

Completed Legislation Signed by the Governor from the 2012 Regular Session and the 2012 First Special Session

ENROLLED

Senate Bill No. 30
(BY SENATORS BEACH AND KLEMPA)

[Passed February 21, 2012; in effect ninety days from passage
.]

AN ACT to amend and reenact §17A-4-10 of the Code of West Virginia, 1931, as amended, relating to vehicles scraped, compressed, dismantled or destroyed; providing an additional means to notify the division; prescribing form; extending time period for a person to surrender title; and providing for the use of additional brands used by other jurisdictions that are consistent with the National Motor Vehicle Title Information System.

ENROLLED

COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 36
(SENATOR KLEMPA, original sponsor)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to requiring the disclosure of subcontractors within one business day of the opening of bids for certain public construction contracts by the apparent low bidder when any subcontractor is providing over \$25,000 of services on the project; providing exceptions; providing what information is to be submitted to the Division of Purchasing; disqualifying bidders for failure to comply; obtaining approval from the division before substituting any subcontractor; providing circumstances when substitutions are permitted; and providing a sunset provision.

ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 51
(SENATORS BOLEY AND NOHE, original sponsors)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §48-8-103 of the Code of West Virginia, 1931,

as amended, relating to modifying or terminating spousal support based upon the results of genetic testing; defining "altered circumstances"; requiring a preliminary determination by the court as to whether genetic testing evidence should be admitted; providing facts which may be considered by the court in making the preliminary determination; and providing guidelines for genetic testing.

ENROLLED
Senate Bill No. 75
(By Senator Unger)

[Passed March 10, 2012; to take effect July 1, 2012.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-33-1, §19-33-2, §19-33-3, §19-33-4 and §19-33-5, all relating to creating the Equine Rescue Facilities Act; providing definitions; licensing of equine facilities; providing for inspections; authorizing legislative rules; and providing penalties.

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 76
(SENATOR UNGER, *original sponsor*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-29-1, §22-29-2, §22-29-3 and §22-29-4, all relating to requiring new building construction projects of public agencies and projects receiving state funds to be designed and constructed complying with the ICC International Energy Conservation Code and the ANSI/ASHRAE/IESNA Standard 90.1-2007; setting forth findings; defining terms; and setting standards for construction projects with federal funding.

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 100
(SENATOR PALUMBO, *original sponsor*)

[Passed March 5, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §59-1-11 of the Code of West Virginia, 1931, as amended, relating to collecting fees by circuit clerks; removing the requirement that the circuit clerk charge three times the amount of actual postage when sending certain documents by mail or express; and allowing for the collection of a fee equal to the actual amount

of the postage and express costs for sending decrees, orders or records that have not been ordered to be sent by mail or express.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 109
(SENATORS JENKINS AND FOSTER, *original sponsors*)**

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact §16-50-2, §16-50-3 and §16-50-4 of the Code of West Virginia, 1931, as amended, all relating to permitting unlicensed personnel to administer or assist with administration of medications in certain circumstances; defining terms; and providing exemptions from licensure.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 110
(SENATORS UNGER, BEACH AND KLEMPA, *original sponsors*)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §31-15C-3 and §31-15C-4 of the Code of West Virginia, 1931, as amended, all relating to modifying and increasing the membership of the Broadband Deployment Council; increasing the number of members required for a quorum; and expanding the powers and duties of the Broadband Deployment Council.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 118
(SENATOR FOSTER, *original sponsor*)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §37-6-11 of the Code of West Virginia, 1931, as amended, relating to termination of a residential lease upon the death of a tenant; permitting termination of a residential lease in certain situations; requiring notice and payment of certain rent; prohibiting waiver; and providing date for applicability of provisions.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 149

(SENATORS UNGER, MILLER AND KESSLER (MR. PRESIDENT), *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §36-8A-2, §36-8A-3 and §36-8A-5 of the Code of West Virginia, 1931, as amended, all relating to the disposition of forfeited or abandoned firearms in state custody; requiring additional measures to identify, find and return firearms and ammunition to owners, if they are eligible to own and possess them; and to allow for the sale of firearms to licensed firearms collectors, dealers, importers or manufacturers.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 153

(SENATORS KLEMPA, BEACH AND KESSLER (MR. PRESIDENT), *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, relating to increasing the tax credits for apprenticeship training in construction trades.

**ENROLLED
Senate Bill No. 156**

(BY SENATORS LAIRD, TUCKER, YOST, BARNES, D. FACEMIRE, KLEMPA AND UNGER)

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §25-7-11 of the Code of West Virginia, 1931, as amended, relating to continuing the Correctional Industries Account; increasing the maximum amount that may be maintained in the Correctional Industries Account; directing that excess funds in the Correctional Industries Account at the end of any fiscal year be deposited into a new special revenue fund to be known as the Division of Corrections Additional Operations Account; and specifying the purposes for expenditures from the Division of Corrections Additional Operations Account.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 160

(BY SENATORS KESSLER (MR. PRESIDENT) AND HALL, BY REQUEST OF THE EXECUTIVE)

[Passed March 16, 2012; in effect from passage.]

AN ACT making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 161

(SENATORS FOSTER, PALUMBO, KLEMPA, FANNING, UNGER, KESSLER (MR. PRESIDENT), JENKINS, BROWNING, KIRKENDOLL, WILLS, YOST, STOLLINGS AND McCABE, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §49-6A-1, §49-6A-2, §49-6A-8 and §49-6A-10 of the Code of West Virginia, 1931, as amended, all relating to mandatory reporting of abuse and neglect of children; adding promoting adult responsibility and prevention to the purpose; adding certain persons to the mandatory reporting list for all abuse or neglect of children; creating a requirement that certain adults report sexual abuse of children when observed or when received credible reports; allowing for exceptions; requiring law enforcement who receive a report of sexual abuse to alert the Department of Health and Human Resources; encouraging law-enforcement agencies to coordinate in investigating a report; increasing the criminal penalties for failure to report; creating a crime and criminal penalties for all adults who fail to report sexual abuse of children; and requiring and amending certain educational programs and trainings.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 165

(SENATORS LAIRD, TUCKER, YOST, BARNES, PLYMALE, UNGER AND WILLS, *original sponsors*)

[Passed February 6, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §61-8B-2 and §61-8B-10 of the Code of West Virginia, 1931, as amended, all relating to prohibiting sexual acts between persons who are incarcerated, on probation or parole with state and local jail, correctional, probation and parole employees or contractors; prohibiting sexual contact; removing consent of victim as a defense for criminal acts; and establishing criminal penalties.

ENROLLED

Senate Bill No. 166

(BY SENATORS LAIRD, TUCKER, YOST, BARNES, PLYMALE, UNGER, MILLER, JENKINS, WILLS AND KLEMPA)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to making it a felony to disarm or attempt to disarm correctional officers.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 185

(SENATORS LAIRD, NOHE AND FOSTER, *original sponsors*)

[Passed March 7, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §5A-1A-4 of the Code of West Virginia, 1931, as amended, relating to the Employee Suggestion Award Program; increasing the maximum cash award; requiring the board to report to the Legislature every five years; and allowing the Governor to make a secondary award.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 186

(SENATORS PLYMALE, WELLS, BROWNING, EDGELL, BOLEY, STOLLINGS, JENKINS, FOSTER, YOST AND BEACH, *original sponsors*)

[Passed March 8, 2012; in effect from passage.]

AN ACT to amend and reenact §18A-4-2, §18A-4-5 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to providing salary equity supplement payments to teachers and service personnel in order to achieve salary equity among the counties; specifying the amounts of those equity supplements; changing the methods of calculating the difference in salary potential of school employees among the counties; requiring the Department of Education to request additional funds if it determines the equity objective is not being met; clarifying the amount of equity supplement to be paid from state funds; and deleting obsolete provisions.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 191

(SENATORS KESSLER (MR. PRESIDENT), STOLLINGS, UNGER, LAIRD AND JENKINS, *original sponsors*)

[Passed March 7, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §53-8-1, §53-8-2, §53-8-3, §53-8-4, §53-8-5, §53-8-6, §53-8-7, §53-8-8, §53-8-9, §53-8-10, §53-8-11, §53-8-12, §53-8-13, §53-8-14, §53-8-15, §53-8-16 and §53-8-17, all relating to personal safety orders; confidentiality of proceedings; who may file a petition; contents of petition; temporary hearing and relief available; contents of temporary order; respondent's opportunity to be heard; notice to respondent; final hearing and forms of relief; modification and rescission; appeals; criminal penalties; priority of petitions; fees and costs; service by law enforcement; rules and forms; limitation on use of information; and the sealing of records.

ENROLLED

Senate Bill No. 202

(BY SENATORS WILLIAMS, K. FACEMYER, FANNING, HELMICK, MILLER, JENKINS, STOLLINGS AND WILLS)

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §19-1A-4 of the Code of West Virginia, 1931, as amended, relating to permitting the Director of the Division of Forestry to enter into stewardship contracts with the United States Forest Service; authorizing projects by written agreement or contract; and directing annual reports to the Joint Committee on Government and Finance.

ENROLLED

Senate Bill No. 204

(BY SENATORS BEACH, EDGELL, D. FACEMIRE, UNGER, KLEMPA AND WILLS)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-13-5 of the Code of West Virginia, 1931, as amended, relating to the removal of vehicles from state highways in order to restore traffic movement in emergency situations; and liability.

ENROLLED

Senate Bill No. 205

(BY SENATORS BEACH, EDGELL, D. FACEMIRE, KLEMPA AND WILLS)

[Passed March 2, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-3-4b of the Code of West Virginia, 1931, as amended, relating to signage for construction zones; and other traffic restrictions.

ENROLLED

Senate Bill No. 209

**(BY SENATORS KESSLER (MR. PRESIDENT) AND HALL,
BY REQUEST OF THE EXECUTIVE)**

[Passed February 16, 2012; in effect from passage.]

AN ACT to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of "federal adjusted gross income" and certain other terms used in the West Virginia Personal Income Tax Act; and specifying effective dates.

ENROLLED

Senate Bill No. 210

**(BY SENATORS KESSLER (MR. PRESIDENT) AND HALL,
BY REQUEST OF THE EXECUTIVE)**

[Passed February 16, 2012; in effect from passage.]

AN ACT to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of "federal taxable income" and certain other terms used in the West Virginia Corporation Net Income Tax Act in order for the definitions to conform with the Internal Revenue Code's definitions.

ENROLLED

COMMITTEE SUBSTITUTE FOR

COMMITTEE SUBSTITUTE FOR

Senate Bill No. 211

**(BY SENATORS KESSLER (MR. PRESIDENT) AND HALL,
BY REQUEST OF THE EXECUTIVE)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-14-15, relating to traffic safety; establishing the traffic offense of operating a motor vehicle while texting without the use of hands-free technology; establishing the offense of operating a motor vehicle while using an electronic communication device without the use of hands-free

technology; defining terms; providing exceptions; clarifying means of enforcement as a primary offense; impact of violation on insurance coverage; impact of violation on law enforcement ability to seize or confiscate device; requiring signage on certain highways for motorists entering state; providing penalties; providing for increased fines for multiple offenses; assessing points against driver's license for multiple offenses; exempting offense from the assessment of court costs and fees; and limitations.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 212

(SENATORS SNYDER, GREEN, KLEMPA, McCABE, WILLIAMS, SYPOLT, PALUMBO, FOSTER, BEACH AND WILLS, original sponsors)

[Passed March 16, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-49b, relating to the disruption of communications and public utility services; defining terms; and establishing criminal penalties.

ENROLLED

Senate Bill No. 214

(BY SENATORS SNYDER, FOSTER, BROWNING, MILLER, CHAFIN, BOLEY, JENKINS, STOLLINGS AND WILLS)

[Passed March 6, 2012; in effect from passage.]

AN ACT to amend and reenact §30-1A-2, §30-1A-3, §30-1A-5 and §30-1A-6 of the Code of West Virginia, 1931, as amended, all relating to professions and occupations; revising the sunrise process; deleting the requirement for substantial change; and providing for sunrise application when establishing a scope of practice.

ENROLLED

Senate Bill No. 215

(BY SENATORS BEACH, EDGELL, D. FACEMIRE, MILLER, KLEMPA AND WILLS)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §17-3A-1 of the Code of West Virginia, 1931, as amended, relating to funding of the Industrial Access Road Fund.

ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 221

(SENATORS BEACH, KESSLER (MR. PRESIDENT), MILLER AND STOLLINGS, original sponsors)

[Passed February 29, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §18A-3A-2 of the Code of West Virginia, 1931, as amended, relating to requiring the Center for Professional Development to provide for the routine education of all professional educators and certain service personnel on warning signs and resources to assist in suicide prevention.

ENROLLED

Senate Bill No. 224

(BY SENATORS MINARD AND KLEMPA)

[Passed February 29, 2012; in effect from passage.]

AN ACT to amend and reenact §31A-2-1 of the Code of West Virginia, 1931, as amended, relating to the change of names of the Division of Banking or the Department of Banking to the Division of Financial Institutions; changing the names of the Commissioner of Banking and the Deputy Commissioner of Banking to the Commissioner of Financial Institutions and the Deputy Commissioner of Financial Institutions, respectively; providing that all references in this code to the Division of Banking or the Department of Banking shall be read, construed and understood to mean and have reference to the Division of Financial Institutions; and providing that all references in this code to the Commissioner of Banking and the Deputy Commissioner of Banking shall be read, construed and understood to mean and have reference to the Commissioner of Financial Institutions and the Deputy Commissioner of Financial Institutions, respectively.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 245

(SENATOR MINARD, original sponsor)

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Health and Human Resources; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register and as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and

recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to credentialing verification organizations; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to a safety and treatment program; authorizing the Secretary of the Department of Health and Human Resources, the Insurance Commissioner and the Chair of the West Virginia Health Care Authority to promulgate a legislative rule relating to an all-payer claims database--data submission requirements; authorizing the Secretary of the Department of Health and Human Resources, the Insurance Commissioner and the Chair of the West Virginia Health Care Authority to promulgate a legislative rule relating to the all-payer claims database program's privacy and security; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems operators; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to wastewater systems and operations; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to vital statistics; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to manufactured home communities; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to AIDS-related medical testing and confidentiality; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems design standards; authorizing the Division of Human Services to promulgate a legislative rule relating to family child care facility licensing requirements; authorizing the Division of Human Services to promulgate a legislative rule relating to family child care home registration requirements; authorizing the Division of Human Services to promulgate a legislative rule relating to a child care quality rating and improvement system; authorizing the Commission for the Deaf and Hard of Hearing to promulgate a legislative rule relating to fees for qualified interpreters; and authorizing the Commission for the Deaf and Hard of Hearing to promulgate a legislative rule relating to the establishment of required qualifications and ethical standards for interpreters and transliterators.

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 253
(SENATOR MINARD, *original sponsor*)

[Passed March 8, 2012; in effect from passage.]

AN ACT to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation

of administrative rules by the Department of Environmental Protection; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register and as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to solid waste management; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from the combustion of solid waste; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction and major modification of major stationary sources which cause or contribute to nonattainment areas; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to determining conformity of general federal actions to applicable implementation plans; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the greenhouse gas emissions inventory program; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the National Pollutant Discharge Elimination System (NPDES) Program; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment.

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 287
(SENATOR MINARD, *original sponsor*)

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Revenue; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register and as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the State Tax Department to promulgate a legislative rule relating to the payment of taxes by electronic funds transfer; authorizing the State Tax Department to promulgate a legislative rule relating to the commercial patent incentives tax credit; authorizing the State Tax Department to promulgate a legislative rule relating to an exchange of information agreement between the State Tax Department and the Department of Commerce, the Department of Transportation and the Department of Environmental Protection; authorizing the Insurance Commissioner to promulgate a legislative rule relating to the licensing and conduct of insurance producers and agencies; authorizing the Insurance Commissioner to promulgate a legislative rule relating to surplus lines insurance; authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance holding company systems; authorizing the Insurance Commissioner to promulgate a legislative rule relating to continuing education for individual insurance producers; authorizing the Insurance Commissioner to promulgate a legislative rule relating to mini COBRA; authorizing the Insurance Commissioner to promulgate a legislative rule relating to workers' compensation insurance for state agencies; authorizing the Division of Banking to promulgate a legislative rule relating to residential mortgage lenders, brokers and loan originators; authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to licensed retailer operations; authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to the licensing of retail outlets; authorizing the Racing Commission to promulgate a legislative rule relating to simulcast pari-mutuel wagering at an authorized gaming facility in a historic hotel; authorizing the Athletic Commission to promulgate a legislative rule relating to mixed martial arts; and authorizing the Board of Directors of the West Virginia Health Insurance Plan to promulgate a legislative rule relating to a premium subsidy.

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 321
(SENATOR MINARD, *original sponsor*)

[Passed March 9, 2012; in effect from passage.]

AN ACT to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the Department of Military Affairs and Public Safety; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing the State Police to promulgate a legislative rule relating to the West Virginia State Police Career Progression System; authorizing the State Police to promulgate a legislative rule relating to the West Virginia State Police Modified Vehicle Inspection Manual; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training standards; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to motor vehicle search standards; and authorizing the Division of Corrections to promulgate a legislative rule relating to fees for electronic monitoring of offenders.

ENROLLED

Senate Bill No. 331

(BY SENATORS WILLS AND MILLER)

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §61-11A-2 and §61-11A-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-12-23 of said code, all relating to adding persons who reside with crime victims to those who are provided notice of matters in the prosecutorial process; and the right to be heard at sentencing and parole proceedings.

ENROLLED

Senate Bill No. 336

(BY SENATOR MINARD)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §31-17-2 of the Code of West Virginia, 1931, as amended, relating to license required for residential mortgage lenders and brokers and exemptions thereto; and eliminating the exemption for a lender under the regular supervision and examination for consumer compliance by any agency of the federal government.

ENROLLED
Senate Bill No. 337
(BY SENATOR MINARD)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §31A-2-4 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the Commissioner of Banking; authorizing the Commissioner of Banking to establish relationships or contracts with the Nationwide Mortgage Licensing System and Registry, or other entities designated by the Nationwide Mortgage Licensing System and Registry, to collect and maintain records related to criminal background investigations and fingerprinting for persons subject to this subsection; providing that the Commissioner of Banking may use the Nationwide Mortgage Licensing System and Registry, or its designated vendor, as a channeling agent for requesting information from and distributing information to the Department of Justice or any governmental agency; providing that the Commissioner of Banking may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting and distributing information to and from any source so directed by the Commissioner; authorizing the Commissioner of Banking to conduct examinations of third-party providers of information technology services to financial institutions; creating a special revenue account to be known as the Consumer Education Fund, which may be expended by the commissioner to promote consumer awareness and understanding of issues related to residential mortgage lending; providing that ten percent of all civil administrative penalties collected by the Division of Banking during each fiscal year shall be deposited into that account, which may be invested and retain all earnings and interest; and providing that at the end of each fiscal year, any remaining balance less than \$500,000, including accrued interest, shall remain in the account and that any balance exceeding \$500,000 shall revert to the General Revenue Fund.

ENROLLED
COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 343
(SENATORS LAIRD, KESSLER (MR. PRESIDENT), UNGER, KLEMPA, NOHE, BROWNING, PLYMALE, YOST, JENKINS AND BEACH, *original sponsors*)

[Passed February 20, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §8-15-8a of the Code of West Virginia, 1931, as amended, relating to the eligibility of volunteer or part volunteer fire companies or departments to allocation from municipal pensions and protection fund and the Fire Protection Fund; providing requirements for eligibility; providing a grace period for these

volunteer fire companies or departments to comply with submission of data; making certain exemptions from reporting requirements; and requiring the State Fire Marshal to notify these volunteer fire companies or departments of the dates and grace period.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 353
(SENATORS UNGER, KESSLER (MR. PRESIDENT), BROWNING, LAIRD, KLEMPA AND SNYDER, *original sponsors*)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §61-7-2, §61-7-4 and §61-7-7 of the Code of West Virginia, 1931, as amended, all relating to possession of firearms generally; clarifying what constitutes carrying a handgun concealed in or on a motor vehicle; procedures for obtaining a license to carry a concealed handgun; providing application requirements; requiring investigations of applicants through a national criminal background check system and the West Virginia database; providing definitions; prohibiting certain persons from possessing or receiving firearms; providing exceptions; allowing licenses to be transferable within the state; requiring reporting of new address; and penalties.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 360
(SENATORS TUCKER AND PLYMALE, *original sponsors*)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §11-10-13f of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §38-1-16, all relating to creating a procedure for deeming personal property abandoned following a transfer of real property by tax sale or foreclosure; requiring notice to the owner of personal property remaining on real property after the previous owner has vacated; creating a procedure for notice and removal of personal property within a thirty-day period; giving the purchaser of real property the authority to remove personal property after proper notice and waiting period; and prohibiting waiver of notice requirement prior to vacation of property.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 362

(SENATORS SNYDER, PLYMALE, UNGER, STOLLINGS, KIRKENDOLL, HELMICK, JENKINS, LAIRD, BARNES, BEACH, EDGELL AND D. FACEMIRE, *original sponsors*)

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-18e; and to amend said code by adding thereto a new section, designated §31-15-16b, all relating to authorizing the issuance of \$52.5 million in bonds for capital improvements for Cacapon Resort State Park and Beech Fork State Park beginning in fiscal year 2013; providing that the debt service on the bonds is payable from an additional allocation from the State Excess Lottery Revenue Fund; providing that the Economic Development Authority may issue the bonds under certain circumstances; and creating the Cacapon and Beech Fork State Parks Lottery Revenue Debt Service Fund.

ENROLLED

Senate Bill No. 365

(BY SENATORS LAIRD, PLYMALE, BEACH AND MILLER)

[Passed March 6, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Insurance Agency Finance Board; increasing the membership of the board; and changing the composition of the board.

ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 369

(SENATORS UNGER AND SNYDER, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §7-14D-12 of the Code of West Virginia, 1931, as amended, relating to modifying the Deputy Sheriff Retirement System to allow a retirant upon divorce, annulment or remarriage to change the retirement benefit options under certain circumstances; and prohibiting causes of action against the board based upon such changes.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 371

(BY SENATORS KESSLER (MR. PRESIDENT) AND HALL, BY REQUEST OF THE EXECUTIVE)

[Passed March 16, 2012; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5B-12, relating to allowing flexibility within county school systems; authorizing the State Board of Education to select a county school system to serve as a school system collaborative innovation zone; giving McDowell County first opportunity to submit application; specifying effect of change in school system approval status; requiring the State Board of Education to promulgate rules and emergency rules; providing the procedure and criteria for application and selection as a school system collaborative innovation zone; requiring development of school system collaborative innovation zone plan; setting forth potential innovations; requiring public town hall meetings; requiring meeting to review input from town hall meetings and develop plan; requiring meeting to educate employees about the plan and to allow examination and discussion of plan; requiring vote to determine level of school employee support; authorizing a designated school system to submit requests for exceptions from county and state board rules, policies and interpretations; permitting exceptions from statutes subject to legislative approval; prohibiting certain exceptions; allowing revision and resubmission of approved plan; setting forth duration of designation; requiring annual performance reviews and reports; permitting the posting of certain teaching vacancies in accordance with certain procedures and approval; and for a school system collaborative innovation zone and to the extent applicable, including any land and infrastructure needs in the land use master plan, authorizing an area health association to work with county board in addressing health, wellness and fitness needs and authorizing an area institution of higher education to work with the county board to address certain challenges.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 373

(SENATORS UNGER, KESSLER (MR. PRESIDENT) AND SNYDER, *original sponsors*)

[Passed March 9, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to training at the West Virginia State Police Training Academy; requiring entry-level training to be provided without a fee; authorizing advanced training to be provided for a fee; creating a special revenue account to be known as the Academy

Training and Professional Development Fund; and authorizing expenditures from the fund for specific training-related expenses.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 379
(SENATORS STOLLINGS, LAIRD, FOSTER, KESSLER (MR. PRESIDENT), PLYMALE AND JENKINS,
original sponsors)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-7-11a; and to amend said code by adding thereto a new article, designated §30-7E-1, §30-7E-2 and §30-7E-3, all relating to authorizing the West Virginia Board of Examiners for Registered Professional Nurses to designate nurse health programs for licensees and applicants for treatment and recovery for alcohol abuse, chemical dependency or major mental illness; enrolling on a voluntary basis without being subject to disciplinary action if the person complies with the goals and restrictions of the program; confidentiality, disclosure and waiver requirements; definitions; requirements for nurse health programs; and immunity from civil liability and civil action.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 382
(SENATOR UNGER, original sponsor)**

[Passed March 5, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §15-12-2, §15-12-3, §15-12-5 and §15-12-10 of the Code of West Virginia, 1931, as amended, all relating to the sex offender registration generally; requiring persons convicted of offenses relating to distributing obscene matter to minors to register; requiring offenders to provide palm prints; and requiring registration and updating of information only at the State Police detachment covering the offender's county of residence.

**ENROLLED
Senate Bill No. 385
(BY SENATORS UNGER, BEACH, KESSLER (MR. PRESIDENT), KLEMPA AND JENKINS)**

[Passed March 2, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §61-3C-3 of the Code of West Virginia, 1931,

as amended; and to amend and reenact §61-8A-1 of said code, all relating to updating the definition of "computer" in the commission of certain crimes.

ENROLLED

Senate Bill No. 386

(BY SENATORS UNGER, BROWNING, SNYDER, KESSLER (MR. PRESIDENT) AND PALUMBO)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §11-24-13f of the Code of West Virginia, 1931, as amended, relating to taxation of water's-edge corporations; exempting certain income which is already exempt under certain tax treaties by federal law; clarifying the entities to be included in a water's-edge group for corporation net income tax purposes; providing certain authority to the Tax Commissioner to require reports or make adjustments; and authorizing legislative, procedural or emergency rules, as necessary.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 387

(SENATORS UNGER AND BEACH, *original sponsors*)

[Passed March 7, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §15-5-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-5-20a, all relating to disaster prevention; eliminating the requirement that the Office of Emergency Services report to the West Virginia Disaster Recovery Board on debris that may cause an obstruction during disasters; requiring all floodplain managers to complete yearly training; and providing that another manager may take over the responsibilities of a manager who has not completed the required training.

ENROLLED

Senate Bill No. 410

(BY SENATORS PREZIOSO AND BEACH)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §11-21-77 of the Code of West Virginia, 1931, as amended, relating to personal income tax; and requiring backup withholding on certain gambling winnings.

ENROLLED

**COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 411
(SENATORS PREZIOSO AND LAIRD, *original sponsors*)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3-22a, relating to electronic cash register automated sales suppression devices and phantom-ware; providing definitions; making it unlawful to willfully and knowingly sell, purchase, install, transfer or possess in this state any automated sales suppression device or phantom-ware; providing criminal penalties and civil liability and civil remedies; establishing that such devices and software are contraband; and providing for the seizure and destruction of such devices.

**ENROLLED
Senate Bill No. 414
(BY SENATORS KESSLER (MR. PRESIDENT) AND HALL, BY REQUEST OF THE EXECUTIVE)**

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact §29-29-3 of the Code of West Virginia, 1931, as amended, relating to medical service professionals under the Volunteer for Nonprofit Youth Organizations Act.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 418
(SENATOR LAIRD, *original sponsor*)**

[Passed March 10, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating to expanding educational qualifications and adding work experience requirements for members of the Parole Board; and clarifying that members are eligible for reappointment.

**ENROLLED
Senate Bill No. 424
(BY SENATORS D. FACEMIRE, KLEMPA, GREEN, YOST AND TUCKER)**

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §30-27-10 of the Code of West Virginia, 1931, as amended, relating to the Board of Barbers and Cosmetologists; and

exempting certain barbers from continuing education requirements.

ENROLLED

Senate Bill No. 428

(BY SENATORS BEACH AND KLEMPA)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to registration plates for state, county, municipal and other governmental vehicles; authorizing the Commissioner of the Division of Motor Vehicles to issue no more than five Class A registration plates to the division for vehicles to be used by investigators for commercial driver examination fraud investigation and driver's license issuance fraud detection and fraud prevention; authorizing the commissioner to issue Class A registration plates to Medicaid Fraud Control Unit and the West Virginia Insurance Fraud Unit; deleting an outdated requirement; and providing penalties.

ENROLLED COMMITTEE SUBSTITUTE FOR

Senate Bill No. 429

(SENATORS BEACH AND KLEMPA, *original sponsors*)

[Passed March 2, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §17A-10-1 and §17A-10-3 of the Code of West Virginia, 1931, as amended, all relating to classification of motor vehicles for purpose of registration; changing the definition of "Class A" vehicles by increasing the maximum weight of Class A to include certain vehicles now classified as Class B; establishing the fee for those reclassified vehicles; and defining "Class Farm Truck" as "Class X".

ENROLLED

Senate Bill No. 430

(BY SENATORS PREZIOSO, FOSTER, KESSLER (MR. PRESIDENT) AND BEACH)

[Passed March 7, 2012; in effect _____ from passage.]

AN ACT to amend and reenact §11-15B-2, §11-15B-2a, §11-15B-24, §11-15B-25, §11-15B-26, §11-15B-30, §11-15B-32, §11-15B-33 and §11-15B-34 of the Code of West Virginia, 1931, as amended, all relating to the administration of sales and use tax generally; adding new definitions; clarifying present definitions; incorporating changes to the Streamlined Sales and Use Tax Agreement; adding a "computer software maintenance contract" as a Streamlined Sales and Use Tax Agreement defined term; relieving seller of tax liability in certain instances; clarifying due dates that fall on weekends and legal holidays; eliminating monetary allowance for certain sellers;

providing new effective dates; and clarifying state administration of state and local sales and use taxes, bases and exceptions.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 434
(SENATOR PALUMBO, *original sponsor*)**

[Passed March 2, 2012; in effect from passage.]

AN ACT to amend and reenact §38-5-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §38-5A-3 of said code, all relating to proceedings in aid of execution on judgments; and providing that a suggestion and suggestee execution shall contain the date of birth and last four digits of the Social Security number of the judgment debtor.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 435
(SENATORS CHAFIN, YOST AND WILLS, *original sponsors*)**

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact §16-5C-18 of the Code of West Virginia, 1931, as amended, relating to the conveyance of personal funds upon death of nursing home residents.

**ENROLLED
Senate Bill No. 436
(BY SENATORS PLYMALE, BROWNING, UNGER, KESSLER (MR. PRESIDENT), PREZIOSO, KLEMPA, BEACH AND JENKINS)**

[Passed March 10, 2012; in effect from passage.]

AN ACT to repeal §18-27-1, §18-27-2, §18-27-3, §18-27-4, §18-27-5, §18-27-6, §18-27-7, §18-27-8, §18-27-9, §18-27-10, §18-27-11, §18-27-12, §18-27-13, §18-27-14, §18-27-15, §18-27-16, §18-27-17, §18-27-18, §18-27-19, §18-27-20, §18-27-21 and §18-27-22 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-10 of said code; to amend and reenact §18-2B-1, §18-2B-2, §18-2B-3, §18-2B-4 and §18-2B-7 of said code; to amend said code by adding thereto a new article, designated §18-13-1, §18-13-2, §18-13-3, §18-13-4 and §18-13-5; to amend said code by adding thereto a new article, designated §18B-3B-1, §18B-3B-2 and §18B-3B-3; to amend and reenact §18B-3C-1, §18B-3C-2 and §18B-3C-4 of said code; and to amend said code by adding thereto a new section, designated §18B-14-1, all relating to public education generally; state

institutions of higher education; career and technical education; seamless curricula; programs of study; requiring state board to provide adult basic education programs on certain college campuses; creating West Virginia EDGE initiative; establishing initiative goals; providing for administration and accountability; requiring certain joint rule; clarifying that no specific level of appropriation is required; creating collaborative degree completion program; setting forth legislative findings, intent and program objectives; specifying program applicability; setting forth powers and duties of participating agencies; requiring certain agreements and specifying approval procedures; clarifying legislative findings and intent regarding community and technical college system; renaming certain consortia planning districts and clarifying duties; specifying certain accountability procedures; providing for consortia cochairs; assigning responsibility for developing collaborative degree completion programming; defining programs of study and directing consortia to focus on identifying and providing student programs of study leading to placement in high-demand, high-wage occupations; requiring initial consortia compacts and annual updates by certain date and specifying approval process; specifying facilitating institutions for certain consortia; providing for select committee to examine higher education outcomes-based funding models; specifying membership; requiring report of findings with recommendations to Legislative Oversight Commission on Education Accountability and Joint Committee on Government and Finance by certain date; updating names of agencies and institutions; making technical corrections; and deleting obsolete language.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 437
(BY SENATORS KESSLER (MR. PRESIDENT) AND HALL, BY REQUEST OF THE EXECUTIVE)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §16-5H-1, §16-5H-2, §16-5H-3, §16-5H-4, §16-5H-5, §16-5H-6, §16-5H-7, §16-5H-8, §16-5H-9 and §16-5H-10; to amend and reenact §30-1-7a of said code; to amend and reenact §30-5-3 of said code; to amend and reenact §60A-3-308 of said code; to amend and reenact §60A-9-3, §60A-9-4, §60A-9-5 and §60A-9-7 of said code; to amend said code by adding thereto three new sections, designated §60A-9-4a, §60A-9-5a and §60A-9-8; to amend and reenact §60A-10-3, §60A-10-4, §60A-10-5, §60A-10-7, §60A-10-8 and §60A-10-11 of said code; to amend said code by adding thereto a new section, designated §60A-10-16; and to amend and reenact §61-12-10 of said code, all relating to substance abuse generally; addressing the regulation of opioid treatment programs in this state; updating rules for opioid treatment program facilities to require clinical guidelines, recovery models, education and training requirements for treatment facility staff and treatment limitations and requirements;

addressing the licensing and oversight of chronic pain management clinics; creating the Chronic Pain Clinic Licensing Act; providing definitions; establishing requirements for ownership, licensure, operation and management of pain management clinics; establishing limitations on the dispensing of controlled substances at a pain management clinic; requiring annual inspections of pain management clinics; setting forth exemptions from the act; providing for suspension or revocation of a pain management clinic license and setting forth due process requirements; providing for prohibitions on practicing at or operating a pain management clinic under certain circumstances; providing civil penalties regarding pain management clinics; providing for notice requirements to applicable licensing boards; requiring rules for the licensure of pain management clinics; removing requirement of certain licensed or certified health care professionals to complete continuing education course work on the subject of end-of-life care; requiring certain licensed or certified health care professionals to complete drug diversion training and best practice prescribing of controlled substances training; requiring certain licensing boards to establish drug diversion training and best practice prescribing of controlled substances training; requiring a valid practitioner-patient relationship to exist prior to compounding or dispensing prescriptions; requiring that buprenorphine combined with naloxone prescribed or dispensed for treatment for opioid addiction be in the form of sublingual film unless medically contraindicated as of September 1, 2012; clarifying certain circumstances that do not establish a valid practitioner-patient relationship; requiring certain persons to submit information to the Controlled Substances Monitoring Program database within twenty-four hours; requiring additional information to be submitted to the Controlled Substances Monitoring Program database; clarifying that reporting is required for certain amounts of drugs dispensed to patients; requiring verification of certain information reported to the Controlled Substances Monitoring Program database; providing certain requirements and training for law-enforcement officials in order to access the Controlled Substances Monitoring Program database; permitting the Controlled Substances Monitoring Program Database Review Committee to query the Controlled Substances Monitoring Program database; requiring the Board of Pharmacy to review the Controlled Substances Monitoring Program database in order to issue certain reports; permitting the Board of Pharmacy to share certain information contained in the Controlled Substances Monitoring Program database with the Department of Health and Human Resources; requiring the Board of Pharmacy to establish an advisory committee; setting forth the membership of the advisory committee; outlining the advisory committee's scope and duties; requiring the Board of Pharmacy to create a Controlled Substances Monitoring Program Database Review Committee; setting forth the membership of the review committee; outlining the review committee's scope, powers and duties; requiring the Board of Pharmacy to promulgate certain legislative rules; permitting prescribing practitioners to notify law enforcement of certain violations with immunity; requiring the Board of Pharmacy to provide annual reports to the Legislature; requiring various boards that regulate professions with prescriptive authority to require persons licensed by the board to conduct an initial search of the Controlled Substances Monitoring Program

database when prescribing a course of treatment that includes prescribing of pain-relieving controlled substances and an annual search of the Controlled Substances Monitoring Program database for certain patients; setting forth penalties for failing to search the Controlled Substances Monitoring Program database in certain circumstances; establishing a felony offense and penalties for unauthorized access, use or disclosure of information contained in the Controlled Substances Monitoring Program database; creating Fight Substance Abuse Fund and setting forth permissible uses for fund; defining terms and updating definitions in the Methamphetamine Laboratory Eradication Act; establishing reduced daily, monthly and annual amount restrictions on the sale, transfer, dispensing or possession of ephedrine, pseudoephedrine and phenylpropanolamine by pharmacies; establishing criminal penalties for purchasing, receiving or possessing certain quantities of ephedrine, pseudoephedrine and phenylpropanolamine; establishing criminal penalties for pharmacies, wholesalers or other entities which sell, transfer or dispense a product under certain circumstances; amending the restrictions on the sale, transfer or delivery of certain designated precursors to the manufacture of methamphetamine or other controlled substances; requiring offer of patient counseling by a pharmacist upon the sale, transfer or delivery of certain designated precursors to the manufacture of methamphetamine or other controlled substances; requiring certain processing requirements of pharmacists, pharmacy intern and pharmacy technicians; establishing use and requirements of the Multi-State Real-Time Tracking System; requiring pharmacies and retail establishments to electronically submit certain information to the Multi-State Real-Time Tracking System; requiring pharmacies and retail establishments to stop pending sales under certain circumstances; limiting liability of retailers utilizing the Multi-State Real-Time Tracking System under certain circumstances; requiring pharmacies or retail establishments to maintain written logs or electronic record-keeping databases under certain circumstances; providing supersession and preemption of all local laws, ordinances and regulations pertaining to the sale of certain substances; amending reporting requirements and requiring real-time electronic reporting of certain information; providing for law enforcement access to information pertaining to the sale of certain substances; establishing an expiration date for Multi-State Real-Time Tracking System; requiring the National Association of Drug Diversion Investigators to forward certain records to the West Virginia State Police and provide real-time access to the Multi-State Real-Time Tracking System to law enforcement; requiring the West Virginia State Police to submit an annual report with data and statistics on methamphetamine use, production and distribution; and requiring the chief medical officer to provide notice to the Controlled Substances Monitoring Program Database Review Committee in the case of a death caused by overdose.

ENROLLED

Senate Bill No. 469

(BY SENATORS KESSLER (MR. PRESIDENT) AND HALL, BY REQUEST OF THE EXECUTIVE)

[Passed February 10, 2012; in effect from passage.]

AN ACT to amend and reenact §5-16-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §5-16-5a and §5-16-5b; to amend said code by adding thereto a new section, designated §5-16D-7; to amend and reenact §11-21-96 of said code; and to amend and reenact §18-9A-24 of said code, all relating to other post-employment benefits generally; directing the Director of the Public Employees Insurance Agency to evaluate and administer programs that ensure the long-term effectiveness of the agency; requiring the director to issue annual progress reports to the Legislature; prohibiting the Public Employees Insurance Agency Finance Board from including in the financial plans any subsidy from the Retiree Health Benefit Trust for the cost of coverage for retired employees who were hired on or after July 1, 2010; creating the Post-July 1, 2010 Employee Trust; allowing appointment of a joint committee; directing a certain amount of personal income tax into the West Virginia Retiree Health Benefit Trust Fund until Governor certifies that trust fund is fully funded or July 1, 2037, whichever date is later; directing an amount of personal income tax into the Post-July 1, 2010 Employee Trust Fund; and specifying that portions of the employer annual required contribution of county boards of education shall be billed to and be a responsibility of the state.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 471

(SENATORS PALUMBO, LAIRD, TUCKER, EDGELL, WILLS, UNGER, YOST, KLEMPA AND KESSLER (MR. PRESIDENT), *original sponsors*)

[Passed March 7, 2012; in effect from passage.]

AN ACT to amend and reenact §27-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Supreme Court of Appeals to establish a reasonable rate of compensation for mental hygiene services; and establishing a payment procedure for the compensation.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

**COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 478

(SENATORS UNGER, KLEMPA AND KESSLER (MR. PRESIDENT), *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-42y, all relating to creating apprentice hunting and trapping licenses; exempting hunter training requirements for

apprentice hunting and trapping licenses; and establishing penalties.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 484

**(SENATORS PALUMBO, LAIRD, TUCKER, EDGELL, WILLS, WELLS, KESSLER (MR. PRESIDENT),
KLEMPA, JENKINS, BEACH AND YOST, original sponsors)**

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to repeal §49-5-21 of the Code of West Virginia, 1931, as amended; to repeal §49-6-5a of said code; to amend and reenact §49-1-3 of said code; to amend and reenact §49-2-17 of said code; to amend and reenact §49-5-13 of said code; to amend and reenact §49-5D-2, §49-5D-3 and §49-5D-3a of said code; to amend said code by adding thereto two new sections, designated §49-5D-3b and §49-5D-3c; to amend and reenact §49-6-2, §49-6-3, §49-6-5, §49-6-6, §49-6-8 and §49-6-12 of said code; to amend and reenact §49-6A-5 of said code; to amend and reenact §49-6D-3 of said code; to amend and reenact §49-7-1 of said code; and to amend said code by adding thereto a new section, designated §49-7-36, all relating generally to child welfare; defining "court appointed special advocate program"; establishing a system of assistance from funds appropriated to the Department of Health and Human Resources for facilitating the adoption or legal guardianship of children who are dependents of the department or of a child welfare agency licenced to place children for adoption; providing when a juvenile is ordered into out-of-state placement, the reasons why the juvenile was not placed in state be included in the court order; adding additional members to the multidisciplinary team; providing a process for multidisciplinary treatment planning in cases involving child abuse and neglect; providing a process for multidisciplinary treatment planning in cases involving status offense or delinquency; increasing the continuing education hours required for attorneys appointed in child abuse and neglect cases; providing that reasonable efforts to preserve the family are not required when a person is required by state or federal law to register with a sex offender registry; providing that the court may modify a dispositional order when it finds a material change of circumstances has occurred and such modification is in the child's best interests; clarifying that the circuit court of origin has exclusive jurisdiction over placement of a child in a child abuse and neglect case; providing a process for permanency hearings and permanent placement reviews; providing that any combination of improvement periods cannot cause a child to be in foster care more than fifteen months of the most recent twenty-two months unless the court finds that it is in the child's best interests; providing for modifications and requests for expunging of records; requiring the secretary to promulgate legislative rules; providing guidelines for unified child and family case plans; confidentiality of records; and requiring a quarterly status review hearing and yearly permanency hearings for transitioning adults.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 487

(SENATORS BROWNING, KESSLER (MR. PRESIDENT), KLEMPA, CHAFIN AND BEACH, *original sponsors*)

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact §11-13A-20a of the Code of West Virginia, 1931, as amended, relating to the distribution of coalbed methane gas severance tax; establishing the Coalbed Methane Gas Distribution Fund in the State Treasurer's Office; defining "county economic development entity"; authorizing the Tax Commissioner to deposit coalbed methane severance tax moneys into the Coalbed Methane Gas Distribution Fund; directing the State Treasurer to distribute coalbed methane severance tax moneys to county commissions or county economic development entities; authorizing distribution by the State Treasurer of accumulated moneys from fiscal years 2009, 2010, 2011 and 2012 to county economic development entities; specifying the permissible uses of Coalbed Methane Gas Distribution Fund moneys received by county economic development entities; eliminating the requirement of Development Office approval for use of funds; requiring certain reporting to the Joint Committee on Government and Finance; and authorizing certain audits.

ENROLLED

Senate Bill No. 493

(BY SENATORS SNYDER, BEACH AND PALUMBO)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-15-36a of the Code of West Virginia, 1931, as amended, relating to exempting certain vehicles from sun-screening restrictions; exempting certain law-enforcement vehicles and vehicles with manufacturer installed sun-screening devices from state standards; and prohibiting unmarked law-enforcement vehicles with sun-screening exemption from making routine traffic stops.

ENROLLED

Senate Bill No. 496

(BY SENATORS BEACH, D. FACEMIRE, KIRKENDOLL AND MILLER)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §22-5-19 of the Code of West Virginia, 1931, as amended, relating to the Department of Environmental Protection's requirements to inventory emissions of greenhouse gases; eliminating unneeded provisions; and allowing reporting of greenhouse gases under the United States Environmental Protection Agency's Mandatory Reporting of Greenhouse Gases Rule to satisfy greenhouse gas

reporting requirements in West Virginia.

ENROLLED

Senate Bill No. 497

(BY SENATORS BEACH, D. FACEMIRE, KIRKENDOLL AND MILLER)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-3-33, relating to the award of attorney fees and costs by the Surface Mine Board and courts.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 498

(SENATORS FOSTER AND KLEMPA, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §9-6-8 and §9-6-9 of the Code of West Virginia, 1931, as amended, all relating to adult protective services and reports of abuse, neglect or exploitation of vulnerable adults; permitting distribution of adult protective services records to certain individuals and entities; permitting distribution of a summary of those records to certain other individuals and entities; protecting the confidentiality of the identity of the reporter; and requiring a program for notifying mandatory reporters at the outset and conclusion of investigations.

ENROLLED

Senate Bill No. 500

(BY SENATORS PREZIOSO AND SNYDER)

[Passed March 10, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §5A-7-4a of the Code of West Virginia, 1931, as amended, relating to monthly statements of spending units; and allowing certain monthly statements to accumulate and be mailed in one statement.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 507

(SENATORS PALUMBO, WILLS, TUCKER, EDGELL, KESSLER (MR. PRESIDENT) AND KLEMPA, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §27-4-1 and §27-4-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §27-5-4 of said code; and to amend and reenact §61-7A-5 of said code, all relating generally to mental health; relating to the voluntary hospitalization at mental health facilities; relating to the voluntary admission of minors into a mental health facility for mental illness, intellectual disability or addiction; removing the requirement that the minor's consent be secured before they are voluntarily admitted to a mental health facility if the minor is twelve years of age or older; requiring the consent of an emancipated minor before he or she is voluntarily committed; standards and procedures for releasing a minor who is fourteen years of age or older from voluntary hospitalization, when the minor objects to the admission or treatment; standards and procedures for the releasing a minor from voluntary hospitalization when the adult who sponsored the admission withdraws his or her consent; clarifying that the state is not obligated to pay for voluntary hospitalization; relating to the involuntary hospitalization into state mental health facilities; allocation and recapturing of copying and mailing costs associated with notice and orders for final commitment hearing and final order from counties; standards and requirements for the maintenance of mental health registry; prohibitions against persons adjudicated or committed as dangerous from possessing or carrying firearms; petitions for relief from prohibition to carry firearms; application to a court; limiting court's consideration of petitions to cases where mental health adjudications or commitments occurred in this state; specifying minimum information which must be contained in such petitions; standards of review; applicable factors to be considered by court; required findings which must be made before petition for relief may be granted; right of appeal; reporting requirements; and requiring confidential treatment for certain submitted information.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 512
(SENATORS PALUMBO AND BEACH, *original sponsors*)**

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-5A-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §17C-5C-4a and §17C-5C-4b, all relating to updating statutory provisions relating to procedures of the Office of Administrative Hearings; providing written objections to revocation notices may be filed by facsimile or e-mail; providing notices of hearing are sent to the parties and their legal counsel; providing that the Office of Administrative Hearings has subpoena authority; providing that parties may enforce Office of Administrative Hearings subpoenas in circuit court; providing that the Division of Motor Vehicles may serve subpoenas to

law-enforcement officers by electronic mail; deleting language indicating that a notice of hearing sent by certified or registered mail to a law-enforcement officer constitutes a subpoena to appear; authorizing the Office of Administrative Hearings to propose legislative rules to implement the provisions of this article and to carry out the duties prescribed therein; and requiring persons with pending contested matters to provide notice of change of address.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 517
(SENATORS K. FACEMYER AND UNGER, *original sponsors*)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §62-11C-5 of the Code of West Virginia, 1931, as amended, relating to creating community beautification and reclamation programs for state highways, municipal, county and state parks and recreation areas and community gardens through the West Virginia Community Corrections Act.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 528
(SENATORS SNYDER, KESSLER (MR. PRESIDENT), UNGER, PALUMBO, BROWNING, LAIRD, D. FACEMIRE, EDGELL, MILLER, K. FACEMYER, JENKINS, KIRKENDOLL, FOSTER AND BEACH, *original sponsors*)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §61-3-49 of the Code of West Virginia, 1931, as amended, relating to scrap metal; providing definitions; requiring scrap metal dealers to obtain business licenses; requiring scrap metal dealers to register scales with the Division of Labor; requiring scrap metal dealers to provide a notice of recycling activity to the Department of Environmental Protection; requiring scrap metal dealers to register with the Secretary of State; requiring the Secretary of State to maintain a list of scrap metal dealers and make the list publically available; requiring documentation of transactions involving five or more catalytic converters; requiring print of index finger or thumb on documentation of transactions involving five or more catalytic converters; prohibiting the possession, sale or purchase of stolen or unlawfully obtained scrap metal; prohibiting purchase of certain items of scrap metal without proof of lawful possession; and establishing criminal offenses.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 535
(SENATORS STOLLINGS, FOSTER AND MILLER, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §30-3-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-7-15a of said code; and to amend and reenact §30-14A-1 of said code, all relating to expanding prescriptive authority of advanced practice registered nurses, physician assistants and assistants to osteopathic physicians and surgeons to allow the prescribing of medications for chronic diseases for an annual supply; clarifying that controlled substances are not included and chronic pain management is excluded from chronic diseases; eliminating the exclusion for prescribing anticoagulants for the specific prescribers; and correcting terminology.

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 536
(SENATORS SNYDER AND KIRKENDOLL, *original sponsors*)

[Passed March 5, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11A-3-36a, relating to payment of amounts due to the land department of the Auditor's Office; permitting payments to be paid by credit, debit or charge card; and authorizing a fee to be assessed for the use of a credit, debit or charge card as a form of payment.

ENROLLED
Senate Bill No. 544
(BY SENATORS D. FACEMIRE, KLEMPA AND BEACH)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-13A-3 of the Code of West Virginia, 1931, as amended, relating to Diesel-Powered Motor Vehicle Idling Act; and removing the expiration date for occupied vehicles with sleeper-berth compartments.

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 551
(SENATOR SNYDER, *original sponsor*)

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact §31-17-8 of the Code of West Virginia, 1931, as amended, relating to prohibitions on primary and subordinate mortgage loans.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 555

(SENATORS LAIRD, WILLIAMS, BROWNING, PALUMBO, SNYDER, MILLER, K. FACEMYER, WILLS, GREEN, STOLLINGS, PLYMALE, JENKINS, UNGER AND FOSTER, *original sponsors*)

[Passed March 8, 2012; in effect from passage.]

AN ACT to amend and reenact §11-15-8d of the Code of West Virginia, 1931, as amended, relating to adding an exception to the limitation on the right of a contractor to assert sales and use tax exemptions of a purchaser when the purchaser is a nonprofit youth organization.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 562

(SENATORS KESSLER (MR. PRESIDENT), BEACH, D. FACEMIRE, FANNING, HALL, HELMICK, PREZIOSO, PLYMALE AND KLEMPA, *original sponsors*)

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact §22-11-7b of the Code of West Virginia, 1931, as amended, relating to establishing a public policy for narrative water quality standards; establishing a procedure to determine compliance with the biologic component of the narrative water quality standard; and clarifying that narrative water quality rules cannot be less protective than current requirements.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 563

(SENATORS PREZIOSO, SNYDER AND BEACH, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §5A-6-4 of the Code of West Virginia, 1931, as amended, relating to clarifying that the Chief Technology Officer is responsible for the cleansing of information technology equipment prior to retirement or transfer.

ENROLLED

**COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 564

(SENATORS PREZIOSO, SNYDER, CHAFIN, PLYMALE, BARNES AND BEACH, *original sponsors*)

[Passed March 1, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §5A-3-52 of the Code of West Virginia, 1931, as amended, relating to special funds for travel management; creating the Aviation Fund and the Fleet Management Office Fund; providing the moneys in these funds do not expire; providing the funds are to be used for aviation and fleet management purposes; and requiring costs and expenses will be borne by the agency or department using the aviation or fleet services.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 566

(SENATORS WILLS AND FOSTER, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §25-1-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Corrections to contract with nonprofit or charitable entities, including but not limited to nonprofit community mental health clinics, operating half-way houses or transitional housing facilities for the placement of persons in the commissioner's custody, whether confined or under parole supervision; requiring persons with the ability to pay to reimburse the state for the costs of the placement; and requiring the Division of Corrections to provide certain information about the placements to the Governor.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

Senate Bill No. 572

(SENATORS STOLLINGS, KESSLER (MR. PRESIDENT), TUCKER, FOSTER, WILLIAMS AND KLEMPA, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §30-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §30-7-1a; and to amend and reenact §30-7-15b and §30-7-

15c of said code, all relating to advanced practice registered nurses; replacing the term "advanced nurse practitioner" with "advanced practice registered nurse"; providing a new definition; making technical corrections; including the Board of Osteopathic Medicine in receipt of copy of certain verifications; providing a grandfather clause; permitting the West Virginia Board of Examiners for Registered Professional Nurses to set an application fee by legislative rule; and providing the board rule-making authority.

ENROLLED

Senate Bill No. 575

(BY SENATOR FOSTER)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to repeal §16-5V-22 of the Code of West Virginia, 1931, as amended, relating to the Emergency Medical Services Retirement System, prior disability.

ENROLLED

Senate Bill No. 579

(BY SENATORS KESSLER, FLEMING, PALUMBO, BERNICK, HALL, FOSTER AND BROWNING)

[Passed March 9, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §22-3-11 of the Code of West Virginia, 1931, as amended, relating to the special reclamation tax and funds of the Surface Coal Mining and Reclamation Act; continuing and reimposing the special reclamation tax on clean coal mined at an increased rate; and dedicating portion of special reclamation tax to Special Reclamation Water Trust Fund.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 588

(SENATORS PALUMBO, STOLLINGS, PLYMALE, JENKINS AND BARNES, original sponsors)

[Passed March 10, 2012; to take effect July 1, 2012.]

AN ACT to repeal §60A-8-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-8-3, §60A-8-5 and §60A-8-7 of said code; and to amend said code by adding thereto three new sections, designated §60A-8-14, §60A-8-15 and §60A-8-16, all relating generally to wholesale drug distributors licensed by Board of Pharmacy; specifying purpose of article; modifying the definitions of "wholesale distribution" and "manufacturer"; adding definitions of "person", "key person" and "third-party logistics provider"; specifying wholesale drug distributor licensing requirements;

specifying powers of Board of Pharmacy; increasing licensing fees; requiring updates when material changes occur to a licensee; authorizing board to take certain disciplinary action against licensees, including revocation or suspension of licenses, refusal to renew license and civil penalties; providing a right to hearing; providing for register of wholesale and pharmacy distributors of prescription drugs; and providing for the disposition of fees.

ENROLLED

Senate Bill No. 596

(BY SENATORS PALUMBO, JENKINS, BEACH AND KLEMPA)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8C-3a, relating to prohibiting child erotica; creating a misdemeanor offense for producing, possessing, displaying or distributing child erotica; providing criminal penalty; and defining terms.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 597

(SENATORS PALUMBO, WILLS, D. FACEMIRE, EDGELL, SNYDER, UNGER, BROWNING, BEACH, KLEMPA, FOSTER AND STOLLINGS, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §29-3-16a of the Code of West Virginia, 1931, as amended, relating to carbon monoxide detectors, smoke detectors and sprinkler systems; requiring smoke detectors and sprinkler systems meet and be installed according to current edition of national standard requirements; requiring carbon monoxide detectors be installed in certain public facilities on and after certain effective date; requiring carbon monoxide detectors be hardwired into alternating current on and after certain date; allowing the installation of either single station carbon monoxide detector or combination smoke detector and carbon monoxide detector; providing certain exception for installing carbon monoxide detectors in certain long-term care facilities; providing for minimum specification requirements and testing, maintaining, repairing and replacing carbon monoxide detectors; and providing for certain penalties.

ENROLLED

Senate Bill No. 603

(BY SENATORS WELLS, YOST, BARNES, EDGELL, GREEN, BOLEY, JENKINS, LAIRD, WILLIAMS, UNGER AND KLEMPA)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §15-1H-2 and §15-1H-4 of the Code of West Virginia, 1931, as amended, all relating to morale, welfare and recreation facilities; authorizing morale, welfare and recreation facilities within the state; authorizing the establishment of an entity to operate morale, welfare and recreation facilities within the state; and providing for use of proceeds derived from operation of morale, welfare and recreation facilities.

ENROLLED

Senate Bill No. 605

(BY SENATORS WELLS, YOST, BARNES, EDGELL, GREEN, BOLEY, JENKINS, LAIRD, WILLIAMS, KLEMPA AND PLYMALE)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §19-25-1, §19-25-3, §19-25-5, §19-25-6 and §19-25-7 of the Code of West Virginia, 1931, as amended, all relating to limiting the liability and duty of landowners who make land available for military, law-enforcement or homeland-defense training; defining "military, law-enforcement or homeland-defense training"; and defining "spelunking" as a recreational purpose and activity for which a landowner's liability for injury is limited.

ENROLLED

Senate Bill No. 606

(BY SENATORS PALUMBO, UNGER, JENKINS, KLEMPA AND FOSTER)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §60A-7-706 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto six new sections, designated §61-8C-6, §61-8C-7, §61-8C-8, §61-8C-9, §61-8C-10 and §61-8C-11, all relating to forfeiture of certain property; correcting a technical error; stating legislative findings; providing for the forfeiture of certain materials related to recording sexually explicit conduct of minors or soliciting minors; establishing a procedure for seizure of forfeitable property; creating procedures for forfeiture; setting process for disposition and distribution of forfeited moneys, securities and negotiable instruments; and creating process for disposition and distribution of other forfeited properties.

ENROLLED

COMMITTEE SUBSTITUTE FOR

Senate Bill No. 611

(SENATORS KESSLER (MR. PRESIDENT), MINARD, BROWNING, STOLLINGS, KLEMPA, FOSTER AND UNGER, original sponsors)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-21-1, §18-21-2, §18-21-3 and §18-21-4, all relating to developing a special community-based pilot demonstration project to help at-risk youth in West Virginia; defining "at risk"; creating a Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth in West Virginia; permitting the Secretary of the West Virginia Department of Health and Human Resources to select a community-based organization to establish a Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth if funds are available; setting forth duties and goals of the community-based organization; requiring the secretary and the director of the community-based organization to make status reports to the Legislature; and setting forth other duties of the Department of Health and Human Resources.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 615
(SENATORS KIRKENDOLL, HALL, WELLS AND STOLLINGS, *original sponsors*)**

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact §22-11-6 of the Code of West Virginia, 1931, as amended, relating to making West Virginia's Water Pollution Control Act consistent with the federal Water Pollution Control Act, also known as the Clean Water Act, by clarifying that compliance with the effluent limits contained in a National Pollution Discharge Elimination System permit is deemed compliant with West Virginia's Water Pollution Control Act.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 618
(SENATORS SNYDER, BEACH AND BROWNING, *original sponsors*)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-5-2a; to amend and reenact §8-10-2a and §8-10-2b of said code; to amend and reenact §8-13-15 of said code; and to amend and reenact §50-3-2a of said code, all relating to certain payments to governmental units; authorizing the use of credit or check cards for certain payments; authorizing a fee to be collected for the use of credit or check cards; requiring governmental units to obtain bids for credit card services; requiring compliance with rules of issuer of credit cards; requiring governmental units to wait ninety days after failure to pay costs, fines, forfeitures, restitutions or penalties or failure to appear

before notifying the Division of Motor Vehicles; requiring costs, fines, forfeitures, restitutions or penalties imposed by magistrate courts to be paid in full; and establishing the priority of crediting payments to certain funds.

ENROLLED

Senate Bill No. 619

(BY SENATORS PREZIOSO AND MINARD)

[Passed March 10, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to annual business fees paid to the Secretary of State; clarifying that limited liability companies, foreign limited liability companies and foreign corporations are required to file annual reports; eliminating criminal penalties; changing a \$100 penalty to a \$50 late fee for delinquent annual reports; providing a \$25 late fee for delinquent annual reports for nonprofit corporations; allowing the Secretary of State to deposit a portion of late fees collected in its general administrative fees account; authorizing the Secretary of State to charge a fee for online purchases of data or conducting transactions online; and authorizing rulemaking.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 621

(SENATOR UNGER, *original sponsor*)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §8A-5-7 of the Code of West Virginia, 1931, as amended, relating to the approval of major subdivision or land development plans and plats; and requiring a letter from the Division of Highways stating there is sufficient access to state roads.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 628

(SENATORS UNGER, SNYDER, HALL, BROWNING, KESSLER (MR. PRESIDENT) AND KLEMPA, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-2c, relating to funding for state executive party headquarters; defining terms; allowing funds

to be raised; providing for allowable uses of the funds and prohibitions; setting certain fundraising limits; requiring reports; and requiring legislative rules.

ENROLLED

Senate Bill No. 646

(BY SENATORS LAIRD, PLYMALE, FOSTER, MILLER AND STOLLINGS)

[Passed March 9, 2012; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6b, relating to the General Educational Development Diploma (GED); making legislative findings; setting forth legislative intent; and requiring the State Board of Education to study GED issues and make a report with recommendations by a certain date.

ENROLLED

Senate Bill No. 650

(BY SENATORS KESSLER (MR. PRESIDENT) AND HALL, BY REQUEST OF THE EXECUTIVE)

[Passed March 8, 2012; in effect from passage.]

AN ACT making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2012, organization 0511, by supplementing and amending the appropriation for the fiscal year ending June 30, 2012.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 659

(SENATOR UNGER, *original sponsor*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to powers and duties of the Director of the Division of Protective Services; requiring the director to require certain employees of service providers with the state to submit to a criminal background check under certain circumstances; requiring certain service providers provide employee names to comply with provisions of this section; requiring a clause in future contracts to give the state powers to prohibit certain persons from certain activities based on the results of the background check; defining "service provider"; requiring new employees working on capitol grounds to have employment eligibility confirmed through E-verify; and designating the Director of the Division of Protective Services

as the person to whom criminal background check information is released.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

**Senate Bill No. 661
(SENATORS PLYMALE, BROWNING AND STOLLINGS, *original sponsors*)**

[Passed March 10, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §21A-10-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Executive Director or Commissioner of Workforce West Virginia to provide data to certain governmental entities; changing the threshold of certain levels of compensation to be reported for certain data purposes by employers to the Executive Director or the Commissioner of Workforce West Virginia; and changing a designated recipient of the data to attain consistency with prior amendments to code.

ENROLLED

Senate Bill No. 673

(By SENATORS PREZIOSO, D. FACEMIRE, CHAFIN, EDGELL, GREEN, HELMICK, LAIRD, McCABE, MILLER, PLYMALE, STOLLINGS, UNGER, WELLS, YOST, BOLEY, HALL AND SYPOLT)

[Passed March 8, 2012; in effect from passage.]

AN ACT expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2012, in the amount of \$212,859.85 from the Department of Military Affairs and Public Safety - Office of the Secretary, fund 0430, fiscal year 2006, organization 0601, activity 511, 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 Military Affairs and Public Safety - Division of Corrections - Correctional Units, fund 0450, fiscal year 2012, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2012.

ENROLLED

Senate Bill No. 676

(By SENATORS PREZIOSO, D. FACEMIRE, CHAFIN, EDGELL, GREEN, HELMICK, LAIRD, McCABE, MILLER, PLYMALE, STOLLINGS, UNGER, WELLS, YOST, BOLEY, HALL AND SYPOLT)

[Passed March 9, 2012; in effect from passage.]

AN ACT to amend and reenact §31-15A-17b of the Code of West Virginia, 1931, as amended, relating to Chesapeake Bay watershed compliance projects; and specifying dates by which eligible projects may apply for grant funding.

ENROLLED

Senate Bill No. 677

(By SENATORS PREZIOSO, D. FACEMIRE, CHAFIN, EDGELL, GREEN, HELMICK, LAIRD, McCABE, MILLER, PLYMALE, STOLLINGS, UNGER, WELLS, YOST, BOLEY, HALL AND SYPOLT)

[Passed March 10, 2012; in effect from passage.]

AN ACT expiring funds to the surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2012, in the amount of \$3,700,000 from the Department of Health and Human Resources - Medicaid Fraud Control Fund, fund 5141, fiscal year 2012, organization 0511, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as a surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources - Division of Human Services, fund 0403, fiscal year 2012, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2012.

ENROLLED

Senate Bill No. 678

(By SENATORS PREZIOSO, D. FACEMIRE, CHAFIN, EDGELL, GREEN, HELMICK, LAIRD, McCABE, MILLER, PLYMALE, STOLLINGS, UNGER, WELLS, YOST, BOLEY, HALL AND SYPOLT)

[Passed March 10, 2012; in effect from passage.]

AN ACT 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 Agriculture, fund 0131, fiscal year 2012, organization 1400, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2012, organization 0209, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2012, organization 0221, to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2012, organization 0305, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2012, organization 0310, to the Department of Education, State Department of Education, fund 0313, fiscal year 2012, organization 0402, to the Department of Education and the Arts, Division of Culture and History,

fund 0293, fiscal year 2012, organization 0432, to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2012, organization 0313, to the Department of Health and Human Resources, Division of Health - Central Office, fund 0407, fiscal year 2012, organization 0506, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2012, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2012, organization 0511, to the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2012, organization 0608, to the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 0456, fiscal year 2012, organization 0613, to Higher Education, West Virginia Council for Community and Technical College Education - Control Account, fund 0596, fiscal year 2012, organization 0420, and to Higher Education, Higher Education Policy Commission - Administration - Control Account, fund 0589, fiscal year 2012, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2012.

**ENROLLED
COMMITTEE SUBSTITUTE
for
H. B. 2521
(By Delegate Frazier)**

[Passed March 6, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §48-27-311 and §48-27-701 of the Code of West Virginia, 1931, as amended, relating to prevention and treatment of domestic violence generally; eliminating the requirement of serving domestic violence orders by certified mail where personal service fails; authorizing fee to law enforcement for service of process; and clarifying that personal service must be attempted at every address for respondent provided by petitioner.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2740
(By Delegates Manypenny, Doyle, Mahan, Guthrie, Canterbury, Iaquina,
Barker, Hartman, Brown and Hatfield)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-19, relating to housing

associations making covenants and other restrictions that restrict the installation or use of solar energy systems unenforceable after effective date of section; defining terms; and providing exceptions thereto.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 3128
(By Delegate Frazier)**

[Passed March 6, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating to filing a civil petition for expungement of records relating to an arrest or charges relating to the arrest when found not guilty of the offense or charges have been dismissed; and providing that no filing fees or costs be charged for processing the action.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 3174
(By Delegates Brown, Fragale, Moore and Skaff)
(Originating in the Committee on the Judiciary)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §11-16-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-16-11a; to amend said code by adding thereto a new section, designated §60-3A-3a; and to amend and reenact §60-3A-4 of said code, all relating to allowing Class A retail licensees the ability to conduct responsible nonintoxicating beer and liquor sampling events; requiring preapproval of the events by the ABCA commissioner; establishing standards, limitations, and prohibitions to be applied for the conduct of such events; definitions; incorporating civil penalties for violations by reference; criminal penalties for violations by reference; providing for emergency rules; and defining terms.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 3177
(By Delegates Lawrence, Marshall, Doyle, Pino, Hunt and Frazier)**

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §38-1-16, relating to the status and rights of parties under a preexisting tenancy and lease when residential rental property is sold by a trustee pursuant to a deed of trust; declaring the rights of new owner to terminate tenancy with notice; providing a right of existing tenant to terminate tenancy; creating minimum notice requirements; setting requirements for providing notice; declaring that the terms and conditions of the preexisting lease survive the trustee sale; naming certain exceptions; and setting effective date.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4001

(By Delegates Morgan, Stephens, Hatfield, Hartman, Stagers and Talbott)

[Passed March 6, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §30-1-6 of the Code of West Virginia, 1931, as amended, relating to professional licensing boards; authorizing boards to establish fees by legislative rule notwithstanding specific fees established in code; providing for methods to notify licensees of proposal of fees in legislative rules; clarifying the requirement to redact social security numbers from records released to the public; prohibiting discrimination against an applicant; and establishing a denial of authorization to practice procedure.

ENROLLED

H. B. 4002

(By Delegates Morgan, Stephens, Hatfield, Hartman, Stagers and Talbott)

[Passed March 6, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §30-1-2a of the Code of West Virginia, 1931, as amended, relating to annual seminar requirements for professional licensing boards.

ENROLLED

COMMITTEE SUBSTITUTE

for

H. B. 4006

(By Delegate Manchin)

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact §21-3C-1, §21-3C-10a and §21-3C-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21-3C-10b, all relating to elevators; defining certain terms; requiring licensure; providing

licensure requirements for elevator mechanics, accessibility technicians and limited technicians; providing requirements to obtain a limited use/limited application endorsement; providing requirements for issuance and renewal of licenses; modifying rule-making authority of Commissioner of Labor; and removing reciprocity provisions.

ENROLLED

H. B. 4007

(By Delegates Iaquina, Longstreth, Fleischauer, Jones, Stephens, Walker and Azinger)

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to unemployment benefits for certain spouses of military personnel; providing that an individual who has voluntarily quit employment to accompany a spouse serving in active military service who has been reassigned from one military assignment to another is not disqualified for benefits; and providing that the account of the employer of the individual who leaves employment to accompany a spouse reassigned from one military assignment to another may not be charged for those benefits.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4012

(By Delegates Morgan, Manypenny, Martin and Swartzmiller)

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact §16-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-16-4 of said code; to amend and reenact §30-23-5 of said code; and to amend and reenact §30-26-3 and §30-26-4 of said code, all relating to boards; changing the membership of boards; removing the Commissioner of the Bureau for Public Health from certain boards; removing the requirement that the commissioner provide support to certain boards; allowing certain boards to receive compensation not to exceed the amount paid to legislators; and updating the name of certain boards.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4015

(By Delegates Moore, Guthrie, Lawrence, Marshall, Stephens and Caputo)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-26-1 and §5-26-2, all relating to the creation of the Herbert Henderson Office of Minority Affairs within the Governor's office; establishing the powers and duties of the office; providing for an executive director; requiring annual reports to the Governor and the Joint Committee on Government and Finance; and creating a Minority Affairs Fund.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4028
(By Delegate Stagers, Butcher, Mahaffey, Moye and**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §16-4C-6 and §16-4C-9 of the Code of West Virginia, 1931, as amended, all relating to emergency medical services; authorizing the commissioner of the Bureau of Public Health to promulgate rules relating to the temporary suspension of a certification of an individual emergency medical service provider; providing that the commissioner may temporarily suspend the certification of an individual emergency medical service provider in certain circumstances prior to a hearing or notice; permitting the commissioner to rely on information supplied by a physician that serves as a medical director when temporarily suspending the certification of an individual emergency medical service provider; and requiring commissioner institute proceedings for a hearing if an individual emergency medical provider's certification is temporarily suspended.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4037
(By Delegates Iaquina, Longstreth, Fleischauer, Jones, Stephens, Walker
and Azinger)**

[Passed March 1, 2012; in effect 90 days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §30-1-6a and §30-1-6b, all relating to the professional and occupational licensure and registration of former and current members of the armed forces of the United States; providing legislative findings and declarations; requiring consideration and appropriate acceptance of military education, training and experience for qualification for professional licensure; providing rule-making authority for licensing or registration boards; providing exceptions; and requiring the extension of licenses and the waiver of certain requirements for licenses or registration of certain persons and accompanying spouses on active duty in the armed forces of the

United States.

**ENROLLED
COMMITTEE SUBSTITUTE**

for

H. B. 4046

(By Delegates Morgan, Swartzmiller, Hartman, Givens, Manypenny and Stagers)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to repeal §16-1-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-11 of said code; to amend and reenact §9-2-1a of said code; to amend and reenact §18-10A-2 of said code; to amend and reenact §19-1-3a of said code; to amend and reenact §22C-12-6 of said code; to amend and reenact §24A-1A-2 of said code; and to amend and reenact §47A-1-1 of said code, all relating to removing obsolete code provisions.

**ENROLLED
COMMITTEE SUBSTITUTE**

for

H. B. 4053

(By Delegates Brown, Poore, Fleischauer, Guthrie, Moore, Frazier, Sobonya and L. Phillips)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §30-29-3 the Code of West Virginia, 1931, as amended; to amend and reenact §61-2-14a of said code; and to amend said code by adding a new section, designated §61-2-17, all relating to kidnapping and human trafficking; authorizing the Governor's Committee on Crime, Delinquency and Correction to establish standards governing training to effectively investigate human trafficking offenses and procedures for implementation of a course in investigation of human trafficking offenses; amending the elements of the crime of kidnapping and providing certain defenses and exceptions; creating the new criminal offense of human trafficking; defining certain terms; specifying the penalties for the new human trafficking offense; and including human trafficking as a qualifying offense in the prohibition against operating a criminal enterprise.

**ENROLLED
COMMITTEE SUBSTITUTE**

FOR

H. B. 4062

(By Delegates Williams, D. Campbell, Cann, Moyer, Perdue, Pino, Stephens, Walker, Hamilton)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5P-15, relating to establishing an in-home care registry; defining terms; requiring the Bureau of Senior Services to develop and maintain the registry; providing legislative rule-making authority to the bureau; and specifying certain requirements to be provided in the legislative rule.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4070
(By Delegates M. Poling and Guthrie)**

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §18-10A-2a of the Code of West Virginia, 1931, as amended, relating to changing the basis for the county salary supplement equivalent pay rate for division of rehabilitation teachers from the amount paid to teachers by the board of education of the county in which facility in which the teacher works is located to the amount paid to teachers by the board of education of the county in which the division of rehabilitation administrative headquarters are located.

**ENROLLED
H. B. 4072
(By Delegates M. Poling and Paxton)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to eliminating requirement for county boards of education to meet on the first Monday of July in years in which there is not a biennial primary election.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4077
(By Delegates Perdue, Hatfield, Lawrence, Marshall, Moye,
Poore, Staggers, Ferns, Ellington, J. Miller and Rowan)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend §30-4-17 of the code of West Virginia, 1931, as amended, relating to activities that may be performed by a dental hygienist without a prior exam by a dentist; requiring a Public Health

Practice permit; providing for the sealants to be placed pursuant to a collaborative agreement with a supervising dentist; and requiring a referral for a dental examination within six months.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

H. B. 4086

(By Mr. Speaker, Mr. Thompson) [By Request of the Executive]

[Passed January 25 ,2012; in effect July 1, 2012.]

AN ACT to amend and reenact §11-6F-2 and §11-6F-4 of the Code of West Virginia, 1931, as amended, all relating to designating certain property as a qualified capital addition to a manufacturing facility and extending that property special valuation to the twenty-fifth year succeeding the year in which the qualified capital addition is first placed in service.

ENROLLED

H. B. 4087

(By Mr. Speaker, (Mr. Thompson) and Delegate Armstead) [By Request of the Executive]

[Passed February 24, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §11-13A-3b of the Code of West Virginia, 1931, as amended, relating to the severance and business privilege tax; and continuing the discontinuance of the severance and business privilege tax on the privilege of severing timber.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

H. B. 4088

(By Mr. Speaker, (Mr. Thompson) and Delegate Armstead) [By Request of the Executive]

[Passed March 7, 2012; in effect from passage.]

AN ACT to repeal §11-13B-1, §11-13B-2, §11-13B-3, §11-13B-4, §11-13B-5, §11-13B-6, §11-13B-7, §11-13B-8, §11-13B-9, §11-13B-10, §11-13B-10a, §11-13B-11, §11-13B-12, §11-13B-13, §11-13B-14, §11-13B-15, §11-13B-16, §11-13B-17, §11-13B-18 and §11-13B-19 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-10-5aa, all relating to repealing article creating the West Virginia Telecommunications Tax Act; and preserving provisions governing the confidentiality of and exemptions from disclosure of certain information received by tax commissioner during study of the business of telecommunications service and related businesses.

ENROLLED

H. B. 4097

(By Delegates Morgan, Doyle and Lawrence)

[Passed March 6, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §30-27-3 and §30-27-8 of the Code of West Virginia, 1931 as amended, all relating to professions and occupations; Board of Barbers and Cosmetologists; and creating a license to practice hair styling.

ENROLLED

Committee Substitute

for

H. B. 4101

(By Delegates Perry, Shaver, D. Campbell, Lawrence, Pethtel, Armstead, Duke, Savilla, Sigler, Paxton and M. Poling)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §18A-3-1 and 18A-3-2a of the code of West Virginia, 1931, as amended, all relating to teacher preparation and certification; authorizing teacher-in-residence programs for certain prospective teachers in lieu of student teaching; defining teacher-in-residence programs and providing minimum requirements; providing use of certain funds for program support and student stipend; specifying formula for calculating stipend; creating teacher-in-residence permit and specifying conditions; authorizing counties with comprehensive induction programs to use consistent structure for supervision and training of student teachers; conforming sections to other provisions of law; removing duplicative and obsolete language; and making technical corrections throughout.

ENROLLED

H. B. 4103

(By Delegates Staggers, L. Phillips, Barker, Ferro, Guthrie and Cowles)

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-2B-1, §17A-2B-2 and §17A-2B-3, all relating to consolidating government services and enforcement of laws pertaining to the motor carrier industry; stating legislative findings and purpose; designating the Division of Motor Vehicles as the lead agency to develop a plan for the consolidation; and requiring the division to report its plan and recommendations for consolidation to the Joint Committee on Government and Finance by December 1, 2012.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4107**

(By Delegates Morgan, Stephens, Hatfield, Talbott, Martin, Hartman, Staggers, Azinger, Howell, Romine and Snuffer)

[Passed February 14, 2012; in effect from passage.]

AN ACT to amend and reenact §29-3-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-3-5d, all relating to volunteer firefighters; requiring the State Fire Commission to establish training, equipment and performance standards by legislative rule; and authorizing emergency rules.

**ENROLLED
COMMITTEE SUBSTITUTE
for
H. B. 4118
(By Delegate Moore)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §30-6-3 and §30-6-22 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section designated §30-6-22a; and to amend and reenact §61-12-9 of said code, all relating to cremation, preneed funeral contracts and disposition of remains generally; adding a definition of persons authorized to order cremation; clarifying required inquiry about deceased's desires; prioritizing individuals authorized to express desires of the deceased; clarifying funeral directors responsibilities; establishing the right to control the disposition of the remains of a deceased person; determining who has that right; setting forth how that right may be forfeited; adding a definition of person authorized to agree to a cremation contract; and establishing an order of precedence among persons as to cremation and disposition of remains.

**ENROLLED
H. B. 4119
(By Delegates Perry and Lawrence)**

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §18-1-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18A-2-1a, all relating to providing definition of school athletic director; authorizing employment in the public schools of the state under certain conditions; and designating responsibilities of the position.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

H. B. 4122

(By Delegates Perry, Shaver, Campbell, Lawrence, Pethel, Armstead, Duke, Savilla, Sigler, Paxton and M. Poling)

[Passed March 2, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §18A-3-1a and §18A-3-1b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18A-3-12, all relating to alternative programs for teacher education; providing definitions; including entity affiliated with approved teacher education programs to be a partner in offering programs; defining approved education provider; modifying definition of area of critical need and shortage; generally reorganizing section, updating terms and eliminating duplicative language; modifying alternative program teacher certificate requirements; eliminating requirement to post position of alternative program teacher each year prior to rehiring; authorizing alternative methods of instructional delivery and candidate supervision and modifying existing methods; modifying professional support team provisions; modifying reporting and recommendation requirements; requiring certain legislative rules; and requiring teacher education programs to cooperate with the state board to ensure that certain assistance is provided to help students pursuing a teaching degree and certified teachers attain the required hours to earn a Technology Integration Specialist Advanced Credential.

**ENROLLED
Committee Substitute
for**

H. B. 4125

(By Delegates M. Poling, Paxton, Perry, Moye and Fragale)

[Passed March 6, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §18-9F-9 of the Code of West Virginia, 1931, as amended, relating to modifying when the requirement for schools to annually send notices to parents and guardians about the school's crisis response plan and their ability to review a redacted copy becomes effective.

**ENROLLED
H. B. 4126**

(By Delegates M. Poling, Paxton, Perry, Moye and Fragale)

[Passed March 6, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to higher education; legislative rules; authorizing a rule for the Higher Education Policy Commission regarding tuition and fees; and authorizing a rule for the Council for Community and Technical College Education regarding the Workforce Development Initiative Program and tuition and fees.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4130

(By Delegates Smith, Lawrence and Hunt)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to repeal §48-22-803 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-22-303 of said code; and to amend and reenact said code by adding thereto a new section, designated §61-2-14h, all relating to crimes against the person; increasing criminal penalties relating to the increase the penalty for the criminal offenses involving money in exchange for locating, providing or procuring a minor child in certain circumstances; providing circumstances deemed abuse and neglect; and providing exceptions from thereto for certain acts relating to lawful adoptions.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4139

(By Delegates Brown, D. Poling, Fleischauer, and Overington)

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various

modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to fees established by the Board; authorizing the Board of Accountancy to promulgate a legislative rule relating to the Board and rules of professional conduct; authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to general provisions; authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to a schedule of fees; authorizing the Board of Medicine to promulgate a legislative rule relating to the formation and approval of professional limited liability companies; authorizing the Human Rights Commission to promulgate a legislative rule relating to housing discrimination against persons with disabilities who utilize assistance animals; authorizing the State Auditor to promulgate a legislative rule relating to the transaction fee and rate structure; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the inspection of meat and poultry; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the labeling of imported honey, honey products or honey bee by-products and adulterated honey, honey products or honey bee by-products; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to nutrient management certification; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the procedures, criteria and curricula for examinations and licensure of barbers, cosmetologists, manicurists and aestheticians; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to licensing schools of barbering and beauty culture; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to shampoo assistants; authorizing the Courthouse Facilities Improvement Authority to promulgate a legislative rule relating to the Courthouse Facilities Improvement Fund; authorizing the Secretary of State to promulgate a legislative rule relating to the Vote-by-Mail Pilot Project Phase 2: Voting by Mail; authorizing the Secretary of State to promulgate a legislative rule relating to the general management and preservation of state records; authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to the examination and licensing of professional surveyors in West Virginia; authorizing the Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to fees for services rendered by the Board; authorizing the Board of Osteopathy to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to continuing education for the licensure of pharmacists; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure of wholesale drug distributors; and authorizing the Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists.

**ENROLLED
COMMITTEE SUBSTITUTE
for**

H. B. 4142

(Delegate Brown, Poling, D., Fleischauer, Talbott and Overington)

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Administration; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register and as amended by the Legislature; authorizing the Department of Administration to promulgate a legislative rule relating to certification for small, women and minority-owned businesses; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Public Employees Retirement System; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to refund, reinstatement, retroactive service, loan and employer error interest factors; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the West Virginia State Police; authorizing the Division of Personnel to promulgate a legislative rule relating to the administration of the Division; and authorizing the Division of Personnel to promulgate a legislative rule relating to Workers' Compensation temporary total disability.

**ENROLLED
COMMITTEE SUBSTITUTE
for**

H. B. 4206

(By Delegates Brown, D. Poling, Fleischauer and Talbott)

[Passed February 29, 2012 ; in effect from passage.]

AN ACT to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Transportation; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain

legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Commissioner of Highways to promulgate a legislative rule relating to the construction and reconstruction of state roads(157 CSR 3);authorizing the Commissionner of Highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways (157 CSR 7); and authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to compulsory motor vehicle liability insurance (91 CSR 13).

ENROLLED

COMMITTEE SUBSTITUTE

for

H. B. 4220

(By Delegates Brown, D. Poling, Fleischauer and Talbott)

[Passed March 6, 2012; in effect from passage.]

AN ACT to amend and reenact article 10, chapter 64 of the code of West Virginia, 1931, as amended, all relating generally to the promulgation of administrative rules by the Department of Commerce; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Development Office to promulgate a legislative rule relating to brownfield economic development districts; authorizing the Development Office to promulgate a legislative rule relating to the use of coalbed methane severance tax proceeds; authorizing the Board of Registration for Foresters to promulgate a legislative rule relating to the certification of registered foresters; authorizing the Board of Registration for Foresters to promulgate a legislative rule relating to a schedule of fees; authorizing the Board of Registration for Foresters to promulgate a legislative rule relating to a code of ethics; authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations - licensing; authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations - logger certification; authorizing the Division of Labor to promulgate a legislative rule relating to the Zipline and Canopy Tour Responsibility Act; authorizing the Division of Labor to

promulgate a legislative rule relating to the Amusement Rides and Amusement Attractions Safety Act; authorizing the Division of Labor to promulgate a legislative rule relating to the supervision of elevator mechanics and apprentices; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the application process for the West Virginia Innovative Mine Safety Technology Tax Credit Act; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motor boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, trapping and fishing; authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to prohibitions when hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to general trapping; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to special fishing.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

H. B. 4236

(By Mr. Speaker, (Mr. Thompson) and Delegate Armstead) [By Request of the Executive]

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §18A-2-12 of the code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18A-3C-1, §18A-3C-2 and §18A-3C-3, all relating to establishing a new system of performance evaluations of classroom teachers, principals and assistant principals; exclusions from the definition of professional personnel for certain evaluation purposes; providing findings, purposes, definitions and intent of new provisions; providing for phased implementation and legislative oversight; requiring state board rules and submissions of draft rules to legislative oversight commission; providing minimum provisions of evaluation processes for teachers and principals and specific percentages of evaluation score to be based standards and student performance; providing for evaluations to serve certain purposes, including plans of improvement and personnel actions for unsatisfactory performance; requiring certain employee training prior to implementation of new evaluation processes; providing intent of new comprehensive system of support; requiring the state board to publish guidelines for county boards on design and implementation of comprehensive system of support; restricting certain funding subject to adoption of comprehensive system plan by county that is verified by state board as meeting certain requirements; specifying contents of plan; and providing for transition of appropriations to support execution of plans and use of funds.

**ENROLLED
COMMITTEE SUBSTITUTE**

for

H. B. 4238

**(By Delegates Poore, Marshall, Fleischauer and Boggs) (By request of the
Secretary of State)**

[Passed March 6, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §3-3-1, §3-3-2 and §3-3-2b of the Code of West Virginia, 1931, as amended, relating to providing absentee ballots to participants of the Address Confidentiality Program; authorizing program participants to vote an absentee ballot by mail; authorizing the placement of program participants on special absentee voting list; describing duties of the office of the Secretary of State and county officials designated to supervise and conduct absentee voting; and providing for the removal of program participants from the special absentee voting list.

**SECOND ENROLLMENT
COMMITTEE SUBSTITUTE**

FOR

H. B. 4239

(By Delegates Morgan and Perdue)

[Amended and again passed, in an effort to meet the objections of the Governor, March 16, 2012; in effect from passage.]

AN ACT to amend and reenact §30-14-1, §30-14-2, §30-14-3 and §30-14-12b of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Board of Osteopathy; renaming the board the West Virginia Board of Osteopathic Medicine; providing definitions; increasing board membership; providing board composition; increasing the board membership term length; adding term limits; authorizing certain associations to make recommendations on board membership; and adding certain requirements to qualify to serve on the board.

**ENROLLED
H. B. 4251**

(By Delegates Doyle, Rodighiero, Ferro, Frazier, Reynolds and Storch)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to repeal §46-11-101, §46-11-102, §46-11-103, §46-11-104, §46-11-105, §46-11-106, §46-11-107 and §46-11-108 of the Code of West Virginia, 1931, as amended; to amend and reenact §46-2A-103 of said code; to amend and reenact §46-9-102, §46-9-105, §46-9-307, §46-9-311, §46-9-316, §46-9-317, §46-9-326, §46-9-406, §46-9-408, §46-9-502, §46-9-503, §46-9-507, §46-9-515, §46-9-516, §46-9-518, §46-9-

607 and §46-9-625; and to amend said code by adding thereto nine new sections, designated §46-9-801, §46-9-802, §46-9-803, §46-9-804, §46-9-805, §46-9-806, §46-9-807, §46-9-808 and §46-9-809, all relating generally to amendments to the uniform commercial code; amending and adding definitions; amending what constitutes control of electronic chattle paper; providing for effect on filed financing statements of change in governing law; amending priority of security interests created by new debtor; amending effectiveness of terms restricting assignment; improving the system for filing financing statements; providing greater protection for existing secured party having a security interest in after-acquired property upon relocation of debtor; reforming the correction statement process; technical changes; and providing transitional rules regarding perfection of security interests, effectiveness of financing statements, persons entitled to file financing statements and priority of financing statements.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4256
(By Delegates Perry, Ashley, Walters and Hall)**

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §33-31-2 of the Code of West Virginia, 1931, as amended, relating to captive insurance; limiting risk retention groups' risks on single subjects of insurance; and requiring captive insurance companies to notify the insurance commissioner of any material changes to certain information.

**ENROLLED
COMMITTEE SUBSTITUTE
for
H. B. 4257
(By Delegates Iaquina, Poore, Marshall, Crosier, Fleischauer and Duke)
[By request of the Secretary of State]**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-2-6a, relating to permitting voter registration in person up to, but not including, the day of the election for any member of a uniformed service of the United States, as defined in 42 U. S. C. §1973ff-6, any member of the Merchant Marine of the United States, any person who resides outside the United States by virtue of his or her employment in support of national security functions or purpose; any spouse or dependent residing with a person who meets the aforesaid criteria; providing for applicability of section; providing that any person who registers pursuant to this section shall vote a provisional ballot; and requiring the Secretary of State to prescribe procedures to

implement the section.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

H. B. 4260

(By Delegates Fleischauer, Miley, Brown, Caputo, Hunt, Longstreth, Pino, Overington and Sobonya)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16B-6e of said code; to amend and reenact §33-16-3v of said code; to amend and reenact §33-24-7k of said code; and to amend and reenact §33-25A-8j of said code, all relating to insurance coverage for autism spectrum disorders; specifying application of benefit caps; clarifying time frames; adding evaluation of autism spectrum disorder to included coverage; clarifying diagnosis, evaluation and treatment requirements; clarifying reporting requirements; and making technical corrections.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

H. B. 4263

(By Delegates Barker, Caputo, Martin, Hamilton, Butcher and Stowers)

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto, a new section, designated §5A-3-57, relating to creating a "Buy American Task Force"; setting forth legislative findings; declaring state policy; requiring the Purchasing Division and the Division of Labor to convene a task force to study the use of American made construction materials and goods; setting forth the membership of the task force; specifying areas of study; and requiring report to Legislature by December 31, 2012.

**ENROLLED
H. B. 4271**

(By Delegates Moore, Reynolds and Azinger)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §31-17-11 of the Code of West Virginia, 1931, as amended, relating to the reporting requirements for residential mortgage lenders and broker licensees; providing that such reporting shall be done through the Nationwide Mortgage Licensing System and Registry for the periods established by the Nationwide Mortgage Licensing System and Registry; preserving the confidentiality of

such reports; giving the Commissioner of Banking the discretion to direct that the reports shall be filed directly with the Division of Banking; and replacing the duty of the Commissioner of Banking to provide an aggregate analysis of the information contained in reports with a requirement that the commissioner shall publish annually a list of the licenses issued under this chapter and direct consumers to the public information available through the Nationwide Mortgage Licensing System and Registry.

ENROLLED

H. B. 4274

(By Delegates Moore, Reynolds and Azinger)

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §46A-4-103 of the Code of West Virginia, 1931, as amended, relating to the authority of the Commissioner of Banking over regulated consumer lender licensees; authorizing the commissioner to impose a fine or penalty upon a licensee for violation of chapter forty-six-a or chapter thirty-one-a of this Code or any other law or rule that the Division of Banking is authorized to enforce that is applicable to regulated consumer lenders; and providing for an administrative hearing to contest a fine or penalty.

SECOND ENROLLMENT

COMMITTEE SUBSTITUTE

FOR

H. B. 4279

(By Delegates Manchin, Lawrence, Cann, Doyle, Longstreth and Morgan)

[Amended and again passed, in an effort to meet the objections of the Governor, March 16, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §8-5-5 of the Code of West Virginia, 1931, as amended, relating to elected municipal officers; and authorizing municipalities to stagger and/or change the terms of elected municipal officers by ordinance and approval of the voters.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4281

(By Delegates White, Miley, Hunt, Poore, Skaff, Moore, Fleischauer and Sobonya)

[Passed March 9, 2012; in effect July 1, 2012.]

AN ACT to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to the supplemental pay of members of the West Virginia State Police.

ENROLLED

H. B. 4291

(By Delegates Miley, Frazier, Longstreth, Barill and Manchin)

[Passed February 15, 2012; in effect from passage.]

AN ACT to amend and reenact §51-8-8 of the Code of West Virginia, 1931, as amended, relating to county law libraries operated by the Supreme Court of Appeals and circuit courts; providing that circuit courts may no longer establish county law libraries; and providing that the Supreme Court of Appeals alone shall determine the appropriate number thereof.

ENROLLED

H. B. 4299

(By Mr. Speaker, (Mr. Thompson) and Delegate Armstead) [By Request of the Executive]

[Passed March 6, 2012; in effect from passage.]

AN ACT to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to authorizing a county board of education to use the services of a bus operator from another county in certain circumstances.

ENROLLED

COMMITTEE SUBSTITUTE

for

H. B. 4307

(By Delegates Miley, Frazier, Longstreth, Barill and Jones) (By the request of the Supreme Court of Appeals)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §48-27-502 and §48-27-1101 of the Code of West Virginia, 1931, as amended, all relating to domestic violence generally; clarifying that the practice and procedure for domestic violence civil proceedings are governed by court rule; providing that a prohibition against possessing firearms and ammunition is a mandatory provision for domestic violence protective orders; and, providing that a domestic violence protective order state that possession of firearms and ammunition while subject to domestic violence protective order is a criminal violation of state and federal law.

ENROLLED

H. B. 4314

(By Delegates Caputo, Longstreth, Manchin, Fragale, Barill, Marcum, Ellem, Boggs, Miley, Storch and Hunt)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §50-1-6 of the Code of West Virginia, 1931, as amended, relating to the appointment of magistrates; requiring that when a vacancy occurs in the office of magistrate a person of the same political party as the former officeholder shall be appointed.

ENROLLED

H. B. 4315

(By Delegates Cann, Manchin, Doyle, Fragale, Iaquina, Lawrence, Longstreth, Miley, Morgan and Varner)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §8-2-6 and §8-2-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §8-3A-1 and §8-3A-2, all relating to Class IV towns or villages; permitting a new class IV town or village to select a form of government; and permitting a current Class IV town or village to change its form of government.

ENROLLED

H. B. 4320

(By Delegates Ferro, Barker and Caputo) [By request of the Department of Environmental Protection]

[Passed March 6, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §22-18-17 of the Code of West Virginia, 1931, as amended, relating to the settlement of violations of the Hazardous Waste Management Act by consent agreements, as an alternative to instituting a civil action in the circuit courts of the state.

ENROLLED

H. B. 4322

(By Delegates Talbott, Crosier, Romine, Shaver, Hamilton, Azinger and Ireland) [By Request of the Division of Natural Resources]

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to hunting; adding coyote and fox to the list of species in which any color artificial light is permitted for hunting at night; removing redundant language relating to hunting while under the influence of alcohol; and referencing Class Y special crossbow hunting permits.

ENROLLED

COMMITTEE SUBSTITUTE

for

H. B. 4327

(By Delegates Hatfield, D. Poling, Brown and Stagers)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-44-1 and §16-44-2, all relating to requiring pulse oximetry testing for newborns; setting forth legislative findings; authorizing the Commissioner of the Bureau of Public Health to require testing; providing timing requirements for testing; and requiring the commissioner to adopt procedural and legislative rules.

ENROLLED

H. B. 4328

(By Delegates Talbott, Crosier, R. Phillips, Anderson, Azinger, Rodighiero, Hamilton and Hall) [By request of the Division of Natural Resources]

[Passed March 10, 2012; in effect ninety days from passage.]

An ACT to amend and reenact §20-2-22 of the Code of West Virginia, 1931, as amended, relating to tagging of certain game animals; and removing bobcats from the list of species requiring a field tag.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4330 (By Delegates Stagers, L. Phillips, Butcher, Varner, Ferns, Cann, R. Phillips, Paxton, Stowers, Iaquina and Longstreth)

[Passed March 6, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §17B-2-1 and §17B-2-6 of the Code of West Virginia, 1931, as amended, all relating to issuance of driver's licenses; providing that licenses issued under this section may contain information designating the licensee as a person who is an

honorably discharged veteran of any branch of the Armed Forces of the United States; providing that veterans may renew licenses without cost if not expired; and redefining 'previously licensed' as an applicant who has held at least a level two or similar driver's licensing level or class.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4332
(By Delegates Stowers, R. Phillips and Barker)**

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §16-5V-9 of the Code of West Virginia, 1931, as amended, relating to transfer of service credit from Public Employees Retirement System to Emergency Medical Services Retirement System.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4338
By Delegates Butcher, Stowers, Barill, Barker, R. Phillips, Hunt, Varner, Perdue, Moore, D. Poling and Cann)**

[Passed March 7, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended, relating to raising the maximum value amount of an abandoned motor vehicle \$2,500 to \$7,500 before someone may sell that vehicle; allowing towing companies to obtain title to abandoned vehicles acquired in a manner other than the request of law enforcement; and clarifying definitions.

**ENROLLED
COMMITTEE SUBSTITUTE
for
H. B. 4345
(By Delegates Boggs, D. Campbell, Fragale, Diserio, Marcum, Moore, R. Phillips and White)**

[Passed March 7, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-2-17, relating to the sale of company railroad scrap metal; defining terms; requiring written authorization for sale; setting a minimum weight for railroad scrap metal sold; requiring purchaser to attempt to verify ownership; creating certain presumptions and other standards available in civil action; providing that certain presumptions are lost if a company

does not follow this section; and allowing an award of costs and attorneys fees in certain circumstances.

**ENROLLED
COMMITTEE SUBSTITUTE**

for

H. B. 4351

(By Mr. Speaker, (Mr. Thompson) and Delegate Armstead) [By Request of the Executive]

[Passed March 6, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §15-5B-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §15-5B-6; to amend and reenact §22A-1-4, §22A-1-14 and §22A-1-21 of said code; to amend said code by adding thereto two new sections, designated §22A-1-13a and 22A-1-40; to amend said code by adding thereto a new article, designated §22A-1A-1, §22A-1A-2, §22A-1A-3 and §22A-1A-4; to amend and reenact §22A-2-2, §22A-2-12, §22A-2-16, §22A-2-20, §22A-2-24, §22A-2-43, §22A-2-55 and §22A-2-66 of said code; to amend said code by adding thereto a new section, designated §22A-2-43a; to amend and reenact §22A-6-4 of said code; to amend said code by adding thereto two new sections, designated §22A-6-13 and §22A-6-14; to amend and reenact §22A-7-5 of said code; to amend said code by adding thereto a new section, designated §22A-7-5a; and to amend said code by adding thereto a new article, designated §22A-12-1, all relating to mine safety generally; requiring coal mine operators to provide reports to and notify certain entities in the event of an emergency; establishing a mine safety anonymous tip hotline; exempting information provided to the hotline from the Freedom of Information Act; permitting the Director of the Office of Miners' Health, Safety and Training to share information regarding certification suspensions or revocations with other states and to promulgate certain legislative rules; requiring a study be conducted regarding mine inspector qualifications, compensation, training and inspections; creating a criminal offense and establishing criminal penalties for providing advance notice of an inspection or an inspector's presence at a mine; increasing civil and criminal penalties; requiring operator or employer to investigate complaints involving impaired miners; creating criminal offense and penalty for willful violation of mine safety laws, rules or standards causing a fatality; providing confidentiality of certain meetings relating to violations and mining accidents; excepting certain statements from release under freedom of information act; providing conditions relating to statements to director; allowing designation of certain persons by miner family members to attend interviews and hearings in certain circumstances and providing limitations thereto; providing that Director prepare and distribute list containing certain information of persons to assist families following accidents; providing for suspension of mining certificates in certain circumstances; requiring coal mining operators and certain employers to implement substance abuse screening policy and program for certain persons; providing procedures and minimum requirements of substance abuse screening

policy and program; requiring substance abuse screening upon preemployment, rehiring or transfer of miner; requiring coal mine operators to provide notification to the Director of the Office of Miners' Health, Safety and Training of certain information at specified intervals and upon certain events related to substance abuse violations; allowing operator policies to be more restrictive than minimum statutory requirements; requiring substance abuse screening of all persons in safety sensitive positions; requiring immediate suspension of miner certificates as a result of suspensions or revocations for substance abuse in other jurisdictions and reciprocity; providing procedure for board of appeals hearings on certification suspensions and judicial review of board decisions; providing exemptions from and exceptions to the disclosure of substance abuse screening results; providing rule-making on thresholds and other protocols and requirements; providing internal effective dates; revising procedure for approval, review, comment and enforcement of mine ventilation plans; increasing the number of days an apprentice must work within sight and sound of mine foreman or experienced miner; authorizing additional training when certain conduct creating hazardous condition at mine; requiring methane detectors be maintained in accordance with manufacturer specifications; requiring periodic review copies of fire boss books by the mining superintendent or senior person at the mine, and duties thereto; requiring director to proscribe fire boss book; revising and expanding examination and reporting requirements relating to certain inspections; increasing the percentage of rock dust to be maintained in coal mines and providing certain information upon request; prescribing actions required to detect and respond to excess methane gas levels in coal mines; establishing safety levels and testing requirements relating to methane and providing for rules relating thereto and requiring certain action at certain levels; prescribing requirements for persons to operate or repair mining machinery; providing for increased training regarding the use of self-contained self-rescue devices; providing additional notification by coal mine operators in the event of an accident; allowing reduction of civil penalties when mitigating circumstances exist; authorizing board to conduct investigation in accidents resulting in a fatality; requiring study of and report on the safety of working or traveling in bleeder or gob areas of certain coal mines; requiring studies of expanding certification and mandatory substance abuse program and authorizing emergency rule-making by the Board and Director relating thereto; directing additional education for certain miners rights and protections; requiring study of and report on education, training and examination associated with certifying miners; and requiring a study and report on enforcement procedures.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4376

(By Delegates Brown, Craig, D. Poling, R. Phillips, Hunt, Swartzmiller, Michael, Skaff, Walters and Nelson)

[Passed March 8, 2012; in effect from passage.]

AN ACT to amend and reenact §60-8-3 of the Code of West Virginia, 1931, as amended, relating to licensing wine sales at certain professional baseball stadiums; providing license fees; providing a definition of professional baseball stadium; providing standards for licensing and authority for the commissioner to regulate such sales; and granting rule-making authority.

**ENROLLED
COMMITTEE SUBSTITUTE
for**

H. B. 4390

(By Delegates Doyle, Rodighiero, Ferro, Frazier, Reynolds, Storch and Walters)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to repeal §39-4-1, §39-4-2, §39-4-3, §39-4-4, §39-4-5, §39-4-6 and §39-4-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new chapter, designated §39B-1-101, §39B-1-102, §39B-1-103, §39B-1-104, §39B-1-105, §39B-1-106, §39B-1-107, §39B-1-108, §39B-1-109, §39B-1-110, §39B-1-111, §39B-1-112, §39B-1-113, §39B-1-114, §39B-1-115, §39B-1-116, §39B-1-117, §39B-1-118, §39B-1-119, §39B-1-120, §39B-1-121, §39B-1-122, §39B-1-123, §39B-2-101, §39B-2-102, §39B-2-103, §39B-2-104, §39B-2-105, §39B-2-106, §39B-2-107, §39B-2-108, §39B-2-109, §39B-2-110, §39B-2-111, §39B-2-112, §39B-2-113, §39B-2-114, §39B-2-115, §39B-2-116, §39B-2-117, §39B-3-101 §39B-3-102, §39B-4-101, §39B-4-102, and §39B-4-103; and to amend and reenact §44A-3-3 of said code, all relating to repealing the Uniform Durable Power of Attorney Act and adopting the Uniform Power of Attorney Act; declaring the state law of the state where the power of attorney is executed to be controlling; providing a short title; providing definitions; setting forth the applicability of the act; providing that the power of attorney is durable; requiring the power of attorney to be acknowledged before a notary public or other individual authorized by law to take acknowledgments; providing for execution, validity and meaning and effect of power of attorney; nominating conservator or guardian and relation of agent to court-appointed fiduciary; providing when power of attorney effective; terminating power of attorney or agent's authority; providing for coagents and successor agents and their liability; reimbursing and compensating agent, exception; providing for agent's acceptance of appointment and agent's duties; exonerating agent in power of attorney, exceptions; providing certain persons judicial relief to construe a power of attorney or review an agent's conduct; providing for agent's liability in certain monetary amounts; providing for resignation of agent; accepting and relying upon acknowledged power of attorney and for what a request may be made before accepting the power of attorney; providing for liability for refusing to accept an acknowledged statutory form power of attorney; declaring that principles of law and equity supplement the act; providing that laws applicable to financial institutions and

entities supercede this act; declaring remedies under the act are not exclusive; granting specific and general authority under the power of attorney; providing for granting general authority of the agent under a power of attorney which incorporates by reference a subject matter involving real property, tangible personal property, stocks and bonds, commodities and options, financial institutions, operation of an entity or business, insurance and annuities, estates, trusts and other beneficial interests, claims and litigation, personal and family maintenance, benefits from governmental programs or civil or military service, retirement plans, taxes and gifts; providing a statutory form power of attorney form; providing miscellaneous provisions relating to uniformity of application and construction and relating to electronic signatures in the Global and National Commerce Act; providing application of act on existing powers of attorney; and removing provision in the West Virginia Guardianship and Conservatorship Act that a conservator may not revoke or amend a durable power of attorney without approval of the court to avoid a conflict.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4396
(By Delegates Swartzmiller and D. Poling)**

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact §5H-1-1, §5H-1-2 and §5H-1-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing a death benefit to the surviving spouse or designated beneficiary or contingent beneficiaries of law-enforcement officers who die in the performance their duties; requiring agencies to notify employees of the possible benefit; encouraging departments to obtain and preserve written designations of beneficiaries; and establishing an effective date of January 1, 2012.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4398
(By Delegates Marshall, Iaquinta, Reynolds, Stowers, Anderson and Evans)**

[Passed March 7, 2012; in effect from passage.]

AN ACT finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

ENROLLED

H. B. 4403

(By Delegates Miley, Manchin, Lawrence and Fleischauer)[By request of Secretary of State]

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §3-6-4a of the Code of West Virginia, 1931, as amended, relating to changing the filing deadline for certified write-in candidates; and removing language that conflicts with other sections of the code relating to the filling of vacancies.

ENROLLED

H. B. 4415

(By Delegates Staggers, Perry, Sumner, Pino, O'Neal, Boggs, Moye and L. Phillips)

[Passed February 24, 2012 ; in effect from passage.]

AN ACT to authorize a Prince Railroad Station Authority to acquire and maintain the railroad station building and the appurtenances thereto located in Prince, West Virginia; to be created as a public corporation; membership, terms and compensation of the board; powers; exemption from taxation; and dissolution of the authority.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4422

(By Delegates Butcher, Walker, D. Poling, Boggs, Caputo, Martin, Stephens, Diserio, Storch, Hamilton and Ellem)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §21-3D-1, §21-3D-2, §21-3D-3, §21-3D-4 and §21-3D-9 of the Code of West Virginia, 1931, as amended, all relating to crane operator certification; redefining a crane for the purposes of the act; clarifying those persons who are exempted from certification; expanding the type of equipment for which certification is required to operate; requiring adherence to standards established by the Occupational Safety and Health Administration of the United States Department of Labor; clarifying the minimum requirements for certification; authorizing the Commissioner of Labor to issue notices to cease and desist unlawful practices; authorizing the Commissioner of Labor to apply to the circuit court for injunctive relief; limiting reciprocity provisions; deleting obsolete provisions; and requiring certain crane operators to hold certain classes of certification as of November 10, 2014.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

H. B. 4424

(By Delegates Morgan, Stephens, Butcher, Staggers and Border)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §27-5-11 of the Code of West Virginia, 1931, as amended, relating to modified mental hygiene procedures; extending the termination date of the modified mental hygiene procedures pilot project; including addiction as a basis for treatment under the pilot project; authorizing additional programs throughout the state; continuing the pilot project through July 1, 2014; and requiring the secretary of the Department of Health and Human Resources to report to the legislature regarding the efficacy of the pilot program on or before the first day of the 2013 and 2014 regular sessions of the Legislature.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

H. B. 4433

(By Delegates Williams, Ashley, Cann, Fern, Iaquina, Perry, R. Phillips, Pino, Shaver and Varner)

[Passed March 9, 2012; in effect ninety days from passage.]

A BILL to amend and reenact §18-2-34 the Code of West Virginia, 1931, as amended, relating to modifying the criteria for awarding high school diplomas to certain veterans.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

H. B. 4438

(By Delegates Perdue, Perry, Hamilton, Hartman, Poore, D. Campbell, M. Poling, Hatfield, Ellington, Hunt and Williams)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2L-1, §16-2L-2, §16-2L-3, §16-2L-4, §16-2L-5, §16-2L-6 and §16-2L-7; and to amend said code by adding thereto a new article, designated §33-25G-1, §33-25G-2, §33-25G-3, §33-25G-4 and §33-25G-5, all relating to provider sponsored networks; stating the purpose; making legislative findings; defining terms; authorizing the Secretary of the Department of Health and Human Resources to contract with provider sponsored networks to provide services to Medicaid beneficiaries; assigning certain

medicaid beneficiaries to provider sponsored networks; guaranteeing Medicaid beneficiaries' freedom to choose a managed care plan; providing an exemption from anti-trust laws; requiring reports to the Legislature; providing for shared savings with the state; authorizing the Insurance Commissioner to license provider sponsored networks; subjecting provider sponsored networks generally to the laws governing HMOs; providing for participation of health care providers in a provider sponsored network; permitting lower or different minimum capital and surplus amounts; and providing rule-making authority, including emergency rules.

ENROLLED

COMMITTEE SUBSTITUTE

for

H. B. 4451

(By Delegates Overington, Wells, Doyle, Frazier, Hunt, Ellem, Lane, Fragale and Fleischauer)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §3-1-19 of the Code of West Virginia, 1931, as amended, relating to appointment of ballot commissioners; and authorizing county executive committees of the two largest political parties to make appointments.

ENROLLED

H. B. 4481

(By Delegates Hatfield, Hall, Moore, Morgan, L. Phillips, D. Campbell and Butcher)

[Passed March 6, 2012; in effect ninety days from passage.]

AN ACT to repeal §16-42-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-42-3 of said code, relating to the Comprehensive Behavioral Health Commission; increasing the membership of the Commission and the membership of the Advisory Board to the Commission; reestablishing the Advisory Board; and repealing the termination date of the commission.

ENROLLED

COMMITTEE SUBSTITUTE

for

H. B. 4486

(By Delegates Miley, Hatfield, Ellem, Poore, Reynolds, Hunt, Walters and Manchin)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6F-2, relating to the

disclosure of certain information regarding liability insurance coverage.

**ENROLLED
COMMITTEE SUBSTITUTE
FOR**

H. B. 4493

**(By Delegates Ashley, Anderson, Iaquina, White, Azinger, Armstead,
Paxton, Boggs and Pasdon)**

[Passed February 29, 2012 ; in effect 90 days from passage.]

AN ACT to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to establishing special memorial observances for military veterans; observing the week in which December 7 falls as a special memorial week to be known as Pearl Harbor and Military Appreciation Week; directing the State Department of Education to implement a program involving students which recognizes the contributions made by West Virginians in the United States military; declaring March 30 as a special memorial day to be known as Vietnam Veteran Recognition Day; declaring August 7 as a special memorial day to be known as Purple Heart Recognition Day; and declaring July 27 as a special memorial day to be known as Korean War Veteran Recognition Day.

**ENROLLED
COMMITTEE SUBSTITUTE
for**

H. B. 4504

**(By Delegates Border, Anderson, Ellem, Perdue, Boggs, D. Poling, Azinger
and Stagers)**

[Passed March 9, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2D-5c, relating to development and operation of a nursing home by a nonprofit community health care organization designated by a county commission; creating an exemption from the current moratorium on nursing home beds; establishing the prerequisite requirements for the exemption; and mandating conformance to current certificate of need requirements.

**ENROLLED
H. B. 4521**

**(By Delegates Poore, Hunt, Moore, Mahan, Guthrie, Ireland, Wells, Miley,
Michael, Frazier and White)**

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-13-703, relating to permitting the restructuring of child support payments of an inmate who is released from the custody of the Division of Corrections or United States Bureau of Prisons under certain circumstances; providing that one judge within the circuit may assume jurisdiction over all child support obligations of the former inmate; and providing a minimum amount of child support which is to be paid each month in each case.

ENROLLED

H. B. 4522

(By Delegates Poore, Hunt, Sobonya, Guthrie, Ireland, Lawrence, Michael, Miley, White, Frazier and Skaff)

[Passed March 10, 2012; in effect July 1, 2012.]

AN ACT to amend and reenact §51-2A-9 of the Code of West Virginia, 1931, as amended, relating to providing additional contempt powers for family court judges in civil contempt cases; and providing for alternatives to incarceration until the person has purged himself or herself of the contempt.

ENROLLED

H. B. 4523

(By Delegates Poore, Moore, Mahan, Guthrie, Wells, Michael, Frazier, White and Miley)

[Passed March 7, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §48-18-125 of the Code of West Virginia, 1931, as amended, relating to the Bureau for Child Support enforcement; reporting employment and income; providing definition of independent contractor; and reporting income of an independent contractor if the contract for services is over \$2500.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4530

(By Delegates White, Varner, Boggs, R. Phillips, Andes, Morgan, Stowers and Poore)

[Passed March 7, 2012; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding

thereto a new section, designated §24-2-4f, relating to authorizing the Public Service Commission of West Virginia to consider and authorize the recovery of certain expanded net energy costs by certain electric utilities through the issuance of consumer rate relief bonds; providing definitions; providing application process for financing order authorizing the recovery of certain costs; requiring certain information in application for financing order; providing for issuance of financing order and information contained therein; allowing for disposition of consumer rate relief property; providing for term of financing order; providing for subsequent Public Service Commission proceedings and limits on commission authority; providing for duties of certain electric utilities; providing for application of adjustment mechanism and filing of schedules with commission; providing for nonbypassability of consumer rate relief changes; providing for utility default and successors to certain utilities; providing for security interest in consumer rate relief property and transfer and sale of same; providing for limitation on taxation of consumer rate relief charges and exemption thereto; providing that consumer rate relief bonds are not debt of governmental entities or a pledge of taxing power; providing consumer rate relief bonds as legal investment; providing for certain pledge of state; providing for governing law; and providing for severability and non-utility status.

ENROLLED

H. B. 4542

(By Delegates White, T. Campbell, Varner and Williams) [Requested by the Department of Commerce]

[Passed March 10, 2012; in effect July 1, 2012.]

AN ACT to amend and reenact §21A-5-7 of the Code of West Virginia, 1931, as amended, all relating to unemployment compensation benefits; preventing contributory employers from being relieved of benefit charges to their accounts if an overpayment of benefits is the result of the employer's or an employer's agent's failure to provide requested information to the agency timely or to adequately; and providing definitions.

ENROLLED

H. B. 4549

(By Delegates White, T. Campbell, Varner and Williams) (By request of the Department of Commerce)

[Passed March 10, 2012; in effect July 1, 2012.]

AN ACT to amend and reenact §21A-10-7 of the Code of West Virginia, 1931, as amended, relating to imposing a monetary penalty on unemployment compensation recipients for obtaining benefits through the use of fraudulent statements or actions; specifying disposition of the penalties collected; and providing that penalty amounts may not be used to offset future benefit payments to recipients.

ENROLLED

H. B. 4567

(By Delegate Iaquina, Miley and Fragale)

[Passed March 8, 2012; in effect from passage.]

AN ACT to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to permitting the Harrison county commission to levy a special district tax.

ENROLLED

H. B. 4583

(By Delegates M. Poling, Shaver, Caputo, Moye, Perry, Michael, Sumner and Duke)

[Passed March 5, 2012; in effect from passage.]

AN ACT to amend and reenact §18A-2-2, §18A-2-6, §18A-2-7 and §18A-2-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-7a of said code, all relating to school personnel; changing certain deadlines pertaining to termination of a continuing contract, resignation, retirement, transfer and rehiring of probationary employees; changing the number of days prior to the beginning of the instructional term for limiting the transfer of certain employees; and restricting application of certain provisions pertaining to limiting the transfer of certain employees.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4601

(By Delegates Iaquina, Swartzmiller, Longstreth, Pethel, Fleischauer, Pasdon, Nelson, Staggers, Paxton and Smith)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-27, relating to authorizing the West Virginia National Guard to participate in a federal asset forfeiture or sharing program; creating the West Virginia National Guard Counterdrug Forfeiture Fund administered by the Adjutant General; and authorizing the Adjutant General to propose rules.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4605

(By Delegates Miley, Moore, Walker, Ferro, Boggs, J. Miller, Manypenny, Michael, Pino, O'Neal and Lane)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §48-2-104 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §48-2-701 and §48-2-702; and to amend and reenact §59-1-10 of said code, all relating generally to premarital education; providing a premarital education incentive to applicants for marriage licenses; providing for curriculum requirements for premarital education; identifying instructors for premarital education; increasing the fee for marriage license without completion of a premarital education course; creating a fund for purposes of administering the premarital education; and creating a fund for purposes of administering civil legal services for low income persons.

ENROLLED

H. B. 4626

(By Delegates Miley, Morgan, Swartzmiller, Lawrence and Snuffer)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §15-2-4 of the Code of West Virginia, 1931, as amended, relating to the State Police appointment of commissioned officers, noncommissioned officers, other members; increasing principle supervisors to nineteen.

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4630

(By Delegate Boggs)

[Passed March 6, 2012; in effect from passage.]

AN ACT to amend and reenact chapter 196 of the Acts of the Legislature, regular session, 1963, as last amended and reenacted by chapter 206 of the Acts of the Legislature, regular session, 1967, all relating to the Braxton County Recreational Development Authority; modifying the membership of the Braxton County Recreational Development Authority; transferring certain authority from the Braxton County Board of Education to the Braxton County Commission; and requiring the approval of the Braxton County Commission and the Braxton County Board of Education on land transactions conducted by the authority.

ENROLLED

H. B. 4634
(By Delegate White)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §49-6C-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-2-21 of said code, all relating to fiscal audits conducted by the Legislative Auditor of the Alcohol Beverage Control Commission and the Children's Trust Fund; increasing audits of the Alcohol Beverage Control Commission from two fiscal years to fiscal five years; and increasing audits of the Children's Trust Fund from three fiscal years to five fiscal years.

ENROLLED

H. B. 4648
(By Delegates Perry and Sigler) [By Request of the Supreme Court of Appeals]

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §48-27-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-2A-2 of said code, all relating to authorizing the Supreme Court of Appeals to utilize existing judicial officers and resources to establish and implement one domestic violence court pilot project; establishing and clarifying the jurisdiction of the pilot project court; establishing an expiration date for the pilot project and requesting reports to the President of the Senate and Speaker of the House of Delegates prior to the convening of the regular sessions of the legislature in the years 2015 and 2016.

ENROLLED

H. B. 4652
(By Delegates White, Cann, Iaquinta, Mahan, Marshall, Perdue, Ashley and Carmichael)

[Passed March 10, 2012; in effect from passage.]

AN ACT making a supplementary appropriation of federal funds out of the treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2012, to the Department of Administration - Children's Health Insurance Agency, fund 8838, fiscal year 2012, organization 0230, to the Department of Environmental Protection - Division of Environmental Protection, fund 8708, fiscal year 2012, organization 0313, to the Department of Health and Human Resources - Division of Health - Central Office, fund 8802, fiscal year 2012, organization 0506, to the Department of Health and Human Resources - Division of Health - West

Virginia Safe Drinking Water Treatment, fund 8824, fiscal year 2012, organization 0506, to the Department of Health and Human Resources - Division of Human Services, fund 8722, fiscal year 2012, organization 0511, and to Miscellaneous Boards and Commissions - Coal Heritage Highway Authority, fund 8861, fiscal year 2012, organization 0942, by supplementing and amending the appropriations for the fiscal year ending June 30, 2012.

ENROLLED

H. B. 4654

(By Delegates Morgan and Stephens)

[Passed March 7, 2012; in effect from passage.]

AN ACT to amend and reenact §5-10D-6 of the Code of West Virginia, 1931, as amended, relating to voluntary deductions by the Consolidated Public Retirement Board from monthly benefits to pay retiree association dues; establishing the date when the increased dues will be deducted; requiring prior authorization of the increased deductions by the retirants; adding requirement of board provision of blind mailing services for retiree associations; providing that the board is not liable for the provision of services; establishing a termination date of July 1, 2022.

ENROLLED

H. B. 4655

(By Delegates M. Poling and Paxton)

[Passed March 10, 2012; in effect from passage.]

AN ACT to amend and reenact §18A-4-8e of the Code of West Virginia, 1931, as amended, relating to school service personnel certification; establishing criteria for certain certificate issuance, denial and revocation; establishing certification review panel; requiring reporting of certain acts; providing for certificate recall and correction under certain circumstance; and requiring State Board rule.

ENROLLED

H. B. 4656

(By Delegates White, T. Campbell, Guthrie, Iaquina, Mahan, Perdue, L. Phillips, M. Poling, Reynolds, Williams and Evans)

[Passed March 10, 2012; in effect from passage.]

AN ACT making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining

unappropriated for the fiscal year ending June 30, 2012, to the Division of Human Services - Temporary Assistance for Needy Families, fund 8816, fiscal year 2012, organization 0511, by supplementing and amending the appropriation for the fiscal year ending June 30, 2012.

ENROLLED

H. B. 4657

(By Delegates White, T. Campbell, Guthrie, Iaquina, Marshall, L. Phillips, D. Poling, M. Poling, Williams, Ashley and Canterbury)

[Passed March 10, 2012; in effect from passage.]

AN ACT making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2012, to the Department of Administration, Department of Administration - Office of the Secretary - Employee Pension and Health Care Benefit Fund, fund 2044, fiscal year 2012, organization 0201, to the Department of Administration - Division of Purchasing - Purchasing Improvement Fund, fund 2264, fiscal year 2012, organization 0213, to the Department of Environmental Protection - Division of Environmental Protection - Oil and Gas Operating Permit and Processing Fund, fund 3323, fiscal year 2012, organization 0313, to the Department of Environmental Protection - Division of Environmental Protection - Stream Restoration Fund, fund 3349, fiscal year 2012, organization 0313, to the Department of Environmental Protection - Division of Environmental Protection - Mountaintop Removal Fund, fund 3490, fiscal year 2012, organization 0313, to the Department of Health and Human Resources - Division of Human Services - West Virginia Works Separate State Two-Parent Program Fund, fund 5468, fiscal year 2012, organization 0511, to a new item of appropriation designated to the to the Department of Military Affairs and Public Safety - West Virginia State Police - State Police Academy Post Exchange, fund 6544, fiscal year 2012, organization 0612, to the Department of Revenue - Racing Commission - General Administration, fund 7305, fiscal year 2012, organization 0707, to the Miscellaneous Boards and Commissions - WV State Board of Examiners for Licensed Practical Nurses, fund 8517, fiscal year 2012, organization 0906, and to the Miscellaneous Boards and Commissions - Public Service Commission - Consumer Advocate, fund 8627, fiscal year 2012, organization 0926, by supplementing and amending chapter 11, Acts of the Legislature, regular session, 2011, known as the Budget Bill.

ENROLLED

H. B. 4658

(By Delegates White, Guthrie, Iaquina, Marshall, Perdue, D. Poling, Anderson, Ashley, Carmichael, C. Miller and Walters)

[Passed March 10, 2012; in effect from passage.]

AN ACT supplementing, amending, decreasing and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation - Division of Highways, fund 9017, fiscal year 2012, organization 0803, for the fiscal year ending June 30, 2012.

FROM FIRST SPECIAL SESSION

ENROLLED

H. B. 101

(By Mr. Speaker, (Mr. Thompson) and Delegate Armstead) [By Request of the Executive]

[Passed March 16, 2012; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13CC-1, §11-13CC-2, §11-13CC-3, §11-13CC-3a, §11-13CC-4 and §11-13CC-5; and to amend and reenact §24-2-1j of said code, all relating to creating the Energy Intensive Industrial Consumers Revitalization Tax Credit Act; making legislative findings and declaring purpose; establishing tax credits for suppliers of coal to certain electric utilities who are subject to the coal severance tax subject to certain limitations and requirements; specifying when the tax credits may be claimed; authorizing the carry forward of tax credits subject to certain limitations and restrictions; specifying how the tax credits are calculated and allocated; providing for applicability of tax credit against required minimum severance tax payments on coal; specifying how the payments triggered by the tax credits are to be calculated and made; authorizing the notification and disclosure of certain information related to the implementation and administration of tax credits and required payments; establishing certain effective dates and expiration dates; granting the Public Service Commission certain authority concerning special rates and prescribing certain limitations and requirements related thereto; and requiring information on special rates in the Public Service Commission's annual report.

ENROLLED

Senate Bill No. 1002

(By SENATORS KESSLER (MR. PRESIDENT) AND HALL, BY REQUEST OF THE EXECUTIVE)

[Passed March 16, 2012; in effect from passage.]

AN ACT expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2012, in the amount of \$10,000,000 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, 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 Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2012, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2012.