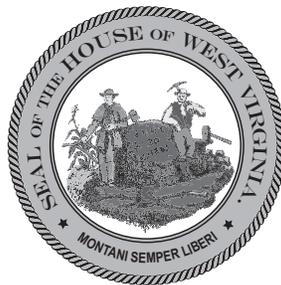


West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Third Legislature  
Second Regular Session

Held at Charleston  
Published by the Clerk of the House



March 7, 2018  
FIFTY-SEVENTH DAY



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Wednesday, March 7, 2018

**FIFTY-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 Tuesday, March 6, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Reordering of the Calendar**

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for S. B. 261 and Com. Sub. for H. B. 4019 on Third Reading, Special Calendar, to the House Calendar; Com. Sub. for S. B. 273 and S. B. 385 on Second Reading, House Calendar, to the Special Calendar; and Com. Sub. for S. B. 491 on First Reading, Special Calendar, to the House Calendar.

**Messages from the Executive**

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on March 6, 2018, he approved **Com. Sub. for H. B. 4145**, **Com. Sub. for S. B. 71** and **Com. Sub. for S. B. 237**.

The following communications were laid before the House of Delegates and reported by the Clerk:

State of West Virginia  
Jim Justice  
Governor of West Virginia

March 5, 2018

**EXECUTIVE MESSAGE NO. 3**  
**2018 REGULAR SESSION**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
State Capitol, Rm 228M  
Charleston, West Virginia 25305

Dear Mr. Speaker:

In accordance with the provisions of section 11, article 7 of the Constitution of the State of West Virginia, and section 16, article 1, chapter 5 of the Code of West Virginia, I hereby report that I granted no pardons or reprieves, nor commuted punishment to any person, nor remitted any fines or penalties, during the period of January 13, 2017 through March 5, 2018.

Very truly yours,

Jim Justice  
Governor

State of West Virginia  
Jim Justice  
Governor of West Virginia

March 5, 2018

**EXECUTIVE MESSAGES NO. 4**  
**2018 REGULAR SESSION**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
State Capitol, Rm 228M  
Charleston, West Virginia 25305

Dear Mr. Speaker:

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:

Accountancy, West Virginia Board of; Annual Report for preceding fiscal periods ending June 30, 2017 and June 30, 2016

Administration, West Virginia Department of; Public Records Management and Preservation Act Annual Report

Aeronautics Commission- WV Department of Transportation, West Virginia; 2017 Annual Report

Agriculture, West Virginia Department of; 2017 Annual Report

Alcohol Beverage Control Administration, West Virginia; Annual Report FY 2017

Architects, West Virginia Board of; Annual Report FY 2016 and FY 2017

Attorney General's Office, West Virginia; 2017 Annual Report on the Activities of the Consumer Protection and Antitrust Division

Barbers and Cosmetologists, Board of; 2017 Annual Report

Barbers and Cosmetologists, Board of; 2017 Annual Report

Charles Stewart Mott Foundation; 2017 Annual Report

Chiropractic Examiners, West Virginia Board of; Biennium Covering Activities during the period of July 1, 2015 – June 30, 2017

Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee; 2017 Annual Report

Contractors Association of West Virginia; 2017 Annual Report

Corrections, West Virginia Division of; Annual Report: FY 2017

Counseling, West Board of; 2015-2017 Annual Report

Dentistry, West Virginia Board of; Annual Report

Early Care and Education Child Care Provider, West Virginia Department of Health and Human Resources; SFY 2017 Early Care and Education Child Care Provider Annual Report

Energy, West Virginia Office of; Annual Report

Environmental Protection, West Virginia Department of; Quarterly Report

Family Protection Services Board; FY 2016

Financial Institutions, West Virginia Division of; 116th Annual Report of Financial Institutions

Fire Commission, West Virginia State; Annual Report 2017

Forestry, West Virginia Division of; 2017 Logging Sediment and Control Act Annual Report

Funeral Service Examiners, State of West Virginia Board of; Governor's Report July 1, 2015-June 30, 2017

Health and Human Resources Bureau for Public Health, West Virginia Department of; 2017 Report to the Governor WV Public Water System Capacity Development Program September 30, 2017

Huntington Museum of Art; FY 2015 & 2016 Annual Report

Independent Living Council, West Virginia State; FY 2016-October 1, 2017

Insurance Commissioner, State of West Virginia Offices of the; 2017 Annual Malpractice Report

Insurance Commissioner, West Virginia Offices of the; Annual Report on the activities of the Office of the consumer advocate at the WV Insurance Commission

Insurance Commissioner, West Virginia Offices of the; Annual Report 2016

Interstate Commission for Adult Offender Supervision- WV Division of Corrections; FY 2017 Annual Report

Interstate Mining Compact Commission; IMCC 2016 Annual Report

James "Tiger" Morton Catastrophic Illness Commission; 2017 Annual Report

Justice and Community Services, West Virginia Division of; 1. Justice Reinvestment Initiative 2. Community Corrections Subcommittee 3. Sexual Assault Forensic Examination Commission 4. Law Enforcement Professional Standard Subcommittee 5. Juvenile Justice Subcommittee

Juvenile Services, West Virginia Division of; Annual Report 2017

Legislative Claims Commission; West Virginia; Report of Legislative Claims Commission for December 2017

Legislative Claims Commission; West Virginia; Supplemental Report of the Legislative Claims Commission for December 2017

Library Commission, West Virginia; 2017 Public Library Facilities Assessment

Lottery, West Virginia; Comprehensive Annual Financial Report for Fiscal Years Ended June 30, 2017 and 2016

Medical Imaging and Radiation Therapy Technology Board of Examiners, West Virginia; 2017 Annual Report

Medicine, State of West Virginia Board of; Annual Report for the Biennium of July 1, 2015-June 30, 2017

Mid-Ohio Valley Regional Council; Annual Report July 1, 2016-June 30, 2017

Municipal Bond Commission, West Virginia; Annual Summary of Receipts & Disbursements July 1, 2016-June 30, 2017

Municipal Home Rule Pilot Program, West Virginia; Summary Report 2017

Natural Resources, West Virginia Division of; 2017 Annual Report

Natural Resources; West Virginia Division of; 2016-2017 West Virginia Division of Natural Resources Annual Report

Occupational Therapy, West Virginia Board of; FY 2016/2017 Annual Report

Ohio River Valley Water Sanitation Commission; 2017 Annual Report

Osteopathic Medicine, West Virginia School of; Annual Investment Report

Personnel, West Virginia Division of; FY 2017 Annual Report

Pharmacy, West Virginia; Annual Report

Privacy Office, West Virginia State; 2017 Annual Report

Public Employees Grievance Board; 2017 Annual Report

Public Service Commission Consumer Advocate Division, State of West Virginia; Consumer Advocate Division 2018 Annual Report

Public Service Commission of West Virginia; Public Service Commission's Management Summary Report/Electric and Gas Supply & Demand Forecast

Regional Jail and Correctional Facility Authority, West Virginia; Annual Report FY 2017

Regional Planning and Development Councils, West Virginia; Return on Investment Report

Regional Planning and Development Councils, West Virginia; Annual Report for Biennium of July 1, 2015-June 30, 2017

Registered Nurses, West Virginia Board of; Annual Report of the Biennium July 1, 2015-June 30, 2017

Rehabilitation Services, Division of; 2016 Annual Report

Report of the WV Judicial Compensation Commission; Annual Report

Ron Yost Personal Assistance Services (RYPAS) Board; 2017 Annual Report July 1, 2016-June 30, 2017

Sanitarians, West Virginia State Board of; 2017 Annual Report

Southern States Energy Board; 2017 Financial Statements and Required Communications

State Athletic Commission; Annual Report for Calendar Years 2016 and 2017

State of West Virginia Department of Administration Public Defender Services; Public Defender Services Annual Report Fiscal Year 2017

Tax Department, West Virginia State; West Virginia Fireworks Safety Fee Report July 2016-December 2017

Tax Department, West Virginia State; Fifty-Second Biennial Report, originally published in October 2017. This revision is inclusive of corrected annual revenues for the Wine Liter Tax for the 2016 and 2017 fiscal years

Tax Department, West Virginia State; Tax Credit Review and Accountability Report

Treasury Investments, West Virginia Board of; Comprehensive Annual Financial Report

Veterinary Medicine, West Virginia Board of; Revised Biennium Report 2016 and 2017

Water Development Authority, West Virginia; 2017 Annual Report

Women's Commission, West Virginia; 2017 Annual Report

Youth Services, West Virginia Department of Health and Human Resources-West Virginia; West Virginia Youth Services Annual Report

Sincerely,

Jim Justice  
Governor

WEST VIRGINIA LEGISLATURE  
Commission on Special Investigations  
Charleston, West Virginia

The Honorable Steve Harrison  
Clerk of the House of Delegates  
State Capitol Building  
Charleston, WV 25305

Dear Mr. Harrison:

We are pleased to provide you with two (2) copies of the Commission on Special Investigations' Thirty-seventh Annual Report to the West Virginia Legislature.

This report covers the activities of the Commission from July 1, 2016 to June 30, 2017.

Please note in the Journal that the report has been received. Sent to you earlier were one hundred (100) copies of the report. We would appreciate having them distributed within the House.

If you need additional copies, please contact me.

Sincerely,

Charles R. Bedwell,  
Director

### **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. 3005**, Relating to regulation of unmanned aircraft systems.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

**“ARTICLE 14. USE OF UNMANNED AIRCRAFT SYSTEMS.**

**§61-14-1. Definitions.**

As used in this article:

(1) 'Aircraft' means any device now known or subsequently invented, used, or designed for flight in the air, including, but not limited to, unmanned aircraft vehicles or systems;

(2) 'Unmanned aircraft system' or 'system' means an aircraft that is operated without direct human intervention from inside or on the aircraft and includes the crewmember, the associated support equipment, the control station, data links, telemetry, communications, and navigation equipment necessary to operate the unmanned aircraft, including, but not limited to, drones;

(3) 'Unmanned aircraft system operator' or 'operator' means a person exercising control over an unmanned aircraft system during flight.

**§61-14-2. Prohibited use of an unmanned aircraft system; criminal penalties.**

(a) Except as authorized by the provisions of this article, a person may not operate an unmanned aircraft system:

(1) To knowingly and intentionally capture or take photographs, images, video, or audio of another person or the private property of another, without the other person's permission, in a manner that would invade the individual's reasonable expectation of privacy, including, but not limited to, capturing, or recording through a window;

(2) To knowingly and intentionally view, follow, or contact another person or the private property of another without the other person's permission in a manner that would invade the individual's reasonable expectation of privacy, including, but not limited to, viewing, following, or contacting through a window;

(3) To knowingly and intentionally harass another person;

(4) To violate a restraining order or similar judicial order;

(5) To act with a willful wanton disregard for the safety of persons or property; or

(6) To knowingly and intentionally operate an unmanned aircraft system in a manner that interferes with the official duties of law enforcement personnel or emergency medical personnel.

(b) Any person violating the provisions of subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in jail for not more than one year, or both fined and confined.

(c) Any person who equips an unmanned aircraft system with any deadly weapon or operates any unmanned aircraft system equipped with any deadly weapon, other than for military in an official capacity, is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(d) Any person who operates an unmanned aircraft system with the intent to cause damage to or disrupt in any way the flight of a manned aircraft is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 imprisoned for not less than one nor more than five years, or both fined and imprisoned.

(e) A person that is authorized by the Federal Aviation Administration to operate unmanned aircraft systems for commercial purposes may operate an unmanned aircraft system in this state for such purposes if the unmanned aircraft system is operated in a manner consistent with federal law.

And,

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

**Com. Sub. for H. B. 3005** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1 and §61-14-2, all relating to regulation of unmanned aircraft systems; defining terms; creating misdemeanor criminal offense for certain conduct using an unmanned aircraft system and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system equipped with a lethal weapon, creating an exception thereto for military purposes in an official capacity; and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system with the intent to cause damage or disrupt in any way the flight of a manned aircraft and setting penalties therefor; and creating an exception for operating an unmanned aircraft system for commercial purposes that is authorized by the Federal Aviation Administration in a manner that is consistent with federal law.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 355**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Canestraro, Ferro, Fluharty, Hornbuckle, Isner, Lynch, Paynter, Pushkin, Robinson and Sponaule.

Absent and Not Voting: Deem and C. Romine.

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 H. B. 3005) passed.

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

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. 4015**, Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies.

On motion of Delegate Foster, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

**“CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.**

**ARTICLE 1. DEPARTMENT OF ADMINISTRATION.**

**§5A-1-2. Department of Administration and Office of Secretary; secretary; divisions; directors.**

(a) The Department of Administration and the Office of Secretary of Administration are continued in the executive branch of state government. The secretary is the Chief Executive Officer of the department and shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term not exceeding the term of the Governor.

(b) The Department of Administration may receive federal funds.

(c) The secretary serves at the will and pleasure of the Governor. The annual compensation of the secretary shall be as specified in §6-7-2a of this code.

(d) There shall be in the Department of Administration an Aviation Division, at the discretion of the secretary, a Finance Division, a Fleet Management Division, a General Services Division, an Information Services and Communications Division, Division of Personnel and a Purchasing Division. Each division shall be headed by a director who may also head any and all sections within that division and who shall be appointed by the secretary.

(e) There shall also be in the Department of Administration those agencies, boards, commissions and councils specified in §5F-2-1 of this code.

~~(f) The secretary may establish a Fleet Management Office within the Department of Administration to:~~

~~(1) Manage all motor vehicles and aircraft owned or possessed by the State of West Virginia or any of its departments, divisions, agencies, bureaus, boards, commissions, offices or authorities: *Provided*, That, such vehicles and aircraft shall not be used for personal purposes, other than for de minimis personal use;~~

~~(2) Administer the rules, including emergency rules, promulgated under the provisions of sections forty-eight and forty-nine, article three of this chapter; and~~

~~(3) Perform any duties relating to motor vehicles and aircraft owned or possessed by the State of West Virginia assigned by the secretary, which duties may include those set out in §5A-3-50 through §5A-3-53 of this code.~~

### **ARTICLE 3. PURCHASING DIVISION.**

#### **§5A-3-49. Central motor pool for state-owned vehicles and aircraft.**

[Repealed]

#### **§5A-3-52. Special funds for travel management created. Aviation division; fund.**

~~(a) The travel management special fund is terminated. All deposits currently in this special fund from aviation fees shall be transferred into the Aviation Fund created in subsection c of this section. All funds in this special fund from the monthly fee for vehicles shall be transferred into the Fleet Management Office Fund created in subsection (b) of this section.~~

~~(b) There is created in the State Treasury a special revenue account, to be known as the Fleet Management Office Fund. Expenditures are authorized from collections, but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon fulfillment of the provisions of article two, chapter eleven b of this code. Any balance remaining in the special revenue account at the end of any state fiscal~~

~~year does not revert to the General Revenue Fund but remains in the special revenue account and shall be used solely in a manner consistent with this article. All costs and expenses incurred pursuant to this section, including administrative, shall be paid from those funds. Charges for operating, repairing and servicing motor vehicles made against any institution, agency or department shall be paid into the Fleet Management Office Fund by that institution, department or agency.~~

(a) The secretary may establish an aviation division within the Department of Administration to:

(1) Manage all aircraft owned or possessed by the State of West Virginia or any of its departments, divisions, agencies, bureaus, boards, commissions, offices or authorities: *Provided, That, such aircraft shall not be used for personal purposes;*

(2) Administer the rules, including emergency rules, promulgated under the provisions of §5A-3-48 of this code; and

(3) Perform any duties relating to aircraft owned or possessed by the State of West Virginia assigned by the secretary, which duties may include those set out in §5A-3-50 through §5A-3-53 of this code.

~~(e) (b) The special revenue account, to be known as the Aviation Fund, is hereby continued and shall be administered by the director of the division, or in the absence of a director, by the secretary. Expenditures from this fund are authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon fulfillment of the provisions of §11B-2-1 *et seq.* of this code. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and shall be used solely in a manner consistent with this article. All costs and expenses incurred pursuant to §5A-3-52 of this code, including administrative, shall be paid from those funds. Charges for operating, repairing and servicing aircraft made against any institution, agency, or department shall be paid into the Aviation Fund by that institution, department, or agency.~~

## **ARTICLE 12. FLEET MANAGEMENT DIVISION.**

### **§5A-12-1 Definitions.**

As used in this article:

(a) 'Central motor pool' means, under the direction and control of the Secretary of Administration, the group of state vehicles to be shared among spending units;

(b) 'Centralized accounting system' means the system of record for the maintenance of an accurate inventory of state vehicle fixed assets as maintained by the Enterprise Resource Planning Board pursuant to §12-6D-1 *et seq.* of this code;

(c) 'Director' means the Director of the Fleet Management Division;

(d) 'Division' means the Fleet Management Division, under the Department of Administration, as established pursuant to this article;

(e) 'Fleet Coordinator' means the head of a spending unit, or his or her designee, who is responsible for the duties of fleet coordinator as required by this article;

(f) 'Indirect costs' means the expenses of operating state vehicles that may or may not be attributable to a specific vehicle, including miscellaneous expenses for cleaning supplies, shop supplies, small parts, office and administrative expenses attributable to fleet coordinator activity, training costs for fleet coordinators and state vehicle driver training, facilities costs, administrative office overhead, parking costs, and shop equipment costs where applicable;

(g) 'Secretary' means the Secretary of the Department of Administration;

(h) 'Spending unit' means the State of West Virginia and all agencies, offices, departments, divisions, boards, commissions, councils, committees, or other entities of the state government for which an appropriation is requested or to which an appropriation is made by the Legislature. 'Spending unit' does not mean any county, city, township, public service district, or other political subdivision of the state;

(i) 'State vehicle' means, for the purpose of this article, a vehicle with a rating of one ton or less that is owned, purchased, or leased by any state spending unit, on which a state vehicle license plate is required, where the use of such vehicle is paid for with public funds regardless of the source of such funding, but does not include all-terrain vehicles (ATVs) or vehicles requiring a commercial driver's license to operate;

(j) 'State vehicle fleet' means all state vehicles;

(k) 'State vehicle license plate' means a license plate authorized to be issued by the Division of Motor Vehicles pursuant to §17A-3-23 and §17A-3-25 of this code, which identifies the vehicle as owned or leased by the state or a spending unit;

(l) 'State Vehicle Title, Registration and Relicensing Project of 2018' means the requirement for all spending units owning or leasing state vehicles, to report to the Division of Motor Vehicles and obtain new titles, new registration cards and new state vehicle license plates by December 31, 2018, pursuant to §17A-3-23 and §17A-3-25 of this code, to standardize the naming conventions on titles and registration cards of state vehicles in order to facilitate the creation and maintenance of a centralized state vehicle inventory system; and

(m) 'Vehicle log' means the record of state vehicle use, to be updated by the vehicle operator and maintained by the fleet coordinators, used to track vehicle utilization data required to be compiled and maintained pursuant to this article.

### **§5A-12-2. Scope of Article.**

(a) This article applies to all spending units of state government relating to the purchase, lease, or use of any state vehicle with the expenditure of public funds, except as otherwise provided by this code.

(b) Notwithstanding any exemption given to a spending unit by this code from the provisions of §5A-3-1 *et seq.* of this code or any prior exemption granted administratively from the Fleet Management Division or the Fleet Management Office, each spending unit of the state that owns, leases, purchases, or reimburses for personal vehicle use, shall comply with the reporting provisions of this article.

### **§5A-12-3. Fleet Management Division created; director; duties and responsibilities.**

(a) The Fleet Management Office, as previously authorized pursuant to §5A-1-2 and §5A-3-52 of this code, is hereby continued in the Department of Administration as the Fleet Management Division for the purpose of maintaining a state vehicle fleet.

(b) The Division shall have the following duties and responsibilities:

(1) To provide or contract for management services, including fueling and vehicle maintenance, and any other services necessary to properly manage the operation and use of state vehicles;

(2) To preapprove and assist with purchase of new or replacement vehicles for agencies including facilitating financing arrangements;

(3) To maintain a state vehicle fleet for all state vehicles owned or leased by the State of West Virginia or any of its spending units;

(4) To charge a fee for division services by spending units utilizing state vehicles;

(5) To provide training and notice to fleet coordinators and spending units concerning the duties and responsibilities under this article, including any requirements related to the State Vehicle Title, Registration and Relicensing Project of 2018, established pursuant to §17A-3-25 of this code;

(6) To develop safe operation and other policies governing state vehicle use;

(7) To propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code;

(8) Report annually to the Governor and to the Joint Committee on Government and Finance, regarding the operations of the state fleet and the utilization of state vehicles;

(9) To develop and maintain, in cooperation with the Travel Management Office, state policies for the utilization of state vehicles, including establishing best practices for state vehicle use; and

(10) To provide assistance upon request to any spending unit related to financing, purchasing, leasing, operating, maintaining, transferring, and decommissioning state vehicles.

(c) The secretary shall appoint a director of the division, who shall:

(1) Employ such staff as needed to effectuate the provisions of this article;

(2) Maintain adequate office space for staff and equipment as needed to effectuate the provisions of this article; and

(3) Under the direction of the secretary, establish a central motor pool, which shall be maintained and administered by the division, subject to such rules as the director may promulgate: *Provided*, That the division is responsible for the storage, maintenance, and repairs of all vehicles assigned to the central motor pool.

#### **§5A-12-4. Fleet Management Division Fund.**

The special revenue account, known as the 'Fleet Management Office Fund', previously created by §5A-3-52 of this code, shall terminate effective July 1, 2018. On and after July 1, 2018, all funds previously belonging to the Fleet Management Office Fund shall transfer to the special revenue account which shall be known as the 'Fleet Management Division Fund' which shall be created in the State Treasury, and shall be administered by the director. Expenditures are authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with §12-3-1 *et seq.* of this code and upon fulfillment of the requirements of §11B-2-1 *et seq.* of this code. Any balance remaining in the special revenue account at the end of any state fiscal

year does not revert to the General Revenue Fund but remains in the special revenue account and may be used solely in a manner consistent with this article.

**§5A-12-5. Rule-making authority; emergency rules.**

(a) The director shall propose legislative rules as may be necessary to implement this article, in accordance with §29A-3-1 et seq. of this code. Those rules shall include, but not be limited to:

(1) Requirements governing the use of state vehicles;

(2) Reporting requirements and responsibilities for fleet coordinators;

(3) Requirements and responsibilities for each driver or operator of a state vehicle;

(4) Information to be collected and maintained on state vehicle log sheets, including information related to mileage, destinations, and purpose of trip;

(5) The form and manner for each spending unit fleet coordinator to report to the division, including any electronic format as deemed necessary by the director;

(6) The information that each spending unit fleet coordinator shall collect and maintain regarding state vehicle use by the spending unit;

(7) The information for spending unit fleet coordinators to annually report to the division regarding state vehicle use;

(8) Requirements and policies governing commuting in and taking home state vehicles; and

(9) Requirements and policies governing volunteer and non-public employee drivers.

(b) All rules of the Fleet Management Office in effect on the effective date of this article shall remain in effect until they are amended, replaced, or repealed: *Provided*, That these rules shall expire on July 1, 2021, if not sooner superseded.

(c) On or before June 15, 2018, the director shall propose emergency legislative rules which may amend or modify existing legislative rules governing the use of state vehicles pursuant to §5A-12-1 et seq. of this code to implement the provisions of this article.

**§5A-12-6. Vehicle operator regulations; training.**

(a) Each operator of a state vehicle, or a personal vehicle for which reimbursement is sought, shall maintain the vehicle logs to the level of detail required by the division through legislative rules, and as may be required by the spending unit.

(b) Each operator of a state vehicle shall comply with the laws, rules, and policies governing state vehicle use, including spending unit rules and policies.

(c) Prior to operating a state vehicle, each operator shall be required to take such training courses as may be required by the Board of Risk and Insurance Management, the Travel Management Office, the Fleet Management Division, and the spending unit.

(d) If any public employee or public official fails to comply with any rule or regulation for state vehicle use, the spending unit may require that the individual attend training, be restricted from using

state vehicles, or be prohibited from using state vehicles: *Provided*, That nothing in this section authorizes the division to restrict the use of state vehicles except for those employees under its control.

**§5A-12-7. Spending unit duties and responsibilities.**

(a) Every spending unit shall report all vehicles and equipment requiring a state license plate, including those vehicles with a rating of more than one ton, those requiring a commercial driver's license to operate, and all-terrain vehicles, as fixed assets in the centralized accounting system maintained by the Enterprise Resource Planning Board.

(b) Every spending unit that owns state vehicles shall annually affirm to the State Agency for Surplus Property on or before July 15 of each year, that the vehicles and assets reported to the centralized accounting system as required by §5A-12-7(a) of this code are accurate and current.

**§5A-12-8. Fleet coordinators.**

(a) Each spending unit shall name a fleet coordinator, who shall be responsible for the management and maintenance of state vehicle information, and for reporting state vehicle utilization reports to the division as required by this article and legislative rules promulgated pursuant thereto.

(b) Each spending unit shall provide to the division the name and contact information for the spending unit fleet coordinator.

(c) Each fleet coordinator is required to attend the Fleet Coordinator training provided by the Fleet Management Division.

(d) Each fleet coordinator shall be responsible for providing adequate training to each operator of a state vehicle within his or her spending unit.

**§5A-12-9. Utilization of Vehicle Management Services; exemption.**

(a) Each spending unit that owns, uses, or maintains a state vehicle shall utilize the vehicle management services provided by the Fleet Management Division for all state vehicles.

(b) Spending units may request an exemption from part or all of the services provided by the Fleet Management Division. The division shall review each request and may recommend approval of the request by the secretary. The division shall submit a legislative rule identifying each spending unit for which an exemption has been approved, which rule shall further state the nature of the proposed exemption, and which services will be used, as well as the manner in which the spending unit will comply with all other requirements of this article, including the requirements to report certain information to the division: *Provided*, That no request for exemption pursuant to this section shall become effective without the enactment of a legislative rule pursuant to the provisions of §29A-3-1 *et seq.* of this code.

**§5A-12-10. Annual reports by spending units.**

(a) Each spending unit that owns or operates a state vehicle, rents vehicles for a state purpose, or reimburses for personal vehicle use, shall annually report the Fleet Management Division, beginning on or before October 31, 2018, and on or before October 31 each year thereafter, in the manner required by this article and by legislative rule.

(b) Each spending unit that owns or leases a state vehicle or rents or reimburses an employee for personal vehicle use, shall periodically compile and maintain the individual specific vehicle records of each state vehicle, and all records of vehicle rental and private vehicle use expenditures, for not less than three years, or as may be required by the division or the State Auditor pursuant to §5A-12-13 of this code.

**§5A-12-11. Complaint process.**

(a) The director shall provide a complaint process for use by the general public to report to the division issues relevant to the operation and maintenance of a state vehicle fleet. Complaints may be received by the division in writing, by telephone, or electronically: *Provided*, That the division shall review all complaints weekly, and report to the appropriate spending unit the information regarding the state vehicle in use by the spending unit, and shall describe the nature of the complaint, including, but not limited to mechanical problems, equipment failures, misuse, or illegal operation of a state vehicle.

(b) Each spending unit shall investigate each complaint it receives and provide an update to the division on a regular basis and at the conclusion of the investigation.

**§5A-12-12. State vehicle fleet annual report.**

(a) The Fleet Management Division shall maintain sufficient records and fleet coordinator reports to produce a State Vehicle Fleet Annual Report, regarding the maintenance and operation of the state vehicle fleet.

(b) On or before December 31, 2019 and each December 31 thereafter, the division shall submit the State Vehicle Fleet Annual Report to the Governor, and to the Joint Committee on Government and Finance, containing, at a minimum:

(1) The total number of state vehicles;

(2) The total number of vehicles operated by each spending unit;

(3) The total number of state vehicle miles driven, both in the aggregate and by spending unit;

(4) The total amount of fuel purchased, and the total expenditures for annual maintenance, repair, fuel expenditures, both in the aggregate and by spending unit;

(5) The total number of miles reimbursed for personal vehicle use and the amount reimbursed annually, both in the aggregate and by spending unit;

(6) The total number of vehicles owned and operated by the division, including information on the total miles driven, and the annual expenditures for maintenance, repair, and fuel;

(7) The total annual indirect costs of operating the state vehicle fleet, both in the aggregate and by spending unit;

(8) A summary of complaints received concerning state vehicle usage;

(9) A summary of the State Auditor's spot compliance audit report authorized pursuant to §5A-12-13 of this code;

(10) The operating revenue and expenses of the division; and

(11) Recommendations for any policy or statutory changes the director determines may be necessary to maintain accurate records of the state vehicle fleet, utilization of state vehicles, and the expenses necessary to maintain such vehicle fleet.

(c) An annual report produced in an electronic format complies with the reporting requirements of this article and shall be made available on the division website: *Provided*, That the division shall redact any personally identifiable or confidential information.

#### **§5A-12-13. Spot compliance audits by the State Auditor.**

(a) Beginning July 1, 2019, the State Auditor shall conduct spot compliance audits to monitor operator, spending unit, and fleet coordinator records and reports for accuracy and compliance with the record keeping provisions of this article. The State Auditor shall conduct a spot compliance audit on not less than 20 percent of the state vehicle fleet annually, in order to conduct spot compliance audits of all state vehicle records on a five-year cycle.

(b) A spending unit found to be noncompliant with the recordkeeping provisions of this article may be subject to further compliance monitoring as the State Auditor and director deem necessary.

(c) The State Auditor shall report to the division the findings of each spot compliance audit. Such reports shall list the spending units and fleet coordinators audited, and verify:

(1) That state vehicle drivers of the spending unit have complied with applicable training requirements and are keeping complete and accurate vehicle logs;

(2) That spending unit fleet coordinators have attended training, and are compiling and maintaining the state vehicle records required by this article; and

(3) The accuracy of fleet coordinator reporting in the manner consistent with the provisions of this article.

#### **§5A-12-14. Legislative compliance audit.**

On or before December 31, 2020, the Legislative Auditor, in accordance with §4-10-1 *et seq.* of this code, shall audit the division for state spending unit and fleet coordinator compliance with the reporting requirements and applicable provisions of this article. Such audit shall also include an evaluation of the data collected by the division to determine if the data being provided to the division in spending unit annual reports are sufficient to evaluate the state costs of owning, maintaining, and leasing state vehicles, and to evaluate vehicle use and expenditure trends among the spending units.

### **CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

#### **ARTICLE 6D. WEST VIRGINIA ENTERPRISE RESOURCE PLANNING BOARD.**

##### **§12-6D-7. Establishing state vehicle fixed assets record keeping.**

The West Virginia Enterprise Resource Planning Board shall, after consulting with the Fleet Management Division, established pursuant to §5A-12-1 *et seq.* of this code, and the Division of Motor Vehicles, pursuant to the authority in §17A-3-25, develop standard naming conventions for the title, registration, and other fixed asset information to be used in the identification of state vehicles in the system of record for fixed assets, and shall also designate the information to be entered by spending units into the centralized accounting system maintained by the West Virginia Enterprise

Resource Planning Board, for the development and maintenance of an accurate and updated state vehicle inventory.

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,  
CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.**

**§17A-3-23. Registration plates to state, county, municipal and other governmental vehicles; use for undercover activities.**

(a) Any motor vehicle designed to carry passengers, owned or leased by the state of West Virginia, or any of its departments, bureaus, commissions, or institutions, except vehicles used by the Governor, Treasurer, not to exceed 8 vehicles operated by investigators of the Office of the Attorney General, three vehicles per elected office of the Board of Public Works not otherwise specified, vehicles operated by the State Police, not to exceed five vehicles operated by the office of the Secretary of Military Affairs and Public Safety, not to exceed five vehicles operated by the Division of Homeland Security and Emergency Management, vehicles operated by natural resources police officers of the Division of Natural Resources, not to exceed 10 vehicles operated by the arson investigators of the Office of State Fire Marshal, not to exceed two vehicles operated by the Division of Protective Services, not to exceed 16 vehicles operated by inspectors of the Office of the Alcohol Beverage Control Commissioner, vehicles operated by the West Virginia Wing of the Civil Air Patrol, and vehicles operated by probation officers employed under the Supreme Court of Appeals may not be operated or driven by any person unless it has displayed and attached to the front thereof, in the same manner as regular motor vehicle registration plates are attached, a plate of the same size as the regular registration plate, with white lettering on a green background bearing the words 'West Virginia' in one line and the words 'State Car' in another line, and the lettering for the words 'State Car' shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight: Provided, That beginning January 1, 2019, state vehicle license plates shall be gold with blue lettering.

The vehicle shall also have attached to the rear a plate bearing a number and any other words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate shall also be green with the number in white: Provided, That beginning January 1, 2019, state vehicle license plates shall be gold with blue lettering.

(b) Registration plates issued to vehicles owned by counties shall be white on red with the word 'County' on top of the plate and the words 'West Virginia' on the bottom.

(c) Registration plates issued to a city or municipality shall be white on blue with the word 'City' on top and the words 'West Virginia' on the bottom.

(d) Registration plates issued to a city or municipality law-enforcement department shall include blue lettering on a white background with the words 'West Virginia' on top of the plate and shall be further designed by the commissioner to include a law-enforcement shield together with other insignia or lettering sufficient to identify the motor vehicle as a municipal law-enforcement department motor vehicle. The colors may not be reversed and shall be of reflectorized material. The registration plates issued to counties, municipalities, and other governmental agencies authorized to receive colored plates hereunder shall be affixed to both the front and rear of the vehicles.

(e) (1) Registration plates issued to vehicles operated by county sheriffs shall be designed by the commissioner in cooperation with the sheriffs' association with the word 'Sheriff' on top of the plate and the words 'West Virginia' on the bottom. The plate shall contain a gold shield representing the sheriff's star and a number assigned to that plate by the commissioner. Every county sheriff shall provide the commissioner with a list of vehicles operated by the sheriff, unless otherwise provided in this section, and a fee of \$10 for each vehicle submitted by July 1, 2002.

(2) Registration plates issued to vehicles operated by the West Virginia Wing of the Civil Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol and include the words 'Civil Air Patrol' on the plate. The Civil Air Patrol shall provide the commissioner with a list of vehicles operated by the Civil Air Patrol, unless otherwise provided in this section, and a fee of \$10 for each new vehicle for which a Civil Air Patrol license plate is requested.

(f) The commissioner is authorized to designate the colors and design of any other registration plates that are issued without charge to any other agency or non-state government entity entitled to registration plates at no charge in accordance with the motor vehicle laws: *Provided, That where the institutions of higher education opt to have their logo displayed on the state license plate, such institution shall bear any additional costs of those added features: Provided, however, That no public service districts or designated nongovernmental organizations shall be issued a license plate designated for vehicles owned or leased by the state of West Virginia, or any of its departments, bureaus, commissions, or institutions.*

(g) Upon application, the commissioner is authorized to issue a maximum of five Class A license plates per applicant to be used by county sheriffs and municipalities on law-enforcement vehicles while engaged in undercover investigations.

(h) The commissioner is authorized to issue a maximum of five Class A license plates to be used on vehicles assigned to the Division of Motor Vehicles investigators for commercial driver examination fraud investigation and driver's license issuance fraud detection and fraud prevention.

(i) The commissioner is authorized to issue an unlimited number of license plates per applicant to authorized drug and violent crime task forces in the state of West Virginia when the chairperson of the control group of a drug and violent crime task force signs a written affidavit stating that the vehicle or vehicles for which the plates are being requested will be used only for official undercover work conducted by a drug and violent crime task force.

(j) The commissioner is authorized to issue 20 Class A license plates to the Criminal Investigation Division of the Department of Revenue for use by its investigators.

(k) The commissioner may issue a maximum of 10 Class A license plates to the Division of Natural Resources for use by natural resources police officers. The commissioner shall designate the color and design of the registration plates to be displayed on the front and the rear of all other state-owned vehicles owned by the Division of Natural Resources and operated by natural resources police officers.

(l) The commissioner is authorized to issue an unlimited number of Class A license plates to the Commission on Special Investigations for state-owned vehicles used for official undercover work conducted by the Commission on Special Investigations.

(m) The commissioner is authorized to issue a maximum of two Class A plates to the Division of Protective Services for state-owned vehicles used by the Division of Protective Services in fulfilling its mission.

(n) The commissioner is authorized to issue Class A registration plates for vehicles used by the Medicaid Fraud Control Unit created by §9-7-7 of this code.

(o) The commissioner is authorized to issue Class A registration plates for vehicles used by the West Virginia Insurance Fraud Unit created by §33-41-8 of this code.

(p) No other registration plate may be issued for, or attached to, any state-owned vehicle.

(q) The Commissioner of Motor Vehicles shall have a sufficient number of both front and rear plates produced to attach to all state-owned cars. ~~The numbered registration plates for the vehicles shall start with the number five hundred and the commissioner shall issue consecutive numbers for all state-owned cars or leased vehicles.~~

(r) The commissioner shall, after consultation with the Fleet Management Division established pursuant to §5A-12-1 et seq. of this code and the Enterprise Resource Planning Board established pursuant to §12-6D-1 et seq. of this code, develop and adopt a standardized naming convention for the title, registration, and licensing of state vehicles, pursuant to §17A-3-23 and §7A-3-25 of this code. The naming convention adopted shall be consistent with the naming convention adopted for the centralized accounting system as maintained by the Enterprise Resource Planning Board for the purpose of creating and maintaining an accurate and up to date inventory of the state vehicle fleet.

(s) It is the duty of each office, department, bureau, commission, or institution furnished any vehicle to have plates as described herein affixed thereto prior to the operation of the vehicle by any official or employee.

~~(s)~~ (t) The commissioner may issue special registration plates for motor vehicles titled in the name of the Division of Public Transit or in the name of a public transit authority as defined in this subsection and operated by a public transit authority or a public transit provider to transport persons in the public interest. For purposes of this subsection, 'public transit authority' means an urban mass transportation authority created pursuant to the provisions of §8-27-1 et seq. of this code or a nonprofit entity exempt from federal and state income taxes under the Internal Revenue Code and whose purpose is to provide mass transportation to the public at large. The special registration plate shall be designed by the commissioner and shall display the words 'public transit' or words or letters of similar effect to indicate the public purpose of the use of the vehicle. The special registration plate shall be issued without charge.

(u) Each green registration plate with white letters affixed to a state vehicle, and each corresponding title and registration certificate for all state vehicles, other than those vehicles with Class A registration plates as provided in this section, terminates at midnight on December 31, 2018. Each spending unit assigned a state vehicle that is required to display a state vehicle license plate and registration shall obtain a new title, new registration card, and new state vehicle license plate prior to January 1, 2019: *Provided*, That no state vehicle license plate shall be issued unless the spending unit has provided an affirmative statement under penalty of perjury that the vehicle is a state asset recorded in the central accounting system as maintained by the Enterprise Resource Planning Board, and the same has been verified by the commissioner, as required by §17A-3-25 of this code. When new registrations are issued pursuant to this article and for subsequent, non-Class A registrations of state owned or leased vehicles, the state vehicle registration plate and certificate shall be valid for a period of not more than 24 months and shall be required to be renewed every two years.

(v) The commissioner is authorized to prepare and promulgate emergency rules, pursuant to §29A-3-1 et seq. of this code in order to implement amendments to this section.

(t) (w) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$100. Magistrates have concurrent jurisdiction with circuit courts for the enforcement of this section.

**§17A-3-25. State vehicle title, registration and relicensing project of 2018; emergency and legislative rules.**

(a) On or before July 1, 2018, the commissioner shall coordinate with the Fleet Management Division established pursuant to §5A-12-1 et seq. of this code and the Enterprise Resource Planning Board established pursuant to §12-6D-1 et seq. of this code and other applicable agencies, to develop a standardized titling and registration system for state vehicles. To the extent practicable, the standardization of vehicle title, registration, and state vehicle license plates shall conform to the state's central accounting system maintained by the Enterprise Resource Planning Board. The standardization of state vehicle titles, registrations, and license plates, as described in this section, shall be known as the 'State Vehicle Title, Registration, and Relicensing Project of 2018'. Every spending unit shall comply with the provisions of this section, and §17A-3-23 of this code.

(b) The commissioner, in coordination with the Fleet Management Division, shall develop a standard system for identifying and recording the names of agencies, offices, or spending units to which each state vehicle is assigned, or registered, and such standard naming conventions shall be developed to align with the state's central accounting system, and the centralized state vehicle inventory system. The commissioner shall propose legislative and emergency rules, pursuant to §29A-3-1 et seq. of this code, establishing those standard naming conventions for the registration, titling, and licensing of every state vehicle, and assigning by rule a list of the standardized naming conventions for each spending unit for the purpose of issuing new title, registration, and license plates to each state vehicle by December 31, 2018.

(c) Once the commissioner has promulgated legislative and emergency rules as authorized pursuant to subsection (b) of this section, and not later than September 1, 2018, the division shall begin to issue the standardized title, registration, and state vehicle license plates for all state vehicles.

(d) Any spending unit applying to license or relicense a state vehicle pursuant to this section shall include with the application an affirmative statement under the penalty of perjury that the vehicle is a state asset recorded in the central accounting system as maintained by the Enterprise Resource Planning Board before the commissioner is required to issue any motor vehicle registration plates: *Provided*, That for leased vehicles, the spending unit shall affirm to the commissioner that the vehicle is leased and not required to be recorded in the state central accounting system.

(e) The commissioner shall confirm that each vehicle for which an agency applies for a license, title, or registration is properly listed within the centralized accounting system as being a vehicle owned by a state agency before processing the application.

(f) The commissioner is authorized, by legislative and emergency rule, to establish a procedure whereby the commissioner shall reject the application for a state vehicle title, registration and state vehicle license plate if that application does not conform to the standard naming convention requirements. The commissioner shall provide by rule for the reasonable remedy, correcting of errors, or to compel compliance with the standard naming conventions.

(g) At midnight on December 31, 2018, all green state vehicle license plates with white lettering affixed to vehicles shall expire. The commissioner, in coordination with the Fleet Management Division, shall provide notice to each spending unit, and advertise as deemed appropriate, to inform the fleet coordinators, as defined in §5A-12-3 of this code, that such license plates expire and the

procedure for being issued new titles, registrations, and license plates pursuant to this article. The head of each spending unit with state vehicles shall cooperate and comply with the requirements of the State Vehicle Title, Registration, and Relicensing Project of 2018, and the centralized accounting system.

(h) Upon receipt of the new title, registration, and license plates, each spending unit shall enter the appropriate information into the state's central accounting system maintained by the Enterprise Resource Planning Board, in such detail and specificity as required by the board, the Fleet Management Division established pursuant to §5A-12-1 et seq. of this code.

#### **§17A-3-26. Enforcement; report.**

(a) Beginning January 1, 2019, any state vehicle in this state with a green state license plate with white lettering is in violation of this article.

(b) After January 1, 2019, any law-enforcement officer who discovers a state vehicle with an expired state vehicle license plate shall issue a citation with a penalty of \$100 per violation. Upon payment of such penalty, notwithstanding court costs, the clerk of the court shall remit the amount of the penalty to the law-enforcement agency having brought the charge before the court.

(c) Any spending unit issued a citation pursuant to this section shall file a report with the Fleet Management Division within 30 days of the citation and describe the state vehicle by the vehicle identification number, the make, model, and year of the vehicle, the state vehicle license plate, and the date on which the license plate was renewed.

#### **§17A-3-27. Compliance audit.**

On or before December 31, 2019, the Legislative Auditor, in accordance with §4-10-1 et seq. of this code, shall audit the Division of Motor Vehicles for compliance with the State Vehicle Title, Registration, and Relicensing Project of 2018. The Legislative Auditor may make recommendations for future compliance monitoring of any spending unit found not in compliance with the project and make such recommendations for administrative penalties for noncompliance with the project.

### **CHAPTER 29B. FREEDOM OF INFORMATION.**

#### **ARTICLE 1. PUBLIC RECORDS.**

##### **§29B-1-4. Exemptions.**

(a) There is a presumption of public accessibility to all public records, subject only to the following categories of information which are specifically exempt from disclosure under ~~the provisions of~~ this article:

(1) Trade secrets, as used in this section, which may include, but are not limited to, any formula, plan pattern, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article or trade or a service or to locate minerals or other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors;

(2) Information of a personal nature such as that kept in a personal, medical, or similar file, if the public disclosure of the information would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in this particular

instance: *Provided*, That this article does not preclude an individual from inspecting or copying his or her own personal, medical, or similar file;

(3) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment, or academic examination;

(4) (A) Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement;

(B) Records identifying motor vehicles used, and the agencies using them, for undercover investigation activities conducted by state law-enforcement agencies or other agencies that are authorized by this code to use undercover or unmarked vehicles;

(5) Information specifically exempted from disclosure by statute;

(6) Records, archives, documents or, manuscripts describing the location of undeveloped historic, prehistoric, archaeological, paleontological, and battlefield sites or constituting gifts to any public body upon which the donor has attached restrictions on usage or the handling of which could irreparably damage the record, archive, document, or manuscript;

(7) Information contained in or related to examination, operating, or condition reports prepared by, or on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions, except those reports which are by law required to be published in newspapers;

(8) Internal memoranda or letters received or prepared by any public body;

(9) Records assembled, prepared, or maintained to prevent, mitigate, or respond to terrorist acts or the threat of terrorist acts, the public disclosure of which threaten the public safety or the public health;

(10) Those portions of records containing specific or unique vulnerability assessments or specific or unique response plans, data, databases, and inventories of goods or materials collected or assembled to respond to terrorist acts; and communication codes or deployment plans of law-enforcement or emergency response personnel;

(11) Specific intelligence information and specific investigative records dealing with terrorist acts or the threat of a terrorist act shared by and between federal and international law-enforcement agencies, state and local law-enforcement, and other agencies within the Department of Military Affairs and Public Safety;

(12) National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism;

(13) Computing, telecommunications, and network security records, passwords, security codes, or programs used to respond to or plan against acts of terrorism which may be the subject of a terrorist act;

(14) Security or disaster recovery plans, risk assessments, tests, or the results of those tests;

(15) Architectural or infrastructure designs, maps, or other records that show the location or layout of the facilities where computing, telecommunications or network infrastructure used to plan against or respond to terrorism are located or planned to be located;

(16) Codes for facility security systems; or codes for secure applications for facilities referred to in subdivision (15) of this subsection;

(17) Specific engineering plans and descriptions of existing public utility plants and equipment;

(18) Customer proprietary network information of other telecommunications carriers, equipment manufacturers, and individual customers, consistent with 47 U.S.C. §222;

(19) Records of the Division of Corrections, Regional Jail and Correctional Facility Authority, and the Division of Juvenile Services relating to design of corrections, jail and detention facilities owned or operated by the agency, and the policy directives and operational procedures of personnel relating to the safe and secure management of inmates or residents, that if released, could be used by an inmate or resident to escape a facility, or to cause injury to another inmate, resident, or to facility personnel;

(20) Information related to applications under §61-7-4 of this code, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for or holder of a concealed weapon permit: *Provided*, That information in the aggregate that does not identify any permit holder other than by county or municipality is not exempted: *Provided, however*, That information or other records exempted under this subdivision may be disclosed to a law-enforcement agency or officer: (i) To determine the validity of a permit, (ii) to assist in a criminal investigation or prosecution, or (iii) for other lawful law-enforcement purposes; and

(21) Personal information of law-enforcement officers maintained by the public body in the ordinary course of the employer-employee relationship. As used in this paragraph, 'personal information' means a law-enforcement officer's social security number, health information, home address, personal address, personal telephone numbers, and personal email addresses, and those of his or her spouse, parents, and children, as well as the names of the law-enforcement officer's spouse, parents, and children.

(b) As used in subdivisions (9) through (16), inclusive, subsection (a) of this section, the term 'terrorist act' means an act that is likely to result in serious bodily injury or damage to property or the environment and is intended to:

(1) Intimidate or coerce the civilian population;

(2) Influence the policy of a branch or level of government by intimidation or coercion;

(3) Affect the conduct of a branch or level of government by intimidation or coercion; or

(4) Retaliate against a branch or level of government for a policy or conduct of the government.

(c) The provisions of subdivisions (9) through (16), inclusive, subsection (a) of this section do not make subject to the provisions of this chapter any evidence of an immediate threat to public health or safety unrelated to a terrorist act or the threat of a terrorist act which comes to the attention of a public entity in the course of conducting a vulnerability assessment response or similar activity."

And,

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

**Com. Sub. for H. B. 4015** – “A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10, §5A-12-11, §5A-12-12, §5A-12-13 and §5A-12-14; to amend said code by adding thereto a new section, designated §12-6D-7; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto three new sections, designated §17A-3-25, §17A-3-26, and §17A-3-27; and to amend and reenact §29B-1-4 of said code, all relating to the management and inventory of vehicles owned, leased, operated, or acquired by the state and its agencies; authorizing establishment of aviation division within Department of Administration; establishing Fleet Management Division within Department of Administration; repealing provisions relating to the central motor pool; continuing management of state owned or leased aircraft through an Aviation Division; setting duties of Aviation Division; continuing Aviation Fund and authorizing administration by division director or secretary of Department of Administration; defining terms; setting scope of article and applicability to spending units; continuing Fleet Management Office as Fleet Management Division; setting duties and responsibilities of division; providing for the appointment of a division director; providing powers and duties of the division director; terminating the Fleet Management Office Fund; establishing the Fleet Management Division Fund; providing for transfer of funds from Fleet Management Office Fund to Fleet Management Division Fund; establishing rulemaking authority for division director; requiring proposal of certain legislative rules; setting requirements for operators of state vehicles; establishing duties and responsibilities of spending units with respect to state vehicles and equipment; requiring each spending unit designate a fleet coordinator; requiring spending unit provide name and contact information of fleet coordinator to division; setting requirements and responsibilities of fleet coordinators; requiring spending units use vehicle management services provided by division; authorizing certain exceptions; requiring annual reporting by spending units to division; requiring spending units maintain certain records; requiring division director establish complaint process for general public to report issues relevant to state vehicle fleet; requiring spending unit investigate complaints received by division; requiring division prepare state vehicle fleet annual report; setting contents of annual report; providing for spot compliance audits by the State Auditor; requiring legislative compliance audit; directing Enterprise Resource Planning Board develop standard naming convention for state vehicle information in centralized accounting system; increasing number of state vehicles Attorney General may have without state license plate; changing colors of state license plates to gold with blue lettering effective January 1, 2019; authorizing Commissioner of the Division of Motor Vehicles to issue special plates to certain organizations and entities at no charge; authorizing inclusion of higher education institution logos on state license plates; requiring higher education institutions bear any additional costs of those features; prohibiting public service districts or designated nongovernmental institutional from being issued state license plate; directing commissioner of Division of Motor Vehicles develop and adopt standardized naming convention for title, registration and licensing of state vehicles; providing for expiration of green and white state license plates; requiring spending units obtain new state license plate prior to January 1, 2019; requiring affirmative statement from spending unit that vehicle is state asset recorded in central accounting system, and verification of same, prior to issuance of state license plate; providing license plates and registrations be valid for not more than 24 months; requiring renewal every two years; authorizing promulgation of emergency rules by commissioner; directing proposal of legislative and emergency rules to establish standardized naming conventions for state vehicle titles, licenses, and registrations; establishing process for spending unit to apply for and acquire new uniform vehicle title and registration plate; requiring updating of information in centralized accounting system following receipt of new title, registration and license plates; providing for a citation for vehicles with expired state license plate; requiring spending unit file report with division upon receipt of citation; directing compliance audit by Legislative Auditor of Division of Motor Vehicles; exempting confidential

information relating to certain vehicles from public disclosure under the Freedom of Information Act; authorizing rule-making; and requiring annual reports to the Governor and Legislature.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 356**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and C. Romine.

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 H. B. 4015) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 4023**, Relating to the regulation of dialysis technicians.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**H. B. 4025**, Permitting reciprocity for licensure as a pharmacy technician.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 4027**, Creating an education permit for allopathic physician resident.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**H. B. 4178**, Permitting certain portions of certified nurse aide training to be provided through distance learning technologies.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 4279**, Relating to adult protective services system.

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. 4368**, Relating to voluntary assignments of wages by state employees who have been overpaid.

On motion of Delegate Foster, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

**“ARTICLE 5. WAGE PAYMENT AND COLLECTION.**

**§21-5-3. Payment of wages by employers other than railroads; assignments of wages.**

(a) Every person, firm or corporation doing business in this state, except railroad companies as provided in section one of this article, shall settle with its employees at least twice every month and with no more than 19 days between settlements, unless otherwise provided by special agreement, and pay them the wages due, less authorized deductions and authorized wage assignments, for their work or services.

(b) Payment required in subsection (a) of this section shall be made:

(1) In lawful money of the United States;

(2) By cash order as described and required in §21-5-4 of this code;

(3) By deposit or electronic transfer of immediately available funds into an employee's payroll card account in a federally insured depository institution. The term 'payroll card account' means an account in a federally insured depository institution that is directly or indirectly established through an employer and to which electronic fund transfers of the employee's wages, salary, commissions or other compensation are made on a recurring basis, whether the account is operated or managed by the employer, a third person payroll processor, a depository institution or another person. 'Payroll card' means a card, code or combination thereof or other means of access to an employee's payroll card account, by which the employee may initiate electronic fund transfers or use a payroll card to make purchases or payments. Payment of employee compensation by means of a payroll card must be agreed upon in writing by both the person, firm or corporation paying the compensation and the person being compensated; or

(4) By any method of depositing immediately available funds in an employee's demand or time account in a bank, credit union or savings and loan institution that may be agreed upon in writing between the employee and such person, firm or corporation, which agreement shall specifically identify the employee, the financial institution, the type of account and the account number: *Provided*, That nothing herein contained shall be construed in a manner to require any person, firm or corporation to pay employees by depositing funds in a financial institution.

(c) If, at any time of payment, any employee ~~shall be~~ is absent from his or her regular place of labor and ~~shall~~ does not receive his or her wages through a duly authorized representative, he or she ~~shall be~~ is entitled to payment at any time thereafter upon demand upon the proper paymaster at the place where his or her wages are usually paid and where the next pay is due.

(d) Nothing herein contained ~~shall~~ may affect the right of an employee to assign part of his or her claim against his or her employer except as in subsection (e) of this section.

(e) No assignment of or order for future wages ~~shall~~ may be valid for a period exceeding one year from the date of the assignment or order. An assignment or order shall be acknowledged by the party making the same before a notary public or other officer authorized to take acknowledgments, and any order or assignment shall specify thereon the total amount due and collectible by virtue of the

same and, unless otherwise provided for in subsection (f) of this section, three-fourths of the periodical earnings or wages of the assignor ~~shall~~ are all times ~~be~~ exempt from such assignment or order and no assignment or order ~~shall be~~ is valid which does not so state upon its face: *Provided,* That no such order or assignment ~~shall be~~ is valid unless the written acceptance of the employer of the assignor to the making thereof is endorsed thereon: *Provided, however,* That nothing herein contained ~~shall~~ may be construed as affecting the right of employer and employees to agree between themselves as to deductions to be made from the payroll of employees.

(f) If an employee of the state has been overpaid wages, including incremental salary increases pursuant to §5-5-2 of this code, an employee may voluntarily authorize a written assignment or order for future wages to the state to repay the overpayment in an amount not to exceed three-fourths of his or her periodical earnings or wages.”

And,

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

**Com. Sub. for H. B. 4368** – “A Bill to amend and reenact §21-5-3 of the Code of West Virginia, 1931, as amended, relating to voluntary assignments of wages by state employees who have been overpaid; and providing that state employees may voluntarily authorize an assignment or order of future wages to repay an overpayment, not to exceed a certain amount.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 357**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fluharty and Hornbuckle.

Absent and Not Voting: Deem and C. Romine.

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 H. B. 4368) passed.

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

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:

**H. B. 4434**, Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

**“ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

**§3-5-23. Certificate nominations; requirements and control; penalties.**

(a) Groups of citizens having no party organization may nominate candidates who are not already candidates in the primary election for public office otherwise than by conventions or primary elections. In that case, the candidate or candidates, jointly or severally, shall file a nomination certificate in accordance with the provisions of this section and the provisions of §3-5-24 of this code.

(b) The person or persons soliciting or canvassing signatures of duly qualified voters on the certificate or certificates, may solicit or canvass duly registered voters residing within the county, district, or other political division represented by the office sought, but must first obtain from the clerk of the county commission credentials which must be exhibited to each voter canvassed or solicited, which credentials may be in the following form or effect:

State of West Virginia, County of ....., ss:

This certifies that the holder of this credential is hereby authorized to solicit and canvass duly registered voters residing in ..... (here place the county, district or other political division represented by the office sought) to sign a certificate purporting to nominate ..... (here place name of candidate heading list on certificate) for the office of ..... and others, at the general election to be held on ....., 20.....

Given under my hand and the seal of my office this ..... day of ....., 20.....

.....

Clerk, county commission of ..... County.

The clerk of each county commission, upon proper application made as herein provided, shall issue such credentials and shall keep a record thereof.

(c) The certificate shall be personally signed by duly registered voters, in their own proper handwriting or by their marks duly witnessed, who must be residents within the county, district, or other political division represented by the office sought wherein the canvass or solicitation is made by the person or persons duly authorized. The signatures need not all be on one certificate. The number of signatures shall be equal to not less than one percent of the entire vote cast at the last preceding general election for the office in the state, district, county, or other political division for which the nomination is to be made, but in no event shall the number be less than 25. The number of signatures shall be equal to not less than one percent of the entire vote cast at the last preceding general election for any statewide, congressional, or presidential candidate, but in no event shall the number be less than 25. Where two or more nominations may be made for the same office, the total of the votes cast at the last preceding general election for the candidates receiving the highest number of votes on each ticket for the office shall constitute the entire vote. A signature on a certificate may not be counted unless it be that of a duly registered voter of the county, district, or other political division represented by the office sought wherein the certificate was presented.

(d) The certificates shall state the name and residence of each of the candidates; that he or she is legally qualified to hold the office; that the subscribers are legally qualified and duly registered as voters and desire to have the candidates placed on the ballot; and may designate, by not more than five words, a brief name of the party which the candidates represent and may adopt a device or emblem to be printed on the official ballot. All candidates nominated by the signing of the certificates shall have their names placed on the official ballot as candidates, as if otherwise nominated under the provisions of this chapter.

The Secretary of State shall prescribe the form and content of the nomination certificates to be used for soliciting signatures.

Offices to be filled by the voters of more than one county shall use separate petition forms for the signatures of qualified voters for each county.

Notwithstanding any other provision of this code to the contrary, a duly registered voter may sign the certificate provided in this section and may vote for candidates of his or her choosing in the corresponding primary election.

(e) The Secretary of State, or the clerk of the county commission, as the case may be, may investigate the validity of the certificates and the signatures thereon. If, upon investigation, there is doubt as to the legitimacy and the validity of certificate, the Secretary of State may ask the Attorney General of the state, or the clerk of the county commission may ask the prosecuting attorney of the county, to institute a quo warranto proceeding against the nominee by certificate to determine his or her right to the nomination to public office and upon request being made, the Attorney General or prosecuting attorney shall institute the quo warranto proceeding. The clerk of the county commission shall, at the request of the Secretary of State or the clerk of the circuit court, compare the information from any certificate to the county voter registration records in order to assist in determining the validity of any certificates.

(f) For the purposes of this section, any person who, at the time of the filing of the nomination certificate or certificates, is registered and affiliated with a recognized political party as defined in §3-1-8 of this code may not become a candidate for political office by virtue of the nomination-certificate process as set forth in this section.

(g) For the purposes of this section, any person who was a candidate for nomination by a recognized political party as defined in §3-1-8 of this code may not, after failing to win the nomination of his or her political party, become a candidate for the same political office by virtue of the nomination-certificate process as set forth in this section.

~~(f)~~ (h) In addition to penalties prescribed elsewhere for violation of this chapter, any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000, or confined in jail not more than one year, or both fined and ~~imprisoned~~ confined: *Provided*, That a criminal penalty may not be imposed upon anyone who signs a nomination certificate and votes in the primary election held after the date the certificate was signed.”

And,

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

**H. B. 4434** – “A Bill to amend and reenact §3-5-23 of the Code of West Virginia, 1931, as amended, to prohibit any person from becoming a candidate for political office by virtue of the nomination-certificate process when he or she, at the time of the filing of the nomination certificate or certificates, is registered and affiliated with a recognized political party as defined in §3-1-8 of this code or when he or she was a candidate for nomination by a recognized political party as defined in §3-1-8 of this code but failed to win the nomination of his or her party.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 358**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, C. Romine and Summers.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4434) passed.

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

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. 4473**, Relating to use of state funds for advertising to promote a public official or government office.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

**“ARTICLE 2B. LIMITATIONS ON A PUBLIC OFFICIAL FROM USING HIS OR HER NAME OR LIKENESS.**

**§6B-2B-1. Definitions.**

As used in this article:

(a) ‘Advertising’ means publishing, distributing, disseminating, communicating, or displaying information to the ~~general~~ public through audio, visual, or other media tools with the purpose of promoting the public official or a political party. ~~It includes~~ ‘Advertising’ may include, but is not limited to, billboard, radio, television, mail, electronic mail, publications, banners, table skirts, magazines, social media, websites, and other forms of publication, dissemination, display, or communication.

(b) ‘Agent’ means any volunteer or employee, contractual or permanent, serving at the discretion of a public official or public employee.

(c) ‘Educational materials’ means publications, guides, calendars, handouts, pamphlets, reports, or booklets intended to provide information about the public official or governmental office. It includes information or details about the office, services the office provides to the public, updates on laws and services, and other informational items that are intended to educate the public.

(d) ‘Instructional material’ means written instructions explaining or detailing steps for completion of a governmental agency document or form.

(e) ‘Likeness’ means a photograph, drawing, or other depiction of an individual.

(f) ‘Mass media communication’ means communication through audio, visual, or other media tools, including U.S. mail, electronic mail, and social media, intended for general dissemination to the public. Examples include mass mailing by U.S. mail, list-serve emails and streaming clips on websites. It does not include: (i) Regular responses to constituent requests or questions during the normal course of business; or (ii) communications that are authorized or required by law to be publicly disseminated, such as legal notices.

(g) 'Press release' means a written, audio, or video communication issued by an official or agency to the public or to members and organizations of the news media to report specific but brief information about an event, circumstance, or other happening.

~~(g)~~ (h) 'Public employee' means any full-time or part-time employee of any state, or political subdivision of the state, and their respective boards, agencies, departments, and commissions, or in any other regional or local governmental agency.

~~(h)~~ (i) 'Public official' means any person who is elected or appointed to any state, county, or municipal office or position, including boards, agencies, departments, and commissions, or in any other regional or local governmental agency.

~~(i)~~ (j) 'Public payroll' means payment of public moneys as a wage or salary from the state, or political subdivision of the state, or any other regional or local governmental agency, whether accepted or not.

~~(j)~~ (k) 'Social media' means forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content. It includes web and mobile-based technologies which are used to turn communication to interactive dialogue among organizations, communities, and individuals. Examples include, but are not limited to, Facebook, Myspace, Twitter, and YouTube.

~~(k)~~ (l) 'Trinkets' means items of tangible personal property that are not vital or necessary to the duties of the public official's or public employee's office, including, but not limited to, the following: magnets, mugs, cups, key chains, pill holders, band-aid dispensers, fans, nail files, matches, and bags.

#### **§6B-2B-2. Limitations on a public official from using his or her name or likeness.**

(a) *Trinkets.* – Public officials, their agents, or anyone on public payroll may not place the public official's name or likeness on trinkets paid for with public funds: *Provided*, That when appropriate and reasonable, public officials may expend a minimal amount of public funds for the purchase of pens, pencils, or other markers to be used during ceremonial signings.

(b) *Advertising.* – (1) Public officials, their agents, or anyone on public payroll may not use public funds, including funds of the office held by the public official, public employees, or public resources to distribute, disseminate, publish, or display the public official's name or likeness for the purpose of advertising to the general public.

(2) Notwithstanding the prohibitions in subdivision (1) of this subsection, the following conduct is not prohibited:

(A) A public official's name and likeness may be used in a public announcement or mass media communication when necessary, reasonable, and appropriate to relay specific public safety, health, or emergency information.

(B) A public official's name and likeness may appear on an agency's social media and website ~~provided~~ if it complies with §6B-2B-3 of this code.

~~(C) Dissemination of office press releases or agency information via email, social media or other public media tools for official purposes is not considered advertising or prohibited under this subsection, if it: (i) Is intended for a legitimate news or informational purpose; (ii) is not intended as a means of promotion of the public official; and (iii) is not being used as educational material.~~

(3) Banners and table skirts are considered advertising and may not include the public official's name or likeness.

(4) Nothing in this article shall be interpreted as prohibiting public officials from using public funds to communicate with constituents in the normal course of their duties as public officials if the communications do not include any reference to voting in favor of the public official in an election.

(c) *Vehicles.* – Public officials, their agents, or any person on public payroll may not use or place the public official's name or likeness on any publicly owned vehicles.

(d) *Educational Materials.* –

A public official's name or likeness may not be placed on any educational material, that is paid for with public funds, so long as the primary purpose of the material is to provide information about the processes, operations, structure, functions, or history of an agency, agencies, or branch of government, or to provide lists of contact information or other identifying information about a public official. ~~Provided, That this prohibition does not apply to the submission of a report required to be issued by law.~~ Educational materials in which the name and likeness of an official may appear include, but are not limited to: directories; reports; reference books; and legislative publications, such as the West Virginia Blue Book and the Legislative Manual.

(e) *Press releases.* – Notwithstanding any other provision of law, the name and likeness of a public official may be included in a press release, produced with public funds and which is disseminated by any means, if that press release is intended for a legitimate news or informational purpose and, considered as a whole, does not feature or present the public official in a form, manner, or context which is intended to promote the official. A press release produced with public funds may not request, solicit, or promote voting for any official or political party.

**§6B-2B-3. Limitations on promotion through Use of public official's name or likeness on agency website or social media.**

(a) A public official's name and likeness may appear on a public agency's website and on the agency's social media accounts or pages subject to the following restrictions in any of the following circumstances:

~~(1) The public official's name may appear throughout the website if it is reasonable, incidental, appropriate and has a primary purpose to promote the agency's mission and services rather than to promote the public official.~~

~~(2) (1) The public official's name and likeness may only appear~~ appears on the agency's website home page and on any pages or sections devoted to or social media accounts or pages for the purpose of providing biographical information regarding the public official;

~~(2) The public official's name and likeness appears in educational materials posted or otherwise shared on the agency's website or social media accounts or pages, so long as the educational materials comply with the requirements of §6B-2B-2(d) of this code;~~

~~(3) The public official's name and likeness may appear on the agency's social media if it is reasonable, incidental, appropriate and has a primary purpose to promote the agency's mission and services rather than to promote the public official.~~

(3) The public official's name and likeness appears in a press release posted or otherwise shared on the agency's website or social media accounts or pages, so long as the press release complies with the requirements of §6B-2B-2(e) of this code; or

(4) The public official's name and likeness appears on the agency's website or social media accounts or pages for any other purpose that is reasonable, incidental, appropriate, and has a primary purpose to promote the agency's mission and services rather than to promote the public official.

(b) ~~This section does not apply to~~ The requirements of this section do not apply to a public official's personal or non-public agency social media accounts.

(c) A public agency's website or social media may not provide links or reference to a public official's or public employee's personal or campaign social media or website.

#### **§6B-2B-4. Exceptions to use of name or likeness.**

(a) A public official may use his or her name or likeness on any official record or report, letterhead, document, or certificate or instructional material issued in the course of his or her duties as a public official: *Provided*, That other official documents used in the normal course of the agency, including, but not limited to, facsimile cover sheets, press release headers, office signage, and envelopes may include the public official's name: *Provided, however, if the* That when official documents are reproduced for distribution or dissemination to the public as educational material, the items are subject to the prohibitions in §6B-2B-2(d) of this code.

(b) When appropriate and reasonable, the West Virginia Division of Tourism may use a public official's name and likeness on material used for tourism promotion.

(c) The prohibitions contained in this article do not apply to any person who is employed as a member of the faculty, staff, administration, or president of a public institution of higher education and who is engaged in teaching, research, consulting, coaching, recruiting, or publication activities: *Provided*, That the activity is approved as a part of an employment contract with the governing board of the institution of higher education or has been approved by the employee's department supervisor or the president of the institution by which the faculty or staff member is employed.

(d) The prohibitions contained in §6B-2B-2 of this code do not apply to ~~a public official's campaign-related expenditures or materials~~ items paid for from the public official's campaign funds.

(e) The prohibitions contained in §6B-2B-2 of this code do not apply to items paid for with the public official's personal money.

(f) The prohibitions contained in §6B-2B-2 of this code do not apply to items or materials required by law to contain the public official's name or likeness.”

And,

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

**Com. Sub. for H. B. 4473** - “A Bill to amend and reenact §6B-2B-1, §6B-2B-2, §6B-2B-3, and §6B-2B-4 of the Code of West Virginia, 1931, as amended, all relating to the use of a public official's name or likeness on items or in materials produced using public funds; defining terms; providing that a public official's name or likeness may be included in certain educational materials and press releases produced using public funds; providing that a public official's name or likeness may appear on an agency's website or social media for certain purposes; and clarifying that items or materials

that are paid for by a public official's campaign funds are not subject to restrictions on items or materials produced using public funds."

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 359**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Iaquina.

Absent and Not Voting: Deem, C. Romine and Summers.

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 H. B. 4473) passed.

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

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. 4478**, Authorizing public schools to distribute excess food to students.

On motion of Delegate Foster, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, section five, line thirty-six, after the word "made", by striking out the word "food".

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 360**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Blair.

Absent and Not Voting: Deem, C. Romine and Summers.

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 H. B. 4478) passed.

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

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. 4502**, Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

**“ARTICLE 1D. WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.**

**§62-1D-8. County prosecuting attorney or duly appointed special prosecutor may apply for order authorizing interception.**

The prosecuting attorney of any county or duly appointed special prosecutor may apply to one of the designated circuit judges referred to in §62-1D-7 of this code and the judge, in accordance with the provisions of this article, may grant an order authorizing the interception of wire, oral, or electronic communications by an officer of the investigative or law-enforcement agency when the prosecuting attorney or special prosecutor has shown reasonable cause to believe the interception would provide evidence of the commission of: (1) Kidnapping or abduction as defined and prohibited by the provisions of §61-2-14 and §61-2-14a of this code and including threats to kidnap or demand ransom as defined and prohibited by the provisions of §61-2-14c of this code; (2) any offense included and prohibited by §25-4-11 of said code, §61-5-8, §61-5-9 and §61-5-10 or §62-8-1 of ~~said this~~ this code to the extent that any of said sections provide for offenses punishable as a felony; (3) ~~dealing, transferring or trafficking in any controlled substance or substances in the felonious violation~~ felony violations of §60A-1-101 et seq. of this code; (4) ~~of any offense included and prohibited by~~ violations of §61-14-1 et seq. of this code; (5) violations of §61-2-1 of this code; (6) violations of §61-2-12 of this code; (7) felony violations of §61-8B-1 et seq. of this code; (8) violations of §61-1-1 of this code; (9) violations of §61-13-3 of this code; or (10) any aider or abettor to any of the ~~foregoing~~ offenses referenced in this section or any conspiracy to commit any of the ~~foregoing~~ offenses referenced in this section if any aider, abettor, or conspirator is a party to the communication to be intercepted.”

And,

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

**Com. Sub. for H. B. 4502** – “A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended, relating to including treason, murder, certain degrees of robbery, certain felony sexual offenses, and organized criminal activity to the list of offenses for which a prosecutor may apply for an order authorizing interception of communications.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 361**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, C. Romine and Summers.

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 H. B. 4502) passed.

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

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. 4509**, Relating to the establishment of substance abuse treatment facilities.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, section one, line three, after the word “the”, by inserting the words “state which the”.

And,

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

**Com. Sub. for H. B. 4509** – “A Bill to amend and reenact §16-53-1 of the Code of West Virginia, 1931, as amended, relating to the establishment of substance abuse treatment and recovery facilities; and permitting the Department of Health and Human Resources to provide funding to facilities that provide peer-support services which follow specified standards.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 362**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, C. Romine and Summers.

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 H. B. 4509) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**H. B. 4622**, Relating to authorizing legislative rules regarding higher education.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 3**, U. S. Army Cpl David Michael Hopkins and U.S. Army Cpl Romey Earl Hughart, Jr. Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 4**, U. S. Army SPC4 Gary Wayne Morgan Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 16**, Frenchburg Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 26**, U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 27**, Making Grafton's Annual Memorial Day Parade the Official State Memorial Day Parade.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 33**, U. S. Army 2LT Clarence Dragoo Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 87**, Constable Joseph H. Davidson Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 91**, U.S. Navy Capt Homer Leroy Smith Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 17** - "Requesting the Division of Highways name bridge number 19-340-14.66 (19A037), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road, and CSX Railroad in Jefferson County, the 'John Hancock Hall Memorial Bridge'."

Whereas, John Hancock Hall was the inventor of the M1819 Hall breech-loading rifle and was a mass production innovator; and

Whereas, In 1819, John Hancock Hall, a New England gun maker, signed a contract with the United States War Department to produce 1,000 breech-loading rifles, a weapon he had designed and patented in 1811; and

Whereas, Under the terms of the contract, Hall came to Harpers Ferry, where he constructed an industrial complex along the Shenandoah River. This site soon became known as Hall's Rifle Works, and the small island on which it stood was called Lower Hall Island; and

Whereas, Hall spent several years tooling new workshops and perfecting precision machinery for producing rifles with interchangeable parts—a boldly ambitious goal for an industry which was traditionally based on the manual labor of skilled craftsmen; and

Whereas, Hall's innovations in construction, tools, controls, stops, and gauges were historic breakthroughs in milling iron and machine tools; and

Whereas, The men who had learned Hall's methods of interchangeable parts while working at his factories in Harpers Ferry went on to apply those methods to the production of shoes, watches, clocks, bicycles, clothing, rubber goods, and later, automobiles. Hall's methods transformed the United States from an economy of workshop craftsmen to a nation of industrialized mass production—the American system; and

Whereas, Hall's achievement formed the basis of mass production that ushered in our modern age; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 19-340-14.66 (19A037), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road, and CSX Railroad in Jefferson County, the "John Hancock Hall Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested have made and be placed signs identifying the bridge as the "John Hancock Hall Memorial Bridge"; and, be it

*Further Revolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 21** - "Requesting the Division of Highways name bridge number 23-16/49-0.02 (23A234), locally known as Ellis Lumber Bridge, carrying County Route 16/49 over Buffalo Creek in Logan County, the 'U. S. Army PFC Charles Thurman "Buddy" Ellis Memorial Bridge'."

Whereas, Charles Thurman "Buddy" Ellis was born November 14, 1924, in Sunbeam, WV, son of the late Floyd and Catherine Ellis; and

Whereas, He attended Logan County schools until the eighth grade; and

Whereas, He joined the United States Army on June 10, 1943, where he served on the beaches of Normandy during WWII; and loved to tell stories about the war and how it was in Normandy that he learned to drive; and he returned home on February 16, 1946; and

Whereas, When he returned home he began driving a truck for Ideal Cleaners. It was there that he met his wife, Juanita, whom he married on February 15, 1947. After some time, he began selling merchandise, along with delivering dry-cleaning on his delivery truck. He and Juanita founded Ellis Clothing in the 1950s, which sold clothing, housewares, and general merchandise. In 1972, the decision was made to focus on hardware and building supplies. They bought property in Crown and

erected a new store. Ellis Supply prospered and continues to serve our area today, with locations in Crown and Oceana; and

Whereas, He and his wife joined a church on November 20, 1949, and helped build the current Man Church of the Nazarene. Buddy believed that you should be in church any time the door is open and that supporting the church should be a priority. Throughout his 68 years of church membership, Buddy served in many offices and capacities including: Lifelong trustee on the church board where he served for over 60 years; sang with the choir; salted the parking lot; kept the candy basket stocked with peppermints; Sunday school teacher; Sunday school superintendent; church treasurer; and church bus driver. Leading people to Jesus was his passion in life. He transported countless people to church over the years and never had a conversation that didn't include his testimony or a church invitation; and

Whereas, Charles Thurman "Buddy" Ellis, 92, of Man, joined his beloved wife, Juanita, in heaven on Thursday, April 20, 2017; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army, PFC Thurman "Buddy" Ellis and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-16/49-0.02 (23A234), locally known as Ellis Lumber Bridge, carrying County Route 16/49 over Buffalo Creek in Logan County, the "U. S. Army PFC Thurman 'Buddy' Ellis 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 PFC Charles Thurman 'Buddy' Ellis Memorial Bridge"; and, be it

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 22** - "Requesting the Division of Highways name a portion of Old Route 10, known as Three-Mile Curve, from the bridge to the railroad tracks, in Logan, Logan County, the 'U. S. Army Colonel Larkin Bilton Vance Memorial Highway'."

Whereas, Larkin Bilton Vance was born in 1928 and was educated in a one-room school in Logan County until the eighth grade. He attended Man High School until 1943 and enlisted in the United States Navy at the age of 15. He reported to the Great Lakes Training Center and, after his training, was assigned to a ship leaving for the Pacific. At the end of WWII, he held the position of head quartermaster on the ship stationed in Okinawa. He continued his military pursuits and served in the Korean War, Vietnam, and the Cuban and Belgian Congo crises. He graduated from Army Officer Candidate School at Fort Benning, Georgia, in 1952 and retired after 30 years of service as a Colonel in the U. S. Army. He then served with NATO for an additional 10 years. During this time, he had the opportunity to meet with many distinguished world leaders. He was inducted into the Hall of Fame at Fort Benning and awarded the Civilian Award, a coveted national award for outstanding citizenship; and

Whereas, Naming this road is an appropriate recognition of Colonel Larkin Bilton Vance's contributions to his country and to the state and community of his birth; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of Old Route 10, known as Three-Mile Curve, from the bridge to the railroad tracks, in Logan, Logan County, the "U. S. Army Colonel Larkin Bilton Vance Memorial Highway"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the "U. S. Army Colonel Larkin Bilton Vance Memorial Highway"; and, be it

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 25** - "Requesting the Division of Highways name bridge number 23-119-15.47 (23A102), locally known as Chapmanville RR Overpass, carrying US 119 over CSX Railroad in Logan County, the 'U. S. Army PFC O. T. (Teaberry) Mullins Memorial Bridge'."

Whereas, O. T. (Teaberry) Mullins was born December 18, 1923, in Ferrellsburg, West Virginia, son of John M. Mullins and Martha Farley. He moved to Chapmanville, West Virginia, in 1953; and

Whereas, O. T. (Teaberry) Mullins is survived by his children, Connie Mullins Guthrie and Jill Mullins; and

Whereas, PFC O. T. (Teaberry) Mullins served in the Army Air Corp, having been drafted on July 8, 1943. He received the Army Achievement Medal, Army Commendation Medal, Army Good Conduct Medal, Asia-Pacific Campaign Medal, WW II Army Occupation of Okinawa Medal, and WW II Victory Medal; and

Whereas, PFC O. T. (Teaberry) Mullins was a life member of the American Legion and VFW. He was a conductor for CSX Transportation 42 years and on the Chapmanville Town Council for 47 years. He was the owner of Mullins License Service and Teaberry Motor Sales, salesman for Paul Cooke Ford, sales manager for Boone Motors and served on the Chapmanville Police Department; and

Whereas, Naming the bridge is an appropriate recognition of the contributions he made to his country, state, community, and Boone County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-119-15.47 (23A102), locally known as Chapmanville RR Overpass, carrying US 119 over CSX Railroad in Logan county the "U. S. Army PFC O. T. (Teaberry) Mullins Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U. S. Army PFC O. T. (Teaberry) Mullins Memorial Bridge"; and, be it

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 26** - "Requesting the Division of Highways name bridge number 40-6-5.97 (40A122), locally known as Eighteen-Mile Creek Bridge 5.97, carrying County Route 6 over Eighteen-Mile Creek in Putnam County, the 'U. S. Army PFC Thomas Mayford Martin Memorial Bridge'."

Whereas, Thomas Mayford Martin was born September 22, 1927, in Gay, Roane County, West Virginia, then moved to a home built by his father on the banks of Eighteen-Mile Creek. He was the son of Fred M. Martin and Sadie Fay Archer; and

Whereas, Thomas Mayford Martin learned to swim in Eighteen-Mile Creek. He fished, hunted, and trapped along the creek most of his life; and

Whereas, Thomas Mayford Martin graduated from Buffalo High School, class of 1945, and enlisted in the U. S. Army on October 23, 1950; and

Whereas, PFC Thomas Mayford Martin saw combat in Korea in the Army's 24th Infantry Division, 21st Infantry Regiment, where he drove an ammunition truck to the front lines of the combat zone. The truck had an open cab and he often drove at night on mountain roads with no headlights; and

Whereas, PFC Thomas Mayford Martin carried with him to Korea a license plate which read "Mountaineers Are Always Free". He proudly displayed the license on the ammunition truck he drove. His family still have a picture taken of the license on the truck in Korea, and still have the license; and

Whereas, Following military service, PFC Thomas Mayford Martin married, raised a family, and worked for many years with the Division of Highways serving as an inspector and a project supervisor in district one. In 1996, he worked as a strip mine reclamation inspector. Thomas Mayford Martin died in December of 1998; and

Whereas, It is appropriate that this bridge over Eighteen-Mile Creek be dedicated to the memory of this veteran; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 40-6-5.97 (40A122), locally known as Eighteen-Mile Creek Bridge 5.97, carrying County Route 6 over Eighteen-Mile Creek in Putnam County, the "U. S. Army PFC Thomas Mayford Martin 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 PFC Thomas Mayford Martin Memorial Bridge"; and, be it

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 27** - "Requesting the Division of Highways name bridge number 23-80-5.66 (23A089), locally known as the Huff Junction Beam Span, on WV 80 over Huff Creek in Logan County, the 'U. S. Army CPL F. Lee Noel Memorial Bridge'."

Whereas, F. Lee Noel was born on April 14, 1928, in Wilsondale, Wayne County, to E. R. Noel, Sr., and Vicky Ann Marcum, and died on September 3, 2014; and

Whereas, F. Lee Noel graduated in 1948 from Lenore High School where he lettered in basketball; and

Whereas, CPL F. Lee Noel was inducted into the U. S. Army on December 5, 1950, served in the 3rd Armored Division, the Korean Conflict, and was honorably discharged on November 14, 1956; and

Whereas, CPL F. Lee Noel was employed by Island Creek Coal Company as a heavy equipment operator for 41 years and owned the Pic Pac grocery stores in Man and Justice; and

Whereas, CPL F. Lee Noel served as an elder, trustee, Sunday school superintendent, and in the choir of the Man Church of God during his nearly 50 years of membership; and

Whereas, CPL F. Lee Noel was the bass singer in the Evangeleers Quartet, was a member of the Lions Club at Man for over 25 years, and loved golfing with his family; and

Whereas, CPL F. Lee Noel was survived by: his wife of nearly 60 years, Billie Redmond Noel; two children, Nancy (Ron) Lemon and Norman (Danita) Noel; four grandchildren; and four great-grandchildren; and

Whereas, It is only fitting that this bridge be named to honor U. S. Army CPL F. Lee Noel; therefore, be it

*Resolved by the West Virginia Legislature:*

That the Division of Highways is hereby requested to bridge number 23-80-5.66 (23A089), locally known as the Huff Junction Beam Span, on WV 80 over Huff Creek in Logan County, the "U. S. Army CPL F. Lee Noel 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 CPL F. Lee Noel Memorial Bridge"; and, be it

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 37** - "Requesting the Division of Highways to name a portion of West Virginia Route 3, beginning at the intersection of Routes 3 and 34, east of Hamlin, and ending at the eastern border of the town of Hamlin, the 'Sheriff John E. White Memorial Road'."

Whereas, John Elbert White was born August 8, 1943, in Charleston, West Virginia. He was the son of Harold and Odessa White of Sweetland, West Virginia, and was raised in Sweetland, in Lincoln County; and

Whereas, John Elbert White continued to live in Lincoln County, West Virginia, moving to Hamlin for 31 years. John then moved back to Sweetland and lived there until he passed away on May 9, 2017; and

Whereas, John Elbert White attended Hamlin Elementary School and then Hamlin High School in Hamlin, West Virginia. He played basketball, ran track, and played trumpet in the band. While growing up, he helped run his parent's store in Sweetland. After graduating from high school, he started a grocery store, White's Supermarket/Grocery, with his parents in 1962. This was the start of White's Plaza in Hamlin, West Virginia; and

Whereas, In 1967, John Elbert White married Ida Sharon Porter. John and Sharon had a son, John A. White, in 1969, and a daughter, Beth Ann White, in 1974. John Elbert White, along with his wife and family, ran many businesses over the years in Hamlin, including Hamlin Floral, White's NAPA, B&J Gift Shop, Sharon's Salon, Burger King, and Pizza INN. He always wanted to see Hamlin and Lincoln County grow and to see young business owners succeed. He would offer advice or assistance in any way he could to individuals wanting to get started in business or wanting to serve the community, even as elected officials; and

Whereas, In 1973, John Elbert White was approached by community members to serve a vacant term for sheriff of Lincoln County. While a sheriff for Lincoln County, he attended law-enforcement training at UCLA in California. He went on to run for sheriff the next term (1976) and served another 4 years as Sheriff. Serving his community was his passion. He loved Hamlin and Lincoln County, not to mention the great State of West Virginia; and

Whereas, On February 8, 1990, John Elbert White filled a vacant seat for Lincoln County Clerk and served until November 15, 1990. Throughout his life he continued to be active in the political setting. He organized trips to the State Capitol for grade school and junior high students. He helped children to serve as pages in the House of Delegates and Senate during sessions of the State Legislature. John hoped to positively influence young people to get involved in their communities and state; and

Whereas, John served on the Southwestern Community Action Council board and was chairman of Lincoln County Opportunity Company. During his volunteer time with Southwestern Community Action Council he was a part of many achievements in the county such as the first headstart program and better senior centers and services in Lincoln County. They started with one headstart in Yawkey, West Virginia, growing to eight headstart programs throughout the county. While working with these organizations, the senior center in Hamlin was serving meals and services out of a small, older home. With the help of John and others, in 1995, the senior center grew to a new building of 21,576 square feet and now includes services in Wayne County, West Virginia. It is considered one of the best agencies in the state. John received many awards and other recognitions during his life with one being a Distinguished Mountaineer award from Governor Joe Manchin and another being named Home Town Hero from WSAZ; and

Whereas, John Elbert White attended Hamlin Baptist Church and was an active member throughout his life. He served as a junior deacon of the church and later as a deacon. He always wanted to see people come together in fellowship and have a good meal. While serving at the church, he wanted to see it grow in membership and land/infrastructure. The old high school band room was purchased by the church and turned into a fellowship hall. John liked to make sure there were meals for the church members for Valentine's Day, Easter, Mother's Day, Thanksgiving, Christmas, pastor appreciation, and any other occasion to fellowship. He even opened the fellowship hall one Saturday a month to provide free breakfast out of his own pocket for any male who wanted to attend, with no obligation. Along with other church members, he helped provide meals to the sports teams at Hamlin Middle School. John and his wife participated in the Good News Club, helping Hamlin schools and the community. Monetary reimbursement was not the source behind John Elbert White's doing so much for Hamlin, Lincoln County, and West Virginian. The reimbursement was the pure enjoyment of seeing the area's people succeed. Putting his community and others first was his priority. John Elbert White continued to plan activities for the church and community until his death; and

Whereas, It is fitting that an enduring memorial be established to commemorate Sheriff John E. White and his contributions to our state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of West Virginia Route 3, beginning at the intersection of Routes 3 and 34, east of Hamlin, and ending at the eastern border of the town of Hamlin, the "Sheriff John E. White Memorial Road"; and be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "Sheriff John E. White Memorial Road"; and be it

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 43** - "Requesting the Division of Highways name bridge number 17-19/33-0.01 (17A093), locally known as Spelter Bridge, carrying County Route 19/33 over West Fork River in Harrison County, the 'U. S. Army T-4 CE Caesar Bango Memorial Bridge'."

Whereas, Caesar Bango was born in Anmoore, West Virginia, on November 16, 1924, to Jose and Maria Bango. He was one of six siblings, three boys and three girls. His family moved to Spelter, West Virginia, when he was four. He attended school there and graduated from Victory High School in 1943. The next day he was drafted into the United States Army; and

Whereas, Caesar Bango completed boot camp at Fort Leonard Wood in Missouri. He was then the only soldier out of 300 selected to work on the Manhattan Project in Los Alamos, New Mexico, where the first atomic bomb was being built. Years later, he recalled his experience, "They wouldn't tell me where I was going or what I was going to be doing. All my letters were censored and I couldn't use the phone for 30 months. It was worse than war because they kept the atomic bombs there and you never knew what was going to happen." He also recounted the smoke that rolled all over the countryside the day the first atomic bomb was detonated in the New Mexico desert. He had a perspective of World War II that few in our country had the opportunity to share; and

Whereas, Caesar Bango returned to Spelter after the war ended, married Goldie Fern Sprout and had a son, Jefferson Jose "JJ" Bango. Caesar worked at the Zinc Plant for 30 years, was employed by the Division of Highways for 17 years, and engaged in civic efforts and activities for his community and country. He supported election efforts and was politically active for decades in Harrison County, and did not miss an election after his military discharge in 1946. He left the service with the rank of T-4 CE. He served as a community leader on the board of directors for the Enlarged Hepzibah Public Service District Board for 10 years; was a member of the Shinnston American Legion and the Loyal Order of Moose; and he was a friend of labor; and

Whereas, Caesar Bango faithfully served the unincorporated town of Spelter, West Virginia, as honorary mayor, advocating for improvements for the betterment of its citizens, including the remediation of its lands and homes caused by industrial pollution and the construction of recreational facilities for all the children of Harrison County, West Virginia; and

Whereas, Caesar Bango lived to the age of 90 and died on May 1, 2015, having been preceded in death by his wife in 2002 and his son in 1975; and

Whereas, It is fitting that an enduring memorial be established to commemorate T-4 CE Caesar Bango and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-19/33-0.01 (17A093), locally known as Spelter Bridge, carrying County Route 19/33 over West Fork River in Harrison County, the "U. S. Army T-4 CE Caesar Bango 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 T-4 CE Caesar Bango Memorial Bridge"; and, be it

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

### **Resolutions Introduced**

Delegate Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 103** - "Requesting the Joint Committee on Government and Finance study the feasibility and propriety of adopting 'Right to Shop' legislation to determine whether health care costs can be reduced for West Virginians through a program requiring the disclosure of cost estimates and establishing a system of rewards when savings are achieved above plan costs."

Whereas, "Right to Shop" legislation requires carriers offering a health plan to develop and implement a program providing incentives for enrollees who elect to receive a comparable health care service covered by the plan from providers that charge less than the average allowed amount paid by that carrier to network providers for comparable health care services; and

Whereas, The cost of health care services continues to rise placing enormous pressure on patients to pay premiums and meet deductibles, copays, and coinsurance amounts; and

Whereas, Prices vary significantly among providers for the same health care services, and patients have little information about what these services cost until after the service is provided; and

Whereas, Requiring greater transparency regarding the cost of health care services and rewarding patients when they find high quality/lower cost options may have a beneficial effect in reducing the rising costs; and

Whereas, In 2017, the State of Maine adopted "Right to Shop" legislation on a bipartisan basis and Florida, Kentucky, New Hampshire and Virginia have programs of sharing savings with state workers when those employees shop for health care services; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is requested to study the feasibility and propriety of adopting "Right to Shop" legislation to determine whether health care costs can be reduced for West Virginians through a program requiring the disclosure of cost estimates and establishing a system of rewards when savings are achieved above plan costs; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular session, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Dean, Maynard, Paynter, Caputo, Eldridge and Rohrbach offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 104** - "Requesting the Joint Committee on Government and Finance study the requirements and costs to implement a state-based occupational pneumoconiosis, or Black Lung, compensation program."

Whereas, It has been established that many individuals during the course of their lives, and in pursuit of their livelihoods in order to raise their families in West Virginia, have been exposed to the hazard of inhaling minute particles of dust and as a result have sustained chronic respiratory disabilities; and

Whereas, Occupational pneumoconiosis, also known as Black Lung, in these affected individuals has resulted in loss of employment opportunities, increased medical costs, and considerable pain and suffering to them and their families; and

Whereas, It behooves us to study the many different ways Black Lung affects West Virginians and what can be done for them and their families; and

Whereas, The study should include the number of individuals, specifically miners, who have contracted Black Lung, the most efficient and beneficial ways of providing benefits, the potential costs of those benefits, and the resources that are available, in the private sector, as well as from state and federal sources, including the recapturing of federal moneys, state funds currently being directed to federal programs, and potential funding resources; and

Whereas, The study should directly address those questions, and identify solutions to potential obstacles in the creation of a Black Lung program, in addition to recommending proposed legislation; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the requirements and costs to implement a state-based occupational pneumoconiosis, or Black Lung, compensation program; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance enlist the assistance of other state agencies and departments as necessary in conducting the study; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

### **Special Calendar**

#### **Unfinished Business**

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

**Com. Sub. for H. C. R. 11**, Charleston Police Department Captain Jerry D. Hill Memorial Bridge,

**H. C. R. 21**, U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge,

**H. C. R. 39**, Requesting the Joint Committee on Government and Finance to study sustainability of the state's higher education system,

**Com. Sub. for H. C. R. 40**, U. S. Air Force SMSgt Billie E. 'Bunky' Hodge Bridge,

**H. C. R. 44**, U. S. Army PFC Clayton Collins Memorial Bridge,

**Com. Sub. for H. C. R. 53**, Pastor Robert L. 'Bob' Barker Memorial Bridge,

**Com. Sub. for H. C. R. 54**, U. S. Army SPC 4 Thurman 'Duwayne' Young Memorial Road,

**H. C. R. 56**, Requesting the Joint Committee on Government and Finance study the Public Employees Insurance Agency and potential alternative methods to control healthcare costs,

**Com. Sub. for H. C. R. 67**, U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road,

**H. C. R. 71**, U. S. Army CPL Lee Roy Young Memorial Bridge,

**Com. Sub. for H. C. R. 76**, U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge,

**Com. Sub. for H. C. R. 85**, Requesting the legislatures and departments of transportation of Maryland, Pennsylvania, and Virginia to endorse and pursue the construction of a new four-lane, limited access highway, extending Interstate Highway 99 from its present terminus at Bedford, Pennsylvania to Covington, Virginia,

**H. C. R. 93**, Requesting the Joint Committee on Government and Finance study exempting state employees from the payment of state income tax,

**H. C. R. 94**, Requesting the Joint Committee on Government and Finance to conduct a study comparing West Virginia's asbestos rules with those in other states,

And,

**H. C. R. 99**, Requesting the Joint Committee on Government and Finance to study the feasibility and propriety of requiring liability insurance or other means of security on certain motorboats and personal watercraft in this state,

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

**H. C. R. 100**, Morgantown High School Veterans Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

At the request of Delegate Cowles, and by unanimous consent, the resolution was postponed one day.

**H. C. R. 101**, Requesting the Governor's Task Force on Public Employee Insurance Agency Stability to review means and methods of including medical facilities; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

**H. C. R. 102**, U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders, Jr., Memorial Bridge; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

### **Third Reading**

**Com. Sub. for S. B. 36**, Relating generally to DNA testing, 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. 363**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, C. Romine and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 36) passed.

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

**Com. Sub. for S. B. 51**, Relating to domestic relations, 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. 364**), and there were—yeas 81, nays 16, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bates, Canestraro, Fleischauer, Hamilton, Hartman, Hicks, Love, Marcum, Miley, Pushkin, Pyles, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem, C. Romine and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 51) passed.

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

**Com. Sub. for S. B. 51** – “A Bill to amend and reenact §48-6-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-205 and §48-9-206 of said code, all relating to domestic relations; removing language related to child support from code section governing the awarding of spousal support and separate maintenance; directing court to consider certain factors to decide amount and duration of spousal support and separate maintenance; removing the 24-month time frame for a description of the allocation of caretaking and other parenting responsibilities performed from the matters contained in permanent parenting plan; clarifying that the court may accommodate the preferences of a child 14 years of age and older if the court determines it is in the best interests of the child; directing court to allocate custodial responsibility so that custodial time spent with each parent achieves certain objectives; and directing courts to consider which parent will encourage and accept a positive relationship between child and other parent and which parent is more likely to keep other parent involved in child’s life and activities.”

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

**S. B. 282**, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery, 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. 365**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Deem and C. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 282) passed.

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

**S. B. 282** – “A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended, relating to exempting joint funding agreements with the United States Geological Survey from purchasing requirements.”

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

**S. B. 299**, Relating to mandatory insurance coverage for medical foods for amino acid-based formulas, on third reading, coming up in regular order, was read a third time.

Delegate Boggs requested to be excused from voting on the passage of S. B. 299 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 366**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Fast and Love.

Absent and Not Voting: Blair, Deem and C. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 299) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**S. B. 299** – “A Bill to amend and reenact §5-16-7 and §5-16-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to mandatory insurance coverage, up to the age of 20, for certain medical foods for amino acid-based formulas; providing a list of diagnosed conditions for which insurance coverage should extend; providing that coverage extends to medically necessary foods for home use when prescribed by a physician; defining terms; and providing for exclusions from such coverage.”

*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 S. B. 347**, Relating to operation of motorboats, 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. 367**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Blair and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 347) 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 S. B. 359**, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates, 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. 368**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Blair and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 359) passed.

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

On this question, the yeas and nays were taken (**Roll No. 369**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Blair and Deem.

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. 359) 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 S. B. 461**, Extending time to file petition for motor fuel excise tax refund, 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. 370**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Dean, Deem and Marcum.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 461) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**Com. Sub. for S. B. 461** - "A Bill to amend and reenact §11-14C-31 of the Code of West Virginia, 1931, as amended, relating to petitions for refunds of motor fuel excise tax by certain taxpayers; extending time periods for certain taxpayers to file petition for refunds; and maintaining current time period to file petition for refunds of taxes paid on motor fuel sold for certain purposes."

*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 S. B. 465**, Relating to mandated reporting of child abuse and neglect, 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. 371**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Deem and Marcum.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 465) passed.

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

**Com. Sub. for S. B. 475**, Industrial Hemp Development 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. 372**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Deem and Marcum.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 475) passed.

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

**S. B. 479**, Establishing local government monitoring by Auditor, 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. 373**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Deem and Marcum.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 479) passed.

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

On this question, the yeas and nays were taken (**Roll No. 374**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Atkinson and Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 479) 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 S. B. 500**, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund, 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. 375**), 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: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 500) passed.

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

On this question, the yeas and nays were taken (**Roll No. 376**), 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: Deem.

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. 500) 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 S. B. 543**, Relating to confidentiality of medical records, 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. 377**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 543) passed.

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

**Com. Sub. for S. B. 555**, Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities, 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. 378**), and there were—yeas 84, nays 13, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bates, Byrd, Cowles, Fleischauer, Fluharty, Folk, Frich, Isner, Miley, Moye, Pyles, Robinson and Rowe.

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 555) passed.

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

**Com. Sub. for S. B. 574**, Relating to crime of misrepresentation of military honors, 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. 379**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 574) passed.

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

**Com. Sub. for S. B. 575**, Approving additional beds for intermediate care facilities, 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. 380**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Folk.

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 575) passed.

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

**S. B. 576**, Relating to Patient Injury Compensation Fund, 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. 381**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Upson.

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 576) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**S. B. 576** - "A Bill to amend and reenact §29-12D-1a of the Code of West Virginia, 1931, as amended; and to amend and reenact §59-1-11 and §59-1-28a of said code, all relating to Patient Injury Compensation Fund; changing dates for collection of assessments to be deposited in Patient Injury Compensation Fund; designating person responsible for paying assessment in certain circumstances; conforming language establishing when certain assessment must be paid with current law language describing when medical malpractice claim may be asserted; providing for transfer of remaining funds; changing the amount of certain circuit clerk filing fees; and correcting cross-references."

*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 S. B. 582**, Allowing candidate for political party executive committee serve as election official, 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. 382**), and there were—yeas 78, nays 19, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Blair, Byrd, Canestraro, Cowles, E. Evans, Fluharty, Hicks, Hornbuckle, laquinta, Isner, Lynch, Marcum, Pack, Pushkin, Robinson, Rodighiero, Thompson and Upson.

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 582) passed.

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

**Com. Sub. for S. B. 582** - "A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating to eligibility to be appointed or serve as an election official; and permitting candidates for district, county, or state political party executive committee or delegate to the national convention of a political party, and permitting the parent, child, sibling, or spouse of such a candidate, to serve as election officials."

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

On this question, the yeas and nays were taken (**Roll No. 383**), and there were—yeas 82, nays 15, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Byrd, Canestraro, Cowles, E. Evans, Fleischauer, Fluharty, Hicks, Isner, Lynch, Marcum, Pushkin, Robinson, Rodighiero and Thompson.

Absent and Not Voting: Deem, A. Evans and Sponaugle.

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. 582) takes effect from its passage.

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

**S. B. 584**, Finding certain claims against state to be moral obligations of state, 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. 384**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 584) passed.

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

On this question, the yeas and nays were taken (**Roll No. 385**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 584) takes effect from its passage.

*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 S. B. 589**, Relating to issuance of personalized plates for antique motor vehicles, 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. 386**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 589) passed.

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

**Com. Sub. for S. B. 590**, Providing special license plate for curing childhood cancer, 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. 387**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 590) passed.

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

**Com. Sub. for S. B. 616**, Establishing maximum gross weight for certain wood-bearing trucks, 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. 388**), and there were—yeas 86, nays 11, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Brewer, Byrd, Caputo, Diserio, Fleischauer, Fluharty, Iaquinta, Miley, Rowe, Thompson and Williams.

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 616) passed.

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

**S. B. 626**, Relating generally to coal mining, 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. 389**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Fluharty, Pushkin and Rowe.

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 626) passed.

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

**S. B. 631**, Relating generally to one-call system, 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. 390**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, A. Evans and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 631) passed.

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

At 1:31 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 3:00 p.m.

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### Afternoon Session

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The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

### Special Calendar

### Second Reading

**S. B. 242**, Requiring health insurance providers provide coverage for certain Lyme disease treatment, on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 273**, Reducing use of certain prescription drugs; on second reading, coming up in regular order, was reported by the Clerk.

Delegate Cowles asked and obtained unanimous consent that the bill be placed at the foot of second reading.

**Com. Sub. for S. B. 275**, Relating to tax on purchases of intoxicating liquors, on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hanshaw, the bill was amended on page eleven, section nine-d, line sixteen, after the word "code" and the period, by inserting the following:

"For purposes of this article, the term "original sealed package" means an original sealed package as defined in §8-13-7 of this code."

On page eleven, section nine-d, lines twenty-four through twenty-six, by striking out paragraph (B) in its entirety and inserting in lieu thereof a new paragraph (B), to read as follows:

"(B) Effective January 1, 2019, all such tax collected on sales sourced within the corporate limits of any municipality within the state shall be remitted to that municipality. All such tax collected on sales sourced outside the corporate limits of any municipality shall be remitted to the county in which the sale is sourced."

On page thirteen, section twenty-one, lines thirteen through seventeen, by striking out subdivisions (2) and (3) in their entirety and inserting in lieu thereof two new subdivisions, designated subdivisions (2) and (3), to read as follows:

"(2) Effective January 1, 2019, all such tax collected on sales sourced within the corporate limits of any municipality within the state shall be remitted to that municipality. All such tax collected on sales sourced outside the corporate limits of any municipality shall be remitted to the county in which the sale is sourced."

(3) When determining whether the tax is collected on sales within the corporate limits of any municipality, a seller shall use the sourcing rules provided in §11-15B-1 et seq. of this code."

The bill was then ordered to third reading.

**Com. Sub. for S. B. 290**, Relating to DEP standards of water quality and effluent limitations, on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 322**, Relating to employees of Department of Agriculture, on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 385**, Decreasing and adding appropriations out of Treasury to DHHR and MAPS; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 392**, Reconfiguring membership of Emergency Medical Services Advisory Council, on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page one, section five, line nine, by striking out "15" and inserting in lieu thereof "18".

On page two, section five, line thirty, after "(3)" by inserting the words "Three persons to represent the general public" and a semicolon.

On page two, section five, line thirty, before the word "One", by inserting "(4)".

And,

By renumbering the remaining subdivision accordingly.

The bill was then ordered to third reading.

**S. B. 411**, Removing Commissioner of Bureau for Public Health from State Board of Sanitarians, on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 463**, Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture, on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**"ARTICLE 7. PURE FOOD AND DRUGS.**

**§16-7-5a. Joint Task Force on Milk Rules and Regulations.**

(a) The Legislature finds that it is in the public interest to examine the potential benefit and economies of scale by transferring some or all authority to promulgate milk rules and regulations from the Department of Health and Human Resources to the Department of Agriculture.

(b) On or before June 1, 2018, the Governor shall appoint a Joint Task Force on Milk Rules and Regulations composed of the following fifteen members:

(1) One representative from the Department of Agriculture;

(2) One representative from the Bureau for Public Health;

(3) One representative of the West Virginia University Extension Service;

(4) One representative from local health departments in the state;

(5) Two representatives from a trade or industry group representing the farming and agriculture industry in the state, at least one of whom shall be a dairy farmer;

(6) Three citizen members;

(7) Three Senators as recommended by the President of the Senate, no more than two of whom shall be from the same political party; and

(8) Three Delegates as recommended by the Speaker of the House of Delegates, no more than two of whom shall be from the same political party.

(c) The representative from the Department of Agriculture shall preside over the work group and shall provide staff to facilitate meetings of the Joint Task Force. The Joint Task Force shall examine the potential benefit and economies of scale of transferring some or all authority to promulgate milk rules and regulations from the Department of Health and Human Resources to the Department of Agriculture. The task force may recommend legislation to the Governor and to the Joint Committee on Government and Finance no later than December 31, 2018.

(d) The expenses of the members on the task force shall be paid equally from the funds of the Department of Agriculture, the Bureau for Public Health, and the West Virginia University Extension Service: *Provided*, That the members of the Joint Task Force may receive no compensation for their services other than actual expenses incurred in the discharge of their duties as members of the Joint Task Force.

(d) The authority of the Joint Task Force on Milk Rules and Regulations shall sunset and expire and is of no force and effect after December 31, 2018, or upon submission of any recommendations or draft legislation, whichever comes first."

The bill was then and ordered to third reading.

**S. B. 498**, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest, on second reading, coming up in regular order, was read a second time.

On motion of Delegates Hamrick and Howell, the bill was amended on page one, section three-a, line one, after the word "director", by inserting the words "in consultation with the forestry director".

On page one, section three-a, line five, after the word "director", by inserting the words "in consultation with the forestry director".

And,

On page two, section three-a, line twelve, after subsection (d) by inserting a new subsection (e) to read as follows:

"(e) The Director of the Division of Natural Resources shall have authority to promulgate emergency legislative rules and legislative rules necessary to effectuate the provisions of this section."

The bill was then ordered to third reading.

**Com. Sub. for S. B. 506**, Deregulating persons who perform work on heating, ventilating, and cooling systems, on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk, amending the bill on page four, section five, line nine, by striking out the word "relating" and inserting in lieu thereof the word "related".

On page four, section five, lines twenty-one and twenty-two, by striking out the words "purposes set forth in the amendments to this article that were made effective July 1, 2018, including, but not limited to" and inserting in lieu thereof the words "purpose of describing".

On page five, section five, line twenty-four, by striking out the words "without examination".

And,

On page five, section five, line thirty-five, after the word "representatives" and the semicolon, by inserting the word "and".

Delegate Householder requested to be excused from voting on the amendment of Com. Sub. for S. B. 506 under the provisions of House Rule 49.

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

The amendment was subsequently adopted.

The bill was then ordered to third reading.

**S. B. 525**, Relating to certification for emergency medical training - mining, on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page two, section three, line thirty-four, by striking out the word "commissioner" and inserting in lieu thereof the word "director".

On page three, section three, line forty-four, by striking out the words "certification and".

And,

On page three, section three, lines forty-seven through forty-nine, by striking out the words "have a valid cardiopulmonary resuscitation certification and must be an approved Mine Safety and Health Administration- or Occupational Safety and Health Administration-certified instructor" and inserting in lieu thereof the words "obtain an EMT-M Instructor Certification issued by the West Virginia Office of Miners' Health, Safety and Training".

The bill was then ordered to third reading.

**Com. Sub. for S. B. 548**, Authorizing county commissions to pay election officials, on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 556**, Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority, on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 585**, Altering boundary line between Doddridge and Harrison counties, on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“§1. That the following bounded and described area of land now a part of the county of Doddridge and adjoining the county of Harrison shall be and is hereby severed from said county of Doddridge and attached to the county of Harrison, state of West Virginia. The boundary line between Doddridge and Harrison Counties is and shall be modified so that all property of the Salem Correctional Center, formerly the West Virginia Industrial Home, shall be within Harrison County as follows:

Beginning at a point in the chain link fence on the line between Doddridge County and Harrison County, West Virginia, being the northwest corner of the tract of land herein described, and bearing, South 46 degrees 40 minutes 09 seconds East, a distance of 127.43 feet from a 3/4” iron rebar and cap now set at an angle point on said county line between Doddridge and Harrison Counties, said point being on the lands of West Virginia State Industrial Home (Tax Map 301 Parcel 32, Deed Book 101 Page 570) (Harrison County);

Thence, running with said county line and through said West Virginia State Industrial Home (Parcel 32), lands, South 46 degrees 40 minutes 09 seconds East, for a distance of 407.12 feet to a MAG nail now set;

Thence, partially through said West Virginia State Industrial Home (Parcel 32), lands and other lands of the State of West Virginia (Tax Map 22 Parcel 40) (Doddridge County), South 21 degrees 20 minutes 14 seconds West, passing a chain link fence at a distance of 491.50 feet, for a total distance of 645.89 feet to a point in said chain link fence, which bears, North 21 degrees 20 minutes 14 seconds East, a distance of 442.94 feet from a MAG nail now set in Harrison County Route 50/29 and Doddridge County Route 38;

Thence, leaving said county line between said Doddridge and Harrison Counties, and through said State of West Virginia (Parcel 40) (Doddridge County) and with said chain link fence, South 68 degrees 39 minutes 55 seconds West, a distance of 114.17 feet to a point;

Thence, South 04 degrees 41 minutes 59 seconds East, a distance of 30.17 feet to a point;

Thence, South 01 degrees 18 minutes 54 seconds East, a distance of 10.28 feet to a point;

Thence, South 03 degrees 43 minutes 27 seconds West, a distance of 10.10 feet to a point;

Thence, South 12 degrees 11 minutes 09 seconds West, a distance of 20.48 feet to a point;

Thence, South 55 degrees 59 minutes 51 seconds West, a distance of 37.73 feet to a point;

Thence, South 44 degrees 19 minutes 41 seconds West, a distance of 20.08 feet to a point;

Thence, South 47 degrees 36 minutes 07 seconds West, a distance of 10.05 feet to a point;

Thence, South 52 degrees 08 minutes 56 seconds West, a distance of 40.38 feet to a point;  
Thence, South 64 degrees 50 minutes 32 seconds West, a distance of 10.40 feet to a point;  
Thence, South 60 degrees 52 minutes 42 seconds West, a distance of 159.19 feet to a point;  
Thence, North 88 degrees 14 minutes 48 seconds West, a distance of 29.94 feet to a point;  
Thence, South 84 degrees 54 minutes 06 seconds West, a distance of 38.29 feet to a point;  
Thence, South 79 degrees 27 minutes 07 seconds West, a distance of 80.87 feet to a point;  
Thence, South 81 degrees 09 minutes 06 seconds West, a distance of 9.85 feet to a point;  
Thence, South 87 degrees 05 minutes 26 seconds West, a distance of 9.99 feet to a point;  
Thence, North 84 degrees 40 minutes 59 seconds West, a distance of 10.30 feet to a point;  
Thence, North 01 degrees 54 minutes 25 seconds East, a distance of 19.89 feet to a point;  
Thence, North 77 degrees 48 minutes 02 seconds West, a distance of 9.53 feet to a point;  
Thence, North 70 degrees 19 minutes 32 seconds West, a distance of 8.19 feet to a point;  
Thence, North 63 degrees 03 minutes 51 seconds West, a distance of 8.36 feet to a point;  
Thence, North 55 degrees 42 minutes 57 seconds West, a distance of 9.10 feet to a point;  
Thence, North 48 degrees 39 minutes 56 seconds West, a distance of 10.24 feet to a point;  
Thence, North 38 degrees 36 minutes 40 seconds West, a distance of 39.22 feet to a point;  
Thence, North 39 degrees 39 minutes 58 seconds West, a distance of 39.85 feet to a point;  
Thence, North 39 degrees 47 minutes 57 seconds West, a distance of 94.34 feet to a point;  
Thence, North 34 degrees 34 minutes 50 seconds West, a distance of 49.99 feet to a point;  
Thence, North 34 degrees 17 minutes 51 seconds West, a distance of 60.62 feet to a point;  
Thence, North 33 degrees 07 minutes 52 seconds West, a distance of 88.90 feet to a point;  
Thence, North 33 degrees 22 minutes 22 seconds West, a distance of 69.52 feet to a point;  
Thence, North 28 degrees 27 minutes 37 seconds East, a distance of 10.45 feet to a point;  
Thence, North 54 degrees 04 minutes 14 seconds East, a distance of 30.48 feet to a point;  
Thence, North 57 degrees 37 minutes 32 seconds East, a distance of 19.94 feet to a point;  
Thence, North 64 degrees 35 minutes 58 seconds East, a distance of 19.96 feet to a point;  
Thence, North 68 degrees 13 minutes 15 seconds East, a distance of 19.08 feet to a point;

Thence, North 71 degrees 59 minutes 48 seconds East, a distance of 40.17 feet to a point;

Thence, North 74 degrees 21 minutes 11 seconds East, a distance of 164.94 feet to a point;

Thence, North 48 degrees 23 minutes 34 seconds East, a distance of 9.24 feet to a point;

Thence, North 37 degrees 13 minutes 32 seconds East, a distance of 81.25 feet to a point;

Thence, North 27 degrees 50 minutes 49 seconds East, a distance of 198.04 feet to a point;

Thence, North 56 degrees 53 minutes 52 seconds East, a distance of 66.32 feet to a point;

Thence, North 44 degrees 13 minutes 13 seconds East, a distance of 20.63 feet to a point;

Thence, North 35 degrees 45 minutes 02 seconds East, a distance of 54.35 feet to a point;

Thence, North 41 degrees 32 minutes 03 seconds West, a distance of 70.20 feet to a point;

Thence, North 31 degrees 14 minutes 26 seconds East, a distance of 278.48 feet to a point;

Thence, North 81 degrees 03 minutes 31 seconds East, a distance of 130.95 feet to the Point of Beginning, containing 14.20 acres, MORE OR LESS, as shown on an exhibit attached hereto and made a part of this description.

The tract or parcel of land herein described being part of the same lands conveyed to West Virginia State Industrial Home in Deed Book 101 Page 570 at the Office of the Clerk, Harrison County, West Virginia and State of West Virginia as recorded in at the Office of the Clerk, Doddridge County, West Virginia.”

The bill was then ordered to third reading.

**Com. Sub. for S. B. 603**, Relating to proceedings for involuntary custody for examination, on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 5. INVOLUNTARY HOSPITALIZATION.**

**§27-5-2. Institution of proceedings for involuntary custody for examination; custody; probable cause hearing; examination of individual.**

(a) Any adult person may make an application for involuntary hospitalization for examination of an individual when the person making the application has reason to believe that the individual to be examined is addicted, as defined in §27-1-11 of this code, or is mentally ill and, because of his or her addiction or mental illness, the individual is likely to cause serious harm to himself, herself, or to others if allowed to remain at liberty while awaiting an examination and certification by a physician or psychologist.

Notwithstanding any language in this subsection to the contrary, if the individual to be examined under the provisions of this section is incarcerated in a jail, prison, or other correctional facility, then only the chief administrative officer of the facility holding the individual may file the application, and

the application must include the additional statement that the correctional facility itself cannot reasonably provide treatment and other services for the individual's mental illness or addiction.

(b) The person making the application shall make the application under oath.

(c) Application for involuntary custody for examination may be made to the circuit court or a mental hygiene commissioner of the county in which the individual resides or of the county in which he or she may be found. When no circuit court judge or mental hygiene commissioner is available for immediate presentation of the application, the application may be made to a magistrate designated by the chief judge of the judicial circuit to accept applications and hold probable cause hearings. A designated magistrate before whom an application or matter is pending may, upon the availability of a mental hygiene commissioner or circuit court judge for immediate presentation of an application or pending matter, transfer the pending matter or application to the mental hygiene commissioner or circuit court judge for further proceedings unless otherwise ordered by the chief judge of the judicial circuit.

(d) The person making the application shall give information and state facts in the application as may be required by the form provided for this purpose by the Supreme Court of Appeals.

(e) The circuit court, mental hygiene commissioner, or designated magistrate may enter an order for the individual named in the application to be detained and taken into custody for the purpose of holding a probable cause hearing as provided in §27-5-2(g) of this code for the purpose of an examination of the individual by a physician, psychologist, a licensed professional counselor practicing in compliance with §30-31-1 et seq. of this code, a licensed independent clinical social worker practicing in compliance with §30-30-1 et seq. of this code, an advanced nurse practitioner with psychiatric certification practicing in compliance with §30-7-1 et seq. of this code, a physician assistant practicing in compliance with §30-3-1 et seq. of this code, or a physician assistant practicing in compliance with ~~§30-14A-1~~ §30-3E-1 et seq. of this code: *Provided*, That a licensed professional counselor, a licensed independent clinical social worker, a physician assistant or an advanced nurse practitioner with psychiatric certification may only perform the examination if he or she has previously been authorized by an order of the circuit court to do so, the order having found that the licensed professional counselor, the licensed independent clinical social worker, physician assistant, or advanced nurse practitioner with psychiatric certification has particularized expertise in the areas of mental health and mental hygiene or addiction sufficient to make the determinations as are required by the provisions of this section. The examination is to be provided or arranged by a community mental health center designated by the Secretary of the Department of Health and Human Resources to serve the county in which the action takes place. The order is to specify that the hearing be held forthwith and is to provide for the appointment of counsel for the individual: *Provided, however*, That the order may allow the hearing to be held up to 24 hours after the person to be examined is taken into custody rather than forthwith if the circuit court of the county in which the person is found has previously entered a standing order which establishes within that jurisdiction a program for placement of persons awaiting a hearing which assures the safety and humane treatment of persons: *Provided further*, That the time requirements set forth in this subsection only apply to persons who are not in need of medical care for a physical condition or disease for which the need for treatment precludes the ability to comply with the time requirements. During periods of holding and detention authorized by this subsection, upon consent of the individual or in the event of a medical or psychiatric emergency, the individual may receive treatment. The medical provider shall exercise due diligence in determining the individual's existing medical needs and provide treatment the individual requires, including previously prescribed medications. As used in this section, 'psychiatric emergency' means an incident during which an individual loses control and behaves in a manner that poses substantial likelihood of physical harm to himself, herself, or others. Where a physician, psychologist, licensed professional counselor, licensed independent clinical social worker, physician assistant, or advanced

nurse practitioner with psychiatric certification has within the preceding 72 hours performed the examination required by the provisions of this subdivision, the community mental health center may waive the duty to perform or arrange another examination upon approving the previously performed examination. Notwithstanding the provisions of this subsection, §27-5-4(r) of this code applies regarding payment by the county commission for examinations at hearings. If the examination reveals that the individual is not mentally ill or addicted or is determined to be mentally ill or addicted but not likely to cause harm to himself, herself, or others, the individual shall be immediately released without the need for a probable cause hearing and ~~absent a finding of professional negligence~~ the examiner is not civilly liable for the rendering of the opinion absent a finding of professional negligence. The examiner shall immediately provide the mental hygiene commissioner, circuit court, or designated magistrate before whom the matter is pending the results of the examination on the form provided for this purpose by the Supreme Court of Appeals for entry of an order reflecting the lack of probable cause.

(f) A probable cause hearing is to be held before a magistrate designated by the chief judge of the judicial circuit, the mental hygiene commissioner, or circuit judge of the county of which the individual is a resident or where he or she was found. If requested by the individual or his or her counsel, the hearing may be postponed for a period not to exceed 48 hours.

The individual must be present at the hearing and has the right to present evidence, confront all witnesses and other evidence against him or her, and to examine testimony offered, including testimony by representatives of the community mental health center serving the area. Expert testimony at the hearing may be taken telephonically or via videoconferencing. The individual has the right to remain silent and to be proceeded against in accordance with the Rules of Evidence of the Supreme Court of Appeals, except as provided in §27-1-12 of this code. At the conclusion of the hearing, the magistrate, mental hygiene commissioner, or circuit court judge shall find and enter an order stating whether or not there is probable cause to believe that the individual, as a result of mental illness or addiction, is likely to cause serious harm to himself or herself or to others.

(g) Probable cause hearings may occur in the county where a person is hospitalized. The judicial hearing officer may: Use videoconferencing and telephonic technology; permit persons hospitalized for addiction to be involuntarily hospitalized only until detoxification is accomplished; and specify other alternative or modified procedures that are consistent with the purposes and provisions of this article. The alternative or modified procedures shall fully and effectively guarantee to the person who is the subject of the involuntary commitment proceeding and other interested parties due process of the law and access to the least restrictive available treatment needed to prevent serious harm to self or others.

(h) If the magistrate, mental hygiene commissioner, or circuit court judge at a probable cause hearing or at a final commitment hearing held pursuant to the provisions of §27-5-4 of this code finds that the individual, as a result of mental illness or addiction, is likely to cause serious harm to himself, herself, or others and because of mental illness or addiction requires treatment, the magistrate, mental hygiene commissioner, or circuit court judge may consider evidence on the question of whether the individual's circumstances make him or her amenable to outpatient treatment in a nonresidential or nonhospital setting pursuant to a voluntary treatment agreement. The agreement is to be in writing and approved by the individual, his or her counsel, and the magistrate, mental hygiene commissioner, or circuit court judge. If the magistrate, mental hygiene commissioner, or circuit court judge determines that appropriate outpatient treatment is available in a nonresidential or nonhospital setting, the individual may be released to outpatient treatment upon the terms and conditions of the voluntary treatment agreement. The failure of an individual released to outpatient treatment pursuant to a voluntary treatment agreement to comply with the terms of the voluntary treatment agreement constitutes evidence that outpatient treatment is insufficient and, after a hearing before a magistrate,

mental hygiene commissioner, or circuit judge on the issue of whether or not the individual failed or refused to comply with the terms and conditions of the voluntary treatment agreement and whether the individual as a result of mental illness or addiction remains likely to cause serious harm to himself, herself, or others, the entry of an order requiring admission under involuntary hospitalization pursuant to the provisions of §27-5-3 of this code may be entered. In the event a person released pursuant to a voluntary treatment agreement is unable to pay for the outpatient treatment and has no applicable insurance coverage, including, but not limited to, private insurance or Medicaid, the Secretary of the Department of Health and Human Resources may transfer funds for the purpose of reimbursing community providers for services provided on an outpatient basis for individuals for whom payment for treatment is the responsibility of the department: *Provided*, That the department may not authorize payment of outpatient services for an individual subject to a voluntary treatment agreement in an amount in excess of the cost of involuntary hospitalization of the individual. The secretary shall establish and maintain fee schedules for outpatient treatment provided in lieu of involuntary hospitalization. Nothing in the provisions of this article regarding release pursuant to a voluntary treatment agreement or convalescent status may be construed as creating a right to receive outpatient mental health services or treatment or as obligating any person or agency to provide outpatient services or treatment. Time limitations set forth in this article relating to periods of involuntary commitment to a mental health facility for hospitalization do not apply to release pursuant to the terms of a voluntary treatment agreement: *Provided, however*, That release pursuant to a voluntary treatment agreement may not be for a period of more than six months if the individual has not been found to be involuntarily committed during the previous two years and for a period of no more than two years if the individual has been involuntarily committed during the preceding two years. If in any proceeding held pursuant to this article the individual objects to the issuance or conditions and terms of an order adopting a voluntary treatment agreement, then the circuit judge, magistrate, or mental hygiene commissioner may not enter an order directing treatment pursuant to a voluntary treatment agreement. If involuntary commitment with release pursuant to a voluntary treatment agreement is ordered, the individual subject to the order may, upon request during the period the order is in effect, have a hearing before a mental hygiene commissioner or circuit judge where the individual may seek to have the order canceled or modified. Nothing in this section affects the appellate and habeas corpus rights of any individual subject to any commitment order.

(i) If the certifying physician or psychologist determines that a person requires involuntary hospitalization for an addiction to a substance which, due to the degree of addiction, creates a reasonable likelihood that withdrawal or detoxification from the substance of addiction will cause significant medical complications, the person certifying the individual shall recommend that the individual be closely monitored for possible medical complications. If the magistrate, mental hygiene commissioner, or circuit court judge presiding orders involuntary hospitalization, he or she shall include a recommendation that the individual be closely monitored in the order of commitment.

(j) The Supreme Court of Appeals and the Secretary of the Department of Health and Human Resources shall specifically develop and propose a statewide system for evaluation and adjudication of mental hygiene petitions which shall include payment schedules and recommendations regarding funding sources. Additionally, the Secretary of the Department of Health and Human Resources shall also immediately seek reciprocal agreements with officials in contiguous states to develop interstate/intergovernmental agreements to provide efficient and efficacious services to out-of-state residents found in West Virginia and who are in need of mental hygiene services.

### **§27-5-3. Admission under involuntary hospitalization for examination; hearing; release.**

(a) *Admission to a mental health facility for examination.* – Any individual may be admitted to a mental health facility for examination and treatment upon entry of an order finding probable cause as provided in §27-5-2 of this code and upon certification by a physician, psychologist, licensed

professional counselor, licensed independent clinical social worker practicing in compliance with the provisions of §30-30-1 *et seq.* of this code or an advanced nurse practitioner with psychiatric certification practicing in compliance with §30-7-1 *et seq.* of this code that he or she has examined the individual and is of the opinion that the individual is mentally ill or addicted and, because of such mental illness or addiction, is likely to cause serious harm to himself, herself, or to others if not immediately restrained: *Provided*, That the opinions offered by an independent clinical social worker or an advanced nurse practitioner with psychiatric certification must be within their particular areas of expertise, as recognized by the order of the authorizing court.

(b) *Three-day time limitation on examination.* – If the examination does not take place within three days from the date the individual is taken into custody, the individual shall be released. If the examination reveals that the individual is not mentally ill or addicted, the individual shall be released.

(c) *Three-day time limitation on certification.* – The certification required in §27-5-3(a) of this code shall be valid for three days. Any individual with respect to whom the certification has been issued may not be admitted on the basis of the certification at any time after the expiration of three days from the date of the examination.

(d) *Findings and conclusions required for certification.* – A certification under this section must include findings and conclusions of the mental examination, the date, time and place of the examination and the facts upon which the conclusion that involuntary commitment is necessary is based.

(e) *Notice requirements.* – When an individual is admitted to a mental health facility pursuant to the provisions of this section, the chief medical officer of the facility shall immediately give notice of the individual's admission to the individual's spouse, if any, and one of the individual's parents or guardians or if there is no spouse and are no parents or guardians, to one of the individual's adult next of kin if the next of kin is not the applicant. Notice shall also be given to the community mental health facility, if any, having jurisdiction in the county of the individual's residence. The notices other than to the community mental health facility shall be in writing and shall be transmitted to the person or persons at his, her, or their last known address by certified mail, return receipt requested.

(f) *Five-day time limitation for examination and certification at mental health facility.* – After the individual's admission to a mental health facility, he or she may not be detained more than five days, excluding Sundays and holidays, unless, within the period, the individual is examined by a staff physician and the physician certifies that in his or her opinion the patient is mentally ill or addicted and is likely to injure himself, herself, or others if allowed to be at liberty.

(g) *Fifteen-day time limitation for institution of final commitment proceedings.* – If, in the opinion of the examining physician, the patient is mentally ill or addicted and because of the mental illness or addiction is likely to injure himself, herself, or others if allowed to be at liberty, the chief medical officer shall, within 15 days from the date of admission, institute final commitment proceedings as provided in §27-5-4 of this code. If the proceedings are not instituted within such 15-day period, the patient shall be immediately released. After the request for hearing is filed, the hearing may not be canceled on the basis that the individual has become a voluntary patient unless the mental hygiene commissioner concurs in the motion for cancellation of the hearing.

(h) *Thirty-day time limitation for conclusion of all proceedings.* – If all proceedings as provided in §27-3-1 *et seq.* and §27-4-1 *et seq.* of this code are not completed within 30 days from the date of institution of the proceedings, the patient shall be immediately released.”

The bill was then ordered to third reading.

**Com. Sub. for S. B. 273**, Reducing use of certain prescription drugs; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page twenty-one, section one, line nine, by striking out “§30-3E-1 *et seq.*” and inserting in lieu thereof “§30-3E-3”.

And,

On pages twenty-two through twenty-four, by striking out section four in its entirety and inserting in lieu thereof a new section four, to read as follows:

**“§16-54-4. Opioid prescription limitations.**

(a) When issuing a prescription for an opioid to an adult patient seeking treatment in an emergency room for outpatient use, a health care practitioner may not issue a prescription for more than a four-day supply.

(b) When issuing a prescription for an opioid to an adult patient seeking treatment in an urgent care facility setting for outpatient use, a health care practitioner may not issue a prescription for more than a four day supply: *Provided*, That an additional dosing for up to no more than a seven day supply may be permitted, but only, if the medical rational for more than a four day supply is documented in the medical record.

(c) A health care practitioner may not issue an opioid prescription to a minor for more than a three-day supply and shall discuss with the parent or guardian of the minor the risks associated with opioid use and the reasons why the prescription is necessary.

(d) A dentist or an optometrist may not issue an opioid prescription for more than a three-day supply at any time.

(e) A practitioner may not issue an initial opioid prescription for more than a seven-day supply. The prescription shall be for the lowest effective dose which in the medical judgement of the practitioner would be the best course of treatment for this patient and his or her condition.

(f) Prior to issuing an initial opioid prescription, a practitioner shall:

(1) Take and document the results of a thorough medical history, including the patient’s experience with nonopioid medication, nonpharmacological pain management approaches, and substance abuse history;

(2) Conduct, as appropriate, and document the results of a physical examination;

(3) Develop a treatment plan, with particular attention focused on determining the cause of the patient’s pain; and

(4) Access relevant prescription monitoring information under the Controlled Substances Monitoring Program Database.

(g) Notwithstanding any provision of this code or legislative rule to the contrary, no medication listed as a Schedule II controlled substance as set forth in §60A-2-206 of this code, may be prescribed by a practitioner for greater than a 30-day supply: *Provided*, That two additional prescriptions, each for a 30-day period for a total of a 90-day supply, may be prescribed if the practitioner accesses the

West Virginia Controlled Substances Monitoring Program Database as set forth in §60A-9-1 et seq. of this code: *Provided*, however, That the limitations in this section do not apply to cancer patients, patients receiving hospice care from a licensed hospice provider, patients receiving palliative care, a patient who is a resident of a long-term care facility, or a patient receiving medications that are being prescribed for use in the treatment of substance abuse or opioid dependence.

(h) A practitioner is required to conduct and document the results of a physical examination every 90 days for any patient for whom he or she continues to treat with any Schedule II controlled substance as set forth in §60-2-206 of this code.

(i) A veterinarian licensed pursuant to the provisions of §30-10-1 *et seq.* of this code may not issue more than an initial opioid prescription for more than a seven-day supply. The prescription shall be for the lowest effective dose which in the medical judgment of the veterinarian would be the best course of treatment for this patient and his or her condition.

(j) A prescription for any opioid drug listed on Schedule II as set forth in §60A-2-206 of this code for greater than a seven-day period shall require the patient to execute a narcotics contract with their prescribing practitioner. The contract shall be made a part of the patient's medical record. The narcotics contract is required to provide that:

(1) The patient agrees only to obtain scheduled medications from this particular prescribing practitioner;

(2) The patient agrees he or she will only fill those prescriptions at a single pharmacy which includes a pharmacy with more than one location;

(3) The patient agrees to notify the prescribing practitioner within 72 hours of any emergency where he or she are prescribed scheduled medication; and

(4) If the patient fails to honor the provisions of the narcotics contract, the prescribing practitioner may either terminate the provider-patient relationship or continue to treat the patient without prescribing a Schedule II opioid for the patient. Should the practitioner decide to terminate the relationship, he or she is required to do so pursuant to the provisions of this code and any rules promulgated hereunder. Termination of the relationship for the patient's failure to honor the provisions of the contract is not subject to any disciplinary action by the practitioner's licensing board."

And,

On pages twenty-seven and twenty-eight, by striking out section eight in its entirety and inserting a new section eight, to read as follows:

**"§16-54-8. Treatment of pain.**

(a) When patients seek treatment for any of the myriad conditions that cause pain, a health care practitioner shall refer or prescribe to a patient any of the following treatment alternatives, based on the practitioner's clinical judgment and the availability of the treatment, before starting a patient on an opioid: physical therapy, occupational therapy, acupuncture, massage therapy, osteopathic manipulation, chronic pain management program, and chiropractic services, as defined in §30-16-3 of this code.

(b) Nothing in this section should be construed to require that all of the treatment alternatives set forth in §16-54-8(a) of this code are required to be exhausted prior to the patient receiving a prescription for an opioid.

(c) At a minimum an insurance provider who offers an insurance product in this state, the Bureau for Medical Services and the Public Employees Insurance Agency shall provide coverage for 20 visits per event of physical therapy, occupational therapy, osteopathic manipulation, a chronic pain management program, and chiropractic services, as defined in §30-16-3 of this code, when ordered by a health care practitioner to treat conditions that cause chronic pain.

(d) A patient may seek treatment for physical therapy, occupational therapy, osteopathic manipulation, a chronic pain management program, and chiropractic services, as defined in §30-16-3 of this code, prior to seeking treatment from a practitioner and a practitioner referral is not required as a condition of coverage by the Bureau for Medical Services, the Public Employees Insurance Agency, and any insurance provider who offers an insurance product in this state. Any deductible, coinsurance, or co-pay required for any of these services may not be greater than the deductible, coinsurance, or co-pay required for a primary care visit.

(e) Nothing in this section precludes a practitioner from simultaneously prescribing an opioid and prescribing or recommending any of the procedures set forth in §16-54-8(a) of this code.”

Delegates Hornbuckle, Fluharty, Pushkin and Byrd moved to amend the bill on page twenty-eight, after section nine, by inserting a new section, designated section ten, to read as

**“§16-54-10. Opioid epidemic accountability; allowing a civil action for the act of violating the sanctity of the state, its people and humanity.”**

(a) Effective January 1, 2019, every opioid manufacturer or wholesaler distributing opioids in this state who has previously or is currently selling opioids in this state shall report to the office the total amount of dosages it has distributed to each pharmacy in this state from the first day of January 2007 until the last day of December 2017. Once the office has collected a complete count of the number of opioids in the state sold during the 10-year time period, it shall then calculate the percentage of the total attributable to each entity. Once that percentage is established, for purposes of this section, it shall be deemed the entity’s Opioid Crisis Participation Percentage.

(b) The office shall take all reasonable measures to confirm that the disclosure required by this section is accurate. In the event that the disclosure is inaccurate, the office may institute a civil action in the Circuit Court of Kanawha County and, if proven by a preponderance of the evidence that the disclosure was inaccurate, the entity shall pay a civil penalty in an amount equal to \$100.00 for every opioid dosage that was not accurately disclosed.

(c) Because of the loss of life that and addiction of thousands of West Virginia’s that occurred because of distribution of opioids in this state during the ten-year time period has cost the state thousands of lives through death and addiction, and billions of dollars in health, criminal justice and societal costs, the Legislature finds that this horrible event may have occurred because of the grossly negligent acts of certain opioid manufacturers and wholesalers who distributed hundreds of millions of these pills in this state in that ten-year period, that any opioid pharmaceutical manufacturer or wholesaler that with careless disregard of the safety and proportionality of its distribution of opioids in this state, during the ten-year period beginning January 1, 2007, and ending December 31, 2017, is guilty of gross negligence, and if found guilty of this act by a court of competent jurisdiction, has violated the sanctity of our state, its people and of humanity, and therefore, upon a judgement of guilt thereof, is subject to a civil penalty of no less than \$1 million and no more than \$100 million.

(d) Notwithstanding any other code provision to the contrary, all assessments of civil damages collected under the provisions of this section shall be deposited in the Ryan Brown Addiction

Prevention and Recovery Fund, created in §16-53-2 of this code, and the funds shall be used in the manner as required by that section.

(e) The provisions of this section shall have no force or effect on and after January 1, 2039”.

Delegates Marcum requested to be excused from voting on the amendment to Com. Sub. for S. B. 273 under the provisions of House Rule 49.

The Speaker replied that Delegate Marcum may have a direct personal or pecuniary interest therein and not as a member of a class of persons, and excused the Gentleman from voting.

Delegate Byrd asked and obtained unanimous consent to withdraw his name as a cosponsor of the amendment.

Delegate Byrd then requested to be excused from voting on the amendment to Com. Sub. for S. B. 273 under the provisions of House Rule 49.

The Speaker replied that Delegate Byrd may have a direct personal or pecuniary interest therein and not as a member of a class of persons, and excused the Gentleman from voting.

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

The yeas and nays having been ordered, they were taken (**Roll No. 391**), and there were—yeas 36, nays 59, excused 2, absent and not voting 3, with the yeas and absent and not voting and excused being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Ward and Williams.

Excused: Byrd and Marcum.

Absent and Not Voting: Deem, Walters and Wilson.

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

Delegates Byrd, Hornbuckle and Fluharty moved to amend the bill on page three, following the enacting clause, by inserting the following:

#### **“CHAPTER 11. TAXATION.**

#### **ARTICLE 18. EXCISE TAX ON SCHEDULE II DRUGS TO FIGHT DRUG ABUSE AND FUND STATE EMPLOYEE CONTRIBUTIONS TO PEIA.**

#### **§11-18-1. Collection of fee for sales of Schedule II controlled substances to state pharmacies; disposition of proceeds.**

(a) There is imposed an excise tax of 10 cents on each pill purchased by or for any licensed pharmacy in this state for all opium and opiate drugs and their derivatives and substances included as Schedule II drugs, as defined in §60A-2-206 of this code, to be collected from pharmaceutical

manufacturers or distributors selling to licensed pharmacies in this state, and collected by and remitted to the Tax Commissioner by pharmacies licensed and doing business in the State of West Virginia. No pharmaceutical manufacturer, distributor or pharmacy may pass on as a cost or otherwise collect this excise tax from the patient. Each pharmacy shall periodically remit the tax collected to the Tax Commissioner pursuant to legislative or interpretative rules as promulgated for the tax's collection by the commissioner pursuant to §29A-3-1 et seq., to be deposited by the commissioner upon collection, as follows:

(1) 50% of all moneys collected shall be deposited into the Public Employees Insurance Agency Stability Fund and expended pursuant to §11B-2-32 of this code, and

(2) 50% of all moneys collected shall be deposited into a special account in the State Treasury to be known as the "Office of Drug Control Policy Substance Abuse and Control Account" established pursuant to §16-5T-6-41 of this code."

And,

On page five, following the period on line thirty at the end of §16-5H-9, by inserting the following:

**"ARTICLE 5T. OFFICE OF DRUG CONTROL POLICY.**

**§16-5T-6. Funding of substance abuse programs administered by the Office of Drug Control Policy.**

The 'Office of Drug Control Policy Substance Abuse and Control Account' is hereby created for the purpose of supporting programs for the causes, treatments and elimination of substance abuse, and to utilize the proceeds to facilitate the directives of the office pursuant to this article. The office shall expend available moneys from the proceeds from deposit of all moneys collected pursuant to §11-18-1 of the code into a special account in the State Treasury to be known as the 'Office of Drug Control Policy Substance Abuse and Control Account.' Expenditures for the fund shall be for the purpose set forth in this section and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 et seq. of the code and upon fulfillment of the provisions of §11B-2-1 et seq. of this code: *Provided*, That for the fiscal year ending June 30, 2019, expenditures are authorized from collections rather than pursuant to appropriation by the Legislature."

Delegates Marcum and Byrd requested to be excused from voting on the adoption of the amendment under the provisions of House Rule 49.

The Speaker replied that adoption of the amendment would not have a direct pecuniary impact on the Delegates, and refused to excuse them from voting.

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. 392**), and there were—yeas 37, nays 62, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Paynter, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson, Ward and Williams.

Absent and Not Voting: Deem.

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

The bill was then ordered to third reading.

### **First Reading**

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

**Com. Sub. for S. J. R. 3**, Judicial Budget Oversight Amendment,

**Com. Sub. for S. B. 10**, Relating generally to PSC jurisdiction,

**Com. Sub. for S. B. 82**, Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation,

**Com. Sub. for S. B. 141**, Expanding county assessment and collection of head tax on breeding cows,

**Com. Sub. for S. B. 230**, Authorizing Department of Commerce promulgate legislative rules,

**Com. Sub. for S. B. 244**, Specifying conditions for unlawful possession of firearm at school-sponsored activities,

**Com. Sub. for S. B. 271**, Creating centralized Shared Services Section of Department of Administration,

**Com. Sub. for S. B. 283**, Relating generally to procurement by state agencies,

**Com. Sub. for S. B. 288**, Regulating cremation, embalming and directing of funeral service,

**Com. Sub. for S. B. 313**, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers,

**S. B. 339**, Relating to WV Retirement Health Benefit Trust Fund within PEIA,

**Com. Sub. for S. B. 355**, Dissolving IS&C Division under Office of Technology,

**Com. Sub. for S. B. 375**, Relating to farmers markets,

**Com. Sub. for S. B. 401**, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders,

**S. B. 407**, Licensing and approval of child care programs,

**Com. Sub. for S. B. 408**, Licensing of nursing homes and assisted living residences,

**S. B. 425**, Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan,

**Com. Sub. for S. B. 434**, Specifying documents not subject to discovery in certain proceedings,

**Com. Sub. for S. B. 438**, Relating to debt service on bonds secured by State Excess Lottery Revenue Fund,

**Com. Sub. for S. B. 442**, Establishing universal forms and deadlines when submitting prior authorization electronically,

**Com. Sub. for S. B. 443**, Terminating parental rights when certain conditions are met,

**Com. Sub. for S. B. 445**, Allowing DOH acquire real or personal property for utility accommodation,

**Com. Sub. for S. B. 446**, Creating Agritourism Responsibility Act,

**S. B. 468**, Changing date and recipients for submission of Auditor's annual report,

**Com. Sub. for S. B. 469**, Converting Addiction Treatment Pilot Program to permanent program,

**Com. Sub. for S. B. 495**, Designating specific insurance coverages exempt from rate filing requirements,

**Com. Sub. for S. B. 501**, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System,

**Com. Sub. for S. B. 521**, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer,

**S. B. 551**, Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB,

**S. B. 592**, Adding examination of advanced care technician for firefighter paramedic,

**S. B. 612**, Relating to sale of municipal property,

**Com. Sub. for S. B. 625**, Creating WV Volunteer Fire and Rescue Act of 2018,

And,

**H. B. 4630**, Relating to a 2019 across-the-board salary adjustment for employees of the Department of Health and Human Resources.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

### **Committee Reports**

On motion for leave, a bill was introduced (Originating in the Committee on Finance, with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Nelson, Anderson, C. Miller, Boggs, Walters, Westfall, Ellington, Ambler, Longstreth, Hartman and Gearheart:**

**H. B. 4631-** "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2018 in the amount of \$1,620,000 from the Department of Revenue, Insurance Commissioner - Insurance Commission Fund, fund 7152, fiscal year 2018, organization 0704, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Consolidated Medical Services Fund, fund 0525, fiscal year 2018, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018."

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (H. B. 4631) was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Finance has had under consideration:

**S. B. 406,** Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (S. B. 406) was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Finance has had under consideration:

**Com. Sub. for S. B. 528,** Providing additional circuit judge for nineteenth judicial circuit,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for S. B. 528) was taken up for immediate consideration, read a first time and ordered to second reading.

### **Messages from the Executive**

The following Proclamation of His Excellency, the Governor, was laid before the House of Delegates and read by the Clerk, as follows:

STATE OF WEST VIRGINIA  
EXECUTIVE DEPARTMENT  
Charleston

### **A P R O C L A M A T I O N**

By the Governor

**WHEREAS**, The Constitution of West Virginia sets forth the respective powers, duties and responsibilities of the three separate branches of government; and

**WHEREAS**, Article VI, Section 22 of the Constitution of West Virginia provides that the current regular session of the Legislature shall not exceed sixty calendar days computed from and including the second Wednesday of January, two thousand eighteen; and

**WHEREAS**, Pursuant to Article VI, Section 22 of the Constitution of West Virginia, the two thousand eighteen regular session of the Legislature is scheduled to conclude on the tenth day of March, two thousand eighteen; and

**WHEREAS**, Article VI, Section 51 of the Constitution of West Virginia sets forth the obligations of the Governor and the Legislature relating to the preparation and enactment of the Budget Bill; and

**WHEREAS**, Subsection D, Article VI, Section 51 of the Constitution of West Virginia requires the Governor to issue a proclamation extending the regular session of the Legislature if the Budget Bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session; and

**WHEREAS**, The Budget Bill has not been finally acted upon by the Legislature as of this seventh day of March, two thousand eighteen.

**NOW, THEREFORE, I, JIM JUSTICE**, Governor of the State of West Virginia, do hereby issue this Proclamation, in accordance with Subsection D, Article VI, Section 51 of the Constitution of West Virginia, extending the two thousand eighteen regular session of the Legislature for an additional period not to exceed one day, through and including the eleventh day of March, two thousand eighteen; but no matters other than the Budget Bill shall be considered during this extension of the regular session, except a provision for the cost thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



**DONE** at the Capitol in the City of Charleston, State of West Virginia, on this the seventh day of March, in the year of our Lord, Two Thousand Eighteen, and in the One Hundred Fifty-Fifth year of the State.

Jim Justice,  
Governor

By the Governor

MAC WARNER  
*Secretary of State*

#### Leaves of Absence

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

**Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Kelly during the debate on S. B. 584
- Delegates White and Summers during the debate on Com. Sub. for S. B. 590
- Delegate Campbell during the debate on S. B. 500

Delegate Byrd filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 4344.

Delegate Householder noted to the Clerk that he voted "Nay" when the voice vote was taken on the amendment to Com. Sub. for S. B. 506.

Delegate A. Evans noted to the Clerk that he was absent on today when the votes were taken on Com. Sub. for 555, Com. Sub. for 574, Com. Sub. for 575, S. B. 576, Com. Sub. for S. B. 582, S. B. 584, Com. Sub. for S. B. 589, Com. Sub. for S. B. 590, Com. Sub. for S. B. 616, S. B. 626 and S. B. 631, and had he been present he would have voted "Yea" thereon.

Delegate Storch noted to the Clerk that she was absent on today when the vote was taken on Roll No. 364, and had she been present he would have voted "Yea" thereon.

At 5:33 p.m., the House of Delegates adjourned until 10:00 a.m., Thursday, March 8, 2018.

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

**SPECIAL CALENDAR**

**Thursday, March 8, 2018**

**58<sup>th</sup> Day**

**10:00 A. M.**

**UNFINISHED BUSINESS**

H. C. R. 100 - Morgantown High School Veterans Bridge

**THIRD READING**

- S. B. 242 - Requiring health insurance providers provide coverage for certain Lyme disease treatment (SHOTT) (REGULAR)
- Com. Sub. for S. B. 273 - Reducing use of certain prescription drugs (SHOTT) (REGULAR)
- Com. Sub. for S. B. 275 - Relating to tax on purchases of intoxicating liquors (SHOTT) (REGULAR)
- Com. Sub. for S. B. 290 - Relating to DEP standards of water quality and effluent limitations (SHOTT) (REGULAR)
- S. B. 322 - Relating to employees of Department of Agriculture (HAMRICK) (REGULAR)
- S. B. 385 - Decreasing and adding appropriations out of Treasury to DHHR and MAPS (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 392 - Reconfiguring membership of Emergency Medical Services Advisory Council (HOWELL) (REGULAR)
- S. B. 411 - Removing Commissioner of Bureau for Public Health from State Board of Sanitarians (HOWELL) (REGULAR)
- S. B. 463 - Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture (GRAVES) (REGULAR)
- S. B. 498 - Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest (PACK) (REGULAR)
- Com. Sub. for S. B. 506 - Deregulating persons who perform work on heating, ventilating, and cooling systems (HAMRICK) (REGULAR)

- S. B. 525 - Relating to certification for emergency medical training – mining (HOWELL) (REGULAR)
- Com. Sub. for S. B. 548 - Authorizing county commissions to pay election officials (SHOTT) (REGULAR)
- Com. Sub. for S. B. 556 - Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority (HOWELL) (REGULAR)
- S. B. 585 - Altering boundary line between Doddridge and Harrison counties (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 603 - Relating to proceedings for involuntary custody for examination (SHOTT) (REGULAR)

### **SECOND READING**

- Com. Sub. for S. J. R. 3 - Judicial Budget Oversight Amendment (SHOTT) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 10 - Relating generally to PSC jurisdiction (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 82 - Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation (SHOTT) (REGULAR)
- Com. Sub. for S. B. 141 - Expanding county assessment and collection of head tax on breeding cows (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 230 - Authorizing Department of Commerce promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 244 - Specifying conditions for unlawful possession of firearm at school-sponsored activities (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 271 - Creating centralized Shared Services Section of Department of Administration (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)

- Com. Sub. for S. B. 283 - Relating generally to procurement by state agencies (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 288 - Regulating cremation, embalming and directing of funeral service (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 313 - Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers (HOWELL) (REGULAR) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)
- S. B. 339 - Relating to WV Retirement Health Benefit Trust Fund within PEIA (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 355 - Dissolving IS&C Division under Office of Technology (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 375 - Relating to farmers markets (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 401 - Requiring specified coverage in health benefit plans for treatment of substance abuse disorders (SHOTT) (REGULAR) JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 406 - Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement (NELSON) (EFFECTIVE FROM PASSAGE) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 407 - Licensing and approval of child care programs (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 408 - Licensing of nursing homes and assisted living residences (HOWELL) (REGULAR)
- S. B. 425 - Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan (NELSON) (REGULAR)
- Com. Sub. for S. B. 434 - Specifying documents not subject to discovery in certain proceedings (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

- Com. Sub. for S. B. 438 - Relating to debt service on bonds secured by State Excess Lottery Revenue Fund (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 442 - Establishing universal forms and deadlines when submitting prior authorization electronically (NELSON) (REGULAR)
- Com. Sub. for S. B. 443 - Terminating parental rights when certain conditions are met (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 445 - Allowing DOH acquire real or personal property for utility accommodation (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 446 - Creating Agritourism Responsibility Act (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 468 - Changing date and recipients for submission of Auditor's annual report (HOWELL) (REGULAR) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 469 - Converting Addiction Treatment Pilot Program to permanent program (ELLINGTON) (REGULAR) (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 495 - Designating specific insurance coverages exempt from rate filing requirements (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 501 - Relating to accrued benefit of retirees in Deputy Sheriff Retirement System (NELSON) (JULY 1, 2018) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 521 - Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer (SHOTT) (JULY 1, 2018) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 528 - Providing additional circuit judge for nineteenth judicial circuit (NELSON) (REGULAR)
- S. B. 551 - Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB (SHOTT) (REGULAR)

- S. B. 592 - Adding examination of advanced care technician for firefighter paramedic (HOWELL) (REGULAR) (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING)
- S. B. 612 - Relating to sale of municipal property (HOWELL) (REGULAR)
- Com. Sub. for S. B. 625 - Creating WV Volunteer Fire and Rescue Act of 2018 (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- H. B. 4630 - Relating to a 2019 across-the-board salary adjustment for employees of the Department of Health and Human Resources (NELSON) (REGULAR)
- H. B. 4631 - Expiring funds to the unappropriated surplus balance in the State Fund - Insurance Commission Fund (NELSON) (EFFECTIVE FROM PASSAGE)



## **HOUSE CALENDAR**

**Thursday, March 8, 2018**

**58<sup>th</sup> Day**

**10:00 A. M.**

### **THIRD READING**

- Com. Sub. for S. B. 261 - Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund (NELSON) (JULY 1, 2018)
- Com. Sub. for H. B. 4019 - Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution (NELSON) (EFFECTIVE FROM PASSAGE) [RIGHT TO AMEND]
- Com. Sub. for H. B. 4235 - Permitting full-time nonresident students attending an in-state college or university to purchase lifetime resident hunting, trapping, and fishing licenses (NELSON) (REGULAR)
- Com. Sub. for H. B. 4296 - Establishing the Southern West Virginia Lake Development Study Commission (NELSON) (REGULAR)

### **SECOND READING**

- Com. Sub. for S. B. 116 - Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset (SHOTT) (REGULAR)
- S. B. 297 - Eliminating taxation on annuity considerations collected by life insurer (NELSON) (REGULAR)
- H. B. 2114 - Providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2383 - Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4158 - Relating to municipal home rule (HOWELL) (REGULAR)

Com. Sub. for H. B. 4241 - Transitioning foster children into managed care (NELSON)  
(REGULAR)

Com. Sub. for H. B. 4563 - Relating to the severance tax on oil and gas produced from low  
producing wells (NELSON) (REGULAR)

#### **FIRST READING**

Com. Sub. for S. B. 491 - Establishing fee for expungement of certain criminal convictions  
(SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

Com. Sub. for S. B. 508 - Establishing State Trail Authority (HOWELL) (REGULAR)

S. B. 632 - Allowing retired judicial officers recalled to service to avoid limit on  
temporary payments under certain circumstances (SHOTT)  
(REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

Com. Sub. for H. B. 4494 - Authorizing certain motor vehicle manufacturers to operate as new  
car dealers (SHOTT) (REGULAR)

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**THURSDAY, MARCH 8, 2018**

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**HOUSE CONVENES AT 10:00 A.M.**

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**COMMITTEE ON RULES  
9:45 A.M. – BEHIND CHAMBER**





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