

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
EXTENDED SESSION, 2017
SIXTY-FIRST DAY

Charleston, West Virginia, Sunday, April 9, 2017

The Senate met at 6 p.m.

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

Prayer was offered by the Honorable Randy E. Smith, a senator from the fourteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan J. Ferns, a senator from the first district.

Pending the reading of the Journal of Saturday, April 8, 2017,

At the request of Senator Prezioso, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Trump, the Senate recessed for 10 minutes.

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

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

Your Committee on Confirmations has had under consideration

Senate Executive Message 6, dated March 29, 2017, requesting confirmation by the Senate of the nominations mentioned therein. The following list of names from Executive Message 6 is submitted:

1. For Director, Division of Homeland Security, James J. Gianato, Kimball, McDowell County, to serve at the will and pleasure of the Governor.
2. For Secretary, Department of Military Affairs and Public Safety, Jeff Sandy, Vienna, Wood County, to serve at the will and pleasure of the Governor.

3. For Secretary, Department of Environmental Protection, Austin Caperton, Daniels, Raleigh County, to serve at the will and pleasure of the Governor.
4. For Secretary, Department of Revenue, Dave Hardy, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.
5. For Commissioner, Division of Tourism, Chelsea A. Ruby, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.
6. For Superintendent, West Virginia State Police, Jan Cahill, Lewisburg, Greenbrier County, to serve at the will and pleasure of the Governor.
7. For Secretary, Department of Health and Human Resources, Bill J. Crouch, Poca, Putnam County, to serve at the will and pleasure of the Governor.
8. For Secretary, West Virginia Department of Veterans Assistance, Dennis Davis, Dunbar, Kanawha County, to serve at the will and pleasure of the Governor.
9. For Director, West Virginia Lottery, Alan H. Larrick, Daniels, Raleigh County, to serve at the will and pleasure of the Governor.
10. For Secretary, Department of Education and the Arts, Gayle C. Manchin, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.
11. For Secretary, Department of Administration, John A. Myers, Scott Depot, Putnam County, to serve at the will and pleasure of the Governor.
12. For Commissioner, West Virginia Division of Motor Vehicles, Pat Reed, Beckley, Raleigh County, to serve at the will and pleasure of the Governor.
13. For Commissioner, Tax Division, Dale Steager, South Charleston, Kanawha County, to serve at the will and pleasure of the Governor.
14. For Secretary, Department of Commerce, H. Wood Thrasher, Bridgeport, Harrison County, to serve at the will and pleasure of the Governor.
15. For Adjutant General, Major General James A. Hoyer, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.
16. For Member, West Virginia Board of Physical Therapy, Robert A. Haas, Lewisburg, Greenbrier County, for the term ending June 30, 2019.
18. For Director, Miners' Health, Safety and Training, James G. Norman, Pineville, Wyoming County, to serve at the will and pleasure of the Governor.
19. For Secretary/Commissioner, Department of Transportation/Division of Highways, Thomas J. Smith, Hurricane, Putnam County, to serve at the will and pleasure of the Governor.

20. For Member, Pierpont Community and Technical College Board of Governors, L. Eugene Weaver, Fairmont, Marion County, for the term ending June 30, 2020.

21. For Member, West Virginia Investment Management Board of Trustees, Randy E. Snider, Parkersburg, Wood County, for the term ending January 31, 2023.

22. For Member, West Virginia Investment Management Board of Trustees, Jack Rossi, Charleston, Kanawha County, for the term ending January 31, 2023.

23. For Member, West Virginia Racing Commission, Anthony E. Figaretti, Wheeling, Ohio County, for the term ending April 1, 2020.

24. For Member, West Virginia Racing Commission, Kenneth F. Lowe, Jr., Shepherdstown, Jefferson County, for the term ending April 1, 2020.

25. For Member, West Virginia Board of Education, Miller Hall, Beckley, Raleigh County, for the term ending November 4, 2019.

26. For Member, West Virginia Board of Education, Harold L. Hatfield, Jr., Hurricane, Putnam County, for the term ending November 4, 2025.

27. For Member, West Virginia Board of Education, Barbara Whitecotton, Moorefield, Hardy County, for the term ending November 4, 2024.

28. For Member, West Virginia Parole Board, Mike McCarthy, Huntington, Cabell County, for the term ending June 30, 2022.

29. For Member, West Virginia Board of Education, The Honorable David G. Perry, Oak Hill, Fayette County, for the term ending November 4, 2020.

30. For Member, West Virginia Board of Physical Therapy, Jack Spatafore, Bridgeport, Harrison County, for the term ending June 30, 2019.

31. For Member, West Virginia Board of Physical Therapy, Jack Brautigam, Morgantown, Monongalia County, for the term ending June 30, 2018.

32. For Member, West Virginia Board of Physical Therapy, Steve Young, Summersville, Nicholas County, for the term ending June 30, 2017.

33. For Director, Division of Natural Resources, Stephen S. McDaniel, Hendricks, Tucker County, to serve at the will and pleasure of the Governor.

34. For Member, Aeronautics Commission, Scott Miller, Charleston, Kanawha County, for the term ending June 30, 2020.

35. For Member, Southern West Virginia Community and Technical College Board of Governors, Latisha Marcum, Williamson, Mingo County, for the term ending June 30, 2018.

36. For Member, Family Protection Services Board, Emily S. Larkins, Parkersburg, Wood County, for the term ending June 30, 2019.

37. For Member, West Virginia Board of Architects, Adam Krason, Charleston, Kanawha County, for the term ending June 30, 2017.

38. For Executive Director, Housing Development Fund, Erica L. Boggess, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

39. For Member, Housing Development Fund, David Gardner, Charleston, Kanawha County, for the term ending October 30, 2020.

40. For Member, Housing Development Fund, John B. Gianola, Charleston, Kanawha County, for the term ending October 30, 2020.

41. For Member, Housing Development Fund, Robert L. Nistendirk, Charleston, Kanawha County, for the term ending October 30, 2020.

42. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Gary L. Poling, Beckley, Raleigh County, for the term ending June 30, 2019.

43. For Commissioner, Division of Labor, David Mullins, Ripley, Jackson County, to serve at the will and pleasure of the Governor.

44. For Commissioner, Alcohol Beverage Control Commission, Fredric L. Wooton, Beckley, Raleigh County, to serve at the will and pleasure of the Governor.

45. For Member, Water Development Board, Marie L. Prezioso, Charleston, Kanawha County, for the term ending June 30, 2018.

46. For Member, West Virginia Council for Educational Opportunity for Military Children, Christopher P. Cmiel, Belle, Kanawha County, for the term ending June 30, 2019.

47. For Member, West Virginia Housing Development Fund, Mary Agnes Kern, Charleston, Kanawha County, for the term ending October 30, 2018.

48. For Member, West Virginia Library Commission, Betty Gunnoe, Martinsburg, Berkeley County, for the term ending June 30, 2020.

49. For Member, West Virginia Library Commission, Debra K. Sullivan, Charleston, Kanawha County, for the term ending June 30, 2020.

50. For Member, Fire Commission, Martin Hess, Sand Fork, Gilmer County, for the term ending June 30, 2018.

51. For Member, Southern West Virginia Community and Technical College Board of Governors, Mason E. White II, Logan, Logan County, for the term ending June 30, 2017.

52. For Member, Property Valuation Training and Procedures Commission, Harvey Young, Fayetteville, Fayette County, for the term ending June 30, 2020.

53. For Member, Property Valuation Training and Procedures Commission, Dick Waybright, Ravenswood, Jackson County, for the term ending June 30, 2020.

54. For Member, Property Valuation Training and Procedures Commission, Joseph M. Alongi, New Cumberland, Hancock County, for the term ending June 30, 2020.

55. For Member, Property Valuation Training and Procedures Commission, John P. Cavendish, Charleston, Kanawha County, for the term ending June 30, 2020.

56. For Member, Property Valuation Training and Procedures Commission, Drema B. Evans, Beckley, Raleigh County, for the term ending June 30, 2020.

57. For Chief Executive Officer, Center for Professional Development, Lorrie A. Smith, Gassaway, Braxton County, to serve at the will and pleasure of the Governor.

58. For Member, West Virginia Northern Community and Technical College Board of Governors, Eran T. Molz, Martins Ferry, Ohio, for the term ending June 30, 2017.

59. For Member, West Liberty University Board of Governors, Teresa C. Toriseva, Wheeling, Ohio County, for the term ending June 30, 2020.

60. For Member, West Virginia Board of Veterinary Medicine, William Ross Peery, Beckley, Raleigh County, for the term ending June 30, 2021.

61. For Member, Broadband Enhancement Council, Richard Cavender, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

62. For Member, Veterans' Council, Kenneth D. Boggs, Keyser, Mineral County, for the term ending June 30, 2022.

63. For Member, West Virginia Municipal Bond Commission, Linda K. Epling, Beckley, Raleigh County, for the term ending July 7, 2017.

64. For Member, West Virginia Municipal Bond Commission, Stephen T. Williams, Huntington, Cabell County, for the term ending July 7, 2019.

65. For Member, Jobs Investment Trust Board, Gale L. Gray, Charleston, Kanawha County, for the term ending June 30, 2017.

66. For Member, Jobs Investment Trust Board, Ann R. Starcher, Charleston, Kanawha County, for the term ending June 30, 2018.

67. For Member, West Virginia Municipal Pensions Oversight Board, Emily R. Lambright, Charleston, Kanawha County, for the term ending January 1, 2022.

68. For Member, West Virginia Municipal Pensions Oversight Board, David W. Lanham, Charleston, Kanawha County, for the term ending January 1, 2020.

69. For Member, Board of Accountancy, Jon Cain, Sr., Parkersburg, Wood County, for the term ending June 30, 2019

70. For Member, Board of Accountancy, Robin M. Baylous, Washington, Wood County, for the term ending June 30, 2019.

71. For Member, Board of Accountancy, Richard A. Riley, Jr., Morgantown, Monongalia County, for the term ending June 30, 2019.

72. For Commissioner, Division of Financial Institutions, Dawn E. Holstein, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

73. For Commissioner, Insurance Commission, Allan L. McVey, St. Albans, Kanawha County, to serve at the will and pleasure of the Governor.

74. For Member, West Virginia Board of Physical Therapy, Ashley Mason, Hurricane, Putnam County, for the term ending June 30, 2018.

75. For Member, Unemployment Compensation Board of Review, Les Facemyer, Ripley, Jackson County, for the term ending January 1, 2023.

76. For Member, Capitol Building Commission, Jenelle Armstrong, South Charleston, Kanawha County, for the term ending June 30, 2018.

77. For Member, West Virginia Board of Education, Frank S. Vitale, Morgantown, Monongalia County, for the term ending November 4, 2018.

78. For Member, West Virginia Board of Education, Jeffrey D. Flanagan, Dunbar, Kanawha County, for the term ending November 4, 2022.

79. For Member, Lottery Commission, The Honorable William R. Laird IV, Oak Hill, Fayette County, for the term ending June 30, 2021.

80. For Member, West Virginia Public Employees Grievance Board, William Burdette, Huntington, Cabell County, for the term ending June 30, 2019

81. For Member, West Virginia Public Employees Grievance Board, Kris Mallory, St. Albans, Kanawha County, for the term ending June 30, 2019.

82. For Member, West Virginia Public Employees Grievance Board, John Myers, Scott Depot, Putnam County, for the term ending June 30, 2018.

83. For Member, West Virginia Public Employees Grievance Board, Dale Lee, Princeton, Mercer County, for the term ending June 30, 2018.

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

Respectfully submitted,

Donna J. Boley,
Chair.

The time having arrived for the special order of business to consider the list of nominees for public office submitted by His Excellency, the Governor, the special order thereon was called by the President.

Thereupon, Senator Carmichael (Mr. President) laid before the Senate the following executive message:

Senate Executive Message 6, dated March 29, 2017 (*shown in the Senate Journal of Thursday, March 30, 2017, pages 5 through 10, inclusive*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in the foregoing report from the Committee on Confirmations, except the nomination of Harold L. Hatfield, Jr., to the West Virginia Board of Education (being nomination number 26 in Executive Message 6), the nomination of Barbara Whitecotton to the West Virginia Board of Education (being nomination number 27 in Executive Message 6) and the nomination of Marie L. Prezioso to the Water Development Board (being nomination number 45 in Executive Message 6).

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

The roll was then taken; and

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Clements, Maroney, Sypolt and Woelfel—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive nominations referred to in the foregoing report from the Committee on Confirmations, except the nomination of Harold L. Hatfield, Jr., to the West Virginia Board of Education (being nomination number 26 in Executive Message 6), the nomination of Barbara Whitecotton to the West Virginia Board of Education (being nomination number 27 in Executive Message 6) and the nomination of Marie L. Prezioso to the Water Development Board (being nomination number 45 in Executive Message 6) had been confirmed.

Senator Boley then moved that the Senate advise and consent to the nomination of Marie L. Prezioso to the Water Development Board (being nomination number 45 in Executive Message 6).

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

The roll was then taken; and

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Clements, Maroney, Sypolt and Woelfel—4.

Excused from voting: Prezioso—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of Marie L. Prezioso to the Water Development Board had been confirmed.

Senator Mullins then moved that the Senate advise and consent to the nomination of Frank L. Blackwell as Executive Director of the School Building Authority (being nomination number 17 in Executive Message 6).

Senator Boso requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43, as he has a consulting engineering practice currently engaged with the Nicholas County Board of Education on a project funded by the School Building Authority.

The Chair replied that any impact on Senator Boso would be as a member of a class of persons and that he would be required to vote.

Senator Mullins then moved the previous question.

The previous question having been ordered, that being the adoption of Senator Mullins' motion that the Senate advise and consent to the nomination of Frank L. Blackwell as Executive Director of the School Building Authority (being nomination number 17 in Executive Message 6).

The roll was then taken; and

On this question, the yeas were: Beach, Facemire, Hall, Jeffries, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Takubo and Unger—18.

The nays were: Azinger, Blair, Boley, Boso, Cline, Ferns, Gaunch, Karnes, Swope, Trump, Weld and Carmichael (Mr. President)—12.

Absent: Clements, Maroney, Sypolt and Woelfel—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Mullins' motion had prevailed and the nomination of Frank L. Blackwell as Executive Director of the School Building Authority had been confirmed.

Consideration of executive nominations having been concluded,

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

Executive Communications

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, regarding annual reports, which communication was received and filed with the Clerk:

Jim Justice
Governor of West Virginia
April 8, 2017

Executive Message 8 **2017 Regular Session**

The Honorable Mitch Carmichael
President, West Virginia State Senate
State Capitol, Rm 229M
Charleston, WV 25305

Dear Mr. President:

Pursuant to the provisions of section twenty, article one, chapter five of the Code of West Virginia, I hereby certify that the following annual reports have been received in the Office of the Governor:

Board of Medicine, State of West Virginia — Annual Report for July 1, 2014-June 30, 2016

Corrections, West Virginia Division of – Annual Report 2016

Court of Claims, West Virginia – Annual Report 2017

Energy, West Virginia Division of – Annual Report December 1, 2015-November 30, 2016

Federal Communications Commission Task Force on Optimal Public Safety Answering Point

Architecture – Supplemental Reports/Recommendations

Federal Financial Institutions Examination Council- Appraisal Subcommittee – Annual Report 2015

James “Tiger” Morton Catastrophic Illness Commission-West Virginia Department of Health and Human Resources – Annual Report 2016

Lottery, West Virginia – Comprehensive Annual Financial Report, Fiscal Year Ending June 30, 2016 and 2015

National Shooting Sports Foundation – Firearms and Ammunition Industry Economic Impact Report 2017

Natural Resources, West Virginia Division of – Annual Report 2015-2016

Office of Inspector General, West Virginia Department of Health and Human Resources

Nursing Home and Assisted Living Facilities in West Virginia – Annual Report, October 1, 2015-September 30, 2015

Public Defender Services, West Virginia – Annual Report 2016

Public Service Commission Consumer Advocate Division – West Virginia, Annual Report 2017

Respiratory Care, West Virginia State Board of – Annual Report, July 1, 2015-June 30, 2016

Sanitarians, West Virginia State Board of – Annual Report 2016

State Police, West Virginia – Annual Report, FY 2015-2016

Water Development Authority, West Virginia – Annual Report, FY 2016

West Virginia University West Virginia Assistive Technology System – Annual Report 2016

Women’s Commission, West Virginia – Annual Report 2016

Workforce Planning Council, Governor’s Office – Annual Report 2016

Sincerely,

Jim Justice
Governor

cc: Clark Barnes, Clerk, West Virginia State Senate
Division of Culture and History

Senator Carmichael (Mr. President) then laid before the Senate the following communication from His Excellency, the Governor:

Jim Justice
Governor of West Virginia
April 8, 2017

Senate Executive Message No. 9
Regular Session 2017

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully withdraw the following nomination from Senate Executive Message No. 6, Regular Session 2017:

- 27. For Member, West Virginia Board of Education, Barbara Whitecotton, Moorefield, Hardy County, for the term ending November 4, 2024.

Thank you for correcting your records.

Sincerely,

Jim Justice
Governor

cc: Secretary of State
Senate Clerk

Which communication was received and referred to the Committee on Confirmations.

Senator Carmichael (Mr. President) next laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:

Jim Justice
Governor of West Virginia
April 8, 2017

VIA HAND DELIVERY

The Honorable Mitch Carmichael
President, West Virginia Senate
Room 229M, Building 1
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Senate Bill 437

Dear President Carmichael:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute to Senate Bill 437 because legal challenge to this legislation, would put the state's FY2018 budget in jeopardy, and for the substantial loss of employment to our citizens. My top priority is to create jobs, not lose them. Senate Bill 437 is job-killing legislation, and therefore I reject it.

The bill would decimate the greyhound racing industry, cost hardworking people their jobs and turn away tourists to our great state. Dog racing brought the casinos into existence; not the other way around. It is not right to go back on the promise that was made to the people of West Virginia and shut down the state's dog tracks.

Because voters in the affected counties authorized the passage of video lottery (slots) and table games through a local option election, citizens of those affected counties could challenge

whether the Legislature can unilaterally and without local voter approval, authorize slots and gaming to continue at a free-standing casino with no licensed pari-mutuel racing. Further legal challenge, I believe will come from the casinos themselves, in the unconstitutional unequal treatment of casinos with no racing events from those that are required to hold racing events in order to have a license. These challenges would jeopardize the continuation of video lottery and pari-mutuel racing revenues in our state, which could impact the July 1, 2017 state budget.

I cannot support any legislation that would jeopardize the health of the state's casino industry, the state's FY2018 budget and the livelihood of so many of our citizens.

For the foregoing reasons, I disapprove and return the bill.

Sincerely,

Jim Justice
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mac Warner
Secretary of State

Senator Ferns offered the following pre-adjournment resolution:

Senate Resolution 74—Raising a committee to notify His Excellency, the Governor, that the Senate is ready to adjourn *sine die*.

Resolved by the Senate:

That the President be authorized to appoint a committee of three to notify His Excellency, the Governor, that the Senate has completed its labors and is ready to adjourn *sine die*.

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

Under the provisions of the foregoing resolution, Senator Carmichael (Mr. President) appointed the following committee to notify His Excellency, the Governor, that the Senate was ready to adjourn:

Senators Prezioso, Ferns and Hall.

Senators Prezioso, Ferns and Hall, comprising the Senate committee, then proceeded to the executive offices to notify His Excellency, the Governor, of imminent legislative adjournment, and receive any message he might desire to transmit to the members of the Senate.

On motion of Senator Maynard, the Joint Committee on Enrolled Bills was directed after it has examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of the regular sixty-day and extended session of the Legislature, to file its reports with the Clerk of bills so enrolled, showing the date such bills were presented to the Governor; said reports to be included in the final Journal, together with Governor's action on said bills.

In accordance with the foregoing motion, the following reports of the Joint Committee on Enrolled Bills were filed as follows:

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for Com. Sub. for S. B. 173), Relating generally to autocycles.

(Com. Sub. for S. B. 230), Relating to certain WV officials carrying concealed firearm nationwide.

(S. B. 349), Repealing outdated code related to Division of Corrections.

(S. B. 400), Regarding appointments to WV Infrastructure and Jobs Development Council.

(Com. Sub. for S. B. 522), Relating to pharmacy audits.

(Com. Sub. for S. B. 575), Relating generally to shooting ranges.

And,

(H. B. 2522), Nurse licensure compact.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 11th day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2603), Relating to municipal policemen's or firemen's pension and relief funds that are funded at one hundred and twenty-five percent or more.

(H. B. 2691), Allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber.

(Com. Sub. for H. B. 2709), Authorizing the City of South Charleston to levy a special district excise tax.

(Com. Sub. for H. B. 2734), Authorizing a method for the collection and remittance of property taxes related to dealers' heavy equipment inventory.

(Com. Sub. for H. B. 2792), Requiring the Library Commission to survey the libraries of the state.

(Com. Sub. for H. B. 2797), Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records.

(H. B. 2833), Specifying the contents and categories of information for inclusion in annual reports.

(H. B. 2963), Eliminating tax lien waiver requirement for estates of nonresidents.

And,

(H. B. 3053), Relating to motor vehicle lighting.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 13th day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 4), Allowing licensed professionals donate time to care of indigent and needy in clinical setting.

(S. B. 25), Creating farm-to-food bank tax credit.

(Com. Sub. for S. B. 116), Authorizing MAPS promulgate legislative rules.

(Com. Sub. for S. B. 125), Authorizing DHHR and Health Care Authority promulgate legislative rules.

(Com. Sub. for S. B. 151), Authorizing Department of Administration promulgate legislative rules.

(S. B. 169), Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants.

(S. B. 170), Repealing state hemophilia program.

(S. B. 171), Repealing Programs of All-Inclusive Care for Elderly.

(Com. Sub. for S. B. 180), Relating to PSC jurisdiction over certain telephone company and internet services.

(Com. Sub. for Com. Sub. for S. B. 186), Adjusting date when children become eligible for certain school programs and school attendance requirements.

(S. B. 198), Expanding Health Sciences Program to allow certain medical practitioners in underserved areas.

(Com. Sub. for S. B. 221), Relating to composition of PEIA Finance Board.

(S. B. 256), Relating to prohibiting aiding and abetting of sexual abuse by school personnel.

(Com. Sub. for S. B. 280), Moving administration of Civil Air Patrol to Adjutant General.

(Com. Sub. for S. B. 288), Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person.

(Com. Sub. for S. B. 299), Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH.

(Com. Sub. for S. B. 300), Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel.

(Com. Sub. for S. B. 303), Supplemental appropriation of public moneys from Treasury to DHHR.

(Com. Sub. for S. B. 305), Supplemental appropriation of public moneys from Treasury to Fire Commission.

(S. B. 321), Reporting requirements of employee information to CPRB.

(Com. Sub. for S. B. 337), Hiring correctional officers without regard to placement on correctional officer register.

(Com. Sub. for Com. Sub. for S. B. 344), Relating to application of payments on consumer credit sale and loans.

(Com. Sub. for S. B. 350), Allowing licensed professional counselors be issued temporary permit.

(Com. Sub. for S. B. 358), Relating generally to trustee sale of timeshare estates.

(S. B. 364), Incorporating changes to Streamlined Sales and Use Tax Agreement.

(S. B. 365), Maintaining solvency of Unemployment Compensation Fund.

(Com. Sub. for S. B. 386), Creating WV Medical Cannabis Act.

(S. B. 392), Relating to Municipal Police Officers and Firefighters Retirement System.

(Com. Sub. for S. B. 398), Creating Emergency Volunteer Health Practitioners Act.

(Com. Sub. for S. B. 454), Providing more efficient collection and submission of state moneys received from court transactions or court services.

(Com. Sub. for Com. Sub. for S. B. 461), Exempting WV State Police from state purchasing requirements.

(S. B. 493), Providing increase in compensation for conservation officers.

(S. B. 495), Relating to regulation of events by State Athletic Commission.

(Com. Sub. for S. B. 505), Providing five-year reclamation period following completion of well pads for horizontal wells.

(Com. Sub. for S. B. 533), Relating to taxes on wine and intoxicating liquors.

(Com. Sub. for S. B. 563), Relating to Consumer Credit and Protection Act.

(S. B. 564), Relating to Statewide Independent Living Council.

(S. B. 566), Claims against state.

(Com. Sub. for S. B. 581), Relating generally to administration of trusts.

(Com. Sub. for S. B. 588), Relating to reproduction, distribution and sale of tax maps.

(S. B. 608), Clarifying lawful business structures are unaffected by enactment of prohibitory legislation.

(Com. Sub. for S. B. 636), Authorizing State Fire Commission establish program to address problems facing VFDs.

(S. B. 658), Establishing procedure for retitling mobile and manufactured homes.

(S. B. 667), Limiting authority of Attorney General to disclose certain information provided by Tax Commissioner.

(Com. Sub. for S. B. 671), Relating to WV Anatomical Board.

(S. B. 690), Authorizing WV State Police impose and collect fees for agencies and entities using their facilities.

(S. B. 694), Expiring funds to unappropriated surplus balance in General Revenue fund to Department of Administration.

(Com. Sub. for H. B. 2006), Increasing the penalties for violating the Whistle-blower Law.

(Com. Sub. for H. B. 2018), Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

(Com. Sub. for H. B. 2404), Barring persons who are convicted of certain criminal offenses from acquiring property from their victims.

(H. B. 2427), Requiring agencies listed in the online state phone directory to update certain employee information.

(Com. Sub. for H. B. 2453), Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp.

(Com. Sub. for H. B. 2801), Expiring funds to the unappropriated balance in the State Fund from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund.

And,

(H. B. 3103), Making a supplementary appropriation to the Department of Health and Human Resources.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 17th day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(H. B. 2119), Repealing West Virginia Health Benefit Exchange Act.

(Com. Sub. for H. B. 2195), Relating to requiring comprehensive drug awareness and prevention program in all public schools.

(Com. Sub. for H. B. 2319), Relating to candidates or candidate committees for legislative office disclosing contributions.

(H. B. 2348), Eliminating any requirement that class hours of students be consecutive.

(Com. Sub. for H. B. 2475), Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents.

And,

(Com. Sub. for H. B. 2503), Relating to the rulemaking authority for Board of Osteopathic Medicine.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 18th day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2364), Prohibiting electioneering within or near early voting locations during early voting periods.

(Com. Sub. for H. B. 2373), Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors.

(H. B. 2446), Relating to the requirement that all executive branch agencies maintain a website that contains specific information.

(Com. Sub. for H. B. 2494), Providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request.

(Com. Sub. for H. B. 2520), Prohibiting the use of a tanning device by a person under the age of eighteen.

(Com. Sub. for H. B. 2620), West Virginia Drug Overdose Monitoring Act.

(H. B. 2628), Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine.

(Com. Sub. for H. B. 2631), Relating to time standards for disposition of complaint proceedings.

(Com. Sub. for H. B. 2646), Terminating the Women's Commission and discontinue its functions.

(Com. Sub. for H. B. 2674), Relating to access to and receipt of certain information regarding a protected person.

(Com. Sub. for H. B. 2676), Transferring the Security office under the Division of Culture and History to the Division of Protective Services.

(Com. Sub. for H. B. 2721), Removing the cost limitation on projects completed by the Division of Highways.

(Com. Sub. for H. B. 2726), Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order.

(Com. Sub. for H. B. 2781), Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks.

(Com. Sub. for H. B. 2846), Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee.

(Com. Sub. for H. B. 2850), Relating to product liability actions.

(Com. Sub. for H. B. 2898), Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature.

(Com. Sub. for H. B. 2935), Relating to state flood protection planning.

(Com. Sub. for H. B. 2939), Relating to the sale of items in the State Police Academy post exchange to the public.

(Com. Sub. for H. B. 2941), Requiring the Commissioner of the Division of Highways to utilize the Attorney General for all legal assistance and services.

(Com. Sub. for H. B. 2961), Relating generally to charitable bingo games and charitable raffles.

(H. B. 3037), Removing the Division of Energy as an independent agency.

And,

(Com. Sub. for H. B. 3048), Relating to collection of Tier II fees for chemical inventories.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 20th day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 28), Creating new system for certain contiguous counties to establish regional recreation authorities.

(Com. Sub. for S. B. 76), Creating WV Second Chance for Employment Act.

(Com. Sub. for S. B. 134), Authorizing Bureau of Commerce to promulgate legislative rules.

(S. B. 172), Eliminating salary for Water Development Authority board members.

(S. B. 174), Exempting transportation of household goods from PSC jurisdiction.

(Com. Sub. for S. B. 187), Providing for confidentiality of patients' medical records.

(Com. Sub. for S. B. 204), Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

(Com. Sub. for S. B. 219), Relating to conspiracy to commit crimes under Uniform Controlled Substances Act.

(Com. Sub. for S. B. 224), Repealing requirement for employer's bond for wages and benefits.

(S. B. 235), Relating to motorcycle registration renewal.

(Com. Sub. for S. B. 239), Limiting use of wages by employers and labor organizations for political activities.

(Com. Sub. for S. B. 255), Relating generally to filling vacancies in elected office.

(Com. Sub. for Com. Sub. for S. B. 339), Creating Legislative Coalition on Chronic Pain Management.

(Com. Sub. for S. B. 441), Establishing Municipal Home Rule Pilot Program.

(Com. Sub. for Com. Sub. for S. B. 345), Allowing certain hunting and trapping on private lands on Sundays.

(Com. Sub. for Com. Sub. for S. B. 360), Creating Legislative Coalition on Diabetes Management.

(Com. Sub. for S. B. 362), Authorizing redirection of certain amounts to General Revenue Fund.

(Com. Sub. for S. B. 402), Relating to covenants not to compete between physicians and hospitals.

(Com. Sub. for S. B. 419), Creating special revenue fund sources for Division of Labor to meet statutory obligations.

(S. B. 433), Permitting counties increase excise tax on privilege of transferring real property.

(S. B. 444), Establishing Court Advanced Technology Subscription Fund.

(Com. Sub. for Com. Sub. for S. B. 486), Relating to health care provider taxes.

(S. B. 490), Clarifying standard of liability for officers of corporation.

(Com. Sub. for S. B. 515), Relating to parole requirements for hearings and release.

(Com. Sub. for S. B. 523), Converting to biweekly pay cycle for state employees.

(Com. Sub. for S. B. 535), Reorganizing Division of Tourism.

(S. B. 547), Modifying fees paid to Secretary of State.

(S. B. 554), Relating to false swearing in legislative proceeding.

(S. B. 578), Relating generally to copies of health care records furnished to patients.

(Com. Sub. for S. B. 602), Creating uniform system of recording and indexing fictitious names used by sole proprietors.

(Com. Sub. for S. B. 606), Relating to minimum wage and maximum hours for employees.

(Com. Sub. for S. B. 622), Relating generally to tax procedures and administration.

(Com. Sub. for S. B. 630), Establishing Accessibility and Equity in Public Education Enhancement Act.

(Com. Sub. for S. B. 631), Prosecuting violations of municipal building code.

(Com. Sub. for S. B. 637), Relating to private club operations requirements.

(Com. Sub. for S. B. 656), Relating to Student Data Accessibility, Transparency and Accountability Act.

(S. B. 686), Exempting facilities governed by DHHR that provide direct patient care.

(S. B. 687), Relating generally to coal mining, safety and environmental protection.

And,

(S. B. 691), Relating to off-road vehicles.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 20th day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 40), Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans.

(Com. Sub. for S. B. 220), Relating to offenses and penalties under Uniform Controlled Substances Act.

(Com. Sub. for S. B. 240), Creating crime of nonconsensual distribution of sexual images.

(Com. Sub. for Com. Sub. for S. B. 333), Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database.

(Com. Sub. for H. B. 2001), Relating to ethics and transparency in government.

(Com. Sub. for H. B. 2002), Relating to parental notification of abortions performed on unemancipated minors.

(Com. Sub. for H. B. 2083), Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing.

(Com. Sub. for H. B. 2109), Relating to the West Virginia Land Reuse Agency Authorization Act.

(Com. Sub. for H. B. 2219), Authorizing miscellaneous boards and agencies to promulgate legislative rules.

(Com. Sub. for H. B. 2303), Increasing criminal penalties for littering.

(Com. Sub. for H. B. 2359), Relating to offenses and penalties for practicing osteopathic medicine without a license.

(Com. Sub. for H. B. 2367), Establishing a criminal offense of organized retail crime.

(Com. Sub. for H. B. 2402), Relating to abandoned antique vehicles.

(Com. Sub. for H. B. 2428), Establishing additional substance abuse treatment facilities.

(Com. Sub. for H. B. 2447), Renaming the Court of Claims the state Claims Commission.

(Com. Sub. for H. B. 2479), Uniform Deployed Parents Custody and Visitation Act.

(Com. Sub. for H. B. 2561), Relating to public school support.

(Com. Sub. for H. B. 2589), Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school.

(Com. Sub. for H. B. 2637), Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage.

(Com. Sub. for H. B. 2679), Relating to the possession of firearms in parks and park facilities.

(Com. Sub. for H. B. 2683), Relating to West Virginia Insurance Guaranty Association Act.

(Com. Sub. for H. B. 2702), Relating to excused absences for personal illness from school.

(Com. Sub. for H. B. 2704), Prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools.

(Com. Sub. for H. B. 2720), Allowing the School Building Authority to transfer funds allocated into the School Construction Fund.

(Com. Sub. for H. B. 2722), Eliminating the financial limitations on utilizing the design-build program for highway construction.

(Com. Sub. for H. B. 2724), Relating to creating a pilot program under the Herbert Henderson Office of Minority Affairs.

(Com. Sub. for H. B. 2739), Relating to supplemental Medicaid provider reimbursement.

(Com. Sub. for H. B. 2759), Creating Statewide Interoperable Radio Network.

(Com. Sub. for H. B. 2767), Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks.

(Com. Sub. for H. B. 2771), Relating to temporary teaching certificates for Armed Forces spouses.

(Com. Sub. for H. B. 2804), Removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members.

(Com. Sub. for H. B. 2805), Finding and declaring certain claims against the state and its agencies to be moral obligations of the state.

(Com. Sub. for H. B. 2857), West Virginia Safer Workplaces Act.

(Com. Sub. for H. B. 2897), Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions.

(H. B. 2967), Relating generally to administration of estates and trusts.

(H. B. 3018), Adding definition of correctional employee to the list of persons against whom an assault is a felony.

(Com. Sub. for H. B. 3064), Allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes.

(Com. Sub. for H. B. 3080), Requiring instruction in the Declaration of Independence and the United States Constitution.

(Com. Sub. for H. B. 3093), Establishing Broadband Enhancement and Expansion Policies.

(Com. Sub. for H. B. 3096), Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state.

Respectfully submitted,

C. Edward Gaunch,
Member, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 388), Relating to dangerous weapons.

(Com. Sub. for H. B. 2555), Relating to tax credits for apprenticeship training in construction trades.

Respectfully submitted,

C. Edward Gaunch,
Member, Senate Committee.
Steve Westfall,
Vice Chair, House Committee.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2196), Relating to the secondary schools athletic commission.

(Com. Sub. for H. B. 2509), Relating to the practice of telemedicine.

(H. B. 2548), Relating to the use of outside speakers by persons licensed to manufacture, sell, possess for sale, transport or distribute nonintoxicating beer.

(Com. Sub. for H. B. 2601), Relating to municipal policemen's or municipal firemen's pension and relief funds.

(Com. Sub. for H. B. 2839), Updating the procedures for legislative review of departments and licensing boards.

(Com. Sub. for H. B. 2851), Updating fee structure provisions for broker-dealers.

(Com. Sub. for H. B. 2949), Exempting specified Division of Natural Resources' contracts for some replacement, repair or design for repairs to facilities from review and approval requirements.

And,

(H. B. 3022), Relating to the reporting of fraud, misappropriation of moneys, and other violations of law to the commission on special investigations.

Respectfully submitted,

C. Edward Gaunch,
Member, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2329), Prohibiting the production, manufacture or possession of fentanyl.

(Com. Sub. for H. B. 2526), Classifying additional drugs to Schedules I, II, IV and V of controlled substances.

(Com. Sub. for H. B. 2552), Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund.

(Com. Sub. for H. B. 2579), Increasing the penalties for transporting controlled substances.

(Com. Sub. for H. B. 2585), Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

(Com. Sub. for H. B. 2619), Risk Management and Own Risk and Solvency Assessment Act.

(H. B. 2684), Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license.

(Com. Sub. for H. B. 2711), Abolishing regional educational service agencies and providing for the transfer of property and records.

(Com. Sub. for H. B. 2731), Clarifying civil actions heard in circuit court.

(Com. Sub. for H. B. 2815), Relating to higher education governance.

(Com. Sub. for H. B. 2948), Establishing timelines for taking final action on certain permits.

(H. B. 2962), Enlarging the authority of the Tax Commissioner to perform background investigations of employees and contractors.

And,

(Com. Sub. for H. B. 2980), Relating to civil lawsuit filing fees for multiple defendant civil action.

Respectfully submitted,

Roman W. Prezioso, Jr.,
Member, Senate Committee.
Steve Westfall,
Vice Chair, House Committee.

Executive Communications

Under authorization of Senate approval therefor in prior proceedings today, to include in this day's Journal communications showing the Governor's action on enrolled bills presented to him in post-session reports, the following are inserted hereinafter:

The Clerk then presented communications from His Excellency, the Governor, advising that on April 10, 2017, he had approved **Enr. Committee Substitute for House Bill 2459, Enr. Committee Substitute for House Bill 2486, Enr. House Bill 2878 and Enr. House Bill 3106**; on April 11, 2017, he had approved **Enr. Committee Substitute for Senate Bill 5, Enr. Committee Substitute for Senate Bill 36, Enr. Senate Bill 41, Enr. Senate Bill 164, Enr. Committee Substitute for Senate Bill 206, Enr. Committee Substitute for Senate Bill 214, Enr. Committee Substitute for Senate Bill 225, Enr. Committee Substitute for Senate Bill 233, Enr. Committee Substitute for Senate Bill 247, Enr. Committee Substitute for Senate Bill 261, Enr. Committee Substitute for Senate Bill 442, Enr. Committee Substitute for Senate Bill 445, Enr. Committee Substitute for Senate Bill 455, Enr. Committee Substitute for Senate Bill 456, Enr. Committee Substitute for Senate Bill 473, Enr. Committee Substitute for Senate Bill 497, Enr. Committee Substitute for Senate Bill 531, Enr. Committee Substitute for Senate Bill 634, Enr. Senate Bill 684, Enr. Committee Substitute for House Bill 2180, Enr. House Bill 2518, Enr. Committee Substitute for House Bill 2519, Enr. Committee Substitute for House Bill 2586, Enr. House Bill 2653, Enr. House Bill 2706, Enr. House Bill 2796 and Enr. House Bill 2856**; on April 14, 2017, he had approved **Enr. Committee Substitute for Senate Bill 299, Enr. Committee Substitute for Senate Bill 300, Enr. Committee Substitute for Senate Bill 303, Enr. Committee Substitute for Senate Bill 305, Enr. Senate Bill 349, Enr. Senate Bill 400, Enr. Committee Substitute for Senate Bill 575, Enr. Senate Bill 694, Enr. Committee Substitute for House Bill 2603, Enr. House Bill 2691, Enr. Committee Substitute for House Bill 2792, Enr. Committee Substitute for House Bill 2797, Enr. Committee Substitute for House Bill 2801, Enr. House Bill 3053 and Enr. House Bill 3103**; on April 18, 2017, he had approved **Enr. Committee Substitute for Senate Bill 116, Enr. Committee Substitute for Senate Bill 151, Enr. Senate Bill 170, Enr. Senate Bill 171, Enr. Committee Substitute for Committee Substitute for Senate Bill 173, Enr. Committee Substitute for Committee Substitute for Senate Bill 186, Enr. Senate Bill 198, Enr. Committee Substitute for Senate Bill 288, Enr. Senate Bill 321, Enr. Committee Substitute for Senate Bill 350, Enr. Committee Substitute for Senate Bill 358, Enr. Senate Bill 364, Enr. Senate Bill 365, Enr. Senate Bill 392, Enr. Committee Substitute for Senate Bill 398, Enr. Committee Substitute for Senate Bill 454, Enr. Committee Substitute for Senate Bill 505, Enr. Senate Bill 566, Enr. Committee Substitute for Senate Bill 581, Enr. Committee Substitute for Senate Bill 588, Enr. Committee Substitute for Senate Bill 636, Enr. Committee Substitute for Senate Bill 671, Enr. Senate Bill 690, Enr. Committee Substitute for House Bill 2006 and Enr. House Bill 2427**; on April 19, 2017, he had approved, **Enr. Committee Substitute for Senate Bill 386**; on April 20, he had approved **Enr. Committee Substitute for Senate Bill 4, Enr. Senate Bill 25, Enr. Committee Substitute for Senate Bill 125, Enr. Senate Bill 169, Enr. Committee Substitute for Senate Bill 230, Enr. Committee Substitute for Senate Bill 337, Enr. Senate Bill 444, Enr. Committee Substitute for Senate Bill 522, Enr. Senate Bill 564, Enr. Committee Substitute for House Bill 2373 and Enr. Committee Substitute for House Bill 2404**; on April 21, 2017, he had approved **Enr. Committee Substitute for Senate Bill 280, Enr. Senate Bill 490, Enr. Senate Bill 495, Enr. Committee Substitute for Senate Bill 563, Enr. House Bill 2119, Enr. Committee Substitute for House Bill 2631 and Enr. House Bill 2833**; on April 24, 2017, he had approved **Enr. Senate Bill 174, Enr. Committee Substitute for Senate Bill 224, Enr. Senate Bill 235, Enr. Committee Substitute for Senate Bill 240, Enr. Senate Bill 256, Enr. Committee Substitute for Committee Substitute for Senate Bill 339, Enr. Committee Substitute for Committee Substitute for Senate Bill 344, Enr. Committee Substitute for Committee Substitute for Senate Bill 345, Enr. Committee Substitute for Committee Substitute for Senate Bill 360, Enr. Senate Bill 433, Enr. Committee Substitute for Senate Bill 523, Enr. Committee Substitute for Senate Bill 535, Enr. Senate Bill 547, Enr. Senate Bill 608, Enr. Committee Substitute for Senate Bill 631, Enr. Senate Bill 691, Enr. House Bill 2188, Enr. Committee**

Substitute for House Bill 2303, Enr. Committee Substitute for House Bill 2329, Enr. Committee Substitute for House Bill 2479, Enr. Committee Substitute for House Bill 2555, Enr. Committee Substitute for House Bill 2601, Enr. Committee Substitute for House Bill 2674, Enr. Committee Substitute for House Bill 2683, Enr. Committee Substitute for House Bill 2704, Enr. Committee Substitute for House Bill 2720, Enr. Committee Substitute for House Bill 2721, Enr. Committee Substitute for House Bill 2722, Enr. Committee Substitute for House Bill 2724, Enr. Committee Substitute for House Bill 2771, Enr. Committee Substitute for House Bill 2805, Enr. Committee Substitute for House Bill 2851, Enr. Committee Substitute for House Bill 2939, Enr. House Bill 2967, Enr. Committee Substitute for House Bill 2980, Enr. House Bill 3037; and on April 25, 2017, he had approved Enr. Committee Substitute for Senate Bill 76, Enr. Committee Substitute for Senate Bill 134, Enr. Committee Substitute for Senate Bill 180, Enr. Committee Substitute for Senate Bill 187, Enr. Committee Substitute for Senate Bill 362, Enr. Committee Substitute for Senate Bill 419, Enr. Senate Bill 493, Enr. Committee Substitute for Committee Substitute for Senate Bill 486, Enr. Committee Substitute for Senate Bill 515, Enr. Committee Substitute for Senate Bill 533, Enr. Senate Bill 578, Enr. Committee Substitute for Senate Bill 602, Enr. Committee Substitute for Senate Bill 637, Enr. Senate Bill 658, Enr. Senate Bill 667, Enr. Committee Substitute for House Bill 2083, Enr. Committee Substitute for House Bill 2109, Enr. Committee Substitute for House Bill 2219, Enr. Committee Substitute for House Bill 2402, Enr. Committee Substitute for House Bill 2428, Enr. Committee Substitute for House Bill 2447, Enr. Committee Substitute for House Bill 2453, Enr. Committee Substitute for House Bill 2475, Enr. Committee Substitute for House Bill 2494, Enr. House Bill 2522, Enr. Committee Substitute for House Bill 2637, Enr. Committee Substitute for House Bill 2676, Enr. Committee Substitute for House Bill 2684, Enr. Committee Substitute for House Bill 2702, Enr. Committee Substitute for House Bill 2759, Enr. Committee Substitute for House Bill 2767, Enr. Committee Substitute for House Bill 2815, Enr. Committee Substitute for House Bill 2839, Enr. Committee Substitute for House Bill 2961; and on April 26, he had approved Enr. Committee Substitute for Senate Bill 40, Enr. Committee Substitute for Senate Bill 204, Enr. Committee Substitute for Committee Substitute for Senate Bill 219, Enr. Committee Substitute for Senate Bill 220, Enr. Committee Substitute for Senate Bill 221, Enr. Committee Substitute for Committee Substitute for Senate Bill 333, Enr. Committee Substitute for Senate Bill 388, Enr. Committee Substitute for Senate Bill 402, Enr. Committee Substitute for Committee Substitute for Senate Bill 461, Enr. Senate Bill 554, Enr. Committee Substitute for Senate Bill 630, Enr. Senate Bill 686, Enr. Senate Bill 687, Enr. Committee Substitute for House Bill 2001, Enr. Committee Substitute for House Bill 2002, Enr. Committee Substitute for House Bill 2195, Enr. Committee Substitute for House Bill 2319, Enr. House Bill 2348, Enr. Committee Substitute for House Bill 2359, Enr. Committee Substitute for House Bill 2364, Enr. Committee Substitute for House Bill 2367, Enr. Committee Substitute for House Bill 2503, Enr. Committee Substitute for House Bill 2509, Enr. Committee Substitute for House Bill 2520, Enr. Committee Substitute for House Bill 2526, Enr. House Bill 2548, Enr. Committee Substitute for House Bill 2552, Enr. Committee Substitute for House Bill 2561, Enr. Committee Substitute for House Bill 2579, Enr. Committee Substitute for House Bill 2585, Enr. Committee Substitute for House Bill 2619, Enr. Committee Substitute for House Bill 2620, Enr. House Bill 2628, Enr. Committee Substitute for House Bill 2679, Enr. Committee Substitute for House Bill 2709, Enr. Committee Substitute for House Bill 2711, Enr. Committee Substitute for House Bill 2726, Enr. Committee Substitute for House Bill 2731, Enr. Committee Substitute for House Bill 2734, Enr. Committee Substitute for House Bill 2739, Enr. Committee Substitute for House Bill 2781, Enr. Committee Substitute for House Bill 2804, Enr. Committee Substitute for House Bill 2846, Enr. Committee Substitute for House Bill 2850, Enr. Committee Substitute for House Bill 2857, Enr. Committee Substitute for House Bill 2897, Enr. Committee

Substitute for House Bill 2898, Enr. Committee Substitute for House Bill 2935, Enr. Committee Substitute for House Bill 2941, Enr. Committee Substitute for House Bill 2948, Enr. Committee Substitute for House Bill 2949, Enr. House Bill 2962, Enr. House Bill 2963, Enr. House Bill 3018, Enr. House Bill 3022, Enr. Committee Substitute for House Bill 3048, Enr. Committee Substitute for House Bill 3064, Enr. Committee Substitute for House Bill 3080, Enr. Committee Substitute for House Bill 3093 and Enr. Committee Substitute for House Bill 3096.

Veto Messages

Jim Justice
Governor of West Virginia
April 12, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Senate Bill 347

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute to Senate Bill 347. This bill strikes the existing requirement that a physician assistant must maintain National Commission on Certification of Physician Assistants certification as a condition of renewal of their licensure, while also allowing physician assistants to work in “collaboration” with rather than under the “supervision” of a physician. The unfortunate effect of this bill is that it weakens existing professional safeguards governing the medical knowledge and skills of physician assistants that have been serving the public interest for years, even as it grants greater autonomy to physician assistants.

My first objection to the Bill is the striking of the following language from West Virginia Code § 30-3E-4:

“(5) Has a current certification from the National Commission on Certification of Physician Assistants;”

My second objection to the Bill is striking of the following language from West Virginia Code § 30-3E-6:

“(3) Proof that he or she is currently certified and has been continuously certified during the preceding licensure period by the National Commission on Certification of Physician Assistants; and”

I appreciate the importance of enabling physician assistants to practice to the fullest extent of their training and of promoting patient access to health care. However, if the goal of the Bill is to

modernize physician assistant practice to reflect current needs, we must also ensure that patients continue to receive treatment by health care providers who are operating with current clinical knowledge. By removing the state's requirement that physician assistants maintain national certification as a condition of renewing their license, the interests of West Virginia patients are not being protected as strongly as they should be.

For the foregoing reasons, I disapprove and return the Enrolled Committee Substitute for Senate Bill 347.

Sincerely,

Jim Justice
Governor

cc: The Honorable Mitch Carmichael
President of the Senate
The Honorable Tim Armstead
Speaker of the House of Delegates

Jim Justice
Governor of West Virginia
April 13, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 248

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 248. This bill purports to clarify the composition and chairmanship of the Commission on Special Investigations. It exhibits, however, certain technical flaws which may compromise future investigations and actions by the Commission on Special Investigations.

The bill technically flawed because its title is defective. See *State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d 610 (1972) (requiring bill title to provide notice of bill's contents). Specifically, there are two sections that are not reflected in the title: (1) That the director may issue subpoenas on the Commission's behalf, (P. 6, line 16-17) and (2) that the agency head is required to appear before the Commission to answer why an employee has failed to appear or failed to produce requested or subpoenaed material and address the basis for failure to comply. (P. 6, line 26-30).

As a result of these issues, I disapprove and return Enrolled Committee Substitute for Senate Bill 248.

Sincerely,

Jim Justice
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mitch Carmichael
President of the Senate

Jim Justice
Governor of West Virginia
April 13, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for House Bill 2018

Dear Secretary Warner:

Pursuant to section fifty-one, article VI of the Constitution of the State of West Virginia, I hereby veto Enrolled Committee Substitute for House Bill 2018 (the "Budget Bill") in its entirety.

When I presented my vision for West Virginia during the State of the State address in February, I submitted a proposed budget for fiscal year 2018 ("FY2018") that not only was balanced but guaranteed that we would "Save Our State" and not kill the patient. My proposed budget responsibly addressed the \$497 million hole currently projected for FY2018 and would have put West Virginia on a pathway to prosperity.

I am proud of the fact that my proposed budget for FY2018 did not take one penny from the Revenue Shortfall Reserve Fund ("Rainy Day Fund"). It ensured that all sectors of the State would participate in solving our budget crisis and would jump-start the economy with approximately 48,000 new jobs by investing in our roads and bridges. The Budget Bill presented to me today bears no resemblance to my original proposal. It is a reckless spending plan that guarantees future budget shortfalls just one year from now and every year thereafter.

Moreover, it relies on revenue from bills that I have vetoed or did not pass. Among other measures, the Budget Bill irresponsibly uses \$225 million in one-time money, including \$90 million from the Rainy Day Fund to "balance" the FY2018 budget. The Budget Bill includes minimal revenue enhancements and does not address, to any meaningful extent, the structural hole that we face.

The Legislature's spending plan will not save the patient. The Budget Bill that I am vetoing today only kicks the can further down the road. It does not give our classroom teachers a pay raise, nor does it boost investments in infrastructure or tourism. Not only does it not create the 48,000 jobs, it does not even create one job. In fact, it creates an even bigger hole in the bucket.

Quite simply, the Budget Bill has no tools to jump-start our economy. It even abandons the most vulnerable population of our State by cutting the Medicaid program without any plan to make it whole again in the future.

Finally, the Budget Bill's effective date is problematic because the Legislature did not secure the votes to make it effective from passage. The bill does not become effective until July 8, 2017, over a week into the fiscal year. Notwithstanding assurances to the contrary, this will cause a state government shutdown. Perhaps that was the leadership in the Legislature's goal, but it is a nonstarter for me. We must all work together, not as Republicans and Democrats, but as West Virginians, to enact a bipartisan budget that is in place starting July 1, 2017.

I hereby veto the Budget Bill in its entirety. There is time, however, for compromise and responsible action. Let's get serious. Let's get to work.

Sincerely,

Jim Justice
Governor of West Virginia

cc: The Honorable Mitch Carmichael
President of the Senate
The Honorable Tim Armstead
Speaker of the House of Delegates

Jim Justice
Governor of West Virginia
April 21, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

RE: Enrolled Senate Bill 28

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill No. 28.

Enrolled Senate Bill No. 28 permits unrestricted recreational trail development anywhere in West Virginia where two or more contiguous counties show an interest in establishing a new recreational trail system. The stated legislative purpose of Enrolled Senate Bill No. 28 is to promote economic development through recreational trail development. However, I have concerns that this bill will not achieve the desired outcome and may actually work against its stated purpose.

We have already learned from the skiing and whitewater rafting industries that there is not an unlimited demand for recreational activities. Unlimited and unrestricted State sponsored

recreational trail development would create an environment where you might increase total ridership, but actually decrease economic development by spreading those riders and visitors over a much broader geographic area. Before private capital will be brought to the marketplace in support of a recreational trail system, a density of trail ridership must be demonstrated and sustained over a period of years to warrant the investment.

The State and private sector have already invested millions of dollars in existing recreational trail systems and those public and private dollars would be put at risk by unrestricted and unregulated expansion. The State of West Virginia already competes with the Spearhead Trail System established by the Commonwealth of Virginia and the Commonwealth of Kentucky just recently authorized the establishment of a new trail system in eastern Kentucky, all competing for the same visitors.

Any expansion of the State's recreational trail systems must be strategic and require a showing that the new trail system would not only expand visitation, but would not materially detract from the visitation and ridership on existing trail systems where numerous private and public investments have already been made.

For these reasons, I must veto Enrolled Senate Bill No. 28.

Sincerely,

Jim Justice
Governor

cc: The Honorable Mitch Carmichael
President of the Senate
The Honorable Tim Armstead
Speaker of the House of Delegates

Jim Justice
Governor of West Virginia
April 25, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 622

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 622 for technical reasons. The bill's title is defective because it does not include one of the code sections contained in the body of the bill, W. V. Code §38-10C-2.

For the foregoing reason, I disapprove and return the bill.

Sincerely,

Governor Jim Justice

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mitch Carmichael
President of the Senate

Jim Justice
Governor of West Virginia
April 25, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled House Bill 2446

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill 2446.

This bill is very broad in its application, requiring “contact information of each staff member, including office location”. Some state employees work in undercover positions and their office locations are in their personal homes or in locations that are confidential for their safety. Requiring that their complete contact information be disclosed on an agency’s website could put their safety and the safety of their coworkers in jeopardy. Allowing personal location information to be published on agency websites, especially for law enforcement officers, could act as a valuable resource for criminals who wish to do harm to the officers or their families.

Although I understand the importance of providing the public with easy access to the information required by this bill, I believe the spirit and intent of this legislation can be accomplished administratively by simply working with all our state agencies. I plan to direct these agencies to publish the relevant contact information on their websites just as soon as possible.

For the foregoing reason, I disapprove and return the bill.

Sincerely,

Governor Jim Justice

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mitch Carmichael
President of the Senate

Jim Justice
Governor of West Virginia
April 26, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Senate Bill 172

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 172.

In the title, Enrolled Senate Bill 172 claims to eliminate “the salary for appointed board members [of the Water Development Authority] effective July 1, 2017.” Instead, the bill arguably increases the compensation for board members by requiring that they be paid the same daily rates as legislators for attending official meetings and engaging in official duties *in addition to the \$12,000 per year salary*. The bill does not explicitly eliminate the salary for Water Development Authority members.

Because the contents of Senate Bill 172 do not reflect the bill’s stated objective, I disapprove and return Enrolled Senate Bill 172.

Sincerely,

Jim Justice
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mitch Carmichael
President of the Senate

Jim Justice
Governor of West Virginia
April 26, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 239

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 239.

This bill creates a significant hardship on employers and employees for a convenient practice that has become commonplace in today's society, authorizing employee payroll deductions. Payroll deductions are used for a variety of purposes, such as employee benefit payments, donations to non-profit organizations (i.e., the United Way), and employee membership dues. Current law requires an employee to complete a payroll deduction authorization prior to any deduction being made by an employer from the employee's paycheck. The authorization continues until the employee changes or discontinues it.

Enrolled Committee Substitute for Senate Bill 239 modifies the definition of deduction to exclude amounts for authorized credit unions, charities, outside savings plans, or union or club dues. It places an unnecessary burden on businesses, and an inconvenience on employees and organizations receiving deductions, by mandating the creation of a new wage assignment **every year** to continue the authorization.

Therefore, I disapprove and return Enrolled Committee Substitute for Senate Bill 239.

Sincerely,

Jim Justice
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mitch Carmichael
President of the Senate

Jim Justice
Governor of West Virginia
April 26, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 255

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 255.

In this bill, the Legislature adopts the overarching policy that the political party of the person appointed to fill a vacancy in an Executive Constitutional Office, the West Virginia Legislature, or a county commissioner or clerk office is dependent on which political party the individual “was affiliated *at the time the vacancy occurred.*” (emphasis added) In *State ex. rel. Biafore v. Tomblin*, 782 S.E.2d 223 (2016), the Supreme Court of Appeals of West Virginia interpreted the West Virginia Code to require that, for the vacancy of a State Senator who was elected as a Democrat but switched his party registration to Republican, the Governor was required to appoint a Republican to fill his office. The Supreme Court stated that its “decision is grounded in law, not in ideology or politics.” *Id.* at 232. Yet, the Legislature would use the holding of this case to justify codifying current law and public policy.

Unfortunately, the current law makes for short-sighted public policy. It rewards political tomfoolery rather than the will of the voters in the previous election. If applied to a situation where a Republican or Democrat switches his or her party registration to the Communist Party before vacating the office, Enrolled Committee Substitute for Senate Bill 255 would require the Governor to appoint a replacement from the Communist Party. That unfathomable scenario is possible under this bill, and I cannot sign it into law.

For the foregoing reasons, I disapprove and return Enrolled Committee Substitute for Senate Bill 255.

Sincerely,

Jim Justice
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mitch Carmichael
President of the Senate

Jim Justice
Governor of West Virginia
April 26, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 441

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 441. This well-intentioned legislation establishes the Municipal Home Rule Pilot Program as a permanent program, provides all 234 West Virginia municipalities an opportunity to participate in the program,

and resolves a pending legal issue before the Supreme Court of Appeals of West Virginia regarding the authority of municipalities to pass ordinances for the licensing and certification of certain public employees.

But Enrolled Committee Substitute for Senate Bill 441 expands the obligations of the Municipal Home Rule Board *without* addressing the costs or potential liabilities associated with these expanded obligations. The bill fails to address legal issues that have surfaced during the Pilot Program, including the Board's inability to retain legal counsel when necessary and the limits of a municipality's authority to adopt ordinances that supersede State statutes regarding the restrictions that can be placed on roadways under the jurisdiction of the Division of Highways. These shortcomings in the legislation require a veto of the bill.

Therefore, I disapprove and return Enrolled Committee Substitute for Senate Bill 441.

Sincerely,

Jim Justice
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mitch Carmichael
President of the Senate

Jim Justice
Governor of West Virginia
April 26, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 606

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 606 for public policy reasons.

Senate Bill 606 provides an exemption to the Minimum Wage — Maximum Hour Act for recreational establishments that meet a business duration or average receipt condition and that pay employees in an annual amount at least equal to the WV minimum wage (\$8.75) times 2080 hours. The annual payment amount condition reads "on a salary basis in an annual amount of not less than" \$18,200.00 (\$8.75 x 2080 hours). To calculate this exemption, the employer must wait until either the end of the calendar year or upon the employee's termination, which opens the employer up to possible back wages owed to the employee. The calculation of the annual salary

condition is a complex and complicated calculation that could be confusing to businesses trying to qualify for the exemption.

Further, if there is confusion in the application of this condition and employees' salaries are incorrect, it could pose a significant burden to a group of West Virginia workers that can least afford an error in their pay — minimum wage workers.

Because of potential confusion by businesses in the implementation of the conditions for the exemption and the importance of protecting the minimum wage component for West Virginia workers, I disapprove and return Enrolled Committee Substitute for Senate Bill 606.

Sincerely,

Governor Jim Justice

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mitch Carmichael
President of the Senate

Jim Justice
Governor of West Virginia
April 26, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 656

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 656. This bill would expressly grant a student assessment vendor the authority to sell student data without appropriate privacy protections in place.

Enrolled Committee Substitute Senate Bill 656 gives a student assessment vendor the right to sell student data to third parties if consent is obtained either from the student (15 years of age or older) or from the parents (under 15). This bill does not include appropriate privacy safeguards and, therefore, I disapprove and return Enrolled Committee Substitute for Senate Bill 656.

Sincerely,

Jim Justice
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mitch Carmichael
President of the Senate

Jim Justice
Governor of West Virginia
April 26, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2196

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2196. This bill would allow home school, private school, and parochial school students to be eligible to participate in Secondary School Activities Commission (SSAC) interscholastic activities.

The bill is unnecessary due to Enrolled Committee Substitute for Senate Bill 630 being signed into law. Specifically, Enrolled Committee Substitute for Senate Bill 630 permits home school and private school students to participate in co-curricular and extracurricular activities in a school district if enrolled in a virtual school program, and it further requires students enrolled in a virtual school program to be counted in the net enrollment of the school district for the purposes of calculating and receiving state aid. I believe this would more effectively assist counties with offsetting any costs incurred for non-public school students that opt to participate in SSAC co-curricular and extracurricular activities.

I believe Enrolled Committee Substitute for Senate Bill 630 provides a better solution to address this issue moving forward and, therefore, I disapprove and return Enrolled Committee Substitute for House Bill 2196.

Sincerely,

Jim Justice
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mitch Carmichael
President of the Senate

Jim Justice
Governor of West Virginia
April 26, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2589

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2589. This bill requires county boards of education to equally enroll home school and private school students in vocational school course offerings and further prohibits counties from charging for the additional admission of home school and private school students.

Enrolled Committee Substitute for House Bill 2589 restricts counties ability to make local education decisions. Specifically, the bill requires counties to enroll home school and private school students in vocational school course offerings, without school district approval or consideration of current class capacity, which would place a financial burden on our counties. Current state law already permits home school students to participate in public school course offerings, including Career and Technical Education courses offered at vocational schools and, therefore, the provisions of Enrolled Committee Substitute for House Bill 2589 are duplicative.

I disapprove and return Enrolled Committee Substitute for House Bill 2589 for the aforementioned reasons.

Sincerely,

Jim Justice
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mitch Carmichael
President of the Senate

Jim Justice
Governor of West Virginia
April 26, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
Suite 157-K

State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2646

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2646. The WV Women's Commission exists to encourage better health and wellbeing for women in West Virginia through educational, political and economic participation. Women in West Virginia rank near the bottom nationally both in political participation (48th) and employment and earnings (51st). They also have unhealthy rankings nationally in poverty and education (49th) and health and well-being rates (44th)¹.

Now more than ever, the Women's Commission is needed in West Virginia and should not be terminated. Critical to the success of West Virginia women is the continued work of the Women's Commission. Our state's women are too important to be allowed to fall behind in our state's economy. West Virginia needs the women of our state to succeed. Without their success, West Virginia cannot succeed.

For the foregoing reasons I disapprove and return the Enrolled Committee Substitute for House Bill 2646.

Sincerely,

Governor Jim Justice

cc: The Hon. Tim Armstead
Speaker of the House of Delegates
The Hon. Mitch Carmichael
President of the Senate

¹ All data taken from the 2015 Institute for Women's Policy Research, Status of the Women in the States report.

All business of the sixty-day and extended session now being concluded,

Senator Prezioso, from the select committee to notify His Excellency, the Governor, that the Senate is ready to adjourn *sine die*, returned to the chamber and was recognized by the President. Senator Prezioso then reported this mission accomplished.

Thereupon,

On motion of Senator Ferns, the Senate adjourned *sine die*.
