterbury, Smith, R., Gearheart and Perry - **Creating a Bureau of Actuarial Services within the office of the Legislative Auditor** - Introduced 1/13/2016 - To Government Organization then Finance - To House Finance 2/8/2016
- *2800. By Del. Miller, Ferro, Sobonya, Border, Rohrbach, Folk and Eldridge - **Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests** (original similar to SB 310) - Introduced

1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Judiciary - On 2nd reading 2/9/2016

- *4012. By Del. O'Neal, Mr. Speaker (Mr. Armstead), Hanshaw, Moye, Fast, Evans, A., Azinger, Waxman, Romine, Rowan and Phillips - **West Virginia Religious Freedom Restoration Act**(original similar to SB11) - Introduced 1/26/2016 - To Judiciary - On 1st reading, House Calendar 2/9/2016
- *4145. By Del. Blair, Azinger, Butler, Cadle, Eldridge, Householder, Marcum, Overington, Phillips, Sobonya and Upson - **Relating to carry or use of a handgun or deadly weapon** - Introduced 1/19/2016 - To Judiciary - To House Judiciary 1/19/2016 - Amendments pending - Amended - Passed House 2/8/2016 - Title amended
- 4148. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act** - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - On 1st reading, House Calendar 2/9/2016
- *4158. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia – Workforce Investment Act** - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - On 1st reading, House Calendar 2/9/2016
- 4161. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to levies on classifications of property by the Board of Public Works** - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - On 1st reading, House Calendar 2/9/2016
- *4163. By Del. Howell, Arvon, Moffatt, Westfall, McCuskey, Miller, Cadle, Walters, Zatezalo, Kelly and Ellington - **Providing the authority and procedure for municipalities to give notice to, and publish the names of, entities delinquent in paying business and occupation taxes** - Introduced 1/20/2016 - To Political Subdivisions then Judiciary - To House Political Subdivisions 1/20/2016 - To House Judiciary 1/27/2016 - Passed House 2/8/2016
- *4186. By Del. Cadle, Cooper, Foster, Ambler, Howell, Butler, Householder, Moffatt, Smith, R., Westfall and Hamrick - **Relating to additional duties of the Public Service Commission** - Introduced 1/20/2016 - To Government Organization - To House Government Organization 1/20/2016 - Amended - On 3rd reading, House Calendar 2/9/2016
- 4324. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Authorizing information sharing by Workforce West Virginia** - Introduced 1/28/2016 - To Government Organization then Judiciary - To House Judiciary 2/8/2016
- 4362. By Del. Kurcaba, Fleischauer, Statler, Householder, Espinosa, Overington, Weld, Summers, Blair, Byrd and Upson - **Establishing a felony offense of strangulation** - Introduced 2/2/2016 - To Judiciary - On 1st reading, House Calendar 2/9/2016

4393. By Del. Shott (Originating in House Judiciary) - **Relating to enhanced penalties for use of a firearm during commission of a felony** - Introduced 2/3/2016 - Tabled on 3rd reading, House Calendar 2/8/2016

BILLS INTRODUCED AND REFERRED

Monday, February 08, 2016

4427. By Del. Duke - **Providing identification to qualified law-enforcement officers to allow them to carry firearms for self-defense under the federal Law-Enforcement Officers Safety Act, and clarifying that prosecuting attorneys and assistant prosecuting attorneys may carry firearms for self-defense** - Introduced 2/8/2016 - To Judiciary
4428. By Del. Householder, Faircloth, Rodighiero, Campbell, Perry and White, B. - **Clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified** - Introduced 2/8/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources
4429. By Del. Howell, Rowan, Evans, A., Espinosa, Duke, Lane, Shott, Arvon, Stansbury, Blair and Cowles - **Relating to events involving firearms and ammunition on former National Guard sites** - Introduced 2/8/2016 - To Education then Judiciary
4430. By Del. Longstreth, Caputo, Manchin and Ferro - **Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days** (original similar to HB4377, SB521) - Introduced 2/8/2016 - To Political Subdivisions then Finance
4431. By Del. Fast, Kessinger and Perry - **Relating to relocation or closure of state higher education institutions** - Introduced 2/8/2016 - To Education then Judiciary
4432. By Del. Cowles, Ihle, O'Neal, Weld, Fleischauer, McCuskey and Pushkin - **Clarifying procedures for removal of office of any person holding any county, school district or municipal office** - Introduced 2/8/2016 - To Political Subdivisions then Judiciary
4433. By Del. Weld, Zatezalo, Storch and McGeehan - **Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees** - Introduced 2/8/2016 - To Finance
4434. By Del. Faircloth, Ihle, Stansbury, Hill, Kurcaba, Statler and Frich - **Relating to limitations on tax certificates** - Introduced 2/8/2016 - To Roads and Transportation then Finance
4435. By Del. Smith, R., Ireland, McCuskey and Marcum - **Authorizing the Public Service Commission to approve expedited cost recovery of electric utility coal-fired boiler modernization and improvement projects** - Introduced 2/8/2016 - To Energy then Finance
4436. By Del. Hicks, Perdue, Marcum, Reynolds, Shaffer, Deem, McGeehan, Folk, Moffatt and Nelson, J. - **Permitting probation officers to carry deadly weapons on school buses and property** - Introduced 2/8/2016 - To Education then Judiciary

4437. By Del. Hicks, Marcum, Reynolds, Rodighiero, Shaffer, Faircloth, Frich, Moffatt, Nelson, J. and Perdue - **Creating tax credits for small businesses** (original similar to HB4372) - Introduced 2/8/2016 - To Small Business, Entrepreneurship and Economic Development then Finance
4438. By Del. Summers, Ellington, Rohrbach, Waxman, Stansbury, Blair, Hamrick and Fast - **Relating to the involuntary examination of individuals experiencing a psychiatric emergency or mental illness** - Introduced 2/8/2016 - To Health and Human Resources then Judiciary
4439. By Del. Nelson, J., Householder, Phillips, Smith, R., Ihle, McGeehan, Folk, Faircloth, Butler, Marcum and Perdue - **Providing a tax credit for persons receiving a concealed weapons permit** - Introduced 2/8/2016 - To Judiciary then Finance
4440. By Del. Nelson, J., Phillips, Smith, R., Eldridge, Moffatt, Kessinger, Arvon, O'Neal, Moore, White, B. and Marcum - **Relating to certain post-mining uses of lands subject to surface mining permits** - Introduced 2/8/2016 - To Energy then Finance
4441. By Del. Arvon, Kessinger, Stansbury, Evans, A., Bates, Kurcaba and Hamilton - **Prohibiting the sale of paraphernalia designed or marketed for use with controlled substances** - Introduced 2/8/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Judiciary
4442. By Del. Hill, Caputo, Manchin, Hamilton, Atkinson and Ihle - **Exempting farm wineries from taxation for sales of wine to retail outlets** - Introduced 2/8/2016 - To Small Business, Entrepreneurship and Economic Development then Finance
4443. By Del. Sobonya, Rohrbach, Nelson, J., Miller, Border, Phillips, Hicks, Perry, Hornbuckle, Morgan and Perdue - **Classifying the Marshall University Forensic Science Center as a criminal justice agency so that it can participate in the National Data Exchange** (original similar to SB104) - Introduced 2/8/2016 - To Judiciary
4444. By Del. Guthrie, Perry, Kessinger, Pushkin, Byrd, McCuskey, Stansbury, Rowe and White, B. - **West Virginia Community Homesteading Act** - Introduced 2/8/2016 - To Political Subdivisions then Judiciary
4445. By Del. Hanshaw, Espinosa, Perry, Moye, Ambler, Cooper, Evans, D., Westfall and Ellington - **Relating to the selection and purchase of instructional educational resources** - Introduced 2/8/2016 - To Education
4446. By Del. Ellington, Householder, Arvon, Atkinson, Bates, Cooper, Flanigan, Sobonya, Stansbury, Summers and Waxman - **Increasing teacher salaries** (original similar to HB4027) - Introduced 2/8/2016 - To Education then Finance
4447. By Del. Espinosa, Evans, D., Perry, Anderson, Ferro and Duke - **Granting a local school improvement council waiver for the purpose of increasing the compulsory school attendance age in Marshall County** (original similar to SB483) - Introduced 2/8/2016 - To Education
4448. By Del. Walters, McCuskey, Frich and Westfall - **Clarifying that communication by a lender or debt collector which is allowed under the West Virginia Consumer Credit**

and Protection Act, likewise does not violate the provisions of the West Virginia Computer Crime and Abuse Act (original similar to SB472) - Introduced 2/8/2016 - To Banking and Insurance then Judiciary

ALL HOUSE JOINT RESOLUTIONS OFFERED

2. By Del. Romine, Walters and Rowan - **Super-Majority Required for Passage of Tax Bill Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
3. By Del. Lane - **Homestead Exemption Increase Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
4. By Del. Caputo, Manchin and Longstreth - **The “Homestead Exemption Increase Amendment”** - Introduced 1/13/2016 - To Judiciary then Finance
5. By Del. Rodighiero, Hicks, Perdue, Marcum, Reynolds, Eldridge and Moye - **The “Homestead Exemption Increase Amendment”** - Introduced 1/13/2016 - To Judiciary then Finance
8. By Del. Overington, Walters, Deem, Gearheart, Householder, Sobonya, Moffatt, Cadle, Foster, Frich and Blair - **The “Initiative, Referendum, and Recall Amendment”** - Introduced 1/13/2016 - To Judiciary
9. By Del. Overington, Walters, Householder, Moffatt, Butler, Frich, Gearheart, Blair, Deem, Phillips and Foster - **The Super-Majority Required for Passage of Tax Bill Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
10. By Del. Overington, Walters, Householder, Kelly, Foster, Gearheart, Upson, Deem, Phillips and Shott - **Prohibiting the Governmental Taking of Private Property for Private Use Amendment** - Introduced 1/13/2016 - To Judiciary
12. By Del. Sponaugle, Longstreth, Hartman, Marcum, Hicks, Byrd, Hamilton, Perdue, Guthrie and Phillips - **The Right to Hunt and Fish in West Virginia Amendment** - Introduced 1/13/2016 - To Judiciary
13. By Del. Overington, Householder, Moffatt, Espinosa, Upson, Frich, Phillips, Perdue, Hanshaw, Border and Miller - **The Homestead Exemption Increase Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
14. By Del. Hamrick, Sobonya, Miller, Butler, Rohrbach and Nelson, J. - **The School Board Election Amendment** - Introduced 1/13/2016 - To Judiciary
16. By Del. Kurcaba, Hill, Faircloth, Wagner and Ihle - **The Term Limitations Amendment.** - Introduced 1/13/2016 - To Judiciary
18. By Del. Reynolds, Pushkin, Perry, Hornbuckle, Campbell, Byrd, Rohrbach and Bates - **The Removal of Governor’s veto power for education spending in budget and appropriations bills.** - Introduced 1/13/2016 - To Finance then Judiciary

20. By Del. Reynolds, Moffatt, Rodighiero, Hicks, Lynch, Trecost and Bates - **Term Limitation Amendment** - Introduced 1/13/2016 - To Judiciary
21. By Del. Rodighiero - **The Citizens' Redistricting Commission Amendment** - Introduced 1/13/2016 - To Judiciary
22. By Del. Hamilton, O'Neal, Hanshaw, Kessinger, Blair, Weld, Foster, Hill, Ireland, Campbell and Marcum - **The Right to Hunt, Fish and Harvest Wildlife Amendment** - Introduced 1/13/2016 - To Judiciary
23. By Del. Sponaugle, Perdue, Hornbuckle, Marcum, Pushkin, Lynch, Hartman, Phillips and Campbell - **The Volunteer Emergency Service Personnel Property Tax Exemption Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
24. By Del. Sponaugle, Perdue, Fluharty, Hornbuckle, Trecost, Marcum, Pushkin, Byrd and Lynch - **The Veteran's Property Tax Exemption Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
25. By Del. Cowles - **The Disabled Veteran Exemption From Ad Valorem Property Taxation Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
26. By Del. Lane and Shott - **The Constitutional Officers Term Limit Amendment** - Introduced 1/13/2016 - To Judiciary
27. By Del. Stansbury, Householder, Summers, Ellington, Perdue, Phillips, Nelson, J., Ambler, White, B., Rohrbach and Westfall - **Right to hunt, fish and harvest wildlife** - Introduced 1/18/2016 - To Agriculture and Natural Resources then Judiciary
28. By Del. Deem - **Relating to the creation of a Citizens Redistricting Commission to redistrict Senate, House of Delegates and Congressional Districts** - Introduced 1/20/2016 - To Judiciary - To House Judiciary 1/20/2016
29. By Del. Campbell, Cooper, Ferro, Kurcaba, Perry, Morgan, Pethel, Kessinger, Statler, Wagner and Romine - **Reducing the length of terms for members of the West Virginia Board of Education** - Introduced 1/20/2016 - To Education then Judiciary - To House Education 1/20/2016
30. By Del. Foster - **Exemption from ad valorem taxation of manufacturing inventory and equipment** - Introduced 1/21/2016 - To Finance then Judiciary
31. By Del. Howell, Mr. Speaker (Mr. Armstead), Espinosa, Stansbury, Frich, Butler, Cadle, Blair, Cooper, Hamrick and Waxman - **Property tax limitation and homestead exemption amendment of 1982** - Introduced 1/21/2016 - To Finance then Judiciary
32. By Del. Deem and Overington - **Redistricting of Senate, House of Delegates and Congressional Districts** - Introduced 1/26/2016 - To Judiciary
33. By Del. Sobonya, Moffatt, Miller, Frich, Rohrbach, Butler, Cowles, Householder, Kurcaba and Summers - **Supervision of Free Schools** - Introduced 1/26/2016 - To Education then Judiciary

34. By Del. Sobonya, Moffatt, Miller, Rohrbach, Cadle, Summers, Cowles, Nelson, J., Kurcaba, Ihle and Frich - **Supervision of Free Schools** - Introduced 1/27/2016 - To Education then Judiciary
35. By Del. Shaffer, Smith, R., Lynch, Smith, P., Blackwell, Faircloth, Byrd and Ireland - **Senior Citizen Homestead Valuation Amendment** - Introduced 1/27/2016 - To Finance then Judiciary
36. By Del. Ferro, Lynch, Pethtel, Fluharty, Hamilton, Skinner, Storch, Caputo, Hartman and Perry - **The Simple Majority Levy Approval Amendment** - Introduced 1/29/2016 - To Judiciary
37. By Del. Marcum, Phillips, Sobonya, McCuskey, Westfall, Storch, Frich, Reynolds, Rohrbach, Shott and Householder - **Senators and Delegates Term Limit Amendment** - Introduced 2/1/2016 - To Judiciary
38. By Del. Bates - **Term Limits for Senators and Delegates in the West Virginia Legislature** - Introduced 2/3/2016 - To Judiciary
39. By Del. Bates, Lane and Pushkin - **State Apportionment Commission** - Introduced 2/3/2016 - To Judiciary

ALL HOUSE CONCURRENT RESOLUTIONS OFFERED

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 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016 - To Senate 1/13/2016 - Committee reference dispensed - Adopted by Senate 1/14/2016
2. By Del. Rowan and Cowles - **U.S. Army PV2 William Frederick Kump Memorial Bridge** - Introduced 1/14/2016 - To Roads and Transportation then Rules
3. By Del. Rowan and Cowles - **North River Mills Historic Trace** - Introduced 1/14/2016 - To Roads and Transportation then Rules
4. By Del. Rowan - **CSA LTG Thomas J. "Stonewall" Jackson Bridge** - Introduced 1/14/2016 - To Roads and Transportation then Rules
5. By Del. Ambler, Canterbury and Cowles - **U.S. Army PV2 Eskridge A. Waggoner Memorial Bridge** - Introduced 1/15/2016 - To Roads and Transportation then Rules
6. By Del. Phillips, Marcum, Eldridge, Moffatt and White, P. - **U.S. Army CPL F. Lee Noel Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
7. By Del. Miller, Morgan, Moffatt, Hornbuckle, Reynolds, Sobonya and Rohrbach - **U.S. Army PFC Cecil Ray Ball Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016

8. By Del. Westfall, McCuskey, White, B., Atkinson, Stansbury, Blair, Foster, Ihle, Butler and Storch - **Harry Ripley Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
9. By Del. Kelly, Kessinger, Azinger, Statler, Evans, D., Zatezalo, Weld, McGeehan, Ireland, Border and Nelson, J. - **Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016
10. By Del. White, P., Phillips, Marcum and Eldridge - **U.S. Marine Corps GySgt Lionel Collins Memorial Road** - Introduced 1/21/2016 - To Roads and Transportation then Rules
11. By Del. Campbell, Moye, Rowan, Espinosa, Wagner, Hornbuckle, White, P., Marcum, Phillips, Stansbury and Hamilton - **World Autism Awareness Day** - Introduced 1/21/2016 - To Rules
12. By Del. Campbell, Hartman, Sponaugle, Espinosa, Wagner, White, P., Stansbury, Perry and Hamilton - **Cheat Mountain Salamander as the State symbol of conservation** - Introduced 1/21/2016 - To Agriculture and Natural Resources then Rules
13. By Del. Cooper and Ambler - **U.S. Army SPC 4 Everette R. Johnson Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
14. By Del. Howell, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Border, Butler, Cadle, Cooper, Cowles, Duke, Ellington, Espinosa, Evans, D., Frich, Hamrick, Hanshaw, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, McGeehan, Miller, Moffatt, O'Neal, Overington, Rowan, Shott, Smith, R., Sobonya, Stansbury, Statler, Storch, Walters, Waxman and Zatezalo - **Second Friday in July as West Virginia Collector Car Appreciation Day** - Introduced 1/21/2016 - To Roads and Transportation then Rules
15. By Mr. Speaker (Mr. Armstead) - **U.S. Marine Corps PFC Clayton Andrew Craft Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
16. By Del. Morgan, Perdue, Hornbuckle, Sobonya, Rohrbach, Miller, Reynolds and Hicks - **U.S. Army PFC John Ira Pinkerman Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
17. By Del. Phillips, Marcum, Rodighiero and White, P. - **SGT Larry Joseph Whitt Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
18. By Del. Phillips, Marcum, Rodighiero and White, P. - **U.S. Air Force Staff Sergeant William Henry 'Bill' Whitman Memorial Highway** - Introduced 1/21/2016 - To Roads and Transportation then Rules
19. By Del. Waxman, Trecost, Miley and Hamrick - **H. Laban White Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules
20. By Del. Cooper, Evans, D., Nelson, J., Fleischauer, Longstreth, Rowan and Weld - **Funding for the West Virginia National Guard** - Introduced 1/21/2016 - To Veterans' Affairs and Homeland Security then Rules

21. By Del. Howell, Blair, Cowles, Duke, Espinosa, Evans, A., Faircloth, Fleischauer, Folk, Frich, Householder, Kurcaba, Flanigan, Overington, Rowan, Shaffer, Skinner, Smith, R., Statler and Upson - **Study impact of reimbursing the State of Maryland for the use of its helicopter Maryland Trooper Five for runs into West Virginia** - Introduced 1/22/2016 - To Finance then Rules
22. By Del. White, B., Miller, Lane, Cowles, Evans, A., Kessinger, Shott, McCuskey, Sobonya, Stansbury, Byrd, Mr. Speaker (Mr. Armstead), Atkinson, Azinger, Blackwell, Blair, Deem, Ellington, Faircloth, Fleischauer, Folk, Hamrick, Householder, Ireland, Kelly, Kurcaba, McGeehan, Nelson, E., Overington, Pushkin, Rohrbach, Rowan, Rowe, Shaffer, Smith, P., Smith, R., Statler, Storch, Upson, Waxman, Weld, Westfall and Zatezalo - **U. S. Army SGT Gary Lee DeBoard Memorial Intersection** - Introduced 1/25/2016 - To Roads and Transportation then Rules
23. By Del. Marcum, Rodighiero, Phillips, White, P., Moffatt, Eldridge, Westfall and McGeehan - **Ingram's Way** - Introduced 1/25/2016 - To Roads and Transportation then Rules
24. By Del. Marcum, Phillips, Hamrick, White, P., Nelson, J., Smith, R., Arvon and Howell - **Cpl. Ronald Duke Varney Memorial Bridge** - Introduced 1/26/2016 - To Roads and Transportation then Rules
25. By Del. Howell, Evans, A., Rowan and Smith, R. - **Frosty the Snowman Day** - Introduced 1/26/2016 - To Rules
26. By Del. Romine, Rowan, Pethtel and Hamilton - **Corporal Gary Wayne Weekley Memorial Bridge** - Introduced 1/26/2016 - To Roads and Transportation then Rules
27. By Del. Hamrick, Trecost, Waxman and Miley - **Michael Angiulli Memorial Bridge** - Introduced 1/26/2016 - To Roads and Transportation then Rules
28. By Del. Miley, Waxman, Trecost, Lane, Hamrick and Caputo - **U.S. Army CPL John Belcastro Bridge** - Introduced 1/29/2016 - To Roads and Transportation then Rules
29. By Del. Manchin, Caputo and Longstreth - **Harry C. "Buck" Markley Jr. Memorial Bridge** - Introduced 1/29/2016 - To Roads and Transportation then Rules
30. By Del. Hamilton, Lynch and Smith, P. - **U.S. Army PFC Everett Henry Woody Memorial Bridge** - Introduced 2/2/2016 - To Roads and Transportation then Rules
31. By Del. Sponaugle, Evans, A., Romine, Hamilton, Hartman, Lynch and Campbell - **Wilbur Lee Clayton Memorial Bridge** - Introduced 2/2/2016 - To Roads and Transportation then Rules
32. By Del. Marcum, White, P., Hamrick, Nelson, J., O'Neal, Summers, Foster, Blair, Sobonya, Kessinger, Smith, R., Hicks, Atkinson, Bates, Butler, Byrd, Eldridge, Evans, A., Fast, Ferro, Folk, Frich, Hamilton, Ireland, Kelly, Kurcaba, McCuskey, Moffatt, Morgan, Moye, Phillips, Reynolds, Rodighiero, Romine, Rowan, Storch, Weld, Westfall and Zatezalo - **Johnny Mack Bryant Memorial Bridge** - Introduced 2/2/2016 - To Roads and Transportation then Rules

33. By Del. Hamrick - **U.S. Army Air Force S/SGT Harold 'Dean' Baker Memorial Bridge** - Introduced 2/5/2016 - To Roads and Transportation then Rules
34. By Del. Miller - **U.S. Marine Corps PFC Billy Joe Vickers Memorial Bridge** - Introduced 2/5/2016 - To Roads and Transportation then Rules
35. By Del. Perdue, Marcum, Hicks, Rodighiero, Reynolds and Rohrbach - **U.S. Army PVT Charles E. Ellis and U.S. Army PVT Ira V. Ellis Memorial Bridge** - Introduced 2/5/2016 - To Roads and Transportation then Rules
36. By Del. Overington, Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blair, Border, Butler, Cadle, Canterbury, Cooper, Deem, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Fast, Flanigan, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hill, Householder, Howell, Ihle, Kelly, Kessinger, Kurcaba, Lane, Marcum, McCuskey, McGeehan, Miller, Moffatt, Moye, Nelson, E., O'Neal, Perry, Phillips, Rohrbach, Romine, Rowan, Shott, Smith, P., Smith, R., Sobonya, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, White, B. and Zatezalo - **Applying for an Article V Amendments Convention to Propose a Constitutional Amendment** - Introduced 2/8/2016 - To Judiciary
37. By Del. Westfall, Upson, Cadle, Ireland, Flanigan, Householder, Cooper, Foster, Lane, Howell and Weld - **U.S. Army SGT Arthur George Roush Memorial Bridge** - Introduced 2/8/2016 - To Roads and Transportation then Rules
38. By Del. Rodighiero, Phillips and Eldridge - **Lando Adkins, Sr. Memorial Road** - Introduced 2/8/2016 - To Roads and Transportation then Rules
39. By Del. Phillips, Marcum, Rodighiero, Moffatt and Eldridge - **US Army PFC Corneliou Vance Memorial Bridge** - Introduced 2/8/2016 - To Roads and Transportation then Rules
40. By Del. Duke - **Max G. Parkinson Memorial Bridge** - Introduced 2/8/2016 - To Roads and Transportation then Rules
41. No Delegate(s) Selected - **U.S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge** - Introduced 2/8/2016 - To Roads and Transportation then Rules

ALL HOUSE RESOLUTIONS OFFERED

1. By Mr. Speaker (Mr. Armstead) - **Authorizing the appointment of employees for this, the Second Regular Session of the 82nd Legislature, 2016** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016
2. By Mr. Speaker (Mr. Armstead) - **Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016
3. By Mr. Speaker (Mr. Armstead) - **Creating a Select Committee on Prevention and Treatment of Substance Abuse** - Introduced 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016

4. By Del. O'Neal, Cooper, Moye, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blackwell, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Nelson, E., Nelson, J., Overington, Perdue, Perry, Pethtel, Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shaffer, Shott, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, White, B., White, P. and Zatezalo - **Memorializing the life of the Honorable Arnold W. Ryan** - Introduced 1/18/2016 - Reference dispensed - Adopted by House 1/18/2016
5. By Del. Howell, Arvon, Atkinson, Cadle, Canterbury, Fast, Folk, Foster, Gearheart, Hamrick, Ihle, Ireland, Kessinger, Flanigan, Overington, Phillips, Wagner, Waxman and Zatezalo - **Expressing concern of the House of Delegates to the growth of the federal government's power over the individual states of the United States** - Introduced 1/25/2016 - To Rules
6. By Del. Howell, Evans, A., Rowan and Smith, R. - **Honoring the town of Piedmont's 160th anniversary** - Introduced 1/26/2016 - To Rules
7. By Del. Sobonya, Arvon, Azinger, Rohrbach, Deem, Duke, Espinosa, Evans, A., Faircloth, Fast, Fleischauer, Folk, Frich, Hamilton, Hamrick, Hicks, Hill, Howell, Ihle, Kelly, Kessinger, Marcum, McCuskey, Moffatt, Morgan, Moye, Pushkin, Rodighiero, Romine, Rowan, Rowe, Shaffer, Smith, P., Stansbury, Statler, Storch, Waxman, Weld, Westfall, Zatezalo, Mr. Speaker (Mr. Armstead) and Del. Blackwell - **Designating that the month of April be proclaimed as Sarcoidosis Awareness Month beginning in 2016.** - Introduced 1/26/2016 - To Rules

HOUSE BILLS PASSED HOUSE AND COMMUNICATED TO SENATE

- *2101. By Del. Morgan, Caputo, Faircloth, Folk, Howell and Smith, R. - **Eliminating obsolete government entities** - Introduced 1/13/2016 - To Government Organization - Passed House 1/21/2016 - To Senate 1/25/2016 - To Government Organization - Amended - Passed Senate with amended title 2/4/2016 - House concurred in Senate amendment and passed 2/8/2016
- *2130. By Del. Westfall, Espinosa, Hamrick, McCuskey, Stansbury, White, B. and Ihle - **Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/27/2016 - To Senate 1/28/2016 - To Judiciary
2147. By Del. Folk, Hamilton, Frich, Shott, Householder, Ireland, Weld, Gearheart, Hanshaw and Azinger - **Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested attorneys in the circuit** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Amended - Passed House 1/26/2016 - Title amended - To Senate 1/27/2016 - To Judiciary

- *2366. By Del. Rowan, Miller, Sobonya, Smith, P., Border, Arvon and Storch - **Relating generally to the solicitation of minors** - Introduced 1/13/2016 - To Judiciary - Passed House 2/8/2016
- *2511. By Del. Walters, Howell, Ellington, Canterbury, Smith, R., Gearheart, Perry, Smith, P. and Ambler - **Health Care Sharing Ministries Freedom to Share Act** - Introduced 1/13/2016 - To Health and Human Resources then Judiciary - To House Judiciary 1/15/2016 - Passed House 2/8/2016
2584. By Del. Rohrbach, Sobonya, Shott, Miller, Hicks, Reynolds and Rowe - **Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Amended - Passed House 1/26/2016 - To Senate 1/27/2016 - To Judiciary
- *2588. By Del. Nelson, E., Lane, Kurcaba, O'Neal, Westfall, McCuskey, Byrd, Gearheart, Storch and Espinosa - **Relating to the filing of financial statements with the Secretary of State** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Judiciary
2796. By Mr. Speaker (Mr. Armstead) - **Providing paid leave for certain state officers and employees during a declared state of emergency** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Government Organization
- *2800. By Del. Miller, Ferro, Sobonya, Border, Rohrbach, Folk and Eldridge - **Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests** (original similar to SB 310) - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Judiciary - On 2nd reading 2/9/2016
- *4002. By Del. Howell, Anderson, Mr. Speaker (Mr. Armstead), Faircloth, Frich, Hanshaw, McCuskey, Rohrbach, Summers, Shott and Walters - **Relating to rule making under the state Administrative Procedures Act** (original similar to SB3) - Introduced 1/13/2016 - To Judiciary - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - Title amended - To Senate 1/26/2016 - To Government Organization
4005. By Del. Cowles, Duke, Foster, Gearheart, Miller, Overington, Shott, Walters, Waxman, Westfall and Householder - **Repealing prevailing hourly rate of wages requirements** (original similar to SB2) - Introduced 1/13/2016 - To Government Organization - Laid over until 1/25/16 - Written motion to suspend Rule 95c rejected - Passed House 1/27/2016 - To Senate 1/28/2016 - To Government Organization - Passed Senate 2/4/2016
- *4007. By Del. Rohrbach, Weld, Espinosa, Cooper, Butler, Waxman, Moffatt, Arvon, Cowles, Hill and Anderson - **Relating generally to appointment of attorneys to assist the Attorney General** (original similar to SB8) - Introduced 1/13/2016 - To Judiciary - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - To Senate 1/26/2016 - To Judiciary - Amended - Passed Senate with amended title 2/6/2016
- *4031. By Del. Frich, Sobonya, Howell, Moffatt, Hanshaw, McCuskey, Shott, Overington, Mr. Speaker (Mr. Armstead), Rowe and Fleischauer - **Requiring agencies to respond to public comments received during the rule-making process** - Introduced 1/15/2016 -

- To Government Organization - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - Title amended - To Senate 1/26/2016 - To Government Organization
4033. By Del. Ellington, Summers, Householder, Rohrbach, Stansbury, Waxman, Perdue and Rodighiero (Originating in House Health and Human Resources) - **Adding criminal penalties for the unauthorized practice of pharmacists care** - Introduced 1/15/2016 - Passed House 1/20/2016 - To Senate 1/21/2016 - To Health and Human Resources then Judiciary - To Health and Human Resources 1/21/2016
- *4038. By Del. Ellington, Summers, Bates, Faircloth, Householder, Rohrbach and Stansbury - **Relating to insurance requirements for the refilling of topical eye medication** - Introduced 1/18/2016 - To Health and Human Resources - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Health and Human Resources
- *4145. By Del. Blair, Azinger, Butler, Cadle, Eldridge, Householder, Marcum, Overington, Phillips, Sobonya and Upson - **Relating to carry or use of a handgun or deadly weapon** - Introduced 1/19/2016 - To Judiciary - To House Judiciary 1/19/2016 - Amendments pending - Amended - Passed House 2/8/2016 - Title amended
- *4163. By Del. Howell, Arvon, Moffatt, Westfall, McCuskey, Miller, Cadle, Walters, Zatezalo, Kelly and Ellington - **Providing the authority and procedure for municipalities to give notice to, and publish the names of, entities delinquent in paying business and occupation taxes** - Introduced 1/20/2016 - To Political Subdivisions then Judiciary - To House Political Subdivisions 1/20/2016 - To House Judiciary 1/27/2016 - Passed House 2/8/2016
- *4175. By Del. Kurcaba, Faircloth, Statler, Espinosa, McGeehan, Azinger, Upson, Kelly, Trecost and Ihle - **Relating generally to home schooling** (original similar to SB318) - Introduced 1/20/2016 - To Education - To House Education 1/20/2016 - Passed House 2/2/2016 - To Senate 2/3/2016 - To Education
- *4227. By Del. Howell, Arvon, Zatezalo, Border, Phillips, Hartman, Ihle, Cadle, Moffatt, Atkinson and Morgan - **Relating to qualifications of members of the Real Estate Appraiser Licensing and Certification Board** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016 - Title amended - To Senate 2/1/2016 - To Government Organization
- *4230. By Del. Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, Smith, R., Hamrick and Morgan - **Relating to qualifications of members of the Board of Registration For Professional Engineers** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016 - To Senate 2/1/2016 - To Government Organization
4235. By Del. Shott - **Relating to the publication requirements of the administration of estates** - Introduced 1/22/2016 - To Judiciary - Passed House 2/1/2016 - Title amended - To Senate 2/2/2016 - To Judiciary
- *4238. By Del. Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, Smith, R., Hamrick and Morgan - **Relating to qualifications of members of the board of Professional Surveyors** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016 - Title amended - To Senate 2/1/2016 - To Government Organization

- *4241. By Del. Howell, Arvon, Zatezalo, Border, Phillips, Hartman, Ihle, Cadle, Moffatt, Atkinson and Morgan - **Relating to qualifications of members of the Real Estate Commission** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016 - To Senate 2/1/2016 - To Government Organization
- 4243. By Del. Border, Ellington, Arvon, Kelly, Sobonya, Anderson, Deem and Ireland - **Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds** - Introduced 1/22/2016 - To Health and Human Resources - Passed House 2/3/2016 - To Senate 2/4/2016 - To Health and Human Resources
- *4244. By Del. Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Shott, Flanigan, Waxman, Perry and White, B. - **Eliminating the need for a public hearing when no objection is filed on an application from an out of state state-chartered credit union to establish a branch in West Virginia** - Introduced 1/25/2016 - To Banking and Insurance then Judiciary - To House Judiciary 1/29/2016 - Passed House 2/5/2016 - To Senate 2/6/2016 - To Banking and Insurance
- *4245. By Del. Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Rowe, Flanigan, Waxman, Perry and White, B. - **Requiring the cashier or executive officer of a banking institution to provide shareholders with the institution's most recent year-end audited financial statement** - Introduced 1/25/2016 - To Banking and Insurance then Judiciary - To House Judiciary 1/29/2016 - Passed House 2/5/2016 - To Senate 2/6/2016 - To Banking and Insurance
- *4311. By Del. Howell, Arvon, Blair, Phillips, Hartman, Ihle, Cadle, McGeehan, Moffatt, Atkinson and Morgan - **Relating to qualifications of members of the Board of Landscape Architects** - Introduced 1/27/2016 - To Government Organization - Passed House 2/4/2016 - To Senate 2/5/2016 - To Government Organization
- *4313. By Del. Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, Moffatt, Atkinson and Morgan - **Relating to qualifications of members of the Board of Architects** (original similar to HB4311) - Introduced 1/27/2016 - To Government Organization - Passed House 2/4/2016 - To Senate 2/5/2016 - To Government Organization

ALL SENATE BILLS PASSED BY SENATE AND COMMUNICATED TO HOUSE

- 1. By Sen. Cole (Mr. President), Blair, Boso, Ferns, Gaunch, Trump, Carmichael, Sypolt and Takubo - **Establishing WV Workplace Freedom Act** (original similar to HB4006) - Introduced 1/13/2016 - To Judiciary - Amended - Passed Senate 1/21/2016 - To House 1/25/2016 - To Judiciary - Amended - Passed House 2/4/2016 - Title amended - Senate concurred in House amendments and passed bill 2/5/2016 - To Governor 2/8/16
- *13. By Sen. Carmichael, Boso, Gaunch, Leonhardt, Trump, Walters, Blair, Takubo, Miller and Unger - **Increasing penalties for overtaking and passing stopped school buses** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/20/2016 - Passed Senate with amended title 1/26/2016 - To House 1/27/2016 - To Judiciary

- *14. By Sen. Trump, Boso, Ferns, Leonhardt, Takubo and Blair - **Limiting successor corporation asbestos-related liabilities** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/26/2016 - Passed Senate 1/29/2016 - To House 2/1/2016 - To Judiciary
- 15. By Sen. Boso and Gaunch - **Adopting learned intermediary doctrine as defense to civil action due to inadequate warnings or instructions** - Introduced 1/13/2016 - To Judiciary - Passed Senate 2/1/2016 - To House 2/2/2016 - To Judiciary
- *27. By Sen. Kirkendoll, Miller and Gaunch - **Permitting county commissions hire outside attorneys for collection of taxes through courts** - Introduced 1/13/2016 - To Government Organization then Judiciary - Com. sub. reported 1/25/2016 - To Judiciary 1/25/2016 - Com. sub. for com. sub. reported 1/27/2016 - Passed Senate 2/1/2016 - To House 2/2/2016 - To Judiciary then Finance
- 29. By Sen. Palumbo - **Tolling statute of limitations in certain cases** - Introduced 1/13/2016 - To Judiciary - Passed Senate 2/5/2016 - To House 2/8/2016 - To Judiciary
- 32. By Sen. Palumbo, Beach and Miller - **Relating to withdrawal of candidates for office and filling vacancies** - Introduced 1/13/2016 - To Judiciary - Amended - Passed Senate 1/26/2016 - To House 1/27/2016 - To Judiciary - Amended - Passed House 2/5/2016 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 2/6/2016 - Effective from passage
- *40. By Sen. Stollings - **Changing definition of facilities eligible for funding assistance from Courthouse Facilities Improvement Authority** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/1/2016 - Passed Senate 2/4/2016 - Effective from passage - To House 2/5/2016 - To Judiciary then Finance
- *68. By Sen. Ferns and Takubo - **Disallowing Health Care Authority to conduct rate review and set rates for hospitals** - Introduced 1/13/2016 - To Health and Human Resources then Finance - Com. sub. reported 2/3/2016 - 2nd reference dispensed - Passed Senate 2/6/2016 - To House 2/8/2016 - To Health and Human Resources
- *102. By Sen. Trump, Boso and Gaunch - **Conforming to federal Law-Enforcement Officers Safety Act** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/20/2016 - Passed Senate 1/26/2016 - To House 1/27/2016 - To Judiciary
- 107. By Sen. Trump - **Uniform Interstate Depositions and Discovery Act** - Introduced 1/13/2016 - To Judiciary - Passed Senate with amended title 1/27/2016 - To House 1/28/2016 - To Judiciary
- *109. By Sen. Trump - **Repealing code provisions related to certain reports by trustees for property** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary - Com. sub. reported 1/27/2016 - To Judiciary 1/27/2016 - Amended - Passed Senate with amended title 2/4/2016 - To House 2/5/2016 - To Banking and Insurance then Judiciary
- 123. By Sen. Stollings - **Treatment for sexually transmitted diseases** - Introduced 1/13/2016 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Passed Senate 2/3/2016 - To House 2/4/2016 - To Health and Human Resources

- *146. By Sen. Plymale and Unger - **Establishing instruction standards for early childhood education** - Introduced 1/13/2016 - To Education - Com. sub. reported 1/25/2016 - Passed Senate 1/29/2016 - Effective July 1, 2016 - To House 2/1/2016 - To Education
- *150. By Sen. Maynard - **Authorizing Department of Transportation promulgate legislative rules** (original similar to HB4082) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/27/2016 - Passed Senate 2/1/2016 - Effective from passage - To House 2/2/2016 - To Judiciary
- *157. By Sen. Maynard - **Authorizing Department of Revenue to promulgate legislative rules** (original similar to HB4088) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/20/2016 - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Judiciary
- *159. By Sen. Maynard - **Authorizing promulgation of legislative rules by miscellaneous boards and commissions** (original similar to HB4096) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/2/2016 - Passed Senate 2/5/2016 - Effective from passage - To House 2/8/2016 - To Judiciary
- *195. By Sen. Maynard - **Authorizing DHHR to promulgate legislative rules**(original similar to HB4114) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/21/2016 - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Judiciary
- *202. By Sen. Maynard - **Authorizing Department of Commerce promulgate legislative rules** (original similar to HB4126) - Introduced 1/13/2016 - To Natural Resources then Judiciary - To Judiciary 1/21/2016 - Com. sub. reported 1/26/2016 - Passed Senate 1/29/2016 - Effective from passage - To House 2/1/2016 - To Judiciary
- *216. By Sen. Maynard - **Authorizing Human Rights Commission promulgate legislative rule relating to Pregnant Workers' Fairness Act** (original similar to HB4141) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/26/2016 - Passed Senate 1/29/2016 - Effective from passage - To House 2/1/2016 - To Judiciary
- *254. By Sen. Trump - **Not allowing county park commissions to prohibit firearms in facilities** - Introduced 1/13/2016 - To Government Organization then Judiciary - Com. sub. reported 1/29/2016 - 2nd reference dispensed - Passed Senate 2/3/2016 - Effective from passage - To House * 2/4/2016 - To House Judiciary 2/4/2016
- 261. By Sen. Blair - **Bringing state code relating to daylight saving time in conformity with federal code** - Introduced 1/13/2016 - To Government Organization - Passed Senate 2/3/2016 - To House 2/4/2016 - To Government Organization
- *262. By Sen. Blair - **Eliminating need for law enforcement to obtain court order prior to having access to inmate mail and phone recordings** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/25/2016 - Passed Senate 1/28/2016 - To House 1/29/2016 - To Judiciary
- *263. By Sen. Blair and Snyder - **Allowing travel and other expense reimbursement for members of Municipal Home Rule Board** - Introduced 1/13/2016 - To Government Organization - Com. sub. reported 1/15/2016 - Passed Senate 1/20/2016 - To House 1/21/2016 - To Political Subdivisions then Finance

- *265. By Sen. Blair and Snyder - **Allowing library volunteers necessary access to user records** - Introduced 1/13/2016 - To Government Organization then Judiciary - To Judiciary 1/15/2016 - Com. sub. reported 2/2/2016 - Amended - Passed Senate 2/5/2016 - To House 2/8/2016 - To Judiciary
- *268. By Sen. Blair - **Abolishing Council of Finance and Administration** - Introduced 1/13/2016 - To Government Organization - Com. sub. reported 1/29/2016 - Passed Senate 2/3/2016 - To House 2/4/2016 - To Government Organization then Finance
- *270. By Sen. Gaunch - **Repealing code relating to insurance policies** - Introduced 1/14/2016 - To Banking and Insurance then Judiciary - To Judiciary 1/26/2016 - Com. sub. reported 2/2/2016 - Passed Senate 2/5/2016 - To House 2/8/2016 - To Banking and Insurance then Judiciary
271. By Sen. Ferns and Gaunch - **Conforming definition of attest services to Uniform Accountancy Act** (original similar to HB4312) - Introduced 1/14/2016 - To Judiciary - Passed Senate 2/2/2016 - To House 2/3/2016 - To Judiciary
- *278. By Sen. Ferns, Takubo, Walters, Stollings and Palumbo - **Clarifying physicians' mutual insurance company is not state or quasi-state actor** - Introduced 1/14/2016 - To Banking and Insurance then Judiciary - To Judiciary 1/26/2016 - Com. sub. reported 2/4/2016 - Passed Senate 2/8/2016
- *288. By Sen. Trump, Blair, Takubo, Walters, Romano and Palumbo - **Creating one-day special license for charitable events to sell nonintoxicating beer** - Introduced 1/14/2016 - To Judiciary - Com. sub. reported 1/27/2016 - Passed Senate 2/1/2016 - Effective from passage - To House 2/2/2016 - To Judiciary then Finance
- *290. By Sen. Trump - **Assignment of wages by employers and payment by payroll card** - Introduced 1/14/2016 - To Judiciary - Com. sub. reported 1/25/2016 - Amended - Passed Senate with amended title 1/28/2016 - To House 1/29/2016 - To Judiciary
306. By Sen. Blair - **Permitting sale of county or district property online** - Introduced 1/15/2016 - To Government Organization - Passed Senate 2/3/2016 - To House 2/4/2016 - To Political Subdivisions then Government Organization
311. By Sen. Snyder, Romano, Gaunch, Kessler and Blair - **Allowing permanent exception for mortgage modification or refinancing loan under federal Making Home Affordable program** - Introduced 1/18/2016 - To Government Organization - Passed Senate 1/26/2016 - To House 1/27/2016 - To Banking and Insurance then Finance - To House Finance 2/5/2016
323. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano and Williams - **Correcting statute subsection designations regarding trespassing on property** - Introduced 1/19/2016 - To Judiciary - Passed Senate with amended title 1/26/2016 - To House 1/27/2016 - To Judiciary
- *326. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano and Plymale - **Repeal and recodify law relating to contributing to delinquency of minor child** - Introduced 1/19/2016 - To Judiciary - Com. sub. reported 2/3/2016 - Passed Senate 2/6/2016 - To House 2/8/2016 - To Judiciary

329. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano, Plymale, Stollings and Unger - **Eliminating sunset provision for commission to study residential placement of children** - Introduced 1/20/2016 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Passed Senate 2/1/2016 - To House 2/2/2016 - To Health and Human Resources then Judiciary
- *330. By Sen. Gaunch and Boso - **Requiring automobile liability insurers provide 10 days' notice of intent to cancel due to nonpayment of premium** - Introduced 1/20/2016 - To Banking and Insurance then Judiciary - Com. sub. reported 2/2/2016 - 2nd reference dispensed - Passed Senate 2/5/2016 - To House 2/8/2016 - To Banking and Insurance then Judiciary
333. By Sen. Karnes and Leonhardt - **Taking and registering of wildlife** (original similar to HB4255) - Introduced 1/20/2016 - To Natural Resources then Government Organization - 2nd reference dispensed - Passed Senate with amended title 2/2/2016 - To House 2/3/2016 - To Agriculture and Natural Resources then Judiciary
334. By Sen. Karnes - **Identifying coyote as fur-bearing animal and woodchuck as game animal** (original similar to HB4236) - Introduced 1/20/2016 - To Natural Resources then Government Organization - 2nd reference dispensed - Passed Senate 2/2/2016 - To House 2/3/2016 - To Agriculture and Natural Resources then Government Organization
336. By Sen. Karnes and Leonhardt - **Relating to crossbow hunting** - Introduced 1/20/2016 - To Natural Resources - Passed Senate 2/2/2016 - To House 2/3/2016 - To Agriculture and Natural Resources then Judiciary
- *338. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano, Stollings, Plymale and Yost - **Compiling and maintaining Central State Mental Health Registry** - Introduced 1/21/2016 - To Health and Human Resources then Judiciary - Com. sub. reported 1/27/2016 - 2nd reference dispensed - Passed Senate 2/1/2016 - To House 2/2/2016 - To Health and Human Resources then Judiciary
- *342. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Decreasing appropriations from State Fund, General Revenue, to DHHR, Division of Human Services and Bureau of Senior Services** - Introduced 1/21/2016 - To Finance - Com. sub. reported 1/27/2016 - Constitutional rule suspended - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Finance - Passed House 2/8/2016 - Effective from passage
- *343. By Sen. Cole (Mr. President), Hall, Kessler and Trump - **Authorizing prosecuting attorneys designate law-enforcement officers and investigators as custodians of records** (original similar to HB4206, HB4289) - Introduced 1/21/2016 - To Judiciary - Com. sub. reported 1/28/2016 - Amended - Passed Senate with amended title 2/2/2016 - Effective from passage - To House 2/3/2016 - To Judiciary
357. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund** (original similar to HB4229) - Introduced 1/21/2016 - To Finance - Constitutional rule suspended - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Finance - Passed House 2/8/2016 - Effective from passage

360. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation to Division of Human Services** (original similar to HB4149) - Introduced 1/21/2016 - To Finance - Constitutional rule suspended - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Finance - Passed House 2/8/2016 - Effective from passage
- *361. By Sen. Gaunch, Boso, Mullins, Palumbo, Walters, Williams and Prezioso - **Prohibiting persons who have committed crimes against elderly from performing community service involving elderly** (original similar to HB4306) - Introduced 1/21/2016 - To Judiciary - Com. sub. reported 2/3/2016 - Passed Senate 2/6/2016 - To House 2/8/2016 - To Judiciary
364. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation expiring funds from General Revenue** (original similar to HB4189) - Introduced 1/21/2016 - To Finance - Constitutional rule suspended - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - Reference dispensed - Motion to lay over adopted - Laid over until 2/1/16 - Passed House 2/2/2016 - Effective from passage - To Governor 2/4/16 - Approved by Governor 2/4/16
- *369. By Sen. Sypolt, Boso, Plymale, Prezioso and Williams - **Reducing legislative education reporting requirements** - Introduced 1/21/2016 - To Education - Com. sub. reported 1/29/2016 - Passed Senate 2/3/2016 - To House 2/4/2016 - To Education
379. By Sen. Trump, Palumbo, Gaunch, Williams, Beach, Yost and Miller - **Relating to candidate filing fees** - Introduced 1/25/2016 - To Judiciary - Passed Senate with amended title 2/1/2016 - Effective from passage - To House 2/2/2016 - To Judiciary
385. By Sen. Trump - **Allowing defendants 180 days to identify nonparties wholly or partially at fault in civil actions** - Introduced 1/25/2016 - To Judiciary - Passed Senate 2/5/2016 - To House 2/8/2016 - To Judiciary
- *387. By Sen. Karnes - **Shared animal ownership agreements to consume raw milk** - Introduced 1/25/2016 - To Agriculture and Rural Development then Judiciary - Com. sub. reported 1/27/2016 - To Judiciary 2/2/2016 - Com. sub. for com. sub. reported 2/2/2016 - Passed Senate 2/5/2016 - To House 2/8/2016 - To Health and Human Resources
415. By Sen. Ashley - **Lengthening maximum term of negotiable certificates of deposit municipal funds can hold** - Introduced 1/28/2016 - To Banking and Insurance - Passed Senate 2/5/2016 - To House 2/8/2016 - To Banking and Insurance then Finance

SENATE CONCURRENT RESOLUTIONS ADOPTED BY SENATE AND COMMUNICATED TO HOUSE

2. By Sen. Leonhardt, Boley, Ashley, Facemire, Sypolt, Yost, Beach, Boso, Ferns, Miller, Palumbo, Plymale, Romano, Takubo, Unger, Williams, Prezioso and Blair - **Urging Congress provide funding for WV National Guard** - Introduced 1/19/2016 - To Military - Adopted by Senate 1/29/2016 - To House 2/1/2016 - To Rules - To House Rules 2/1/2016
5. By Sen. Beach, Facemire, Kessler, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel, Yost, Laird, Leonhardt and Gaunch - **Coach Bill Stewart Exit** - Introduced 1/19/2016 - To Transportation and Infrastructure - Adopted by Senate 2/4/2016 - To House 2/5/2016 - To Rules - To House Rules 2/5/2016

16. By Sen. Romano, Facemire, Williams and Stollings - **U.S. Army CPL John Belcastro Bridge** - Introduced 2/1/2016 - Committee reference dispensed - Adopted by Senate 2/2/2016 - To House 2/3/2016 - To Rules - To House Rules 2/3/2016

HOUSE BILLS PASSED LEGISLATURE

- *2101. By Del. Morgan, Caputo, Faircloth, Folk, Howell and Smith, R. - **Eliminating obsolete government entities** - Passed 2/8/2016
4005. By Del. Cowles, Duke, Foster, Gearheart, Miller, Overington, Shott, Walters, Waxman, Westfall and Householder - **Repealing prevailing hourly rate of wages requirements** (original similar to SB2) - Passed 2/4/2016

HOUSE CONCURRENT RESOLUTIONS ADOPTED BY BOTH HOUSES

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 1/13/2016

SENATE BILLS PASSED LEGISLATURE

1. By Sen. Cole (Mr. President), Blair, Boso, Ferns, Gaunch, Trump, Carmichael, Sypolt and Takubo - **Establishing WV Workplace Freedom Act**(original similar to HB4006) - Passed 2/5/2016 - To Governor 2/8/16
32. By Sen. Palumbo, Beach and Miller - **Relating to withdrawal of candidates for office and filling vacancies** - Passed 2/6/2016; Effective from passage
- *342. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Decreasing appropriations from State Fund, General Revenue, to DHHR, Division of Human Services and Bureau of Senior Services** - Passed 2/8/2016; Effective from passage
357. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund**(original similar to HB4229) - Passed 2/8/2016; Effective from passage
360. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation to Division of Human Services**(original similar to HB4149) - Passed 2/8/2016; Effective from passage
364. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation expiring funds from General Revenue**(original similar to HB4189) - Passed 2/2/2016; Effective from passage - To Governor 2/4/16 - Approved by Governor 2/4/16

HOUSE CALENDAR

Tuesday, February 9, 2016

28th Day

11:00 A. M.

THIRD READING

Com. Sub. for H. B. 4186 - Relating to additional duties of the Public Service Commission (HOWELL) (EFFECTIVE FROM PASSAGE)

SECOND READING

Com. Sub. for H. B. 2444 - Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals (MILLER) (REGULAR)

FIRST READING

Com. Sub. for H. B. 4012 - West Virginia Religious Freedom Restoration Act (SHOTT) (REGULAR)

H. B. 4148 - Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act (E. NELSON) (EFFECTIVE FROM PASSAGE) (FINANCE COMMITTEE TITLE AMENDMENT PENDING)

Com. Sub. for H. B. 4158 - Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia – Workforce Investment Act (E. NELSON) (EFFECTIVE FROM PASSAGE)

H. B. 4161 - Relating to levies on classifications of property by the Board of Public Works (E. NELSON) (REGULAR)

H. B. 4362 - Establishing a felony offense of strangulation (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

WEST VIRGINIA HOUSE OF DELEGATES

TUESDAY, FEBRUARY 9, 2016

HOUSE CONVENES AT 11:00 A. M.

**COMMITTEE ON INDUSTRY & LABOR
9:00 A.M. – 215E**

**COMMITTEE ON AGRICULTURE
10:00 A.M. – 215E**

**PUBLIC HEARING – COMMITTEE ON HEALTH & HUMAN RESOURCES
12:00 P.M. HOUSE CHAMBER**

**H. B. 4352, RELATING TO THE SELLING OF CERTAIN STATE OWNED HEALTH CARE FACILITIES
BY THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

**PUBLIC HEARING – COMMITTEE ON HEALTH & HUMAN RESOURCES
1:00 P.M. HOUSE CHAMBER**

H. B. 4365, RELATING TO THE CERTIFICATE OF NEED PROCESS

**COMMITTEE ON POLITICAL SUBDIVISIONS
1:00 P.M. – 418M**

**COMMITTEE ON HEALTH & HUMAN RESOURCES
2:30 P.M. – 215E**

**COMMITTEE ON THE JUDICIARY
3:30 P.M. – 418M**

WEDNESDAY, FEBRUARY 10, 2016

**COMMITTEE ON GOVERNMENT ORGANIZATION
9:00 A.M. – 215E**

THURSDAY, FEBRUARY 11, 2016

**PUBLIC HEARING – COMMITTEE ON HEALTH & HUMAN RESOURCES
2:00 P.M. HOUSE CHAMBER**

**H. B. 4334, CLARIFYING THE REQUIREMENTS FOR A LICENSE TO PRACTICE AS AN ADVANCED
PRACTICE REGISTERED NURSE AND TO EXPAND THE PRESCRIPTIVE AUTHORITY THAT MAY BE
GRANTED TO ADVANCED PRACTICE REGISTERED NURSES**

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470