

**ACTS**  
**OF THE**  
**LEGISLATURE**  
**OF**  
**WEST VIRGINIA**



**Regular Session, 2011**  
**Constitutional Amendment, 2011**  
**First Extraordinary Session, 2011**  
**Second Extraordinary Session, 2011**

**Volume II**  
**Chapters 118 - 188**  
**Chapters 1 - 8**  
**Chapters 1 - 3**

**WEST VIRGINIA HOUSE OF DELEGATES**  
**HONORABLE RICHARD THOMPSON**  
SPEAKER OF THE HOUSE

\*\*\*\*\*

COMPILED AND PUBLISHED  
UNDER THE DIRECTION  
OF  
**GREGORY M. GRAY**  
CLERK OF THE HOUSE



**OFFICE OF THE CLERK OF THE HOUSE**  
212 MAIN UNIT  
STATE CAPITOL  
CHARLESTON, WEST VIRGINIA

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# TABLE OF CONTENTS

## ACTS

### Regular Session, 2011

---

#### GENERAL LAWS

---

Chapter Bill No. Page

#### MANUFACTURED HOUSING

118. (\*SB439) Clarifying that Filing of a Manufactured Housing Complaint with State Regulatory Board Is a Prerequisite for a Lawsuit. . . . . 1341

#### MEDICAID FRAUD

119. (\*SB532) Relating to Fraud and Abuse in the Medicaid Program. . . . . 1343

#### MOTOR VEHICLES

120. (\*SB263) Relating to Special Plates for Testing of Vehicles Operated by Certain Nonprofit Corporations. . . . . 1351

#### MUNICIPALITIES

121. (HB2697) Updating the Recordkeeping Requirements of Municipalities. . . . . 1354
122. (\*SB335) Authorizing Certain Municipalities to Regulate Taxis and Taxi Stands by Ordinance. . . . . 1355
123. (\*HB2075) Relating to Acquisition of a Municipal Business License. . . . . 1357

TABLE OF CONTENTS

124. (\*HB2752) Increasing the Maximum Age for  
Persons Applying for an Appointment  
to the Police Force in a Class I  
or Class II City from Thirty-  
Five to Forty Years. . . . . 1358

125. (SB563) Authorizing Municipalities to Create  
Deferred Retirement Option Plans  
for Certain Employees. . . . . 1361

126. (SB222) Relating to Municipal Police  
Officers and Firefighters  
Retirement Systems. . . . . 1365

127. (\*SB234) Revising the Municipal Economic  
Opportunity Development  
District Act. . . . . 1368

**MUNICIPAL POLICE AND FIREFIGHTERS**

128. (\*SB544) Relating to Municipal Policemen’s  
and Firemen’s Pension and  
Relief Funds. . . . . 1398

129. (SB546) Relating to Municipal Police  
and Firefighter Pensions. . . . . 1410

**NATIONAL GUARD**

130. (\*HB2981) Clarifying Payment for Trade  
Certifications and Allowing Use  
of Tuition Assistance for West  
Virginia National Guard Members  
Enrolled in a Doctor of Medicine  
or Osteopathic Medicine Program. . . . 1417

131. (\*SB382) Specifying Activities Entitling Certain  
Members of the National Guard or  
Reserve to Leave of Absences. . . . . 1420

TABLE OF CONTENTS

**NEIGHBORHOOD INVESTMENT PROGRAM ACT**

132. (\*SB243) Relating to the Neighborhood  
Investment Program Act. . . . . 1422

**NEWS MEDIA**

133. (\*HB2159) Relating to Prohibiting Members  
of the News Media from Being  
Compelled to Give Testimony. . . . . 1433

**NONPROFIT YOUTH ORGANIZATION VOLUNTEERS**

134. (\*SB570) Creating the Volunteer for Nonprofit  
Youth Organizations Act. . . . . 1434

**NURSING HOMES**

135. (HB3114) Allowing the Development and  
Operation of a Nursing Home  
on the Grounds of a Critical  
Access Hospital Meeting  
Certain Restrictions. . . . . 1444
136. (\*HB2522) Relating to Nursing Home  
Administrative Appeals. . . . . 1446
137. (\*HB3196) Establishing a Program and  
Procedure for Certifying  
Medications Assistive Persons  
in the Health Industry. . . . . 1457

**PRESCRIPTIONS**

138. (SB285) Extending the Time Frame Practitioners  
Must Write Prescriptions on  
Official Tamper-Resistant Paper. . . . . 1469

**PRICE GOUGING**

139. (SB192) Protecting Consumers from  
Price Gouging and Unfair  
Pricing Practices. . . . . 1471

TABLE OF CONTENTS

**PROBATION AND PAROLE**

140. (\*SB60) Relating to Certain Supervisory  
Duties of Circuit Probation Officers. . . 1475
141. (HB2001) Providing that Inmates Serving Life  
Sentences Shall Be Considered  
for Parole Only Once Every  
Three Years. . . . . 1482

**PROFESSIONS AND OCCUPATIONS**

142. (\*HB2498) Relating to the Practice of Dentistry. . . . 1492
143. (\*HB2479) Relating to Dental Anesthesia. . . . . 1500
144. (\*HB2368) Relating to the Practice of  
Beauty Care. . . . . 1518

**PUBLIC HEALTH**

145. (\*SB560) Relating to Confidentiality  
of the Health Care Authority's  
Rate-Setting Model. . . . . 1522

**PUBLIC SERVICE COMMISSION**

146. (\*HB2663) Relating to Public Service  
Commissioners Presiding  
at Hearings. . . . . 1523

**PUBLIC SERVICE DISTRICTS**

147. (HB3119) Increasing the Expenditure Limit  
on Public Service District  
Construction and Purchase  
Contracts. . . . . 1536

**RAILROADS**

148. (\*HB3126) Requiring a Railroad Company to  
Provide Pesticide Safety Information. . 1538

TABLE OF CONTENTS

**RESIDENTIAL RENTAL SECURITY DEPOSITS**

149. (\*HB3202) Relating to Residential Rental Security Deposits. . . . . 1541

**RETIREMENT**

150. (\*HB2939) Clarifying the Definition of Compensation for Purposes of Calculating Required Contributions to the Public Employees Retirement System. . . . . 1549
151. (HB3145) Providing a One-Time Bonus to Certain Annuitants of the Public Employees Retirement System and the State Teachers Retirement System. 1570
152. (HB2765) Relating to the Retirement Plans Administered by the West Virginia Consolidated Public Retirement Board. 1572

**ROADS AND HIGHWAYS**

153. (\*SB282) Continuing the Highway Design-Build Pilot Program. . . . . 1575

**SALARIES**

154. (\*HB2879) Providing a One-Time, Nonbase Building, Supplemental Salary Increase for All Eligible State Employees. . . . . 1577

**SEX OFFENDER REGISTRATION ACT**

155. (\*SB256) Requiring Sex Offenders to Verify E-mail and Online Identities. . . . . 1611

**SOCIAL WORK**

156. (\*HB2525) Relating to the Practice of Social Work. . 1612

TABLE OF CONTENTS

**STATE AGENCIES**

157. (\*SB238) Redesignating the Division of Veterans' Affairs as the Department of Veterans' Assistance. . . . . 1642
158. (\*SB241) Relating to the Organization and Authority of the Marketing and Communications Office of the Department of Commerce, Division of Tourism and Tourism Commission. . . . . 1661

**STATE POLICE**

159. (\*HB2863) Providing for the Costs of Disability Physical and/or Mental Examinations Approved by the Consolidated Public Retirement Board under the West Virginia State Police Plan. . . . . 1680
160. (\*HB2539) Authorizing the West Virginia State Police to Enter into Agreements for Certain Forensic Services with the Marshall University Forensic Science Center. . . . . 1685

**TAXATION**

161. (\*SB465) Creating the Marcellus Gas and Manufacturing Development Act. . . . . 1688
162. (\*HB2949) Providing Definitions of "Low Income" for Purposes of Property Tax Relief Programs. . . . . 1729
163. (HB2918) Relating to Permanent Business Registrations. . . . . 1742
164. (\*HB2963) Relating to the Dedication of Coalbed Methane Severance Tax Proceeds. . . . . 1754



TABLE OF CONTENTS

165. (HB2993) Relating to the West Virginia  
Commercial Patents  
Incentives Tax Act. . . . . 1762

166. (\*HB2955) Authorizing the Division of Mining  
and Reclamation to Assess Certain  
Fees to Coal Mine Operators. . . . . 1777

167. (HB2971) Reducing the Consumers Sales and  
Services Tax on Food and Food  
Ingredients and Defining the  
Term “Durable Medical Equipment”. . . 1805

168. (\*SB247) Exempting Certain Construction  
Contractor Purchases from the  
Consumers Sales, Service  
and Use Tax. . . . . 1808

169. (SB215) Updating Certain Terms in the  
Personal Income Tax Act. . . . . 1822

170. (SB35) Increasing the Nonfamily Adoption  
Tax Credit. . . . . 1824

171. (SB436) Continuing the Personal Income  
Tax Adjustment to Gross  
Income of Certain Retirees. . . . . 1825

172. (SB205) Updating Certain Terms in  
the Corporation Net Income Tax Act. . . 1827

173. (SB371) Updating the List of Jurisdictions  
Identified as Tax Havens. . . . . 1829

174. (\*SB492) Relating to Maximizing Federal  
Funding for the State Medicaid Program 1830

**UNDERGROUND STORAGE TANKS**

175. (SB366) Relating to the Underground  
Storage Tank Administrative Fund. . . . 1834

TABLE OF CONTENTS

**UNEMPLOYMENT COMPENSATION**

176. (HB3137) Providing for Additional  
Circumstances Giving Rise to  
“State ‘On’ Indicators”  
for Purposes of Extended  
Unemployment Compensation. . . . . 1836
177. (HB2763) Prohibiting the Executive Director  
of Workforce West Virginia  
from Billing a Reimbursable  
Employer under the Unemployment  
Compensation Law for  
Overpaid Amounts of Benefits  
Paid to a Claimant. . . . . 1845

**UNEMPLOYMENT COMPENSATION FUND**

178. (\*SB219) Relating to Maintaining Solvency  
of Unemployment Compensation Fund. 1848

**WATER DEVELOPMENT AUTHORITY**

179. (\*SB245) Relating to Protection of Chesapeake  
Bay Watershed. . . . . 1851

**WILDLIFE**

180. (SB358) Authorizing Electronic Registration  
of Wildlife. . . . . 1862

**WORKERS’ COMPENSATION**

181. (HB3271) Relating to the Distribution of  
State Funds to Volunteer Fire  
Companies and Departments. . . . . 1864
182. (\*HB2517) Allowing Correctional Industries  
to Directly Purchase Workers’  
Compensation Coverage for Inmates. . 1869

TABLE OF CONTENTS

183. (\*HB3163) Relating to Workers' Compensation Programs of State Government Entities. . . . . 1876

**YOUTHFUL OFFENDERS**

184. (\*HB2520) Relating to Centers for Housing Young Adult Offenders. . . . . 1880

**ZIPLINE REGULATION**

185. (\*HB2532) Zipline Responsibility Act. . . . . 1882

**LOCAL - BOONE COUNTY**

186. (\*HB2696) Authorizing the County Commission of Boone County to Transfer its Title and Interests in the Boone Memorial Hospital. . . . . 1891

**LOCAL - HUNTINGTON**

187. (\*HB3004) Relating to the Greater Huntington Park and Recreation District. . . . . 1894

**LOCAL - UPSHUR COUNTY**

188. (HB2557) Extending the Time for the Board of Education of Upshur County to Meet as a Levying Body. . . . . 1915

**CONSTITUTIONAL AMENDMENTS, 2011**

<b>Resolution No.</b>	<b>Page</b>
(SJR10)	Repeal the Two Consecutive Term Limitation for Sheriffs Amendment. . . . . 1917

TABLE OF CONTENTS

---

**First Extraordinary Session, 2011**

---

Chapter	Bill No.		Page
<b>APPROPRIATIONS</b>			
1.	(SB1004)	Making a Supplementary Appropriation of Unappropriated Moneys to Various Accounts. . . . .	1919
2.	(SB1005)	Supplementing, Amending and Increasing Appropriations to the Department of Transportation. . . . .	1926
3.	(SB1007)	Making a Supplementary Appropriation of Unappropriated Moneys to the Secretary of State. . . . .	1928
<b>HIGHER EDUCATION</b>			
4.	(SB1003)	Clarifying the Requirement for Deposit and Transfer of Higher Education Proceeds from Real Property. . . . .	1929
<b>REDISTRICTING</b>			
5.	(SB1008)	Reapportioning Congressional Districts..	1931
6.	(SB1006)	Reapportioning Senatorial Districts. . . . .	1933
<b>TAXATION</b>			
7.	(SB1001)	Reducing Consumers Sales and Service Tax on Food and Food Ingredients. . . . .	2034

TABLE OF CONTENTS

8. (SB1002) Dedicating a Portion of the Coal Severance Tax to the County of Origin. . . . . 2041

---

**Second Extraordinary Session, 2011**

---

Chapter Bill No. Page

**APPROPRIATIONS**

1. (SB2001) Expiring Funds from the Department of Revenue, Lottery Commission - Revenue Center Construction Fund, to the Department of Transportation, Division of Highways. . . . . 2047

2. (SB2002) Supplementing, Amending and Increasing Items from the State Road Fund to the Department of Transportation, Division of Highways. . . 2048

**REDISTRICTING**

3. (HB201) Reapportioning the House of Delegates Districts. . . . . 2050

# MEMBERS OF THE HOUSE OF DELEGATES

## REGULAR AND EXTRAORDINARY SESSIONS, 2011

### OFFICERS

*Speaker* - Richard Thompson, Wayne

*Clerk* - Gregory M. Gray, Charleston

*Sergeant at Arms* - Oce Smith, Fairmont

*Doorkeeper* - John Roberts, Hedgesville

District	Name	Address	Legislative Service
First	Ronnie D. Jones (D)	Weirton	80 <sup>th</sup>
	Randy Swartzmiller (D)	New Cumberland	75 <sup>th</sup> - 80 <sup>th</sup>
Second	Timothy R. Ennis (D)	Wellsburg	72 <sup>nd</sup> - 80 <sup>th</sup>
	Roy Givens (D)	Wellsburg	76 <sup>th</sup> - 80 <sup>th</sup>
Third	Ryan Ferris (D)	Wheeling	80 <sup>th</sup>
	Erikka Storch (R)	Wheeling	80 <sup>th</sup>
Fourth	Michael T. Ferro (D)	McMechen	79 <sup>th</sup> - 80 <sup>th</sup>
	Scott G. Varner (D)	Moundsville	71 <sup>st</sup> - 80 <sup>th</sup>
Fifth	Dave Pethel (D)	Hundred	69 <sup>th</sup> - 71 <sup>st</sup> ; 74 <sup>th</sup> - 80 <sup>th</sup>
Sixth	William Roger Romine (R)	Sistersville	75 <sup>th</sup> - 80 <sup>th</sup>
Seventh	Lynwood "Woody" Ireland (R)	Pullman	78 <sup>th</sup> - 80 <sup>th</sup>
Eighth	Everette W. Anderson, Jr. (R)	Williamstown	71 <sup>st</sup> - 80 <sup>th</sup>
Ninth	*Anna Border (R)	Davisville	Appt. 6/21/11, 80 <sup>th</sup>
Tenth	Tom Azinger (R)	Vienna	72 <sup>nd</sup> - 80 <sup>th</sup>
	John Ellem (R)	Parkersburg	75 <sup>th</sup> - 80 <sup>th</sup>
Eleventh	Daniel Poling (D)	Parkersburg	78 <sup>th</sup> - 80 <sup>th</sup>
	Bob Ashley (R)	Spencer	67 <sup>th</sup> - 73 <sup>rd</sup> ; 75 <sup>th</sup> - 80 <sup>th</sup>
Twelfth	Mitch Carmichael (R)	Ripley	75 <sup>th</sup> - 80 <sup>th</sup>
Thirteenth	**Helen Martin (D)	Poca	Appt. 5/17/11, 80 <sup>th</sup>
	Brady Paxton (D)	Liberty	71 <sup>st</sup> ; Appt. 4/22/1999, 74 <sup>th</sup> ; 75 <sup>th</sup> - 80 <sup>th</sup>
Fourteenth	Troy Andes (R)	Hurricane	78 <sup>th</sup> - 80 <sup>th</sup>
	Brian Savilla (R)	Hurricane	80 <sup>th</sup>
Fifteenth	Kevin J. Craig (D)	Huntington	75 <sup>th</sup> - 80 <sup>th</sup>
	Jim Morgan (D)	Huntington	69 <sup>th</sup> -70 <sup>th</sup> ; Appt. 2/23/2001, 75 <sup>th</sup> ; 76 <sup>th</sup> - 80 <sup>th</sup>
Sixteenth	Carol Miller (R)	Huntington	78 <sup>th</sup> - 80 <sup>th</sup>
	Kelli Sobonya (R)	Huntington	76 <sup>th</sup> - 80 <sup>th</sup>
Seventeenth	Dale Stephens (D)	Huntington	75 <sup>th</sup> ; 77 <sup>th</sup> - 80 <sup>th</sup>
	Doug Reynolds (D)	Huntington	78 <sup>th</sup> - 80 <sup>th</sup>
Eighteenth	Richard Thompson (D)	Lavellette	65 <sup>th</sup> ; Resigned 6/1981; 76 <sup>th</sup> - 80 <sup>th</sup>
	Don C. Perdue (D)	Prichard	74 <sup>th</sup> - 80 <sup>th</sup>
Nineteenth	Larry W. Barker (D)	Madison	77 <sup>th</sup> - 80 <sup>th</sup>
Twentieth	Greg Butcher (D)	Chapmanville	73 <sup>rd</sup> - 77 <sup>th</sup> ; 79 <sup>th</sup> - 80 <sup>th</sup>
	Rupert Phillips, Jr., (D)	Lundale	80 <sup>th</sup>
Twenty-first	Ralph Rodighiero (D)	Logan	78 <sup>th</sup> - 80 <sup>th</sup>
	Josh Stowers (D)	Alum Creek	79 <sup>th</sup> - 80 <sup>th</sup>
Twenty-second	K. Steven Kominar (D)	Kermit	72 <sup>nd</sup> - 80 <sup>th</sup>
	Harry Keith White (D)	Gilbert	Appt. 9/11/1992, 70 <sup>th</sup> ; 71 <sup>st</sup> - 80 <sup>th</sup>
Twenty-third	Daniel J. Hall (D)	Occana	79 <sup>th</sup> - 80 <sup>th</sup>
	Linda Goode Phillips (D)	Pineville	79 <sup>th</sup> - 80 <sup>th</sup>
Twenty-fourth	Clif Moore (D)	Thorpe	77 <sup>th</sup> - 80 <sup>th</sup>
Twenty-fifth	Marty Gearheart (R)	Bluefield	80 <sup>th</sup>
Twenty-sixth	John R. Frazier (D)	Princeton	65 <sup>th</sup> ; 79 <sup>th</sup> - 80 <sup>th</sup>
	Joe Ellington (R)	Princeton	80 <sup>th</sup>
Twenty-seventh	Gerald Crosier (D)	Union	76 <sup>th</sup> - 80 <sup>th</sup>
	Virginia Mahan (D)	Green Sulphur Springs	73 <sup>rd</sup> - 80 <sup>th</sup>
Twenty-eighth	Ricky Moye (D)	Crab Orchard	78 <sup>th</sup> - 80 <sup>th</sup>
	John D. O'Neal, IV (R)	Beckley	80 <sup>th</sup>
Twenty-ninth	Rick Snuffer (R)	Beaver	80 <sup>th</sup>
	Linda Sumner (R)	Beckley	76 <sup>th</sup> - 80 <sup>th</sup>

\* Appointed June 21, 2011, to fill the vacancy created by the death of her husband, the Honorable Larry W. Border.

\*\* Appointed May 17, 2011, to fill the vacancy created by the death of her husband, the Honorable Dale Martin.

## MEMBERS OF THE HOUSE OF DELEGATES, Continued

District	Name	Address	Legislative Service
Twenty-eighth.	Thomas W. Campbell (D)	Lewisburg	73 <sup>rd</sup> - 80 <sup>th</sup>
	Ray Canterbury (R)	Ronceverte	75 <sup>th</sup> - 80 <sup>th</sup>
Twenty-ninth.	David G. Perry (D)	Oak Hill	75 <sup>th</sup> - 80 <sup>th</sup>
	John Pino (D)	Oak Hill	67 <sup>th</sup> ; 71 <sup>st</sup> - 78 <sup>th</sup> ; 80 <sup>th</sup>
Thirtieth.	Margaret Anne Staggers (D)	Fayetteville	78 <sup>th</sup> - 80 <sup>th</sup>
	Bonnie Brown (D)	South Charleston	66 <sup>th</sup> - 68 <sup>th</sup> ; 70 <sup>th</sup> ; 75 <sup>th</sup> - 80 <sup>th</sup>
	Nancy Peoples Guthrie (D)	Charleston	78 <sup>th</sup> - 80 <sup>th</sup>
	Barbara Hatfield (D)	South Charleston	67 <sup>th</sup> - 69 <sup>th</sup> ; 74 <sup>th</sup> - 80 <sup>th</sup>
	Mark Hunt (D)	Charleston	72 <sup>nd</sup> - 74 <sup>th</sup> ; 77 <sup>th</sup> - 80 <sup>th</sup>
	Eric Nelson (R)	Charleston	80 <sup>th</sup>
	Doug Skaff, Jr. (D)	South Charleston	79 <sup>th</sup> - 80 <sup>th</sup>
Thirty-first.	Danny Wells (D)	Charleston	77 <sup>th</sup> - 80 <sup>th</sup>
	Meshea L. Poore (D)	Charleston	Appt. 12/18/2009; 79 <sup>th</sup> ; 80 <sup>th</sup>
Thirty-second.	Tim Armstead (R)	Elkview	Appt. 9/5/1998, 73 <sup>rd</sup> ; 74 <sup>th</sup> - 80 <sup>th</sup>
	Patrick Lane (R)	Cross Lanes	77 <sup>th</sup> - 80 <sup>th</sup>
	Ron Walters (R)	Charleston	71 <sup>st</sup> - 73 <sup>rd</sup> ; 75 <sup>th</sup> - 80 <sup>th</sup>
Thirty-third.	David L. Walker (D)	Ctendenin	79 <sup>th</sup> - 80 <sup>th</sup>
Thirty-fourth.	Brent Boggs (D)	Gassaway	73 <sup>rd</sup> - 80 <sup>th</sup>
Thirty-fifth.	Harold Sigler (R)	Summersville	80 <sup>th</sup>
Thirty-sixth.	Joe Talbott (D)	Webster Springs	71 <sup>st</sup> - 72 <sup>nd</sup> ; 76 <sup>th</sup> - 80 <sup>th</sup>
	Denise L. Campbell (D)	Elkins	80 <sup>th</sup>
Thirty-seventh.	William G. Hartman (D)	Elkins	76 <sup>th</sup> - 80 <sup>th</sup>
	Peggy Donaldson Smith (D)	Weston	79 <sup>th</sup> - 80 <sup>th</sup>
Thirty-eighth.	Bill Hamilton (R)	Buckhannon	76 <sup>th</sup> - 80 <sup>th</sup>
Thirty-ninth.	Mary M. Poling (D)	Moatsville	75 <sup>th</sup> - 80 <sup>th</sup>
Fortieth.	Samuel J. Cann, Sr. (D)	Bridgeport	72 <sup>nd</sup> - 80 <sup>th</sup>
	Ron Fragale (D)	Clarksburg	70 <sup>th</sup> - 73 <sup>rd</sup> ; 75 <sup>th</sup> - 80 <sup>th</sup>
	Richard J. Iaquina (D)	Clarksburg	76 <sup>th</sup> - 80 <sup>th</sup>
	Tim Miley (D)	Bridgeport	77 <sup>th</sup> - 80 <sup>th</sup>
	Mike Manypenny (D)	Grafton	79 <sup>th</sup> - 80 <sup>th</sup>
Forty-first.	Michael Caputo (D)	Fairmont	73 <sup>rd</sup> - 80 <sup>th</sup>
	Linda Longstreth (D)	Fairmont	77 <sup>th</sup> - 80 <sup>th</sup>
Forty-second.	Tim Manchin (D)	Fairmont	76 <sup>th</sup> - 80 <sup>th</sup>
	Anthony Barill (D)	Morgantown	80 <sup>th</sup>
	Barbara Evans Fleischauer (D)	Morgantown	72 <sup>nd</sup> - 75 <sup>th</sup> ; 78 <sup>th</sup> - 80 <sup>th</sup>
Forty-third.	Charlene Marshall (D)	Morgantown	74 <sup>th</sup> - 80 <sup>th</sup>
	Amanda Pasdon (R)	Morgantown	80 <sup>th</sup>
Forty-fourth.	Larry A. Williams (D)	Tunnelton	Appt. 10/8/1993, 71 <sup>st</sup> ; 72 <sup>nd</sup> - 80 <sup>th</sup>
	Stan Shaver (D)	Tunnelton	74 <sup>th</sup> - 80 <sup>th</sup>
Forty-fifth.	Harold K. Michael (D)	Moorefield	69 <sup>th</sup> - 80 <sup>th</sup>
Forty-sixth.	Allen V. Evans (R)	Dorcas	70 <sup>th</sup> - 80 <sup>th</sup>
Forty-seventh.	Gary G. Howell (R)	Keyser	80 <sup>th</sup>
Forty-eighth.	Ruth Rowan (R)	Points	77 <sup>th</sup> - 80 <sup>th</sup>
Forty-ninth.	Daryl E. Cowles (R)	Berkeley Springs	78 <sup>th</sup> - 80 <sup>th</sup>
Fiftieth.	Larry D. Kump (R)	Falling Waters	80 <sup>th</sup>
Fifty-first.	Jonathan Miller (R)	Bunker Hill	78 <sup>th</sup> - 80 <sup>th</sup>
Fifty-second.	Walter E. Duke (R)	Martinsburg	76 <sup>th</sup> - 80 <sup>th</sup>
Fifty-third.	John Overington (R)	Martinsburg	67 <sup>th</sup> - 80 <sup>th</sup>
Fifty-fourth.	Eric L. Householder (R)	Martinsburg	80 <sup>th</sup>
Fifty-fifth.	John Doyle (D)	Shepherdstown	66 <sup>th</sup> ; 71 <sup>st</sup> - 80 <sup>th</sup>
Fifty-sixth.	Tiffany Elizabeth Lawrence (D)	Charlestown	79 <sup>th</sup> - 80 <sup>th</sup>

(D) Democrats ..... 65  
(R) Republicans ..... 35

TOTAL ..... 100

MEMBERS OF THE SENATE

REGULAR AND EXTRAORDINARY SESSIONS, 2011

OFFICERS

*President* - Earl Ray Tomblin, Chapmanville  
*Acting President* - Jeffrey V. Kessler, Glen Dale  
*Clerk* - Darrell E. Holmes, Charleston  
*Sergeant at Arms* - Howard Wellman, Bluefield  
*Doorkeeper* - Billy L. Bevino, Charleston

District	Name	Address	Legislative Service
First	Orphy Klempa (D)	Wheeling	(House 78 <sup>th</sup> - 79 <sup>th</sup> ); 80 <sup>th</sup>
	Jack Yost (D)	Wellsburg	(House 76 <sup>th</sup> - 78 <sup>th</sup> ); 79 <sup>th</sup> - 80 <sup>th</sup>
Second	Larry J. Edgell (D)	New Martinsburg	74 <sup>th</sup> - 80 <sup>th</sup>
	Jeffrey V. Kessler (D)	Glen Dale	Appt. 11/1997; 73 <sup>rd</sup> ; 74 <sup>th</sup> - 80 <sup>th</sup>
Third	Donna J. Boley (R)	St. Marys	Appt. 5/14/1985; 67 <sup>th</sup> ; 68 <sup>th</sup> - 80 <sup>th</sup>
	David C. Nohe (R)	Vienna	80 <sup>th</sup>
Fourth	Karen L. Facemyer (R)	Ripley	(House 71 <sup>st</sup> - 74 <sup>th</sup> ); 75 <sup>th</sup> - 80 <sup>th</sup>
	Mike Hall (R)	Hurricane	(House 72 <sup>nd</sup> - 74 <sup>th</sup> ); 78 <sup>th</sup> - 80 <sup>th</sup>
Fifth	Robert H. Plymale (D)	Ceredo	71 <sup>st</sup> - 80 <sup>th</sup>
	Evan H. Jenkins (D)	Huntington	76 <sup>th</sup> - 80 <sup>th</sup>
Sixth	H. Truman Chafin (D)	Williamson	66 <sup>th</sup> - 80 <sup>th</sup>
	John Pat Fanning (D)	Jaeger	58 <sup>th</sup> - 64 <sup>th</sup> ; 67 <sup>th</sup> - 68 <sup>th</sup> ; 73 <sup>rd</sup> - 80 <sup>th</sup>
Seventh	Earl Ray Tomblin (D)	Chapmanville	(House 62 <sup>nd</sup> - 64 <sup>th</sup> ); 65 <sup>th</sup> - 80 <sup>th</sup>
	Ron Stollings (D)	Madison	78 <sup>th</sup> - 80 <sup>th</sup>
Eighth	Corey Palumbo (D)	Charleston	(House 76 <sup>th</sup> - 78 <sup>th</sup> ); 79 <sup>th</sup> - 80 <sup>th</sup>
	Erik P. Wells (D)	Charleston	78 <sup>th</sup> - 80 <sup>th</sup>
Ninth	Richard Browning (D)	Oceana	(House 69 <sup>th</sup> - 72 <sup>nd</sup> ); 75 <sup>th</sup> - 78 <sup>th</sup> ; 79 <sup>th</sup> - 80 <sup>th</sup>
	Mike Green (D)	Daniels	78 <sup>th</sup> - 80 <sup>th</sup>
Tenth	Ronald F. Miller (D)	Lewisburg	80 <sup>th</sup>
	Mark Wills (D)	Princeton	(House 74 <sup>th</sup> - 75 <sup>th</sup> ); 80 <sup>th</sup>
Eleventh	William Laird IV (D)	Oak Hill	(House 73 <sup>rd</sup> - 75 <sup>th</sup> ); 79 <sup>th</sup> - 80 <sup>th</sup>
	Gregory A. Tucker (D)	Summersville	80 <sup>th</sup>
Twelfth	Douglas Facemire (D)	Sutton	79 <sup>th</sup> - 80 <sup>th</sup>
	Joseph M. Minard (D)	Clarksburg	(House Appt. 1/1983; 66 <sup>th</sup> ; 67 <sup>th</sup> - 69 <sup>th</sup> ); 70 <sup>th</sup> - 71 <sup>st</sup> ; 75 <sup>th</sup> - 80 <sup>th</sup>
Thirteenth	Robert D. Beach (D)	Morgantown	(House Appt. 5/1998; 73 <sup>rd</sup> ; 74 <sup>th</sup> - 79 <sup>th</sup> ); 80 <sup>th</sup>
	Roman W. Prezioso, Jr. (D)	Fairmont	(House 69 <sup>th</sup> - 72 <sup>nd</sup> ); 73 <sup>rd</sup> - 80 <sup>th</sup>
Fourteenth	Bob Williams (D)	Grafton	79 <sup>th</sup> - 80 <sup>th</sup>
	Dave Sybolt (R)	Kingwood	78 <sup>th</sup> - 80 <sup>th</sup>
Fifteenth	Clark Barnes (R)	Randolph	77 <sup>th</sup> - 80 <sup>th</sup>
	Walt Helmick (D)	Marlinton	(House 1 yr., 69 <sup>th</sup> ); Appt. 9/1989 69 <sup>th</sup> ; 70 <sup>th</sup> - 80 <sup>th</sup>
Sixteenth	Herb Snyder (D)	Shenandoah Junction	73 <sup>rd</sup> - 76 <sup>th</sup> ; 79 <sup>th</sup> - 80 <sup>th</sup>
	John R. Unger II (D)	Martinsburg	74 <sup>th</sup> - 80 <sup>th</sup>
Seventeenth	Brooks F. McCabe, Jr. (D)	Charleston	74 <sup>th</sup> - 80 <sup>th</sup>
	Dan Foster (D)	Charleston	(House 76 <sup>th</sup> ); 77 <sup>th</sup> - 80 <sup>th</sup>

(D) Democrats.....28  
(R) Republicans.....6

TOTAL.....34



## COMMITTEES OF THE HOUSE OF DELEGATES

Regular Session, 2011

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### \*STANDING

#### AGRICULTURE

Butcher (*Chair*), Walker (*Vice Chair*), Boggs, Guthrie, Hall, Manypenny, Martin, Morgan, L. Phillips, R. Phillips, M. Poling, Reynolds, Rodighiero, Swartzmiller, Wells, Williams, Evans (*Minority Chair*), Canterbury (*Minority Vice Chair*), Anderson, Border, Ireland, C. Miller, Overington, Romine and Storch.

#### BANKING AND INSURANCE

Moore (*Chair of Banking*), Reynolds (*Vice Chair of Banking*), Perry (*Chair of Insurance*), Hall (*Vice Chair of Insurance*), Cann, Ferns, Fragale, Frazier, Hartman, Hunt, Iaquinta, Mahan, Manchin, Michael, Morgan, Shaver, Stowers, Azinger (*Minority Chair of Banking*), J. Miller, (*Minority Vice Chair of Banking*), Ashley (*Minority Chair of Insurance*), Walters (*Minority Vice Chair of Insurance*), Carmichael, Nelson, O'Neal and Savilla.

#### CONSTITUTIONAL REVISION

Fleischauer (*Chair*), Guthrie (*Vice Chair*), Brown, Caputo, Doyle, Ferro, Fragale, Frazier, Hatfield, Hunt, Marshall, Moore, Morgan, Perdue, Poore, Varner, Wells, Overington (*Minority Chair*), Romine (*Minority Vice Chair*), Armstead, Ellem, Householder, Kump, Lane and Sobonya.

#### EDUCATION

M. Poling (*Chair*), Paxton (*Vice Chair*), Barill, D. Campbell, Craig, Crosier, Ennis, Fragale, Lawrence, Moye, Perry, Pethtel, Rodighiero, Shaver, Smith, Walker, Duke (*Minority Chair*), Sumner

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\*CLERK'S NOTE: Subsequent to adjournment of the 2011 Regular Session, two vacancies occurred as a result of death. This list reflects the composition of committees prior to the vacancies.

## HOUSE OF DELEGATES COMMITTEES

*(Minority Vice Chair)*, Armstead, Ellington, Gearheart, Pasdon, Rowan, Savilla and Sigler.

### **ENERGY, INDUSTRY AND LABOR, ECONOMIC DEVELOPMENT AND SMALL BUSINESS**

Barker *(Chair of Energy, Industry and Labor)*, Shaver *(Vice Chair of Energy, Industry and Labor)*, Kominar *(Chair of Economic Development and Small Business)*, L. Phillips *(Vice Chair of Economic Development and Small Business)*, Barill, Brown, Butcher, Caputo, Fleischauer, Mahan, Manypenny, Marshall, Martin, Moye, Paxton, Skaff, Walker, Sobonya *(Minority Chair of Energy, Industry and Labor)*, C. Miller *(Minority Vice Chair of Energy, Industry and Labor)*, Andes *(Minority Chair of Economic Development and Small Business)*, Carmichael *(Vice Chair of Economic Development and Small Business)*, Savilla, Sigler, Snuffer and Storch.

### **FINANCE**

White *(Chair)*, T. Campbell *(Vice Chair)*, Doyle, Guthrie, Iaquina, Kominar, Mahan, Manchin, Marshall, Perdue, L. Phillips, D. Poling, M. Poling, Reynolds, Stowers, Varner, Williams, Anderson *(Minority Chair)*, Carmichael *(Minority Vice Chair)*, Ashley, Border, Canterbury, Cowles, Evans and Walters.

### **GOVERNMENT ORGANIZATION**

Morgan *(Chair)*, Stephens *(Vice Chair)*, Boggs, Butcher, Cann, Ferns, Givens, Hall, Hartman, Hatfield, Jones, Martin, R. Phillips, Staggers, Swartzmiller, Talbott, Romine *(Minority Chair)*, Azinger *(Minority Vice Chair)*, Householder, Howell, Kump, Nelson, O'Neal, Snuffer and Storch.

## HOUSE OF DELEGATES COMMITTEES

### HEALTH AND HUMAN RESOURCES

Perdue (*Chair*), Hatfield (*Vice Chair*), Barill, T. Campbell, D. Campbell, Ferns, Fleischauer, Lawrence, Marshall, Moore, Moye, Perry, L. Phillips, Poore, Rodighiero, Staggers, Border (*Minority Chair*), J. Miller (*Minority Vice Chair*), Andes, Ellington, Householder, Lane, C. Miller, Pasdon and Rowan.

### JUDICIARY

Miley (*Chair*), Hunt (*Vice Chair*), Barker, Brown, Caputo, Ferro, Fleischauer, Frazier, Longstreth, Manypenny, Michael, Moore, Pino, Poore, Skaff, Wells, Ellem (*Minority Chair*), Lane (*Minority Vice Chair*), Andes, Hamilton, Ireland, C. Miller, J. Miller, Overington and Sobonya.

### NATURAL RESOURCES

Talbott (*Chair*), Crosier (*Vice Chair*), Fragile, Guthrie, Hall, Manypenny, Martin, L. Phillips, R. Phillips, Pino, Reynolds, Rodighiero, Shaver, Swartzmiller, Varner, Wells, Hamilton (*Minority Chair*), Ireland (*Minority Vice Chair*), Anderson, Canterbury, Duke, Ellem, Evans, Romine and Sigler.

### PENSIONS AND RETIREMENT

Pethtel (*Chair*), Ennis (*Vice Chair*), Givens, Guthrie, D. Poling, Canterbury and Duke.

### POLITICAL SUBDIVISIONS

Manchin (*Chair*), Lawrence (*Vice Chair*), Cann, Doyle, Frazier, Hartman, Jones, Longstreth, Morgan, R. Phillips, D. Poling, Poore, Smith, Stephens, Varner, Williams, Sumner (*Minority Chair*), Cowles (*Minority Vice Chair*), Duke, Ellington, Gearheart, Householder, Kump, O'Neal and Overington.

## HOUSE OF DELEGATES COMMITTEES

### **ROADS AND TRANSPORTATION**

Martin (*Chair*), Staggers (*Vice Chair*), Barker, Boggs, Butcher, T. Campbell, Crosier, Hall, Kominar, Michael, Skaff, Smith, Stephens, Stowers, Walker, Wells, Cowles (*Minority Chair*), Evans (*Minority Vice Chair*), Ellington, Gearheart, Howell, Nelson, Pasdon, Savilla and Snuffer.

### **SENIOR CITIZEN ISSUES**

Williams (*Chair*), Moye (*Vice Chair*), Butcher, D. Campbell, Craig, Ferro, Hatfield, Longstreth, Manchin, Manypenny, Marshall, Moore, Pethtel, Pino, D. Poling, Stephens, Rowan (*Minority Chair*), Duke (*Minority Vice Chair*), Gearheart, Hamilton, Howell, Kump, Sigler, Snuffer and Sumner.

### **RULES**

Thompson (*Chair*), Boggs, Caputo, Fragale, Hatfield, Marshall, Miley, Morgan, Paxton, M. Poling, Talbott, Varner, White, Anderson, Armstead, Border, Carmichael and Overington.

### **VETERANS' AFFAIRS AND HOMELAND SECURITY**

Iaquinta (*Chair of Veterans' Affairs*), Longstreth (*Vice Chair of Veterans' Affairs*), Swartzmiller (*Chair of Homeland Security*), Smith (*Vice Chair of Homeland Security*), Cann, Craig, Ennis, Ferro, Fleischauer, Givens, Hatfield, Jones, Paxton, Pethtel, Staggers, Stephens, Azinger (*Minority Chair of Veterans' Affairs*), Rowan (*Minority Vice Chair of Veterans' Affairs*), Walters (*Minority Chair of Homeland Security*), Ashley (*Minority Vice Chair of Homeland Security*), Armstead, Howell, Nelson, O' Neal and Pasdon.

HOUSE OF DELEGATES COMMITTEES

**ENROLLED BILLS**

Poore (*Chair*), D. Poling (*Vice Chair*), Fragale and Overington.

**LEGISLATIVE RULE-MAKING REVIEW**

Brown (*Chair*), D. Poling (*Vice Chair*), Fleischauer, Talbott, Overington and Sobonya.

**FOREST MANAGEMENT REVIEW**

Michael (*Chair*) and Hartman (*Vice Chair*).

**PARKS AND RECREATION**

Wells (*Co-Chair*) and Manypenny (*Co-Chair*).

## COMMITTEES OF THE SENATE

Regular Session, 2011

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### STANDING

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#### AGRICULTURE

Williams (*Chair*), Beach (*Vice Chair*), Fanning, Helmick, Laird, Miller, Minard, Snyder, K. Facemyer, Nohe and Sypolt.

#### BANKING AND INSURANCE

Minard (*Chair*), Jenkins (*Vice Chair*), Chafin, Fanning, Green, Helmick, McCabe, Palumbo, Prezioso, Tucker, K. Facemyer, Hall and Nohe.

#### CONFIRMATIONS

Edgell (*Chair*), Chafin (*Vice Chair*), Browning, D. Facemire, Plymale, Prezioso, Snyder, Hall and Sypolt.

#### ECONOMIC DEVELOPMENT

Browning (*Chair*), Klempa (*Vice Chair*), Chafin, D. Facemire, Helmick, McCabe, Prezioso, Snyder, Stollings, Wells, Williams, K. Facemyer, Hall and Sypolt.

#### EDUCATION

Plymale (*Chair*), Wells (*Vice Chair*), Beach, Browning, Chafin, Edgell, Foster, Laird, Stollings, Tucker, Unger, Wills, Barnes and Boley.

#### ENERGY, INDUSTRY AND MINING

Green (*Chair*), D. Facemire (*Vice Chair*), Beach, Fanning, Helmick, Jenkins, Klempa, Minard, Stollings, Yost, K. Facemyer, Nohe and Sypolt.

## SENATE COMMITTEES

### **ENROLLED BILLS**

Miller (*Chair*), Palumbo, Beach, Wells and Barnes.

### **FINANCE**

Prezioso (*Chair*), D. Facemire (*Vice Chair*), Chafin, Edgell, Green, Helmick, Laird, McCabe, Miller, Plymale, Stollings, Unger, Wells, Yost, Hall, Boley and Sypolt.

### **GOVERNMENT ORGANIZATION**

Snyder (*Chair*), Green (*Vice Chair*), Browning, Chafin, Foster, Klempa, McCabe, Miller, Minard, Palumbo, Williams, Yost, Boley and Sypolt.

### **HEALTH AND HUMAN RESOURCES**

Stollings (*Chair*), Foster (*Vice Chair*), Chafin, Jenkins, Laird, Miller, Palumbo, Prezioso, Tucker, Wills, Yost, Boley and Hall.

### **INTERSTATE COOPERATION**

Jenkins (*Chair*), Tucker (*Vice Chair*), Palumbo, Wells, Wills, Nohe and Sypolt.

### **JUDICIARY**

Palumbo (*Chair*), Wills (*Vice Chair*), Beach, Browning, Fanning, Foster, Jenkins, Klempa, McCabe, Minard, Snyder, Tucker, Unger, Williams, Barnes, K. Facemyer and Nohe.

## SENATE COMMITTEES

### **LABOR**

Yost (*Chair*), Miller (*Vice Chair*), Edgell, Foster, Green, Klempa, Snyder, Williams, Wills, Barnes and Nohe.

### **MILITARY**

Wells (*Chair*), Yost (*Vice Chair*), Edgell, D. Facemire, Laird, Williams, Boley, Sypolt and Nohe.

### **NATURAL RESOURCES**

Laird (*Chair*), Fanning (*Vice Chair*), Beach, Edgell, D. Facemire, Green, Helmick, Prezioso, Williams, Wills, Barnes, Boley and K. Facemyer.

### **PENSIONS AND RETIREMENT**

Foster (*Chair*), Edgell (*Vice Chair*), Jenkins, McCabe, Plymale, Hall and Nohe.

### **RULES**

Kessler (*Chair*), McCabe, Browning, Palumbo, Plymale, Prezioso, Snyder, Stollings, Unger, Boley and Hall.

### **TRANSPORTATION AND INFRASTRUCTURE**

Beach (*Chair*), Klempa (*Vice Chair*), D. Facemire, Fanning, Plymale, Williams, Tucker, Barnes and K. Facemyer.



SENATE COMMITTEES

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**JOINT COMMITTEES**

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**ENROLLED BILLS**

Miller (*Cochair*), Palumbo, Beach, Wells and Barnes.

**GOVERNMENT AND FINANCE**

Kessler (*Cochair*), Palumbo, Plymale, Prezioso, Unger, K. Facemyer and Hall.

**GOVERNMENT OPERATIONS**

Snyder (*Cochair*), D. Facemire (*Cochair*), Klempa, McCabe and Barnes.

**LEGISLATIVE RULE-MAKING REVIEW**

Minard (*Cochair*), Snyder (*Vice Cochair*), Laird, Unger, Boley, K. Facemyer and Kessler (*ex officio*).

**PENSIONS AND RETIREMENT**

Foster (*Cochair*), Edgell (*Vice Cochair*), Jenkins, McCabe, Plymale, Hall and Nohe.

**RULES**

Kessler (*Cochair*), Unger and Hall.

SENATE COMMITTEES

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**STATUTORY LEGISLATIVE COMMISSIONS**

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**COMMISSION ON ECONOMIC DEVELOPMENT**

Browning (*Cochair*), Helmick, Klempa, McCabe, Palumbo, Plymale, Prezioso, Stollings, Unger, Barnes, Facemyer and Sypolt.

**COMMISSION ON INTERSTATE COOPERATION**

Jenkins (*Cochair*), Snyder (*Vice Cochair*), Browning, Palumbo, Wells, Johe, Sypolt and Kessler (*ex officio*).

**COMMISSION ON SPECIAL INVESTIGATIONS**

Kessler (*Cochair*), Palumbo, Unger, Boley and Hall.

**FOREST MANAGEMENT REVIEW COMMISSION**

Williams (*Cochair*), Fanning, Helmick, Miller and K. Facemyer.

**LEGISLATIVE OVERSIGHT COMMISSION ON  
EDUCATION ACCOUNTABILITY**

Plymale (*Cochair*), Wells (*Vice Cochair*), Browning, Edgell, Unger, Boley and Kessler (*ex officio*).

**LEGISLATIVE OVERSIGHT COMMISSION ON  
HEALTH AND HUMAN RESOURCES  
ACCOUNTABILITY**

Stollings (*Cochair*), Foster, Laird, Unger, Wills, Boley, Hall and Kessler (*ex officio*).

SENATE COMMITTEES

**LEGISLATIVE OVERSIGHT COMMISSION ON  
STATE WATER RESOURCES**

Unger (*Cochair*), Green (*Vice Cochair*), Laird, Snyder and Hall.

**LEGISLATIVE OVERSIGHT COMMISSION ON  
WORKFORCE INVESTMENT FOR ECONOMIC  
DEVELOPMENT**

Facemire (*Cochair*), Klempa, Miller and Sypolt.

**LEGISLATIVE OVERSIGHT COMMITTEE ON THE  
REGIONAL JAIL AND CORRECTIONAL FACILITY  
AUTHORITY**

Laird (*Cochair*), Green, Tucker, Yost and Barnes.



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## CHAPTER 118

**(Com. Sub. for S. B. 439 - By Senators  
Prezioso, Yost, Beach, Barnes, Sypolt,  
Fanning, Tucker and Plymale)**

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[Passed March 12, 2011; in effect from passage.]  
[Approved by the Governor on March 31, 2011.]

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AN ACT to amend and reenact §21-9-11a of the Code of West Virginia, 1931, as amended, relating to clarifying that the filing of a complaint with the state regulatory board is a prerequisite for the filing of a lawsuit.

*Be it enacted by the Legislature of West Virginia:*

That §21-9-11a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 9. MANUFACTURED HOUSING  
CONSTRUCTION AND SAFETY  
STANDARDS.**

**§21-9-11a. Inspection of manufactured housing; deferral period for inspection and administrative remedies; notification to consumers of rights.**

- 1 (a) Inspection of manufactured housing. When a
- 2 purchaser or owner of a manufactured home files a written
- 3 complaint with the board alleging defects in the manufacture,
- 4 construction or installation of the manufactured home, and
- 5 any additional information the board considers necessary to

6 conduct an investigation, the board shall, within sixty days,  
7 to the extent feasible, cause an inspection of the  
8 manufactured home by one or more of its employees or  
9 person authorized and supervised by the board. The board  
10 shall provide the consumer a written report indicating  
11 whether the defects alleged by the complaint constitute  
12 violations of federal or state statutory or regulatory standards  
13 or good and customary manufacturing standards in the  
14 construction, design, manufacture or installation of the  
15 manufactured home. If the report indicates that the alleged  
16 defects constitute a violation, the board shall take such  
17 further administrative action as provided for in this article  
18 including, but not limited to, ordering the manufacturer,  
19 dealer or contractor to correct any defects.

20 (b) Period of exclusive administrative remedy. No  
21 purchaser or owner of a manufactured home may file a civil  
22 action seeking monetary recovery or damages for claims  
23 related to or arising out of the manufacture, acquisition, sale  
24 or installation of the manufactured home until the expiration  
25 of ninety days after the consumer or owner has filed a written  
26 complaint with the board. The board has a period of ninety  
27 days, commencing with the date of filing of the complaint, to  
28 investigate and take administrative action to order the  
29 correction of defects in the manufacture or installation of a  
30 manufactured home. This period of exclusive administrative  
31 authority may not prohibit the purchaser or owner of the  
32 manufactured home from seeking equitable relief in a court  
33 of competent jurisdiction to prevent or address an immediate  
34 risk of personal injury or property damage. The filing of a  
35 complaint under this article shall toll any applicable statutes  
36 of limitation during the ninety-day period but only if the  
37 applicable limitation period has not expired prior to the filing  
38 of the complaint.

39 (c) Notice of consumer rights. Every dealer or contractor  
40 who moves homes from one place to another shall provide

41 written notification to every purchaser of a manufactured  
42 home of the availability of administrative assistance from the  
43 board in investigating and ordering corrections of any defect  
44 in the manufacture or installation of a manufactured home  
45 and the period of exclusive jurisdiction given to the board.  
46 The board may prescribe that the notice contain any  
47 information the board determines to be beneficial to the  
48 purchaser or owner of the manufactured home in exercising  
49 that person's rights under this section.

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## CHAPTER 119

**(Com. Sub. for S. B. 532 - By Senators  
Palumbo, Foster and Minard)**

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[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on April 4, 2011.]

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AN ACT to amend and reenact §9-7-1, §9-7-2, §9-7-3, §9-7-4, §9-7-5, §9-7-6 and §9-7-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §9-7-3a, §9-7-5a and §9-7-6a, all relating to the Medicaid Fraud Control Unit of the Department of Health and Human Resources generally; clarifying that the Medicaid Fraud Control Unit is part of the Department of Health and Human Resources; providing authority to investigate financial exploitation; defining terms; authorizing investigation procedures for the Medicaid Fraud Control Unit upon information indicating a violation; providing that the Medicaid Fraud Control Unit may request search warrants and initiate criminal complaints upon probable cause; allowing Medicaid Fraud Control Unit lawyers to assist prosecutors in Medicaid crimes; providing permitted venues for prosecution

of crimes committed against Medicaid; and limiting the liability of the Department of Health and Human Resources, its secretary, and its employees.

*Be it enacted by the Legislature of West Virginia:*

That §9-7-1, §9-7-2, §9-7-3, §9-7-4, §9-7-5, §9-7-6 and §9-7-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto three new sections, designated §9-7-3a, §9-7-5a and §9-7-6a, all to read as follows:

**ARTICLE 7. FRAUD AND ABUSE IN THE MEDICAID PROGRAM.**

**§9-7-1. Legislative purpose and findings; powers and duties of fraud control unit.**

1           (a) It is the purpose of the Legislature to continue the  
2 Medicaid Fraud Control Unit previously established within  
3 the West Virginia Department of Health and Human  
4 Resources and to provide it with the responsibility and  
5 authority for investigating and controlling fraud and abuse of  
6 the medical programs of the state Department of Health and  
7 Human Resources which have been established pursuant to  
8 section two, article four of this chapter. It is the finding of  
9 the Legislature that substantial sums of money have been lost  
10 to the state and federal government in the operation of the  
11 medical programs of the state due to the overpayment of  
12 moneys to medical providers. Such overpayments have been  
13 the result of both the abuse of and fraud in the reimbursement  
14 process.

15           (b) The Medicaid Fraud Control Unit of the State  
16 Department of Health and Human Resources shall be  
17 continued and shall have the following powers and duties:



18           (1) The investigation and referral for prosecution of all  
19 violations of applicable state and federal laws pertaining to  
20 the provision of goods or services under the medical  
21 programs of the state including the Medicaid program.

22           (2) The investigation of abuse, neglect or financial  
23 exploitation of residents in board and care facilities and  
24 patients in health care facilities which receive payments  
25 under the medical programs of the state.

26           (3) To cooperate with the federal government in all  
27 programs designed to detect and deter fraud and abuse in the  
28 medical programs of the state.

29           (4) To employ and train personnel to achieve the  
30 purposes of this article and to employ legal counsel,  
31 investigators, auditors and clerical support personnel and  
32 such other personnel as are deemed necessary from time to  
33 time to accomplish the purposes herein.

### **§9-7-2. Definitions.**

1           For the purposes of this article:

2           (1) “Assistance” means money payments, medical care,  
3 transportation and other goods and services necessary for the  
4 health or welfare of individuals, including guidance,  
5 counseling and other welfare services and shall include all  
6 items of any nature contained within the definition of  
7 “welfare assistance” in section two, article one of this  
8 chapter.

9           (2) “Benefits” means money payments, goods, services,  
10 or any other thing of value.

11           (3) “Board and Care Facility” means a residential setting  
12 where two or more unrelated adults receive nursing services  
13 or personal care services.

14 (4) "Claim" means an application for payment for goods  
15 or services provided under the medical programs of the  
16 Department of Health and Human Resources.

17 (5) "Entity" means any corporation, association,  
18 partnership, limited liability company, or other legal entity.

19 (6) "Financial Exploitation" means the intentional  
20 misappropriation or misuse of funds or assets of another.

21 (7) "Medicaid" means that assistance provided under a  
22 state plan implemented pursuant to the provisions of  
23 subchapter nineteen, chapter seven, Title 42, United States  
24 Code, as that chapter has been and may hereafter be  
25 amended.

26 (8) "Person" means any individual, corporation,  
27 association, partnership, proprietor, agent, assignee or entity.

28 (9) "Provider" means any individual or entity furnishing  
29 goods or services under the medical programs of the  
30 Department of Health and Human Resources.

31 (10) "Unit" means the Medicaid Fraud Control Unit  
32 established under section one of this article.

**§9-7-3. Investigations; procedure.**

1 (a) When the unit has credible information that indicates  
2 a person has engaged in an act or activity which is subject to  
3 prosecution under this article, the unit may make an  
4 investigation to determine if the act has been committed and,  
5 to the extent necessary for such purpose, the Secretary, or an  
6 employee of the unit designated by the Secretary, may  
7 administer oaths or affirmations and issue subpoenas for  
8 witnesses and documents relevant to the investigation,  
9 including information concerning the existence, description,

10 nature, custody, condition and location of any book, record,  
11 documents or other tangible thing and the identity and  
12 location of persons having knowledge of relevant facts or any  
13 matter reasonably calculated to lead to the discovery of  
14 admissible evidence.

15 When the unit has probable cause to believe that a person  
16 has engaged in an act or activity which is subject to  
17 prosecution under this article, or section twenty nine, article  
18 two, chapter sixty one, either before, during, or after an  
19 investigation pursuant to this section, the Secretary, or an  
20 employee of the unit designated by the Secretary, may  
21 request search warrants and present and swear or affirm  
22 criminal complaints.

23 (b) If documents necessary to an investigation of the unit  
24 shall appear to be located outside the state, such documents  
25 shall be made available by the person or entity within the  
26 jurisdiction of the state having control over such documents  
27 either at a convenient location within the state or, upon  
28 payment of reasonable and necessary expenses to the unit for  
29 transportation and inspection, at the place outside the state  
30 where such documents are maintained.

31 (c) Upon failure of a person to comply with a subpoena  
32 or subpoena duces tecum or failure of a person to give  
33 testimony without lawful excuse and upon reasonable notice  
34 to all persons affected thereby, the unit may apply to the  
35 circuit court of the county in which compliance is sought for  
36 appropriate orders to compel obedience with the provisions  
37 of this section.

38 (d) The unit shall not make public the name or identity of  
39 a person whose acts or conduct is investigated pursuant to  
40 this section or the facts disclosed in such investigation except  
41 as the same may be used in any legal action or enforcement  
42 proceeding brought pursuant to this article or any other  
43 provision of this code.

**§9-7-3a. Agency lawyers assisting prosecutors.**

1 Attorneys employed and assigned to the Medicaid Fraud  
2 Control Unit created by the provisions of section one of this  
3 article may assist in the prosecution of criminal violations of  
4 this article.

**§9-7-4. Applications for medical assistance; false statements or representations; criminal penalties.**

1 (a) A person shall not knowingly make or cause to be  
2 made a false statement or false representation of any material  
3 fact in an application for medical assistance under the  
4 medical programs of the Department of Health and Human  
5 Resources.

6 (b) A person shall not knowingly make or cause to be  
7 made a false statement or false representation of any material  
8 fact necessary to determine the rights of any other person to  
9 medical assistance under the medical programs of the  
10 Department of Health and Human Resources.

11 (c) A person shall not knowingly and intentionally  
12 conceal or fail to disclose any fact with the intent to obtain  
13 medical assistance under the medical programs of the  
14 Department of Health and Human Resources to which the  
15 person or any other person is not entitled.

16 (d) Any person found to be in violation of subsection (a),  
17 (b) or (c) of this section is guilty of a felony and, upon  
18 conviction, shall be imprisoned in a state correctional facility  
19 not less than one nor more than ten years, or shall be fined  
20 not to exceed \$10,000 or both fined and imprisoned.

**§9-7-5. Bribery; false claims; conspiracy; criminal penalties.**

1 (a) A person shall not solicit, offer, pay, or receive any  
2 unlawful remuneration, including any kickback, rebate or

3     bribe, directly or indirectly, with the intent of causing an  
4     expenditure of moneys from the medical services fund  
5     established pursuant to section two, article four of this  
6     chapter, which is not authorized by applicable laws or rules  
7     and regulations.

8           (b) A person shall not make or present or cause to be  
9     made or presented to the Department of Health and Human  
10    Resources a claim under the medical programs of the  
11    Department of Health and Human Resources knowing the  
12    claim to be false, fraudulent or fictitious.

13          (c) A person shall not enter into an agreement,  
14    combination or conspiracy to obtain or aid another to obtain  
15    the payment or allowance of a false, fraudulent or fictitious  
16    claim under the medical programs of the Department of  
17    Health and Human Resources.

18          (d) Any person found to be in violation of subsection (a),  
19    (b) or (c) of this section is guilty of a felony and, upon  
20    conviction, shall be imprisoned in a state correctional facility  
21    not less than one nor more than ten years or shall be fined not  
22    to exceed \$10,000, or both fined and imprisoned.

**§9-7-5a. Venue for criminal offenses.**

1           In addition to other venues permitted by state law, a  
2    criminal prosecution under section five of this article may be  
3    commenced in the circuit court of Kanawha County or of any  
4    county in which:

5           (a) The defendant is conducting business; or

6           (b) Any of the conduct constituting a violation of any  
7    provision of this article has occurred.

**§9-7-6. Civil remedies.**

1 (a) Any person, firm, corporation or other entity which  
2 willfully, by means of a false statement or representation, or  
3 by concealment of any material fact, or by other fraudulent  
4 scheme, devise or artifice on behalf of himself, herself, itself,  
5 or others, obtains or attempts to obtain benefits or payments  
6 or allowances under the medical programs of the Department  
7 of Health and Human Resources to which he or she or it is  
8 not entitled, or, in a greater amount than that to which he or  
9 she or it is entitled, shall be liable to the Department of  
10 Health and Human Resources in an amount equal to three  
11 times the amount of such benefits, payments or allowances to  
12 which he or she or it is not entitled, and shall be liable for the  
13 payment of reasonable attorney fees and all other fees and  
14 costs of litigation.

15 (b) No criminal action or indictment need be brought  
16 against any person, firm, corporation or other entity as a  
17 condition for establishing civil liability hereunder.

18 (c) A civil action under this section may be prosecuted  
19 and maintained on behalf of the Department of Health and  
20 Human Resources by the Attorney General and the Attorney  
21 General's assistants or a prosecuting attorney and the  
22 prosecuting attorney's assistants or by any attorney in  
23 contract with or employed by the Department of Health and  
24 Human Resources to provide such representation.

**§9-7-6a. Liability of employees of the Department of Health and Human Resources.**

1 There shall be no civil liability on the part of, and no  
2 cause of action shall arise against the Secretary or the  
3 Department of Health and Human Resources or its employees  
4 or agents for any action taken by them in good faith and in  
5 the lawful performance of their powers and duties under this  
6 article.

**§9-7-8. Remedies and penalties not exclusive.**

1       The remedies and penalties provided in this article  
2       governing the operation of the medical programs of the  
3       Department of Health and Human Resources are in addition  
4       to those remedies and penalties provided elsewhere by law.

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**CHAPTER 120**

**(Com. Sub. for S. B. 263 - By  
Senators Beach and Klempa)**

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[Amended and again passed, in an effort to meet the objections of  
the Governor, March 18, 2011; in effect ninety days from passage.]  
[Approved by the Governor on April 4, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended,  
by adding thereto a new section, designated §17A-6-10d,  
relating to special plates for the testing of vehicles operated by  
nonprofit corporations engaged in research and development of  
motor vehicles, special fuels or equipment for motor vehicles;  
requiring written records be kept; nonprofit corporations issued  
a special plate are not required to comply with the bond or  
dealer recovery fund otherwise required for that vehicle;  
requiring vehicles to be insured; and exempting the vehicles  
from safety inspections, but requiring the vehicles to be safe.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §17A-6-10d, to read as  
follows:

**ARTICLE 6. LICENSING OF DEALERS AND WRECKERS  
OR DISMANTLERS; SPECIAL PLATES;  
TEMPORARY PLATES OR MARKERS.**

**§17A-6-10d. Special plates for nonprofit corporations engaged  
in research and development.**

1 (a) Notwithstanding any of the other provisions of this  
2 article, a nonprofit corporation engaged in research and  
3 development using motor vehicles pursuant to article twelve,  
4 chapter eighteen-b of this code and affiliated with institutions  
5 of higher education may operate or move a vehicle, either  
6 owned or in the possession of the nonprofit corporation upon  
7 the highways of this state for purposes of transporting or  
8 testing that vehicle without first registering or titling the  
9 vehicle and displaying, in a manner prescribed by the  
10 commissioner, a special plate issued to the nonprofit  
11 corporation as provided in this section.

12 (b) Any nonprofit corporation as prescribed in subsection  
13 (a) of this section may make application to the commissioner  
14 upon a form prescribed by him or her for a certificate  
15 containing a general distinguishing number and for a special  
16 plate or plates. The applicant shall verify that it is a Section  
17 501(c)(3) of the Internal Revenue Code of 1986, as amended,  
18 nonprofit corporation and submit sufficient information, as  
19 may be required by the commissioner, that it is engaged in  
20 research and development of vehicles, special fuels or  
21 equipment for motor vehicles.

22 (c) The commissioner, upon approving an application,  
23 may issue without charge to the applicant, a certificate  
24 containing the nonprofit corporation's name and address and  
25 its general distinguishing number. The commissioner may  
26 also issue without charge, a special plate or plates, as  
27 determined by the commissioner as necessary, that must be  
28 displayed on the vehicle. Each plate shall also contain a



29 number or symbol distinguishing it from other plates bearing  
30 the same general distinguishing number.

31 (d) The nonprofit corporation that is issued a special plate  
32 pursuant to this section must keep written records as required  
33 by the commissioner concerning the operation of the vehicle.  
34 The records shall be open to inspection by any  
35 law-enforcement officer or division employee.

36 (e) This section does not apply to the use of any other  
37 vehicles owned, leased or operated by the nonprofit  
38 corporation.

39 (f) A nonprofit corporation that has been issued a special  
40 plate is not required to comply with the bond or dealer  
41 recovery fund otherwise required under this article for that  
42 vehicle.

43 (g) A nonprofit corporation that has been issued a special  
44 plate shall furnish information, satisfactory to the  
45 commissioner, that the vehicle is covered by an appropriate  
46 insurance policy or proof of financial responsibility in  
47 amounts not less than the requirements of section two, article  
48 four, chapter seventeen-d of this code.

49 (h) Vehicles operated by a nonprofit corporation pursuant  
50 to this section are exempt from the annual motor vehicle  
51 inspection and the displaying of the certificate of inspection  
52 otherwise required by article sixteen, chapter seventeen-c of  
53 this code. However, a vehicle that has been issued a special  
54 plate pursuant to this section must be safe and may not, in  
55 any manner, endanger the driver, other vehicle occupants,  
56 other motorists, pedestrians or the general public.

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## CHAPTER 121

**(H. B. 2697 - By Delegates Manchin,  
Lawrence, Cann, Morgan, D. Poling,  
Poore, Stephens and Varner)**

[Passed March 8, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 18, 2011.]

AN ACT to amend and reenact §8-9-3 of the Code of West Virginia, 1931, as amended, relating to updating the recordkeeping requirements of municipalities.

*Be it enacted by the Legislature of West Virginia:*

That §8-9-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 9. PROCEEDINGS OF GOVERNING BODIES.**

#### **§8-9-3. Governing body to keep records; minutes of proceedings; voting.**

1       The governing body of a municipality shall keep an  
2       accurate record of all of its proceedings, ordinances, orders,  
3       bylaws, acts, resolutions and rules which shall be indexed  
4       and open to inspection.

5       At each meeting of the governing body, a journal of the  
6       proceedings of the last meeting shall be read, and corrected,  
7       if erroneous, and signed by the presiding officer: *Provided,*  
8       That the reading of the journal of the proceedings of the last

9 meeting may be dispensed with by majority vote of the  
10 governing body if the members have received and examined  
11 a copy or synopsis of the journal prior to the meeting at  
12 which the journal is signed. Any member may request the  
13 yeas and nays be taken on any question and recorded in the  
14 journal.

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## CHAPTER 122

**(Com. Sub. for S. B. 335 - By  
Senators Beach and Prezioso)**

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[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 31, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended,  
by adding thereto a new section, designated §8-12-5f, relating  
to authorizing Class I and Class II municipalities to regulate  
taxicabs and taxi stands by ordinance.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §8-12-5f, to read as  
follows:

**ARTICLE 12. GENERAL AND SPECIFIC POWERS,  
DUTIES AND ALLIED RELATIONS OF  
MUNICIPALITIES, GOVERNING  
BODIES AND MUNICIPAL OFFICERS  
AND EMPLOYEES; SUITS AGAINST  
MUNICIPALITIES.**

**§8-12-5f. Regulation of taxicabs and taxi stands.**

1 (a) Notwithstanding the provisions of article two, chapter  
2 twenty-four-a of this code, the governing body of a Class I or  
3 Class II municipality that includes a land grant university  
4 enrolling at least twenty thousand students may, by  
5 ordinance, regulate taxicabs and taxi stands within the  
6 corporate limits of the municipality.

7 (b) The regulations shall be limited to the following:

8 (1) Requirements for the condition of the taxicabs;

9 (2) The location of taxi stands;

10 (3) Background checks for taxi drivers;

11 (4) Drug testing for taxi drivers;

12 (5) Violations of regulations adopted pursuant to this  
13 section for which citations may be issued and penalties  
14 imposed;

15 (6) The requirement that a taxicab company place a sign,  
16 visible to passengers, in the taxicab which contains contact  
17 information which passengers may use to make complaints  
18 about the taxicab company or its taxi drivers. The  
19 municipality may assist passengers in resolving complaints,  
20 and shall forward complaints to the public service  
21 commission in the event that further action is needed; and

22 (7) Requirements for safety inspections of the taxicabs.

23 (8) Requirements to improve reliability of service.

24 (c) This section is not intended to increase the number of  
25 operators or owners of taxicabs and taxi stands.

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**CHAPTER 123****(Com. Sub. for H. B. 2075 - By Delegate Morgan)**

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[Passed March 11, 2011; in effect ninety days from passage.]

[Approved by the Governor on March 24, 2011.]

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AN ACT to amend and and reenact §8-13-4 of the Code of West Virginia, 1931, as amended, relating to a municipal business license; providing a municipality with two options as to establishing a municipal business license; creating a multipurpose municipal business license; permitting the municipality to charge a tax for the multipurpose municipal business license.

*Be it enacted by the Legislature of West Virginia:*

That §8-13-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 13. TAXATION AND FINANCE.****§8-13-4. Municipal license and tax thereon when state license required.**

1           (a) Whenever anything, for which a state license is  
2 required, is to be done within the corporate limits of any  
3 municipality, the governing body shall have plenary power  
4 and authority, unless prohibited by general law, to require a  
5 municipal license and for the use of the municipality to  
6 impose a reasonable tax which may not exceed the amount of  
7 the state license tax. Upon proper application for a municipal

8 license and payment of the prescribed reasonable tax by any  
9 person who has a valid and subsisting state license, the  
10 municipal license shall be issued.

11 (b) Except where a business license tax or fee has been  
12 established by the West Virginia Code, the governing body  
13 of a municipality may, in lieu of the provisions of subsection  
14 (a), enact an ordinance creating an annual general municipal  
15 business license for anything which requires a state license  
16 that is done within the corporate limits of a municipality, the  
17 tax for which may not exceed twenty dollars.

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## CHAPTER 124

**(Com. Sub. for H. B. 2752 - By Delegates  
Lawrence, Staggers, Pasdon, Crosier,  
Williams, Doyle, Fragale and Hall)**

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[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 30, 2011.]

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AN ACT to amend and reenact §8-14-12 of the Code of West Virginia, 1931, as amended, relating to municipal police departments; increasing the maximum age for persons applying for examination for original appointment to an applicable municipal police civil system from thirty-five to forty years; and removing an unconstitutional residency requirement.

*Be it enacted by the Legislature of West Virginia:*

That §8-14-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS, AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING LOT OR PARKING BUILDING POLICE OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS.**

**§8-14-12. Form of application; age and residency requirements; exceptions.**

1 (a) The policemen’s civil service commission in each  
2 Class I and Class II city shall require a person applying for  
3 admission to any competitive examination provided under the  
4 civil service provisions of this article or under the  
5 commission’s rules to file in its office, within a reasonable  
6 time prior to the proposed examination, a formal application  
7 in which the applicant shall state under oath or affirmation:

8 (1) The applicant’s full name, residence and post-office  
9 address;

10 (2) The applicant’s United States citizenship, age and the  
11 place and date of the applicant’s birth;

12 (3) The applicant’s state of health and the applicant’s  
13 physical capacity for the public service;

14 (4) The applicant’s business and employments and  
15 residences for at least three previous years; and

16 (5) Other information as may reasonably be required,  
17 touching upon the applicant’s qualifications and fitness for  
18 the public service.

19           (b) Applications shall be furnished by the commission,  
20 without charge. The commission may require, in connection  
21 with the application, the certificates of citizens, physicians  
22 and others, having pertinent knowledge concerning the  
23 applicant, as the good of the service may require.

24           (c) Notwithstanding the provisions of article five, chapter  
25 eleven of this code, a person may not submit an application  
26 for original appointment if the person is less than eighteen  
27 years of age or more than forty years of age at the date of the  
28 individual's application.

29           (d) Notwithstanding the requirements established in this  
30 section, if an applicant formerly served upon the paid police  
31 department of the city to which he or she makes application,  
32 for a period of more than his or her probationary period, and  
33 resigned from the department at a time when there were no  
34 charges of misconduct or other misfeasance pending against  
35 the applicant, within a period of two years next preceding the  
36 date of his or her application, and at the time of his or her  
37 application resides within the corporate limits of the city in  
38 which the paid police department to which the individual  
39 seeks appointment by reinstatement is located, then the  
40 individual shall be eligible for appointment by reinstatement  
41 in the discretion of the policemen's civil service commission.  
42 The applicant may be over the age of forty years. The  
43 applicant, providing his or her former term of service so  
44 justifies, may be appointed by reinstatement to the paid  
45 police department without a competitive examination, but the  
46 applicant shall undergo a medical examination. The applicant  
47 shall be the lowest in rank in the department next above the  
48 probationers of the department.





# CHAPTER 125

**(S. B. 563 - By Senators Foster, Edgell,  
Wells, McCabe and Palumbo)**

[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on April 1, 2011.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-25a, relating to authorizing municipalities to create deferred retirement option plans for certain employees.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §8-22-25a, to read as follows:

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

**§8-22-25a. Deferred Retirement Option Plans; Authorization;  
Requirements; Limitations.**

- 1 (a) A deferred retirement option plan is a method to
- 2 encourage retention of a worker beyond normal retirement

3 age by permitting the worker to freeze retirement benefits at  
4 a certain time prior to ceasing work, to continue to work for  
5 a specified period and to have retirement benefits which  
6 accrue while the employee continues working set aside in an  
7 account which the worker will then receive in a lump sum  
8 upon finally discontinuing work. The Legislature  
9 acknowledges that a deferred retirement option plan, or  
10 "DROP", may be a useful and economical tool for retaining  
11 experienced and trained employees and for planning for  
12 turnovers in the workforce. Experience, however, dictates  
13 that a deferred retirement option plan may place a heavy  
14 financial burden on the employer and the affected retirement  
15 system, negating any positive benefit offered by the DROP  
16 if the DROP is not carefully planned to be economically  
17 favorable to the employer and revenue neutral for the  
18 affected retirement system while remaining attractive to the  
19 targeted employee.

20 (b) (1) The governing bodies of municipalities  
21 participating in policemen's and firemen's pension and relief  
22 funds pursuant to sections sixteen through twenty-eight of  
23 this article, are authorized to voluntarily offer deferred  
24 retirement option plans. A participating municipality may  
25 design and establish a DROP to best meet the municipality's  
26 needs so long as the DROP complies with federal law, the  
27 requirements set forth in this section and approved by the  
28 Municipal Pensions Oversight Board.

29 (2) Prior to approval by the Municipal Pensions  
30 Oversight Board, a municipality shall submit a proposed  
31 DROP to the board for analysis by the qualified actuary  
32 retained or employed by the board. The actuary shall  
33 examine the plan and, in light of the elements of the DROP  
34 and the actuarial projections of the impact of the DROP on  
35 the affected pension and relief fund, advise the board of the  
36 anticipated impact on the Municipal Pension and Relief  
37 Fund. The board shall seek to approve only those DROP  
38 plans which, in the best judgement of the actuary, are

39 designed to have no negative impact on the member's  
40 pension and relief fund. The submitting municipality shall  
41 reimburse the board for actuarial costs of analyzing the plan.

42 (c) To be eligible to enter a DROP plan, the member of  
43 the policemen's or firemen's pension and relief fund must be  
44 in active employment and an active member of his or her  
45 pension and relief fund for at least six months beyond  
46 attaining eligibility for regular retirement as provided in  
47 section twenty-five of this article and have received a  
48 satisfactory performance evaluation within the prior twelve  
49 months. The member may defer retirement for a period of  
50 not less than one nor more than five years but must complete  
51 the period by age sixty-five. The member may elect to  
52 commence participation from July 1, 2011, through June 30,  
53 2016. Members not meeting the eligibility requirement by  
54 June 30, 2016, are not eligible to participate in the DROP.

55 (d)(1) During the DROP participation period, the member  
56 shall continue with full-time employment in a covered  
57 position subject to the municipality's requirements. A  
58 member's retirement benefits are calculated as of the DROP  
59 participation date and a member may not accumulate  
60 additional retirement benefits during the DROP participation  
61 period. Upon beginning participation, the member is treated  
62 as retired and receiving benefits for purposes of the  
63 retirement system and for purposes of distributing premium  
64 tax proceeds through the Municipal Pensions Security Fund.  
65 During the participation period, the employer shall continue  
66 to make regular contributions to the employee's pension and  
67 relief fund.

68 (2) Benefit payments are accumulated for the member in  
69 the pension and relief fund in an accumulation account  
70 during the DROP participation period. At the end of the  
71 participation period, the amount in the accumulation account  
72 owing to the member, plus interest not to exceed three and  
73 one-half percent, shall be paid to the member in a lump sum.

74 Monthly retirement payments shall be paid directly to the  
75 member starting in the month following the end of the DROP  
76 participation period.

77 (3) A member may voluntarily terminate DROP  
78 participation early with sixty days advance notice. Deferred  
79 accumulated benefits will be paid with no interest for the  
80 DROP period and benefits payments will commence  
81 following the early termination date. Covered employment  
82 must terminate before benefit distributions may be made.  
83 Should the employer wish to terminate the employment  
84 during the participation period, the member may terminate  
85 participation with thirty days notice and the deferred  
86 accumulation balance shall be paid with interest according to  
87 the DROP design: *Provided*, That if the employee is  
88 terminated for cause during the participation period, the  
89 member may terminate participation with thirty days notice  
90 and the deferred accumulation balance shall be paid without  
91 interest according to the DROP design.

92 (4) A member who is unable to continue working because  
93 of disability shall cease participation the first day of the  
94 month following notice of disability to the employer and the  
95 pension and relief fund. The accumulation account balance  
96 shall be paid to the member with no interest. No additional  
97 benefits are due the member on account of the disability.

98 (5) In the event of death of a member during DROP  
99 participation, the accumulation account of the member  
100 through the member's date of death is payable to the  
101 members beneficiary or beneficiaries, with interest according  
102 to DROP design.

103 (6) A member entering the DROP is contractually  
104 obligated to terminate employment at the end of the DROP  
105 participation period. Failure to terminate voluntarily results  
106 in termination of employment, for cause, except that a  
107 member who continues to work with the consent of the

108 employer past the DROP participation period shall have all  
109 benefits frozen during the extension period and no additional  
110 benefit accumulates. During the period of time the member  
111 continues to work beyond the end of the DROP participation  
112 period with the consent of the employer, the employer shall  
113 continue to make regular contributions to the employee's  
114 pension and relief fund. Regular retirement benefits will  
115 commence the month following eventual employment  
116 termination or death. The member's accumulation account  
117 balance is frozen in value following the end of the DROP  
118 participation period.

119 (e) Pursuant to section twenty-three, article one, chapter  
120 four of this code, the oversight board shall annually report to  
121 the Legislature's Joint Committee on Pensions and  
122 Retirement on deferred retirement option plans submitted to  
123 the board for approval and the status of any DROP that has  
124 been approved, including any experienced impact on an  
125 affected pension and relief fund.

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## CHAPTER 126

**(S. B. 222 - By Senator Foster)**

[Passed March 10, 2011; in effect ninety days from passage.]

[Approved by the Governor on March 31, 2011.]

AN ACT to amend and reenact §8-22A-12 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Municipal Police Officers and Firefighters Retirement System; and ensuring the continued qualification of the system under federal tax laws by adopting an amendment to the system required by Section 824 of the Pension Protection Act of 2006 (P.L. 109-280) permitting direct rollovers to Roth IRAs.

*Be it enacted by the Legislature of West Virginia:*

That §8-22A-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE  
OFFICERS AND FIREFIGHTERS  
RETIREMENT SYSTEM.**

**§8-22A-12. Direct rollovers.**

1 Notwithstanding any provision of this article to the  
2 contrary that would otherwise limit a distributee's election  
3 under this plan, a distributee may elect, at the time and in the  
4 manner prescribed by the board, to have any portion of an  
5 eligible rollover distribution paid directly to an eligible  
6 retirement plan specified by the distributee in a direct  
7 rollover. For purposes of this section, the following  
8 definitions apply:

9 (1) "Eligible rollover distribution" means any distribution  
10 of all or any portion of the balance to the credit of the  
11 distributee, except that an eligible rollover distribution does  
12 not include any of the following: (A) Any distribution that is  
13 one of a series of substantially equal periodic payments not  
14 less frequently than annually made for the life or life  
15 expectancy of the distributee or the joint lives or the joint life  
16 expectancies of the distributee and the distributee's  
17 designated beneficiary, or for a specified period of ten years  
18 or more; (B) any distribution to the extent the distribution is  
19 required under Section 401(a)(9) of the Internal Revenue  
20 Code; and (C) any hardship distribution described in Section  
21 401(k)(2)(B)(i)(iv) of the Internal Revenue Code. A portion  
22 of a distribution shall not fail to be an eligible rollover  
23 distribution merely because the portion consists of after-tax  
24 employee contributions which are not includable in gross  
25 income. However, this portion may be paid only to an  
26 individual retirement account or annuity described in Section

27 408(a) or (b) of the Internal Revenue Code, or to a qualified  
28 trust described in Section 401(a) or to an annuity contract  
29 described in Section 403(a) or 403(b) of the Internal Revenue  
30 Code that agrees to separately account for amounts  
31 transferred (including interest or earnings thereon), including  
32 separately accounting for the portion of the distribution  
33 which is includable in gross income and the portion of the  
34 distribution which is not includable, or to a Roth IRA  
35 described in Section 408A of the Internal Revenue Code.

36 (2) "Eligible retirement plan" means an eligible plan  
37 under Section 457(b) of the Internal Revenue Code which is  
38 maintained by a state, political subdivision of a state, or any  
39 agency or instrumentality of a state or political subdivision of  
40 a state and which agrees to separately account for amounts  
41 transferred into the plan from this plan, an individual  
42 retirement account described in Section 408(a) of the Internal  
43 Revenue Code, an individual retirement annuity described in  
44 Section 408(b) of the Internal Revenue Code, an annuity plan  
45 described in Section 403(a) of the Internal Revenue Code, an  
46 annuity contract described in Section 403(b) of the Internal  
47 Revenue Code, a qualified plan described in Section 401(a)  
48 of the Internal Revenue Code that accepts the distributee's  
49 eligible rollover distribution, or a Roth IRA described in  
50 Section 408A of the Internal Revenue Code: Provided, That  
51 in the case of an eligible rollover distribution to a designated  
52 beneficiary (other than a surviving spouse) as the term is  
53 defined in Section 402(c)(11) of the Internal Revenue Code,  
54 an eligible retirement plan is limited to an individual  
55 retirement account or individual retirement annuity which  
56 meets the conditions of Section 402(c)(11) of the Internal  
57 Revenue Code.

58 (3) "Distributee" means an employee or former  
59 employee. In addition, the employee's or former employee's  
60 surviving spouse and the employee's or former employee's  
61 spouse or former spouse who is the alternate payee under a  
62 qualified domestic relations order, as defined in Section

63 414(p) of the Internal Revenue Code with respect to  
64 governmental plans, are distributees with regard to the  
65 interest of the spouse or former spouse. The term  
66 “distributee” also includes a designated beneficiary (other  
67 than a surviving spouse) as the term is defined in Section  
68 402(c)(11) of the Internal Revenue Code.

69 (4) “Direct rollover” means a payment by the plan to the  
70 eligible retirement plan.



## CHAPTER 127

**(S. B. 234 - By Senators Kessler  
(Acting President), and Hall)  
[By Request of the Executive]**

\_\_\_\_\_  
[Passed March 9, 2011; in effect from passage.]  
[Approved by the Governor on April 5, 2011.]  
\_\_\_\_\_

AN ACT to amend and reenact §8-38-3, §8-38-4, §8-38-5, §8-38-7, §8-38-10, §8-38-12, §8-38-15, §8-38-16, §8-38-17 and §8-38-20 of the Code of West Virginia, 1931, as amended, all relating to revising the Municipal Economic Opportunity Development District Act generally; enlarging the types of municipal corporations that may use sales tax increment financing to finance certain economic development projects to any Class I, Class II and Class III city and any Class IV town or village; including “mining operations” in the definition of “remediation”; including remediation of former coal or other mining sites as a permissible development expenditure for a project; changing the standard by which the maximum amounts of reserves that may be established in the financing of a project are measured; recommending that the Development Office



consider whether the economic development that a project enables is large enough to require that it contain mixed-use development consisting of a housing component with at least ten percent of housing units in the district allocated for affordable housing when determining whether there is a pressing need for the project; defining “affordable housing”; reducing the amount of capital investment required for project approval; allowing the Development Office to reduce the minimum amount of local sales tax revenues that would be deposited into the state’s General Revenue Fund in certain circumstances; providing that the maximum repayment schedule of all notes, bonds or other instruments issued to fund projects is thirty years; and providing technical and clerical cleanup.

*Be it enacted by the Legislature of West Virginia:*

That §8-38-3, §8-38-4, §8-38-5, §8-38-7, §8-38-10, §8-38-12, §8-38-15, §8-38-16, §8-38-17 and §8-38-20 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

## **ARTICLE 38. MUNICIPAL ECONOMIC OPPORTUNITY DEVELOPMENT DISTRICTS.**

### **§8-38-3. Definitions.**

1 For purposes of this article, the term:

2 (1) “Affordable housing” means housing that could be  
3 purchased with a cash down payment of at least ten percent  
4 and the proceeds of a mortgage loan, the monthly principal  
5 and interest payments on which do not exceed thirty percent  
6 of the gross monthly income of a household earning one  
7 hundred percent of the current median family income, as  
8 computed by the United States Department of Housing and  
9 Urban Development, for the county in which the district is

10 located. For the purposes of this definition, the monthly  
11 principal and interest payments referred to in the preceding  
12 sentence are computed using a standard amortization  
13 calculation incorporating the prevailing annual rate of interest  
14 on mortgage loans offered by financial institutions in the  
15 vicinity of the district, as determined by the Development  
16 Office at the time of its review of a municipality's application  
17 in accordance with section seven of this article, and a thirty  
18 year amortization period.

19 (2) "Development expenditures" means payments for  
20 governmental functions, programs, activities, facility  
21 construction, improvements and other goods and services  
22 which a district board is authorized to perform or provide  
23 under section five of this article;

24 (3) "District" means an economic opportunity  
25 development district created pursuant to this article;

26 (4) "District board" means a district board created  
27 pursuant to section ten of this article;

28 (5) "Eligible property" means any taxable or exempt real  
29 property located in a district established pursuant to this  
30 article;

31 (6) "Municipality" is a word of art and means any Class  
32 I, Class II and Class III city or any Class IV town or village  
33 as classified in section three, article one of this chapter;

34 (7) "Remediation" means measures undertaken to bring  
35 about the reconditioning or restoration of property located  
36 within the boundaries of an economic opportunity  
37 development district that has been affected by exploration,  
38 mining, industrial operations or solid waste disposal and  
39 which measures, when undertaken, will eliminate or  
40 ameliorate the existing state of the property and enable the  
41 property to be commercially developed.

**§8-38-4. Authorization to create economic opportunity development districts.**

1 A municipality may, in accordance with the procedures  
2 and subject to the limitations set forth in this article:

3 (1) Create one or more economic opportunity  
4 development districts within its limits;

5 (2) Provide for the administration and financing of  
6 development expenditures within the districts; and

7 (3) Provide for the administration and financing of a  
8 continuing program of development expenditures within the  
9 districts.

**§8-38-5. Development expenditures.**

1 Any municipality that has established an economic  
2 opportunity development district under this article may make,  
3 or authorize to be made by a district board and other public  
4 or private parties, development expenditures as will promote  
5 the economic vitality of the district and the general welfare  
6 of the municipality, including, but not limited to,  
7 expenditures for the following purposes:

8 (1) Beautification of the district by means  
9 including landscaping and construction and erection of  
10 fountains, shelters, benches, sculptures, signs, lighting,  
11 decorations and similar amenities;

12 (2) Provision of special or additional public services such  
13 as sanitation, security for persons and property and the  
14 construction and maintenance of public facilities, including,  
15 but not limited to, sidewalks, parking lots, parking garages  
16 and other public areas;

17           (3) Making payments for principal, interest, issuance  
18 costs, any of the costs described in section twenty of this  
19 article and appropriate reserves for bonds and other  
20 instruments and arrangements issued or entered into by the  
21 municipality for financing the expenditures of the district  
22 described in this section and to otherwise implement the  
23 purposes of this article;

24           (4) Providing financial support for public transportation  
25 and vehicle parking facilities open to the general public,  
26 whether physically situate within the district's boundaries or  
27 on adjacent land;

28           (5) Acquiring, building, demolishing, razing,  
29 constructing, repairing, reconstructing, refurbishing,  
30 renovating, rehabilitating, expanding, altering, otherwise  
31 developing, operating and maintaining real property  
32 generally, parking facilities, commercial structures and other  
33 capital improvements to real property, fixtures and tangible  
34 personal property, whether or not physically situate within  
35 the district's boundaries: *Provided*, That the expenditure  
36 directly benefits the district;

37           (6) Developing plans for the architectural design of the  
38 district and portions thereof and developing plans and  
39 programs for the future development of the district;

40           (7) Developing, promoting and supporting community  
41 events and activities open to the general public that benefit  
42 the district;

43           (8) Providing the administrative costs for a district  
44 management program;

45           (9) Providing for the usual and customary maintenance  
46 and upkeep of all improvements and amenities in the district  
47 as are commercially reasonable and necessary to sustain its  
48 economic viability on a permanent basis;

49           (10) Providing any other services that the municipality or  
50 district board is authorized to perform and which the  
51 municipality does not also perform to the same extent on a  
52 countywide basis;

53           (11) Making grants to the owners or tenants of economic  
54 opportunity development district for the purposes described  
55 in this section;

56           (12) Acquiring an interest in any entity or entities that  
57 own any portion of the real property situate in the district and  
58 contributing capital to any entity or entities;

59           (13) Remediation of publicly or privately owned landfills,  
60 former coal or other mining sites, solid waste facilities or  
61 hazardous waste sites to facilitate commercial development  
62 which would not otherwise be economically feasible; and

63           (14) To do any and all things necessary, desirable or  
64 appropriate to carry out and accomplish the purposes of this  
65 article notwithstanding any provision of this code to the  
66 contrary.

**§8-38-7. Application to Development Office for approval of an  
economic opportunity development district project.**

1           (a) *General.* -- The Development Office shall receive and  
2 act on applications filed with it by municipalities pursuant to  
3 section six of this article. Each application must include:

4           (1) A true copy of the notice described in section six of  
5 this article;

6           (2) The total cost of the project;

7           (3) A reasonable estimate of the number of months  
8 needed to complete the project;

9           (4) A general description of the capital improvements,  
10 additional or extended services and other proposed  
11 development expenditures to be made in the district as part of  
12 the project;

13           (5) A description of the proposed method of financing the  
14 development expenditures, together with a description of the  
15 reserves to be established for financing ongoing development  
16 expenditures necessary to permanently maintain the optimum  
17 economic viability of the district following its inception:  
18 *Provided*, That the amounts of the reserves may not exceed  
19 the amounts that would be required by prevailing commercial  
20 capital market considerations;

21           (6) A description of the sources and anticipated amounts  
22 of all financing, including, but not limited to, proceeds from  
23 the issuance of any bonds or other instruments, revenues  
24 from the special district excise tax and enhanced revenues  
25 from property taxes and fees;

26           (7) A description of the financial contribution of the  
27 municipality to the funding of development expenditures;

28           (8) Identification of any businesses that the municipality  
29 expects to relocate their business locations from the district  
30 to another place in the state in connection with the  
31 establishment of the district or from another place in this state  
32 to the district: *Provided*, That for purposes of this article, any  
33 entities shall be designated “relocated entities”;

34           (9) Identification of any businesses currently conducting  
35 business in the proposed economic opportunity development  
36 district that the municipality expects to continue doing  
37 business there after the district is created;

38           (10) A good faith estimate of the aggregate amount of  
39 consumers sales and service tax that was actually remitted to

40 the Tax Commissioner by all business locations identified as  
41 provided in subdivisions (8) and (9) of this subsection with  
42 respect to their sales made and services rendered from their  
43 then current business locations that will be relocated from, or  
44 to, or remain in the district for the twelve full calendar  
45 months next preceding the date of the application: *Provided,*  
46 That for purposes of this article, the aggregate amount is  
47 designated as “the base tax revenue amount”;

48 (11) A good faith estimate of the gross annual district tax  
49 revenue amount;

50 (12) The proposed application of any surplus from all  
51 funding sources to further the objectives of this article;

52 (13) The Tax Commissioner’s certification of: (i) The  
53 amount of consumers sales and service taxes collected from  
54 businesses located in the economic opportunity district  
55 during the twelve calendar months preceding the calendar  
56 quarter during which the application will be submitted to the  
57 Development Office; (ii) the estimated amount of economic  
58 opportunity district excise tax that will be collected during  
59 the first twelve months after the month in which the Tax  
60 Commissioner would first begin to collect that tax; and (iii)  
61 the estimated amount of economic opportunity district excise  
62 tax that will be collected during the first thirty-six months  
63 after the month in which the Tax Commissioner would first  
64 begin to collect that tax; and

65 (14) Any additional information the Development Office  
66 may require.

67 (b) *Review of applications.* -- The Development Office  
68 shall review all project proposals for conformance to  
69 statutory and regulatory requirements, the reasonableness of  
70 the project’s budget and timetable for completion and the  
71 following criteria:

72 (1) The quality of the proposed project and how it  
73 addresses economic problems in the area in which the project  
74 will be located;

75 (2) The merits of the project determined by a cost-benefit  
76 analysis that incorporates all costs and benefits, both public  
77 and private;

78 (3) Whether the project is supported by significant  
79 private sector investment and substantial credible evidence  
80 that, but for the existence of sales tax increment financing,  
81 the project would not be feasible;

82 (4) Whether the economic opportunity development  
83 district excise tax dollars will leverage or be the catalyst for  
84 the effective use of private, other local government, state or  
85 federal funding that is available;

86 (5) Whether there is substantial and credible evidence  
87 that the project is likely to be started and completed in a  
88 timely fashion;

89 (6) Whether the project will, directly or indirectly,  
90 improve the opportunities in the area where the project will  
91 be located for the successful establishment or expansion of  
92 other industrial or commercial businesses;

93 (7) Whether the project will, directly or indirectly, assist  
94 in the creation of additional long-term employment  
95 opportunities in the area and the quality of jobs created in all  
96 phases of the project, to include, but not be limited to, wages  
97 and benefits;

98 (8) Whether the project will fulfill a pressing need for the  
99 area, or part of the area, in which the economic opportunity  
100 district is located: *Provided*, That the Development Office  
101 should consider whether the economic development project



102 is large enough to require that it contain a mixed use  
103 development provision consisting of a housing component  
104 with at least ten percent of housing units in the district  
105 allocated for affordable housing;

106 (9) Whether the municipality has a strategy for economic  
107 development in the municipality and whether the project is  
108 consistent with that strategy;

109 (10) Whether the project helps to diversify the local  
110 economy;

111 (11) Whether the project is consistent with the goals of  
112 this article;

113 (12) Whether the project is economically and fiscally  
114 sound using recognized business standards of finance and  
115 accounting; and

116 (13) (A) The ability of the municipality and the project  
117 developer or project team to carry out the project: *Provided*,  
118 That no project may be approved by the Development Office  
119 unless the amount of all development expenditures proposed  
120 to be made in the first twenty-four months following the  
121 creation of the district results in capital investment of more  
122 than \$25 million in the district and the municipality submits  
123 clear and convincing information, to the satisfaction of the  
124 Development Office, that the investment will be made if the  
125 Development Office approves the project and the Legislature  
126 authorizes the municipality to levy an excise tax on sales of  
127 goods and services made within the economic opportunity  
128 development district as provided in this article.

129 (B) Notwithstanding any provision of paragraph (A) of  
130 this subdivision to the contrary, no project involving  
131 remediation may be approved by the Development Office  
132 unless the amount of all development expenditures proposed

133 to be made in the first forty-eight months following the  
134 creation of the district results in capital investment of more  
135 than \$25 million in the district. In addition to the remaining  
136 provisions of paragraph (A) of this subdivision the  
137 Development Office may not approve a project involving  
138 remediation authorized under section five of this article  
139 unless the municipality submits clear and convincing  
140 information, to the satisfaction of the Development Office,  
141 that the proposed remediation expenditures to be financed by  
142 the issuance of bonds or notes pursuant to section sixteen of  
143 this article do not constitute more than twenty-five percent of  
144 the total development expenditures associated with the  
145 project.

146       (c) *Additional criteria.* -- The Development Office may  
147 establish other criteria for consideration when approving the  
148 applications.

149       (d) *Action on the application.* -- The Executive Director  
150 of the Development Office shall act to approve or not  
151 approve any application within thirty days following the  
152 receipt of the application or the receipt of any additional  
153 information requested by the Development Office, whichever  
154 is the later.

155       (e) *Certification of project.* -- If the Executive Director of  
156 the Development Office approves a municipality's economic  
157 opportunity district project application, he or she shall issue  
158 to the municipality a written certificate evidencing the  
159 approval.

160       The certificate shall expressly state a base tax revenue  
161 amount, the gross annual district tax revenue amount and the  
162 estimated net annual district tax revenue amount which, for  
163 purposes of this article, is the difference between the gross  
164 annual district tax revenue amount and the base tax revenue  
165 amount, all of which the Development Office has determined

166 with respect to the district's application based on any  
167 investigation it considers reasonable and necessary,  
168 including, but not limited to, any relevant information the  
169 Development Office requests from the Tax Commissioner  
170 and the Tax Commissioner provides to the Development  
171 Office: *Provided*, That in determining the net annual district  
172 tax revenue amount, the Development Office may not use a  
173 base tax revenue amount less than that amount certified by  
174 the Tax Commissioner but, in lieu of confirmation from the  
175 Tax Commissioner of the gross annual district tax revenue  
176 amount, the Development Office may use the estimate of the  
177 gross annual district tax revenue amount provided by the  
178 municipality pursuant to subsection (a) of this section.

179 (f) *Certification of enlargement of geographic*  
180 *boundaries of previously certified district.* -- If the Executive  
181 Director of the Development Office approves a  
182 municipality's economic opportunity district project  
183 application to expand the geographic boundaries of a  
184 previously certified district, he or she shall issue to the  
185 municipality a written certificate evidencing the approval.

186 The certificate shall expressly state a base tax revenue  
187 amount, the gross annual district tax revenue amount and the  
188 estimated net annual district tax revenue amount which, for  
189 purposes of this article, is the difference between the gross  
190 annual district tax revenue amount and the base tax revenue  
191 amount, all of which the Development Office has determined  
192 with respect to the district's application based on any  
193 investigation it considers reasonable and necessary,  
194 including, but not limited to, any relevant information the  
195 Development Office requests from the Tax Commissioner  
196 and the Tax Commissioner provides to the Development  
197 Office: *Provided*, That in determining the net annual district  
198 tax revenue amount, the Development Office may not use a  
199 base tax revenue amount less than that amount certified by  
200 the Tax Commissioner, but, in lieu of confirmation from the

201 Tax Commissioner of the gross annual district tax revenue  
202 amount, the Development Office may use the estimate of the  
203 gross annual district tax revenue amount provided by the  
204 municipality pursuant to subsection (a) of this section.

205 (g) *Promulgation of rules.* -- The Executive Director of  
206 the Development Office may promulgate rules to implement  
207 the economic opportunity development district project  
208 application approval process and to describe the criteria and  
209 procedures it has established in connection therewith. These  
210 rules are not subject to the provisions of chapter  
211 twenty-nine-a of this code but shall be filed with the  
212 Secretary of State.

**§8-38-10. Ordinance to create district as approved by  
Development Office and authorized by the  
Legislature.**

1 (a) *General.* -- If an economic opportunity development  
2 district project has been approved by the Executive Director  
3 of the Development Office and the levying of a special  
4 district excise tax for the district has been authorized by the  
5 Legislature, all in accordance with this article, the  
6 municipality may create the district by ordinance entered of  
7 record as provided in article one of this chapter: *Provided,*  
8 That the municipality may not amend, alter or change in any  
9 manner the boundaries of the economic opportunity  
10 development district authorized by the Legislature. In  
11 addition to all other requirements, the ordinance shall contain  
12 the following:

13 (1) The name of the district and a description of its  
14 boundaries;

15 (2) A summary of any proposed services to be provided  
16 and capital improvements to be made within the district and  
17 a reasonable estimate of any attendant costs;

18           (3) The base and rate of any special district excise tax  
19 that may be imposed upon sales by businesses for the  
20 privilege of operating within the district, which tax shall be  
21 passed on to and paid by the consumer, and the manner in  
22 which the taxes will be imposed, administered and collected,  
23 all of which shall be in conformity with the requirements of  
24 this article; and

25           (4) The district board members' terms, their method of  
26 appointment and a general description of the district board's  
27 powers and duties, which powers may include the authority:

28           (A) To make and adopt all necessary bylaws and rules for  
29 its organization and operations not inconsistent with any  
30 applicable laws;

31           (B) To elect its own officers, to appoint committees and  
32 to employ and fix compensation for personnel necessary for  
33 its operations;

34           (C) To enter into contracts with any person, agency,  
35 government entity, agency or instrumentality, firm,  
36 partnership, limited partnership, limited liability company or  
37 corporation, including both public and private corporations,  
38 and for-profit and not-for-profit organizations and generally  
39 to do any and all things necessary or convenient for the  
40 purpose of promoting, developing and advancing the  
41 purposes described in section two of this article;

42           (D) To amend or supplement any contracts or leases or to  
43 enter into new, additional or further contracts or leases upon  
44 the terms and conditions for consideration and for any term  
45 of duration, with or without option of renewal, as agreed  
46 upon by the district board and any person, agency,  
47 government entity, agency or instrumentality, firm,  
48 partnership, limited partnership, limited liability company or  
49 corporation;

50 (E) To, unless otherwise provided in, and subject to the  
51 provisions of any contracts or leases to operate, repair,  
52 manage, and maintain buildings and structures and provide  
53 adequate insurance of all types and in connection with the  
54 primary use thereof and incidental thereto to provide  
55 services, such as retail stores and restaurants, and to  
56 effectuate incidental purposes, grant leases, permits,  
57 concessions or other authorizations to any person or persons  
58 upon the terms and conditions for consideration and for the  
59 term of duration as agreed upon by the district board and any  
60 person, agency, governmental department, firm or  
61 corporation;

62 (F) To delegate any authority given to it by law to any of  
63 its officers, committees, agents or employees;

64 (G) To apply for, receive and use grants-in-aid, donations  
65 and contributions from any source or sources and to accept  
66 and use bequests, devises, gifts and donations from any  
67 person, firm or corporation;

68 (H) To acquire real property by gift, purchase or  
69 construction or in any other lawful manner and hold title  
70 thereto in its own name and to sell, lease or otherwise dispose  
71 of all or part of any real property which it may own, either by  
72 contract or at public auction, upon the approval by the district  
73 board;

74 (I) To purchase or otherwise acquire, own, hold, sell,  
75 lease and dispose of all or part of any personal property  
76 which it may own, either by contract or at public auction;

77 (J) Pursuant to a determination by the district board that  
78 there exists a continuing need for development expenditures  
79 and that moneys or funds of the district are necessary  
80 therefor, to borrow money and execute and deliver the  
81 district's negotiable notes and other evidences of

82 indebtedness therefor, on the terms as the district shall  
83 determine, and give security therefor as is requisite,  
84 including, without limitation, a pledge of the district's rights  
85 in its subaccount of the Economic Opportunity Development  
86 District Fund;

87 (K) To acquire (either directly or on behalf of the  
88 municipality) an interest in any entity or entities that own any  
89 real property situate in the district, to contribute capital to any  
90 entity or entities and to exercise the rights of an owner with  
91 respect thereto; and

92 (L) To expend its funds in the execution of the powers  
93 and authority given in this section, which expenditures, by  
94 the means authorized in this section, are hereby determined  
95 and declared as a matter of legislative finding to be for a  
96 public purpose and use, in the public interest and for the  
97 general welfare of the people of West Virginia, to alleviate  
98 and prevent economic deterioration and to relieve the existing  
99 critical condition of unemployment existing within the state.

100 (b) *Additional contents of ordinance.* -- The  
101 municipality's ordinance shall also state the general intention  
102 of the municipality to develop and increase services and to  
103 make capital improvements within the district.

104 (c) *Mailing of certified copies of ordinance.* -- Upon  
105 enactment of an ordinance establishing an economic  
106 opportunity development district excise tax, a certified copy  
107 of the ordinance shall be mailed to the State Auditor, as ex  
108 officio the chief inspector and supervisor of public offices,  
109 the State Treasurer and the Tax Commissioner.

#### **§8-38-12. Special district excise tax authorized.**

1 (a) *General.* -- The council of a municipality, authorized  
2 by the Legislature to levy a special district excise tax for the

3 benefit of an economic opportunity development district,  
4 may, by ordinance, impose that tax on the privilege of selling  
5 tangible personal property and rendering select services in the  
6 district in accordance with this section.

7 (b) *Tax base.* -- The base of a special district excise tax  
8 imposed pursuant to this section shall be identical to the base  
9 of the consumers sales and service tax imposed pursuant to  
10 article fifteen, chapter eleven of this code on sales made and  
11 services rendered within the boundaries of the district. Sales  
12 of gasoline and special fuel are not subject to special district  
13 excise tax, but remain subject to the tax levied by article  
14 fifteen, chapter eleven of this code. Except for the exemption  
15 provided in section nine-f of article fifteen, chapter eleven of  
16 this code, all exemptions and exceptions from the consumers  
17 sales and service tax also apply to the special district excise  
18 tax.

19 (c) *Tax rate.* -- The rate or rates of a special district  
20 excise tax levied pursuant to this section shall be stated in an  
21 ordinance enacted by the municipality and identical to the  
22 rate or rates of the consumers sales and service tax imposed  
23 pursuant to article fifteen, chapter eleven of this code on sales  
24 rendered within the boundaries of the district authorized by  
25 this section.

26 (d) *Collection by Tax Commissioner.* -- The ordinance of  
27 the municipality imposing a special district excise tax shall  
28 provide for the tax to be collected by the Tax Commissioner  
29 in the same manner as the tax levied by section three, article  
30 fifteen, chapter eleven of this code is administered, assessed,  
31 collected and enforced.

32 (1) The State Tax Commissioner may require the  
33 electronic filing of returns related to the special district excise  
34 tax imposed pursuant to this section and may require the  
35 electronic payment of the special district excise tax imposed



36 pursuant to this section. The State Tax Commissioner may  
37 prescribe by rules adopted or proposed pursuant to article  
38 three, chapter twenty-nine-a of this code, administrative  
39 notices, and forms and instructions, the procedures and  
40 criteria to be followed to electronically file those returns and  
41 to electronically pay the special district excise tax imposed  
42 pursuant to this section.

43 (2) Any rules filed by the State Tax Commissioner  
44 relating to the special district excise tax imposed pursuant to  
45 this section shall set forth the following:

46 (A) Acceptable indicia of timely payment;

47 (B) Which type of electronic filing method or methods a  
48 particular type of taxpayer may or may not use;

49 (C) What type of electronic payment method or methods  
50 a particular type of taxpayer may or may not use;

51 (D) What, if any, exceptions are allowable and alternative  
52 methods of payment that may be used for any exceptions;

53 (E) Procedures for making voluntary or mandatory  
54 electronic payments or both; and

55 (F) Any other provisions necessary to ensure the timely  
56 electronic filing of returns related to the special district excise  
57 tax and the making of payments electronically of the special  
58 district excise tax imposed pursuant to this section.

59 (3) (A) Notwithstanding the provisions of section five-d,  
60 article ten, chapter eleven of this code: (i) So long as bonds  
61 are outstanding pursuant to this article, the Tax  
62 Commissioner shall provide on a monthly basis to the trustee  
63 for bonds issued pursuant to this article information on  
64 returns submitted pursuant to this article; and (ii) the trustee

65 may share the information so obtained with the municipality  
66 that established the economic opportunity development  
67 district that issued the bonds pursuant to this article and with  
68 the bondholders and with bond counsel for bonds issued  
69 pursuant to this article. The Tax Commissioner and the  
70 trustee may enter into a written agreement in order to  
71 accomplish exchange of the information.

72 (B) Any confidential information provided pursuant to  
73 this subdivision shall be used solely for the protection and  
74 enforcement of the rights and remedies of the bondholders of  
75 bonds issued pursuant to this article. Any person or entity  
76 that is in possession of information disclosed by the Tax  
77 Commissioner or shared by the trustee pursuant to  
78 subdivision (a) of this subsection is subject to the provisions  
79 of section five-d, article ten, chapter eleven of this code as if  
80 the person or entity that is in possession of the tax  
81 information is an officer, employee, agent or representative  
82 of this state or of a local or municipal governmental entity or  
83 other governmental subdivision.

84 (e) *Deposit of net tax collected.* --

85 (1) The ordinance of the municipality imposing a special  
86 district excise tax shall provide that the Tax Commissioner  
87 deposit the net amount of tax collected in the special  
88 Economic Opportunity Development District Fund to the  
89 credit of the municipality's subaccount therein for the  
90 economic opportunity development district and that the  
91 money in the subaccount may only be used to pay for  
92 development expenditures as provided in this article except  
93 as provided in subsection (f) of this section.

94 (2) (A) The State Treasurer shall withhold from the  
95 municipality's subaccount in the Economic Opportunity  
96 Development District Fund and shall deposit in the General  
97 Revenue Fund of this state, on or before the twentieth day of

98 each calendar month next following the effective date of a  
99 special district excise tax, a sum equal to one twelfth of the  
100 base tax revenue amount last certified by the Development  
101 Office pursuant to section seven of this article.

102 (B) In addition to the amounts described in paragraph (A)  
103 of this subdivision, the Tax Commissioner shall deposit in  
104 the General Revenue Fund of this state on the dates specified  
105 in paragraph (A) not less than twenty percent nor more than  
106 fifty percent of the excess of the special district excise taxes  
107 collected during the preceding month above one twelfth of  
108 the base tax revenue, said percentage to be fixed by the  
109 Development Office in conjunction with its approval of an  
110 application in accordance with section seven of this article  
111 based on the amount of state funds, if any, to be expended in  
112 conjunction with the respective economic opportunity  
113 development district project for items including, but not  
114 limited to, the acquisition, construction, reconstruction,  
115 improvement, enlargement or extension of roadways,  
116 rights-of-way, sidewalks, traffic signals, water or sewer lines  
117 and other public infrastructure and such other expenditures of  
118 state funds identified by the Development Office: *Provided*,  
119 That the Development Office has the discretion to reduce the  
120 minimum percentage of the excess special district excise  
121 taxes deposited by the Tax Commissioner in the General  
122 Revenue Fund as outlined above from twenty percent to ten  
123 percent in conjunction with its approval of an application in  
124 accordance with section seven of this article based on its  
125 determination that:

126 (i) The economic development project provides for  
127 expenditures in excess of \$100 million;

128 (ii) The economic opportunity development district  
129 project does not require the state to expend any additional  
130 state funds for items within the district including, but not  
131 limited to, the acquisition, construction, reconstruction,

132 improvement, enlargement or extension of roadways,  
133 rights-of-way, sidewalks, traffic signals, water or sewer lines  
134 and other public infrastructure; and

135 (iii) The economic development project contains a  
136 provision for a mixed use development with a housing  
137 component with at least ten percent of housing units in the  
138 district allocated as affordable housing.

139 (f) *Effective date of special district excise tax.* -- Any  
140 taxes imposed pursuant to the authority of this section are  
141 effective on the first day of the calendar month that begins at  
142 least sixty days after the date of enactment of the ordinance  
143 imposing the tax or at any later date expressly designated in  
144 the ordinance that begins on the first day of a calendar month.

145 (g) *Copies of ordinance.* -- Upon enactment of an  
146 ordinance levying a special district excise tax, a certified  
147 copy of the ordinance shall be mailed to the State Auditor, as  
148 ex officio the chief inspector and supervisor of public offices,  
149 the State Treasurer and the Tax Commissioner.

**§8-38-15. Abolishment and dissolution of district; notice;  
hearing.**

1 (a) *General.* -- Except upon the express written consent  
2 of the Executive Director of the Development Office and of  
3 all the holders or obligees of any indebtedness or other  
4 instruments the proceeds of which were applied to any  
5 development expenditures or any indebtedness, the payment  
6 of which is secured by revenues payable into the fund  
7 provided under section eight of this article or by any public  
8 property, a district may only be abolished by the municipality  
9 when there is no outstanding indebtedness the proceeds of  
10 which were applied to any development expenditures or the  
11 payment of which is secured by revenues payable into the  
12 fund provided under section eight of this article, or by any

13 public property, and following a public hearing upon the  
14 proposed abolishment.

15 (b) *Notice of public hearing.* -- Notice of the public  
16 hearing required by subsection (a) of this section shall be  
17 provided by first-class mail to all owners of real property  
18 within the district and shall be published as a Class I-0 legal  
19 advertisement in compliance with article three, chapter  
20 fifty-nine of this code at least twenty days prior to the public  
21 hearing.

22 (c) *Transfer of district assets and funds.* -- Upon the  
23 abolishment of any economic opportunity development  
24 district, any funds or other assets, contractual rights or  
25 obligations, claims against holders of indebtedness or other  
26 financial benefits, liabilities or obligations existing after full  
27 payment has been made on all existing contracts, bonds,  
28 notes or other obligations of the district are transferred to and  
29 assumed by the municipality. Any funds or other assets  
30 transferred shall be used for the benefit of the area included  
31 in the district being abolished.

32 (d) *Reinstatement of district.* -- Following abolishment of  
33 a district pursuant to this section, its reinstatement requires  
34 compliance with all requirements and procedures set forth in  
35 this article for the initial development, approval,  
36 establishment and creation of an economic opportunity  
37 development district.

**§8-38-16. Bonds issued to finance economic opportunity  
development district projects.**

1 (a) *General.* -- The municipality that established the  
2 economic opportunity development district may issue bonds  
3 or notes for the purpose of financing development  
4 expenditures, as described in section five of this article, with  
5 respect to one or more projects within the economic  
6 opportunity development district.

7           (b) *Limited obligations.* -- All bonds and notes issued by  
8 a municipality under the authority of this article are limited  
9 obligations of the municipality.

10           (c) *Term of obligations.* -- No municipality may issue  
11 notes, bonds or other instruments for funding district projects  
12 or improvements that exceed a repayment schedule of thirty  
13 years.

14           (d) *Debt service.* -- The principal and interest on the  
15 bonds is payable out of the funds on deposit in the  
16 subaccount established for the economic opportunity  
17 development district pursuant to section eight of this article,  
18 including, without limitation, any funds derived from the  
19 special district excise tax imposed by section twelve of this  
20 article or other revenues derived from the economic  
21 opportunity development district to the extent pledged for the  
22 purpose by the municipality in the ordinance authorizing the  
23 bonds.

24           (e) *Surplus funds.* -- To the extent that the average daily  
25 amount on deposit in the subaccount established for a district  
26 pursuant to section eight of this article exceeds, for more than  
27 six consecutive calendar months, the sum of: (1) \$100,000;  
28 plus (2) the amount required to be kept on deposit pursuant  
29 to the documents authorizing, securing or otherwise relating  
30 to the bonds or notes issued under this section, then the  
31 excess shall be used by the district either to redeem the bonds  
32 or notes previously issued or remitted to the General Fund of  
33 this state.

34           (f) *Debt not general obligation of municipality.* -- Neither  
35 the notes or bonds and any interest coupons issued under the  
36 authority of this article shall ever constitute an indebtedness  
37 of the municipality issuing the notes or bonds within the  
38 meaning of any Constitutional provision or statutory  
39 limitation and do not constitute or give rise to a pecuniary  
40 liability of the municipality issuing the notes or bonds.

41           (g) *Debt not a charge general credit or taxing powers of*  
42 *municipality.* -- Neither the bonds or notes, nor interest  
43 thereon, is a charge against the general credit or taxing  
44 powers of the municipality and that fact shall be plainly  
45 stated on the face of each bond or note.

46           (h) *Issuance of bonds or notes.* --

47           (1) Bonds or notes allowed under this section may be  
48 executed, issued and delivered at any time and, from time to  
49 time, may be in a form and denomination, may be of a tenor,  
50 must be negotiable but may be registered as to the principal  
51 thereof or as to the principal and interest thereof, may be  
52 payable in any amounts and at any time or times, may be  
53 payable at any place or places, may bear interest at any rate  
54 or rates payable at any place or places and evidenced in any  
55 manner and may contain any provisions therein not  
56 inconsistent herewith, all as provided in the ordinance of the  
57 municipality whereunder the bonds or notes are authorized to  
58 be issued.

59           (2) The bonds may be sold by the municipality at public  
60 or private sale at, above or below par as the municipality  
61 authorizes.

62           (3) Bonds and notes issued pursuant to this article shall  
63 be signed by the authorized representative of the municipality  
64 and attested by the municipal clerk or recorder and be under  
65 the seal of the municipality.

66           (4) Any coupons attached to the bonds shall bear the  
67 facsimile signature of the authorized representative of the  
68 municipality. If any of the officials whose signatures appear  
69 on the bonds, notes or coupons cease to be officers before the  
70 delivery of the bonds or notes, their signatures are valid and  
71 sufficient for all purposes to the same extent as if they had  
72 remained in office until the delivery.

73           (i) *Additional bonds or notes.* -- If the proceeds of the  
74 bonds or notes, by error of calculation or otherwise, are less  
75 than the cost of the economic opportunity development  
76 district project, or if additional real or personal property is to  
77 be added to the district project or if it is determined that  
78 financing is needed for additional development expenditures,  
79 additional bonds or notes may, in like manner, be issued to  
80 provide the amount of the deficiency or to defray the cost of  
81 acquiring or financing any additional real or personal  
82 property or development expenditures and, unless otherwise  
83 provided in the trust agreement, mortgage or deed of trust,  
84 are considered to be of the same issue and are entitled to  
85 payment from the same fund, without preference or priority,  
86 and are of equal priority as to any security.

**§8-38-17. Security for bonds.**

1           (a) *General.* -- Unless the municipality otherwise  
2 determines in the ordinance authorizing the issuance of the  
3 bonds or notes under the authority of this article, there is  
4 hereby created a statutory lien upon the subaccount created  
5 pursuant to section eight of this article and all special district  
6 excise tax revenues collected for the benefit of the district  
7 pursuant to section eleven-a, article ten, chapter eleven of this  
8 code for the purpose of securing the principal of the bonds or  
9 notes and the interest thereon.

10           (b) *Security for debt service.* -- The principal of and  
11 interest on any bonds or notes issued under the authority of  
12 this article shall be secured by a pledge of the special district  
13 excise tax revenues derived from the economic opportunity  
14 development district project by the municipality issuing the  
15 bonds or notes to the extent provided in the ordinance  
16 adopted by the municipality authorizing the issuance of the  
17 bonds or notes.



18           (c) *Trust indenture.* --

19           (1) In the discretion and at the option of the municipality,  
20 the bonds and notes may also be secured by a trust indenture  
21 by and between the municipality and a corporate trustee,  
22 which may be a trust company or bank having trust powers,  
23 within or without the State of West Virginia.

24           (2) The ordinance authorizing the bonds or notes and  
25 fixing the details thereof may provide that the trust indenture  
26 may contain provisions for the protection and enforcing the  
27 rights and remedies of the bondholders as are reasonable and  
28 proper, not in violation of law, including covenants setting  
29 forth the duties of the municipality in relation to the  
30 construction, acquisition or financing of an economic  
31 opportunity development district project, or part thereof or an  
32 addition thereto, and the improvement, repair, maintenance  
33 and insurance thereof and for the custody, safeguarding and  
34 application of all moneys and may provide that the economic  
35 opportunity development district project shall be constructed  
36 and paid for under the supervision and approval of the  
37 consulting engineers or architects employed and designated  
38 by the municipality or, if directed by the municipality in the  
39 ordinance, by the district board, and satisfactory to the  
40 purchasers of the bonds or notes, their successors, assigns or  
41 nominees who may require the security given by any  
42 contractor or any depository of the proceeds of the bonds or  
43 notes or the revenues received from the district project be  
44 satisfactory to the purchasers, their successors, assigns or  
45 nominees.

46           (3) The indenture may set forth the rights and remedies  
47 of the bondholders, the municipality or trustee and the  
48 indenture may provide for accelerating the maturity of the  
49 revenue bonds, at the option of the bondholders or the  
50 municipality issuing the bonds, upon default in the payment  
51 of the amounts due under the bonds.

52           (4) The municipality may also provide by resolution and  
53 in the trust indenture for the payment of the proceeds of the  
54 sale of the bonds or notes and the revenues from the  
55 economic opportunity development district project to any  
56 depository it determines, for the custody and investment  
57 thereof and for the method of distribution thereof, with  
58 safeguards and restrictions it determines to be necessary or  
59 advisable for the protection thereof and upon the filing of a  
60 certified copy of the resolution or of the indenture for record  
61 with the clerk or recorder of the municipality in which the  
62 economic opportunity development project is located, the  
63 resolution has the same effect, as to notice, as the recordation  
64 of a deed of trust or other recordable instrument.

65           (5) In the event that more than one certified resolution or  
66 indenture is recorded, the security interest granted by the first  
67 recorded resolution or indenture has priority in the same  
68 manner as an earlier filed deed of trust except to the extent  
69 the earlier recorded resolution or indenture provides  
70 otherwise.

71           (d) *Mortgage or deed of trust.* --

72           (1) In addition to or in lieu of the indenture provided in  
73 subsection (c) of this section, the principal of and interest on  
74 the bonds or notes may, but need not, be secured by a  
75 mortgage or deed of trust covering all or any part of the  
76 economic opportunity development district project from  
77 which the revenues pledged are derived and the same may be  
78 secured by an assignment or pledge of the income received  
79 from the economic opportunity development district project.

80           (2) The proceedings under which bonds or notes are  
81 authorized to be issued, when secured by a mortgage or deed  
82 of trust, may contain the same terms, conditions and  
83 provisions provided herein when an indenture is entered into

84 between the municipality and a trustee and any mortgage or  
85 deed of trust may contain any agreements and provisions  
86 customarily contained in instruments securing bonds or  
87 notes, including, without limiting the generality of the  
88 foregoing, provisions respecting the fixing and collection of  
89 revenues from the economic opportunity development  
90 district project covered by the proceedings or mortgage, the  
91 terms to be incorporated in any lease, sale or financing  
92 agreement with respect to the economic opportunity  
93 development district project, the improvement, repair,  
94 maintenance and insurance of the economic opportunity  
95 development district project, the creation and maintenance  
96 of special funds from the revenues received from the  
97 economic opportunity development district project and the  
98 rights and remedies available in event of default to the  
99 bondholders or note holders, the municipality, or to the  
100 trustee under an agreement, indenture, mortgage or deed of  
101 trust, all as the municipality considers advisable and shall  
102 not be in conflict with the provisions of this article or any  
103 existing law: *Provided*, That in making any agreements or  
104 provisions, a municipality shall not have the power to incur  
105 original indebtedness by indenture, ordinance, resolution,  
106 mortgage or deed of trust except with respect to the  
107 economic opportunity development district project and the  
108 application of the revenues therefrom and shall not have the  
109 power to incur a pecuniary liability or a charge upon its  
110 general credit or against its taxing powers unless approved  
111 by the voters in accordance with article one, chapter thirteen  
112 of this code or as otherwise permitted by the Constitution of  
113 this state.

114 (e) *Enforcement of obligations.* --

115 (1) The proceedings authorizing any bonds and any  
116 indenture, mortgage or deed of trust securing the bonds may  
117 provide that, in the event of default in payment of the

118 principal of or the interest on the bonds, or notes, or in the  
119 performance of any agreement contained in the proceedings,  
120 indenture, mortgage or deed of trust, payment and  
121 performance may be enforced by the appointment of a  
122 receiver in equity with power to charge and collect rents or  
123 other amounts and to apply the revenues from the economic  
124 opportunity development district project in accordance with  
125 the proceedings or the provisions of the agreement, indenture,  
126 mortgage or deed of trust.

127 (2) Any agreement, indenture, mortgage or deed of trust  
128 may provide also that, in the event of default in payment or  
129 the violation of any agreement contained in the mortgage or  
130 deed of trust, the agreement, indenture, mortgage or deed of  
131 trust may be foreclosed either by sale at public outcry or by  
132 proceedings in equity and may provide that the holder or  
133 holders of any of the bonds secured thereby may become the  
134 purchaser at any foreclosure sale, if the highest bidder  
135 therefor.

136 (f) *No pecuniary liability.* -- No breach of any agreement,  
137 indenture, mortgage or deed of trust may impose any  
138 pecuniary liability upon a municipality or any charge upon its  
139 general credit or against its taxing powers.

**§8-38-20. Use of proceeds from sale of bonds.**

1 (a) *General.* -- The proceeds from the sale of any bonds  
2 issued under authority of this article shall be applied only for  
3 the purpose for which the bonds were issued: *Provided*, That  
4 any accrued interest received in any sale shall be applied to  
5 the payment of the interest on the bonds sold: *Provided*,  
6 *however*, That if for any reason any portion of the proceeds  
7 may not be needed for the purpose for which the bonds were  
8 issued, then the unneeded portion of the proceeds may be  
9 applied to the purchase of bonds for cancellation or payment

10 of the principal of or the interest on the bonds, or held in  
11 reserve for the payment thereof.

12 (b) *Payment of costs.* -- The costs that may be paid with  
13 the proceeds of the bonds include all development  
14 expenditures described in section five of this article and may  
15 also include, but not be limited to, the following:

16 (1) The cost of acquiring any real estate determined  
17 necessary;

18 (2) The actual cost of the construction of any part of an  
19 economic opportunity development district project which  
20 may be constructed, including architects', engineers',  
21 financial or other consultants' and legal fees;

22 (3) The purchase price or rental of any part of an  
23 economic opportunity development district project that may  
24 be acquired by purchase or lease;

25 (4) All expenses incurred in connection with the  
26 authorization, sale and issuance of the bonds to finance the  
27 acquisition and the interest on the bonds for a reasonable time  
28 prior to construction during construction and for not  
29 exceeding twelve months after completion of construction;  
30 and

31 (5) Any other costs and expenses reasonably necessary in  
32 the establishment and acquisition of an economic opportunity  
33 development district project and the financing thereof.

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## CHAPTER 128

**(Com. Sub. for S. B. 544 - By Senators Foster,  
Wells, McCabe, Wills, Edgell, Snyder, Palumbo,  
Yost, Klempa and Kessler (Acting President))**

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[Passed March 11, 2011; in effect from passage.]

[Approved by the Governor on April 5, 2011.]

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AN ACT to amend and reenact §8-22-16 and §8-22-20 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-22A-28 of said code, all relating to municipal policemen's and firemen's pension and relief funds and Municipal Police Officers and Fire Fighters Retirement System; providing additional method for municipalities to finance policemen's and firemen's pension and relief funds; authorizing Municipal Pensions Oversight Board to contract for actuarial services without certain statutory restrictions; requiring certain information in certain actuarial reports; and extending time to submit plan to extend Social Security benefits to certain individuals.

*Be it enacted by the Legislature of West Virginia:*

That §8-22-16 and §8-22-20 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §8-22A-28 of said code be amended and reenacted, all to read as follows:

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

**§8-22-16. Pension and relief funds for policemen and firemen; creation of boards of trustees; definitions; continuance of funds; average adjusted salary.**

1           (a) Except as provided in subsection (e) of this section,  
2 passed into law during the fourth extraordinary session of the  
3 Legislature in 2009, in every Class I and Class II city having,  
4 or which may hereafter have, a paid police department and a  
5 paid fire department, or either of such departments, the  
6 governing body shall, and in every Class III city and Class IV  
7 town or village having, or which may hereafter have, a paid  
8 police department and a paid fire department, or either of  
9 such departments, the governing body may, by ordinance  
10 provide for the establishment and maintenance of a  
11 policemen's pension and relief fund and for a firemen's  
12 pension and relief fund for the purposes hereinafter  
13 enumerated and, thereupon, there shall be created boards of  
14 trustees which shall administer and distribute the moneys  
15 authorized to be raised by this section and the following  
16 sections of this article. For the purposes of this section and  
17 sections seventeen through twenty-eight, inclusive, of this  
18 article, the term "paid police department" or "paid fire  
19 department" means only a municipal police department or  
20 municipal fire department, as the case may be, maintained  
21 and paid for out of public funds and whose employees are  
22 paid on a full-time basis out of public funds. The term shall  
23 not be taken to mean any department whose employees are  
24 paid nominal salaries or wages or are only paid for services  
25 actually rendered on an hourly basis.

26           (b) Any policemen's pension and relief fund and any  
27 firemen's pension and relief fund established in accordance  
28 with the provisions of former article six of this chapter or this  
29 article shall be or remain mandatory and shall be governed by  
30 the provisions of sections sixteen through twenty-eight,  
31 inclusive, of this article (with like effect, in the case of a  
32 Class III city or Class IV town or village, as if such Class III  
33 city or Class IV town or village were a Class I or Class II

34 city) and shall not be affected by the transition from one class  
35 of municipal corporation to a lower class as specified in  
36 section three, article one of this chapter: *Provided*, That any  
37 Class III or Class IV town or village that hereafter becomes  
38 a Class I or Class II city shall not be required to establish a  
39 pension and relief fund if the town or village is a participant  
40 in an existing pension plan regarding paid firemen and/or  
41 policemen.

42 (c) After June 30, 1981, for the purposes of sections  
43 sixteen through twenty-eight, inclusive, of this article, the  
44 word "member" means any paid police officer or firefighter  
45 who at time of appointment to a paid police or fire  
46 department met the medical requirements of chapter 2-2 of  
47 the National Fire Protection Association Standards Number  
48 1001 -- Firefighters Professional Qualifications '74 as  
49 updated from year to year: *Provided*, That any police officer  
50 or firefighter who was a member of the fund prior to July 1,  
51 1981, shall be considered a member after June 30, 1981.

52 (d) For purposes of sections sixteen through twenty-eight,  
53 inclusive, of this article, the words "salary or compensation"  
54 mean remuneration actually received by a member, plus the  
55 member's deferred compensation under sections 125, 401(k),  
56 414(h)(2) and 457 of the United States Internal Revenue  
57 Code of 1986, as amended: *Provided*, That the remuneration  
58 received by the member during any twelve-consecutive-  
59 month period used in determining benefits which is in excess  
60 of an amount which is twenty percent greater than the  
61 "average adjusted salary" received by the member in the two  
62 consecutive twelve-consecutive-month periods immediately  
63 preceding the twelve-consecutive-month period used in  
64 determining benefits shall be disregarded: *Provided*,  
65 *however*, That the "average adjusted salary" means the  
66 arithmetic average of each year's adjusted salary, the  
67 adjustment made to reflect current salary rate and such  
68 average adjusted salary shall be determined as follows:  
69 Assuming "year-one" means the second twelve-consecutive-



70 month period preceding such twelve-consecutive-month  
71 period used in determining benefits, “year-two” means the  
72 twelve-consecutive-month period immediately preceding the  
73 twelve-consecutive-month period used in determining  
74 benefits and “year-three” means the twelve-consecutive-  
75 month period used in determining benefits, year-one total  
76 remuneration shall be multiplied by the ratio of year-three  
77 base salary, exclusive of all overtime and other remuneration,  
78 to year-one base salary, exclusive of all overtime and other  
79 remuneration, such product shall equal “year-one adjusted  
80 salary”; year-two total remuneration shall be multiplied by  
81 the ratio of year-three base salary, exclusive of all overtime  
82 and other remuneration, to year-two base salary, exclusive of  
83 all overtime and other remuneration, such product shall equal  
84 “year-two adjusted salary”; and the arithmetic average of  
85 year-one adjusted salary and year-two adjusted salary shall  
86 equal the average adjusted salary.

87 (e)(1) Any municipality, as that term is defined in section  
88 two, article one of this chapter, or municipal subdivision as  
89 defined in section two, article twenty-two-a of this chapter  
90 may, by a majority vote of its governing body, close its  
91 existing policemen’s or firemen’s pension and relief fund to  
92 employees newly hired on or after January 1, 2010, if the  
93 municipality enrolls those newly hired police officers or  
94 firefighters in a retirement plan created in article twenty-two-  
95 a of this chapter and approved and administered by the West  
96 Virginia Consolidated Public Retirement Board. On and  
97 after July 1, 2010, no new policemen’s or firemen’s pension  
98 and relief fund may be established under this section. A  
99 Class I or Class II municipality forming a new paid police  
100 department or paid fire department after June 30, 2010, shall,  
101 notwithstanding the provisions of section two, article twenty-  
102 two-a of this chapter, enroll the department members in the  
103 Municipal Police Officers and Firefighters Retirement  
104 System established in article twenty-two-a of this chapter.

105 (2) Any municipality using the alternative method of  
106 financing that elects to close an existing pension and relief  
107 fund to new hires pursuant to this subsection shall also adopt  
108 either the optional method of financing the unfunded  
109 actuarial accrued liability of the existing policemen's or  
110 firemen's pension and relief fund as provided in subsection  
111 (e), or the conservation method as provided in subsection (f),  
112 section twenty of this article.

113 (3) Except as provided in section thirty-two, article  
114 twenty-two-a of this chapter, if the qualifying municipality  
115 elects to close enrollment in an existing municipal pension  
116 and relief fund to newly hired police officers and firefighters  
117 pursuant to this section, all current active members, retirees  
118 and other beneficiaries covered by the existing policemen's  
119 or firemen's pension and relief fund shall remain covered by  
120 that plan and shall be paid all benefits of that plan in  
121 accordance with Part III of this article.

**§8-22-20. Actuary; actuarial valuation report; minimum standards for annual municipality contributions to the fund; definitions; actuarial review and audit.**

1 (a) The West Virginia Municipal Pensions Oversight  
2 Board shall contract with or employ a qualified actuary to  
3 annually prepare an actuarial valuation report on each  
4 pension and relief fund. The selection of contract vendors to  
5 provide actuarial services, including the reviewing actuary as  
6 provided in subsection (c) of this section, shall be by  
7 competitive bid process but is specifically exempt from  
8 purchasing provisions of article three, chapter five-a of this  
9 code. The expense of the actuarial report shall be paid from  
10 moneys in the Municipal Pensions Security Fund. Uses of  
11 the actuarial valuations from the qualified actuary shall  
12 include, but not be limited to, determining a municipal  
13 policemen's or firemen's pension and relief fund's eligibility  
14 to receive state money and to provide supplemental benefits.

15           (b) The actuarial valuation report provided pursuant to  
16 subsection (a) of this section shall consist of, but is not  
17 limited to, the following disclosures: (1) The financial  
18 objective of the fund and how the objective is to be attained;  
19 (2) the progress being made toward realization of the  
20 financial objective; (3) recent changes in the nature of the  
21 fund, benefits provided or actuarial assumptions or methods;  
22 (4) the frequency of actuarial valuation reports and the date  
23 of the most recent actuarial valuation report; (5) the method  
24 used to value fund assets; (6) the extent to which the  
25 qualified actuary relies on the data provided and whether the  
26 data was certified by the fund's Auditor or examined by the  
27 qualified actuary for reasonableness; (7) a description and  
28 explanation of the actuarial assumptions and methods; (8) an  
29 evaluation of each plan using the alternative funding method,  
30 to assess advantages of changing to other funding methods as  
31 provided in this article; and (9) any other information  
32 required in section twenty-a of this article or that the  
33 qualified actuary feels is necessary or would be useful in  
34 fully and fairly disclosing the actuarial condition of the fund.

35           (c) (1) Except as provided in subsections (e) and (f) of  
36 this section, beginning June 30, 1991, and thereafter, the  
37 financial objective of each municipality shall not be less than  
38 to contribute to the fund annually an amount which, together  
39 with the contributions from the members and the allocable  
40 portion of the Municipal Pensions and Protection Fund for  
41 municipal pension and relief funds established under section  
42 fourteen-d, article three, chapter thirty-three of this code or a  
43 municipality's allocation from the Municipal Pensions  
44 Security Fund created in section eighteen-b of this article and  
45 other income sources as authorized by law will be sufficient  
46 to meet the normal cost of the fund and amortize any  
47 actuarial deficiency over a period of not more than forty  
48 years beginning from July 1, 1991: *Provided*, That in the  
49 fiscal year ending June 30, 1991, the municipality may elect  
50 to make its annual contribution to the fund using an

51 alternative contribution in an amount not less than: (i) One  
52 hundred seven percent of the amount contributed for the  
53 fiscal year ending June 30, 1990; or (ii) an amount equal to  
54 the average of the contribution payments made in the five  
55 highest fiscal years beginning with the fiscal year ending  
56 1984, whichever is greater: *Provided, however,* That  
57 contribution payments in subsequent fiscal years under this  
58 alternative contribution method may not be less than one  
59 hundred seven percent of the amount contributed in the prior  
60 fiscal year: *Provided further,* That in order to avoid  
61 penalizing municipalities and to provide flexibility when  
62 making contributions, municipalities using the alternative  
63 contribution method may exclude a one-time additional  
64 contribution made in any one year in excess of the minimum  
65 required by this section: *And provided further,* That the  
66 governing body of any municipality may elect to provide an  
67 employer continuing contribution of one percent more than  
68 the municipality's required minimum under the alternative  
69 contribution plan authorized in this subsection: *And provided*  
70 *further,* That if any municipality decides to contribute an  
71 additional one percent, then that municipality may not reduce  
72 the additional contribution until the respective pension and  
73 relief fund no longer has any actuarial deficiency: *And*  
74 *provided further,* That any decision and any contribution  
75 payment by the municipality is not the liability of the State of  
76 West Virginia: *And provided further,* That if any  
77 municipality or any pension fund board of trustees makes a  
78 voluntary election and thereafter fails to contribute the  
79 voluntarily increase as provided in this section and in  
80 subsection (c), section nineteen of this article, then the board  
81 of trustees is not eligible to receive funds allocated under  
82 section fourteen-d, article three, chapter thirty-three of this  
83 code: *And provided further,* That prior to using this  
84 alternative contribution method the actuary of the fund shall  
85 certify in writing that the fund is projected to be solvent  
86 under the alternative contribution method for the next  
87 consecutive fifteen-year period. For purposes of determining

88 this minimum financial objective: (i) The value of the fund's  
89 assets shall be determined on the basis of any reasonable  
90 actuarial method of valuation which takes into account fair  
91 market value; and (ii) all costs, deficiencies, rate of interest and  
92 other factors under the fund shall be determined on the basis of  
93 actuarial assumptions and methods which, in aggregate, are  
94 reasonable (taking into account the experience of the fund and  
95 reasonable expectations) and which, in combination, offer the  
96 qualified actuary's best estimate of anticipated experience  
97 under the fund: *And provided further*, That any municipality  
98 which elected the alternative funding method under this section  
99 and which has an unfunded actuarial liability of not more than  
100 twenty-five percent of fund assets, may, beginning September  
101 1, 2003, elect to revert to the standard funding method, which  
102 is to contribute to the fund annually an amount which is not  
103 less than an amount which, together with the contributions  
104 from the members and the allocable portion of the Municipal  
105 Pensions and Protection Fund for municipal pension and relief  
106 funds established under section fourteen-d, article three,  
107 chapter thirty-three of this code and other income sources as  
108 authorized by law, will be sufficient to meet the normal cost of  
109 the fund and amortize any actuarial deficiency over a period of  
110 not more than forty years, beginning from July 1, 1991.

111 (2) No municipality may anticipate or use in any manner  
112 any state funds accruing to the police or firemen's pension  
113 fund to offset the minimum required funding amount for any  
114 fiscal year.

115 (3) Notwithstanding any other provision of this section or  
116 article to the contrary, each municipality shall contribute  
117 annually to the fund an amount which may not be less than  
118 the normal cost, as determined by the actuarial report.

119 (4) The actuarial process, which includes the selection of  
120 methods and assumptions, shall be reviewed by the qualified  
121 actuary no less than once every five years. Furthermore, the

122 qualified actuary shall provide a report to the oversight board  
123 with recommendations on any changes to the actuarial  
124 process.

125 (5) The oversight board shall hire an independent  
126 reviewing actuary to perform an actuarial audit of the work  
127 performed by the qualified actuary no less than once every  
128 seven years.

129 (d) For purposes of this section, the term “qualified  
130 actuary” means only an actuary who is a member of the  
131 Society of Actuaries or the American Academy of Actuaries.  
132 The qualified actuary shall be designated a fiduciary and  
133 shall discharge his or her duties with respect to a fund solely  
134 in the interest of the members and members’ beneficiaries of  
135 that fund. In order for the standards of this section to be met,  
136 the qualified actuary shall certify that the actuarial valuation  
137 report is complete and accurate and that in his or her opinion  
138 the technique and assumptions used are reasonable and meet  
139 the requirements of this section.

140 (e)(1) Beginning January 1, 2010, municipalities may  
141 choose the optional method of financing municipal  
142 policemen’s or firemen’s pension and relief funds as outlined  
143 in this subsection in lieu of the standard or alternative  
144 methods as provided in subdivision (1), subsection (c) of this  
145 section.

146 (2) For those municipalities choosing the optional method  
147 of finance, the minimum standard for annual municipality  
148 contributions to each policemen’s or firemen’s pension and  
149 relief fund shall be an amount which, together with the  
150 contributions from the members and allocable portion of the  
151 Municipal Pensions and Protection Fund or Municipal  
152 Pensions Security Fund created in section eighteen-b of this  
153 article, and other income sources as authorized by law, will  
154 be sufficient to meet the normal cost of the fund and amortize

155 any actuarial deficiency over a period of not more than forty  
156 years beginning January 1, 2010: *Provided*, That those  
157 municipalities using the standard method of financing in  
158 2009 shall continue to amortize their actuarial deficiencies  
159 over a period of not more than forty years beginning July 1,  
160 1991. The required contribution shall be determined each  
161 plan year as described above by the actuary retained by the  
162 oversight board, based on an actuarial valuation reflecting  
163 actual demographic and investment experience and consistent  
164 with the Actuarial Standards of Practice published by the  
165 Actuarial Standards Board.

166 (3) A municipality choosing the optional method of  
167 financing a policemen's or firemen's pension and relief fund  
168 as provided in this subsection shall close the fund to police  
169 officers or fire fighters newly hired on or after January 1,  
170 2010, and provide for those employees to be members of the  
171 Municipal Police Officers and Firefighters Retirement  
172 System as established in article twenty-two-a of this chapter.

173 (f) (1) Beginning April 1, 2011, any municipality using  
174 the alternative method of financing may choose a  
175 conservation method of financing its municipal policemen's  
176 and firemen's pension and relief funds as outlined in this  
177 subsection, in lieu of the alternative method as provided in  
178 subdivision (1), subsection (c), or the optional method as  
179 provided in subsection (e) of this section.

180 (2) For those municipalities choosing the conservation  
181 method of finance, until a plan is funded at one hundred  
182 percent, a part of each plan member's employee contribution  
183 to the fund equal to one and one-half percent of the  
184 employee's compensation, shall be deposited into and remain  
185 in the trust and accumulate investment return. In addition,  
186 until a plan is funded at one hundred percent, an actuarially  
187 determined portion of the premium tax allocation to each  
188 fund provided in accordance with section fourteen-d, article

189 three, and section seven, article twelve-c of chapter thirty-  
190 three of this code shall also be deposited into and remain in  
191 the trust and accumulate investment return. This variable  
192 percentage of premium tax allocation to be retained in each  
193 fund shall be determined annually by the qualified actuary  
194 provided pursuant to subsection (a) of this section to be an  
195 amount required, along with other assets of the fund as  
196 necessary to reach a funded level of one hundred percent in  
197 thirty-five years from the time of adoption of the  
198 conservation financing method. The variable percentage  
199 shall be calculated using a prospective four-year rolling  
200 average.

201 (3) Upon adoption of the conservation method of finance,  
202 the municipality shall close its pension and relief funds to  
203 new members and shall place police officers and firefighters  
204 newly hired after adoption of the conservation method into  
205 the Municipal Police Officers and Firefighters Retirement  
206 System created in article twenty-two-a of this chapter.

207 (4) Upon adoption of the conservation method of  
208 financing, the minimum standard for annual municipality  
209 contributions to each policemen's or firemen's pension and  
210 relief fund shall be an amount which, together with member  
211 contributions and premium tax proceeds not required to be  
212 retained in the trust pursuant to this subsection, and other  
213 income sources as authorized by law, is sufficient to meet the  
214 annual benefit and administrative expense payments from the  
215 funds on a pay-as-you-go basis: *Provided:* That at the time  
216 the actuarial report required by this section indicates no  
217 actuarial deficiency in the municipal policemen's or  
218 firemen's pension and relief fund, the minimum annual  
219 required contribution of the municipality may not be less than  
220 an amount which together with all member contributions and  
221 other income authorized by law, is sufficient to pay normal  
222 cost.



**ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE  
OFFICERS AND FIREFIGHTERS  
RETIREMENT SYSTEM.**

**\*§8-22A-28. How a municipality or municipal subdivision  
becomes a participating public employer; duty  
to request referendum on Social Security  
coverage.**

1 (a) Subject to section sixteen, article twenty-two of this  
2 chapter, any municipality or municipal subdivision  
3 employing municipal police officers or firefighters may by a  
4 majority of the members of its governing body eligible to  
5 vote, elect to become a participating public employer and  
6 thereby include its police officers and firefighters in the  
7 membership of the plan. The clerk or secretary of each  
8 municipality or municipal subdivision electing to become a  
9 participating public employer shall certify the determination  
10 of the municipality or municipal subdivision by corporate  
11 resolution to the Consolidated Public Retirement Board  
12 within ten days from and after the vote of the governing  
13 body. Separate resolutions are required for municipal police  
14 officers and municipal firefighters. Once a municipality or  
15 municipal subdivision elects to participate in the plan, the  
16 action is final and it may not, at a later date, elect to terminate  
17 its participation in the plan.

18 (b) On or before October 1, 2015, the participating  
19 employers shall jointly submit a plan to the State Auditor,  
20 pursuant to section five, article seven, chapter five of this  
21 code, to extend Social Security benefits to members of the  
22 retirement system.

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\*CLERK'S NOTE: This section was also amended by S. B. 546 (Chapter 129)  
which passed subsequent to this act.

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## CHAPTER 129

**(S. B. 546 - By Senators Foster, Wells,  
McCabe, Wills, Edgell, Palumbo,  
Klempa and Kessler (Acting President))**

[Passed March 12, 2011; in effect from passage.]

[Approved by the Governor on April 5, 2011.]

AN ACT to amend and reenact §8-22-18a of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-22A-28 of said code, all relating to municipal police and firefighter pensions; authorizing the West Virginia Municipal Pensions Oversight Board to purchase actuarial services; and extending the time for certain municipalities to request referendum on Social Security coverage.

*Be it enacted by the Legislature of West Virginia:*

That §8-22-18a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §8-22A-28 of said code be amended and reenacted, all to read as follows:

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

**§8-22-18a. West Virginia Municipal Pensions Oversight Board created; powers and duties; management; composition; terms; quorum; expenses; reports.**

1           (a) (1) There is established, on the effective date of the  
2 enactment of this section during the fourth extraordinary  
3 session of the Legislature in 2009, the West Virginia  
4 Municipal Pensions Oversight Board for the purpose of  
5 monitoring and improving the performance of municipal  
6 policemen's and firemen's pension and relief funds to assure  
7 prudent administration, investment and management of the  
8 funds. Management of the oversight board shall be vested  
9 solely in the members of the oversight board. Duties of the  
10 oversight board shall include, but not be limited to, assisting  
11 municipal boards of trustees in performing their duties,  
12 assuring the funds' compliance with applicable laws,  
13 providing for actuarial studies, distributing tax revenues to the  
14 funds, initiating or joining legal actions on behalf of active or  
15 retired pension fund members or municipal boards of trustees  
16 to protect interests of the members in the funds, and taking  
17 other actions as may be reasonably necessary to provide for the  
18 security and fiscal integrity of the pension funds. The  
19 oversight board's authority to initiate legal action does not  
20 preempt the authority of municipalities; municipal policemen's  
21 and firemen's boards of trustees; or pension fund active  
22 members, beneficiaries or others to initiate legal action to  
23 protect interests in the funds. The oversight board is created as  
24 a public body corporate. Establishment of the oversight board  
25 does not relieve the municipal funds' boards of trustees from  
26 their fiduciary and other duties to the funds, nor does it create  
27 any liability for the funds on the part of the state. Members  
28 and employees of the oversight board are not liable personally,  
29 either jointly or severally, for debts or obligations of the  
30 municipal pension and relief funds. Members and employees  
31 of the oversight board have a fiduciary duty toward the  
32 municipal pension and relief funds and are liable for  
33 malfeasance or gross negligence. Employees of the oversight  
34 board are nonclassified state employees.

35           (2) The oversight board shall consist of nine members.  
36 The executive director of the state's Investment Management  
37 Board and the executive director of the state's Consolidated  
38 Public Retirement Board, or their designees, shall serve as  
39 voting ex officio members. The other seven members shall  
40 be citizens of the state who have been qualified electors of  
41 the state for a period of at least one year next preceding their  
42 appointment and shall be as follows: An active or retired  
43 member of a Municipal Policemen's Pension and Relief Fund  
44 chosen from a list of three persons submitted to the Governor  
45 by the state's largest professional municipal police officers  
46 organization, an active or retired member of a Municipal  
47 Firemen's Pension and Relief Fund chosen from a list of  
48 three persons submitted to the Governor by the state's largest  
49 professional firefighters organization, an attorney  
50 experienced in finance and investment matters related to  
51 pensions management, two persons experienced in pension  
52 funds management, one person who is a certified public  
53 accountant experienced in auditing and one person chosen  
54 from a list of three persons submitted to the Governor by the  
55 state's largest association of municipalities.

56           (3) On the effective date of the enactment of this section  
57 as amended during the fourth extraordinary session of the  
58 Legislature in 2009, the Governor shall forthwith appoint the  
59 members, with the advice and consent of the Senate. The  
60 Governor may remove any member from the oversight board  
61 for neglect of duty, incompetency or official misconduct.

62           (b) The oversight board has the power to:

63           (1) Enter into contracts, to sue and be sued, to implead  
64 and be impleaded;

65           (2) Promulgate and enforce bylaws and rules for the  
66 management and conduct of its affairs;

67           (3) Maintain accounts and invest those funds which the  
68 oversight board is charged with receiving and distributing;

69           (4) Make, amend and repeal bylaws, rules and procedures  
70 consistent with the provisions of this article and chapter  
71 thirty-three of this code;

72           (5) Notwithstanding any other provision of law, retain or  
73 employ, fix compensation, prescribe duties and pay expenses  
74 of legal, accounting, financial, investment, management and  
75 other staff, advisors or consultants as it considers necessary,  
76 including the hiring of legal counsel and actuary; and

77           (6) Do all things necessary and appropriate to implement  
78 and operate the board in performance of its duties. Expenses  
79 shall be paid from the moneys in the Municipal Pensions  
80 Security Fund created in section eighteen-b of this article or,  
81 prior to the transition provided in section eighteen-b of this  
82 article, the Municipal Pensions and Protection Fund:  
83 *Provided*, That the board may request special appropriation  
84 for special projects. The oversight board is exempt from  
85 provisions of article three, chapter five-a of this code for the  
86 purpose of contracting for actuarial services, including the  
87 services of a reviewing actuary.

88           (c) Except for ex officio members, the terms of oversight  
89 board members shall be staggered initially from January 1,  
90 2010. The Governor shall appoint initially one member for  
91 a term of one year, one member for a term of two years, two  
92 members for terms of three years, one member for a term of  
93 four years and two members for terms of five years.  
94 Subsequent appointments shall be for terms of five years. A  
95 member serving two full consecutive terms may not be  
96 reappointed for one year after completion of his or her second  
97 full term. Each member shall serve until that member's  
98 successor is appointed and qualified. Any member may be  
99 removed by the Governor in case of incompetency, neglect  
100 of duty, gross immorality or malfeasance in office. Any

101 vacancy on the oversight board shall be filled by appointment  
102 by the Governor for the balance of the unexpired term.

103 (d) A majority of the full authorized membership of the  
104 oversight board constitutes a quorum. The board shall meet  
105 at least quarterly each year, but more often as duties require,  
106 at times and places that it determines. The oversight board  
107 shall elect a chairperson and a vice chairperson from their  
108 membership who shall serve for terms of two years and shall  
109 select annually a secretary/treasurer who may be either a  
110 member or employee of the board. The oversight board shall  
111 employ an executive director and other staff as needed and  
112 shall fix their duties and compensation. The compensation of  
113 the executive director shall be subject to approval of the  
114 Governor. Except for any special appropriation as provided  
115 in subsection (b) of this section, all personnel and other  
116 expenses of the board shall be paid from revenue collected  
117 and allocated for municipal policemen's or municipal  
118 firemen's pension and relief funds pursuant to section  
119 fourteen-d, article three, chapter thirty-three of this code and  
120 distributed through the Municipal Pensions and Protection  
121 Fund or the Municipal Pensions Security Fund created in  
122 section eighteen-b of this article. Expenses during the initial  
123 year of the board's operation shall be from proceeds of the  
124 allocation for the municipal pensions and relief funds.  
125 Expenditures in years thereafter shall be by appropriation  
126 from the Municipal Pensions Security Fund. Money  
127 allocated for municipal policemen's and firemen's pension  
128 and relief funds to be distributed from the Municipal  
129 Pensions and Protection Fund or the Municipal Pensions  
130 Security Fund shall be first allocated to pay expenses of the  
131 oversight board and the remainder in the fund distributed  
132 among the various municipal pension and relief funds as  
133 provided in section fourteen-d, article three, chapter thirty-  
134 three of this code. The board is exempt from the provisions  
135 of sections seven and eleven, article three, chapter twelve of  
136 this code relating to compensation and expenses of members,  
137 including travel expenses.

138 (e) Members of the oversight board shall serve the board  
139 without compensation for their services: *Provided*, That no  
140 public employee member may suffer any loss of salary or  
141 wages on account of his or her service on the board. Each  
142 member of the board shall be reimbursed, on approval of the  
143 board, for any necessary expenses actually incurred by the  
144 member in carrying out his or her duties. All reimbursement  
145 of expenses shall be paid out of the Municipal Pensions  
146 Security Fund.

147 (f) The board may contract with other state boards or  
148 state agencies to share offices, personnel and other  
149 administrative functions as authorized under this article:  
150 *Provided*, That no provision of this subsection may be  
151 construed to authorize the board to contract with other state  
152 boards or state agencies to otherwise perform the duties or  
153 exercise the responsibilities imposed on the board by this  
154 code.

155 (g) The board shall propose rules for legislative approval  
156 in accordance with the provisions of article three, chapter  
157 twenty-nine-a of this code as necessary to implement the  
158 provisions of this article, and may initially promulgate  
159 emergency rules pursuant to the provisions of section fifteen,  
160 article three, chapter twenty-nine-a of this code.

161 (h) The oversight board shall report annually to the  
162 Legislature's Joint Committee on Government and Finance  
163 and the Joint Committee on Pensions and Retirement  
164 concerning the status of municipal policemen's and firemen's  
165 pension and relief funds and shall present recommendations  
166 for strengthening and protecting the funds and the benefit  
167 interests of the funds' members.

168 (i) The oversight board shall cooperate with the West  
169 Virginia Investment Management Board and the Board of  
170 Treasury Investments to educate members of the local pension

171 boards of trustees on the services offered by the two state  
172 investment boards. No later than October 31, 2013, the board  
173 shall report to the Joint Committee on Government and Finance  
174 and the Joint Committee on Pensions and Retirement a detailed  
175 comparison of returns on long-term investments of moneys held  
176 by or allocated to municipal pension and relief funds managed  
177 by the West Virginia Investment Management Board and those  
178 managed by others than the Investment Management Board.  
179 The oversight board shall also report at that time on short-term  
180 investment returns by local pension boards using the West  
181 Virginia Board of Treasury Investments compared to short-term  
182 investment returns by those local boards of trustees not using the  
183 Board of Treasury Investments.

184 (j) The oversight board shall establish minimum  
185 requirements for training to be completed by each member of  
186 the board of trustees of a Municipal Policemen's or  
187 Firemen's Pension and Relief Fund. The requirements  
188 should include, but not be limited to, training in ethics,  
189 fiduciary duty and investment responsibilities.

## **ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM.**

### **\*§8-22A-28. How a municipality or municipal subdivision becomes a participating public employer; duty to request referendum on Social Security coverage.**

1 (a) Subject to section sixteen, article twenty-two of this  
2 chapter, any municipality or municipal subdivision  
3 employing municipal police officers or firefighters may by a  
4 majority of the members of its governing body eligible to  
5 vote, elect to become a participating public employer and  
6 thereby include its police officers and firefighters in the

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\*CLERK'S NOTE: This section was also amended by Com. Sub. for S. B. 544  
(Chapter 128) which passed prior to this act.



7 membership of the plan. The clerk or secretary of each  
8 municipality or municipal subdivision electing to become a  
9 participating public employer shall certify the determination  
10 of the municipality or municipal subdivision by corporate  
11 resolution to the Consolidated Public Retirement Board  
12 within ten days from and after the vote of the governing  
13 body. Separate resolutions are required for municipal police  
14 officers and municipal firefighters. Once a municipality or  
15 municipal subdivision elects to participate in the plan, the  
16 action is final and it may not, at a later date, elect to terminate  
17 its participation in the plan.

18 (b) On or before October 1, 2015, the participating  
19 employers shall jointly submit a plan to the State Auditor,  
20 pursuant to section five, article seven, chapter five of this  
21 code, to extend Social Security benefits to members of the  
22 retirement system.

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## CHAPTER 130

**(Com. Sub. for H. B. 2981 - By Delegates  
Iaquinta, Longstreth, Ashley, Azinger, Givens,  
Ferro, Smith, Armstead, Pasdon and Fleischauer)**

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[Passed March 11, 2011; in effect July 1, 2011.]

[Approved by the Governor on April 1, 2011.]

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AN ACT to amend and reenact §15-1B-21 of the Code of West Virginia, 1931, as amended, relating to payments for trade certifications and allowing use of tuition assistance for West Virginia National Guard members enrolled in a doctor of medicine or osteopathic medicine program.

*Be it enacted by the Legislature of West Virginia:*

That §15-1B-21 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 1B. NATIONAL GUARD.**

**§15-1B-21. Tuition and fees for guard members at institutions of higher education.**

1           (a) Any member of the Army National Guard or Air  
2 National Guard who is enrolled in an educational program  
3 which leads to a certificate, undergraduate degree, master's  
4 degree, doctor of medicine, or doctor of osteopathic  
5 medicine, and is attending any accredited community and  
6 technical college, college, university, or business, career-  
7 technical, vocational, trade or aviation school, located in  
8 West Virginia, may be entitled to payment of tuition and fees  
9 for that program during the period of his or her service in the  
10 National Guard.

11           (1) The Adjutant General may prescribe criteria of  
12 eligibility for payment of tuition and fees. The payment is  
13 contingent upon appropriations being made by the  
14 Legislature for the express purpose of this section.

15           (2) A member may receive payment for only one  
16 certificate, undergraduate degree and master's degree  
17 pursuant to this section.

18           (3) Not more than two members a year may be selected  
19 by the Adjutant General to receive payment for either a  
20 doctor of medicine or doctor of osteopathic medicine degree  
21 program. Any candidate selected for this program must  
22 remain a member of the Army National Guard or the Air  
23 National Guard and practice medicine in the State of West  
24 Virginia for a minimum of ten years after receiving a doctor  
25 of medicine or doctor of osteopathic medicine degree, or be  
26 subject to recoupment for all monies paid pursuant to this  
27 subdivision.

28           (b) The amount of the payment for a member attending  
29 a state-supported school is determined by the Adjutant  
30 General and may not exceed the actual cost of tuition and  
31 fees at the school. The amount of the payment for a member  
32 attending a private school is determined by the Adjutant  
33 General and may not exceed the highest amount payable at  
34 any state-supported school.

35           (c) Any member of the Army National Guard or Air  
36 National Guard who is receiving payments under a federally  
37 funded continuing education system and is eligible to receive  
38 tuition and fee payments pursuant to this section may be  
39 entitled to payment of tuition and fees under this section.  
40 The sum of payments received under this section and a  
41 federally funded continuing education system may not  
42 exceed the actual amount of tuition and fees at the school and  
43 in any event may not exceed the highest amount payable at  
44 any state-supported school.

45           (d) For any member of the West Virginia Army National  
46 Guard or West Virginia Air National Guard who is  
47 participating in the PROMISE Scholarship program provided  
48 in article seven, chapter eighteen-c of this code, the Adjutant  
49 General may pay directly to the member an amount equal to  
50 the amount of tuition and fees which otherwise would have  
51 been paid to the school.

52           (e) A member of the West Virginia Army National Guard  
53 or West Virginia Air National Guard who is receiving  
54 payments for tuition and fees under this section and is  
55 discharged from the military service due to wounds or  
56 injuries received in the line of duty may continue to receive  
57 payments for tuition and fees under this section as if he or  
58 she were still a member.

59           (f) The Adjutant General shall administer the tuition and  
60 fee payments authorized under this section and shall establish  
61 policies to implement the provisions of this section.

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**CHAPTER 131**

**(Com. Sub. for S. B. 382 - By Senators  
Wells, Jenkins, Stollings, Plymale,  
Beach, Yost and Sypolt)**

[Passed February 24, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 3, 2011.]

AN ACT to amend and reenact §15-1F-1 of the Code of West Virginia, 1931, as amended, relating to activities for which members of the National Guard or armed forces reserve who are also public officials and employees are entitled to a leave of absence; setting the maximum number of hours eligible for leave in a calendar year; and limiting applicability to public officials and employees permanently employed.

*Be it enacted by the Legislature of West Virginia:*

That §15-1F-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 1F. PRIVILEGES AND PROHIBITIONS.**

**§15-1F-1. Leave of absence for public officials and employees for drills, parades, active duty, etc.**

- 1 (a) Any officer or employee of state, county or municipal
- 2 government hired for permanent employment who is a
- 3 member of the National Guard or armed forces reserve, is
- 4 entitled to a military leave of absence from his or her
- 5 respective office or employment without loss of pay, status

6 or efficiency rating, on the days during which he or she is  
7 ordered, by properly designated authority, to be engaged in  
8 drills, inactive duty training, parades, funeral details, service  
9 schools or other duty, during business hours, field training,  
10 annual training or other full-time National Guard duty  
11 pursuant to Title 10 or Title 32 of the United States Code, or  
12 active service of the state, for a maximum period of thirty  
13 working days, not to exceed two hundred forty hours in any  
14 one calendar year.

15 (b) Any officer or employee of state, county or municipal  
16 government hired for permanent employment ordered or  
17 called to active duty for a mobilization or deployment under  
18 Title 10 of the United States Code or in support of a  
19 contingency operation as defined in 10 U.S.C. §101(a)(13)  
20 by the properly designated federal authority is entitled to a  
21 military leave of absence from his or her respective office or  
22 employment without loss of pay, status or efficiency rating  
23 for a maximum period of thirty working days, not to exceed  
24 two hundred forty hours for a single call to active duty:  
25 *Provided*, That an officer or employee of state, county or  
26 municipal government called to active duty who has not used  
27 all or some portion of the thirty working days of military  
28 leave of absence granted by subsection (a) of this section is  
29 entitled to add the number of unused days from that calendar  
30 year to the thirty working days, not to exceed two hundred  
31 forty hours granted by this subsection, up to a maximum of  
32 sixty days for a single call to active duty: *Provided, however*,  
33 That none of the unused days of military leave of absence  
34 granted by subsection (a) of this section may be carried over  
35 and used in the next calendar year.

36 (c) The term “without loss of pay” means that the officer  
37 or employee shall continue to receive his or her normal salary  
38 or compensation, notwithstanding the fact that the officer or  
39 employee may have received other compensation from  
40 federal or state sources during the same period.

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## CHAPTER 132

**(Com. Sub. for S. B. 243 - By Senators  
Kessler (Acting President) and Hall)  
[By Request of the Executive]**

[Passed February 24, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 3, 2011.]

AN ACT to amend and reenact §11-13J-4a, §11-13J-6, §11-13J-8 and §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating to the Neighborhood Investment Program Act; specifying that board members who are affiliated, directly or indirectly, with an applicant may not discuss or vote on the applicant's proposal; increasing total maximum aggregate tax credits certified in any state fiscal year; specifying total maximum aggregate tax credits allowed in any state fiscal year; extending the date for termination of the Neighborhood Investment Program; and providing technical and clerical cleanup.

*Be it enacted by the Legislature of West Virginia:*

That §11-13J-4a, §11-13J-6, §11-13J-8 and §11-13J-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

### **ARTICLE 13J. NEIGHBORHOOD INVESTMENT PROGRAM.**

#### **§11-13J-4a. Neighborhood investment program advisory board.**

- 1 (a) There is hereby created a neighborhood investment
- 2 program advisory board, which shall consist of twelve voting
- 3 members and the chairperson.

4 (b) *Chairperson.* --

5 (1) The Director of the West Virginia Development  
6 Office, or the designee of the Director of the West Virginia  
7 Development Office, shall be the ex officio chairperson of  
8 the neighborhood investment program advisory board.

9 (2) The chairperson shall vote on actions of the board  
10 only in the event of a tie vote, in which case the chairperson's  
11 vote shall be the deciding vote.

12 (c) *Board members.* --

13 (1) Four members shall be officers or members of the  
14 boards of directors of unrelated corporations which are not  
15 affiliated with one another and which are currently licensed  
16 to do business in West Virginia.

17 (2) Four members shall be executive directors, officers or  
18 members of the boards of directors of unrelated not-for-profit  
19 organizations which are not affiliated with one another which  
20 currently hold charitable organization status under Section  
21 501(c)(3) of the Internal Revenue Code and which are  
22 currently licensed to do business in West Virginia.

23 (3) Four members shall be economically disadvantaged  
24 citizens of the state that, for the taxable year immediately  
25 preceding the year of appointment to the board, had an  
26 annual gross personal income that was not more than one  
27 hundred twenty-five percent of the federal designated poverty  
28 level for personal incomes, and who has been a domiciliary  
29 and resident of this state for at least one year at the time of  
30 appointment.

31 A member appointed under this subdivision is not  
32 disqualified from completion of his or her term if his or her  
33 income in the year of appointment or in any year subsequent  
34 to the year of appointment exceeds one hundred twenty-five  
35 percent of the federal designated poverty level. A member  
36 shall not be eligible for reappointment under this subdivision  
37 unless he or she meets the original qualifications for  
38 appointment: *Provided*, That such member may be  
39 reappointed pursuant to qualification under subdivision (1) or  
40 (2) of this subsection if the member meets the requirements  
41 of subdivision (1) or (2), respectively.

42 (d) *Limitations; terms of members; appointments.* --

43 (1) Not more than four members, exclusive of the  
44 chairperson, shall be appointed from any one congressional  
45 district. Not more than seven of the members, exclusive of  
46 the chairperson, may belong to the same political party.  
47 Members shall be eligible for reappointment. However, no  
48 member may serve for more than three consecutive terms.

49 (2) *Appointment terms.* --

50 (A) Except for initial appointments described under  
51 subdivision (3) of this subsection, and except for midterm  
52 special appointments made to fill irregular vacancies on the  
53 board, members shall be appointed for terms of three years  
54 each.

55 (B) Except for midterm special appointments made to fill  
56 irregular vacancies on the board, appointment terms shall  
57 begin on July 1, of the beginning year. All appointment  
58 terms, special and regular, shall end on June 30 of the ending  
59 year.

60 (3) *Selection of members.* --



61 (A) For the initial appointment of members under this  
62 subdivision, members shall be selected by the Director of the  
63 West Virginia Development Office.

64 (B) At the end of a member's term, the chairperson shall  
65 solicit new member nominations from the board and appoint  
66 the most appropriate person to serve, in compliance with the  
67 requirements set forth in this section.

68 (C) Vacancies on the board shall be filled in the same  
69 manner as the original appointments for the duration of the  
70 unexpired term.

71 (e) *Quorum; meetings; funding.* --

72 (1) The presence of a majority of the members of the  
73 board constitutes a quorum for the transaction of business.  
74 The board shall elect from among its members a vice  
75 chairperson and such other officers as are necessary.

76 (2) The board shall meet not less than four times during  
77 the fiscal year, and additional meetings may be held upon a  
78 call of the chairperson or of a majority of the members:  
79 *Provided*, That no meeting of the board shall be required if  
80 the total amount of tax credits available for the fiscal year  
81 have been allotted.

82 (3) Board members shall be reimbursed by the West  
83 Virginia Development Office for sums necessary to carry out  
84 responsibilities of the board and for reasonable travel  
85 expenses to attend board meetings.

86 (f) *Annual report.* -- The board shall make a report to the  
87 Governor and the Legislature within thirty days of the close  
88 of each fiscal year. The report shall include summaries of all  
89 meetings of the board, an analysis of the overall progress of  
90 the program, fiscal concerns, the relative impact the program

91 is having on the state and any suggestions and policy  
92 recommendations that the board may have. The report shall  
93 be public information made available to the general public  
94 for examination and copying. The board is authorized to  
95 publish the annual report, should the board elect to do so.

96 (g) *Duties of the board.* --

97 (1) *Administrative duties.* -- The board shall be  
98 responsible for advising the West Virginia Development  
99 Office concerning the administrative obligations of the  
100 program.

101 (2) *Project evaluation and approval; prohibition on*  
102 *project promotion.* --

103 (A) The board shall select and approve projects, which  
104 may then be certified by the director of the West Virginia  
105 Development Office pursuant to section four of this article.

106 (B) Only projects sponsored by qualified charitable  
107 organizations, as defined in section three of this article, may  
108 be approved by the board or certified by the Director of the  
109 West Virginia Development Office. An applicant that does  
110 not hold current status as a charitable organization under  
111 Section 501(c)(3) of the Internal Revenue Code may not  
112 receive project approval from the board, or project  
113 certification from the Director of the West Virginia  
114 Development Office, for any proposed project. Failure of  
115 any applicant to provide convincing documentation proving  
116 such status as a charitable organization under Section  
117 501(c)(3) of the Internal Revenue Code shall result in  
118 automatic denial of project approval and denial of project  
119 certification under this article.

120 (3) *Criteria for evaluation.* -- In evaluating projects for  
121 approval, the board shall give priority to projects based upon  
122 the following criteria. A proposed project shall be favored if:

123 (A) The project is community based. A project is  
124 community based if:

125 (i) The project is to be managed locally, without national,  
126 state, multistate or international affiliations;

127 (ii) The project will benefit local citizens in the  
128 immediate geographic area where the project is to operate;  
129 and

130 (iii) The sponsor of the project is a local entity, rather  
131 than a statewide, national or international organization or an  
132 affiliate of a statewide, national or international organization.

133 (B) The proposed project will primarily serve low income  
134 persons.

135 (C) The proposed project will serve highly distressed  
136 neighborhoods or communities.

137 (D) The project plan incorporates collaborative  
138 partnerships among nonprofit groups, businesses,  
139 government organizations and other community  
140 organizations.

141 (E) The applicant or sponsor of the project has  
142 demonstrated a proven capacity to deliver the proposed  
143 services.

144 (F) The applicant or sponsor of the project historically  
145 maintains low administrative costs.

146 (G) The applicant produces a strong showing of need for  
147 the services which the proposed project would provide, and  
148 produces convincing documentation of that need.

149 (H) The proposed project is innovative, novel, creative or  
150 unique in program approach.

151 (4) If an applicant is directly or indirectly affiliated with  
152 one or more board members, those members shall not discuss  
153 the proposals with one or more board members, and shall not  
154 have a vote when that project is considered for final approval  
155 or disapproval.

156 (5) *Project approval by the board.* -- Proposed projects  
157 shall be approved or denied approval by a majority vote of  
158 the board after competitive comparison with proposed  
159 projects of other applicants.

160 (h) *Project certification by the Director of the West*  
161 *Virginia Development Office.* --

162 (1) Upon issuance of approval for a project by the board,  
163 the approved project shall be certified by the Director of the  
164 West Virginia Development Office: *Provided*, That no  
165 certification may issue for any project, even though the  
166 project may have been approved by the board, if the issuance  
167 of certification for such project will cause the aggregate  
168 amount of tax credits certified to exceed the limitation set  
169 forth in this article. No certification may be issued by the  
170 Director of the West Virginia Development Office for any  
171 project which has not been approved by the board.

172 (2) The West Virginia Development Office shall  
173 promptly notify applicants of the issuance of certification for  
174 their projects, and shall issue tax credit vouchers to certified  
175 project applicants in the amount of the tax credit represented  
176 by the project.

177 (3) The West Virginia Development Office may provide  
178 incidental technical support and guidance to projects certified  
179 under this article and may monitor the progress of the  
180 projects. The West Virginia Development Office shall make  
181 a quarterly report to the board on the progress of certified  
182 projects and the program generally.

**§11-13J-6. Application of annual credit allowance.**

1           (a) *In general.* -- The aggregate annual credit allowance  
2 for a current tax year is an amount equal to the sum of the  
3 following:

4           (1) The portion allowed under section five of this article  
5 for an eligible contribution placed into service or use during  
6 a prior tax year; plus

7           (2) The portion allowed under section five of this article  
8 for an eligible contribution placed into service or use during  
9 the current tax year.

10          (b) *Application of credit allowance.* -- The amount  
11 determined under subsection (a) of this section shall be  
12 allowed as a credit for tax years ending on and after July 1,  
13 1996, as follows:

14           (1) *Business franchise taxes.* --

15           The amount determined under subsection (a) of this  
16 section shall be applied to reduce up to fifty percent of the  
17 taxes imposed by article twenty-three of this chapter for the  
18 tax year determined after application of the credits against tax  
19 provided in section seventeen of said article, but before  
20 application of any other allowable credits against tax.

21           (2) *Corporation net income taxes.* -- After application of  
22 subdivision (1) of this subsection, any unused credit shall  
23 next be applied to reduce up to fifty percent of the taxes  
24 imposed by article twenty-four of this chapter, for the tax  
25 year determined before application of allowable credits  
26 against tax.

27           (3) *Personal income taxes.* --

28 (A) If the eligible taxpayer is an electing small business  
29 corporation as defined in Section 1361 of the United States  
30 Internal Revenue Code, a limited liability company treated as  
31 a partnership for purposes of the federal income tax, a  
32 partnership or a sole proprietorship, then any unused credit,  
33 after application of subdivisions (1) and (2) of this  
34 subsection, shall be allowed as a credit against up to fifty  
35 percent of the taxes imposed by article twenty-one of this  
36 chapter on income of proprietors, partners or shareholders,  
37 subject to the limitations set forth in paragraphs (B) and (C)  
38 of this subdivision.

39 (B) Electing small business corporations, partnerships  
40 and other unincorporated organizations shall allocate the  
41 credit allowed by this article among the members thereof in  
42 the same manner as profits and losses are allocated for the tax  
43 year.

44 (C) Any taxpayer subject to the personal income tax  
45 under article twenty-one of this chapter, who makes an  
46 eligible contribution to a qualified charitable organization,  
47 and receives back from that organization a properly  
48 completed neighborhood investment program tax credit  
49 voucher, is eligible to claim the credit. The credit shall be  
50 allowed without regard to the source of that income, whether  
51 it is from wages, passive investment or retirement income,  
52 income from a trade or business or any other source.

53 (c) *Unused credit forfeited.* -- If any credit to an eligible  
54 taxpayer remains after application of subsections (a) and (b)  
55 of this section, the amount thereof may be carried forward no  
56 more than four years from the tax year in which the  
57 contribution was made. Unused credits of an eligible  
58 taxpayer may not be carried forward beyond the time limits  
59 imposed under section five of this article and the total  
60 maximum aggregate tax credits certified in any state fiscal  
61 year may not exceed \$3,000,000.

62 (d) *Addition of deductions, decreasing adjustments or*  
63 *decreasing modifications taken in determining taxable*  
64 *income for which credit is taken.* -- Any deduction,  
65 decreasing adjustment or decreasing modification taken by  
66 any taxpayer in determining federal taxable income which  
67 affects West Virginia taxable income or in determining West  
68 Virginia taxable income under article twenty-one or  
69 twenty-four of this chapter for the taxable year for any  
70 charitable contribution, or payment or portion thereof, which  
71 qualifies as an eligible contribution under this article and for  
72 which credit is claimed, shall be added to West Virginia  
73 taxable income in determining the tax liability of the taxpayer  
74 under article twenty-one or twenty-four of this chapter, as  
75 appropriate, before application of the credit allowed under  
76 this article for the taxable year.

77 (e) *Annual limit.* -- The aggregate annual credit allowance  
78 to any taxpayer may not exceed \$100,000 in any tax year.

**§11-13J-8. Total maximum aggregate tax credit amount.**

1 (a) The amount of tax credits allowed under this article  
2 may not exceed \$3,000,000 in any state fiscal year.

3 (b) Applications for project certification shall be filed  
4 with the West Virginia Development Office. The West  
5 Virginia Development Office shall record the date each  
6 application is filed. All complete and valid applications shall  
7 be considered for approval or disapproval in a timely manner  
8 by the neighborhood assistance advisory board. The board  
9 may, in its discretion, consider applications for approval or  
10 disapproval at special or interim meetings for expedited  
11 processing.

12 (c) When the total amount of tax credits certified under  
13 this article equals the maximum amount of tax credits  
14 allowed, as specified in subsection (a) of this section, in any

15 state fiscal year, no further certifications shall be issued in  
16 that same fiscal year. Upon approval of a project by the  
17 board, the Director of the West Virginia Development Office  
18 shall certify the approved project unless certification is  
19 prohibited by the limitations and requirements set forth in  
20 this article.

21 (d) All applications filed in any state fiscal year and not  
22 certified during the state fiscal year in which they are filed  
23 shall be null and void by operation of law on the last day of  
24 the state fiscal year in which they are filed, and all applicants  
25 which elect to seek certification of a project plan shall file  
26 anew on and after the first day of the succeeding state fiscal  
27 year.

**§11-13J-12. Program evaluation; expiration of credit;  
preservation of entitlement.**

1 Beginning on December 15, 2005, and every second year  
2 thereafter, the director shall secure an independent review of  
3 the neighborhood investment program created by this article  
4 and present the findings to the Joint Committee on  
5 Government and Finance. Unless sooner terminated by law,  
6 the Neighborhood Investment Program Act terminates on  
7 July 1, 2016. There is no entitlement to the tax credit under  
8 this article for a contribution made to a certified project after  
9 July 1, 2016, and no credit is available to any taxpayer for  
10 any contribution made after that date. Taxpayers which have  
11 gained entitlement to the credit pursuant to eligible  
12 contributions made to certified projects prior to July 1, 2016,  
13 shall retain that entitlement and apply the credit in due course  
14 pursuant to the requirements and limitations of this article.



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## CHAPTER 133

(Com. Sub. for H. B. 2159 - By  
Delegates Doyle and Mahan)

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[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on April 4, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §57-3-10, relating to prohibiting members of the news media from being compelled to disclose sources and certain information in legal proceedings; providing a definition; and providing exceptions thereto.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §57-3-10, to read as follows:

### **ARTICLE 3. COMPETENCY OF WITNESSES.**

#### **§57-3-10. Reporters' Privilege.**

1 (a) "Reporter" means a person who regularly gathers,  
2 prepares, collects, photographs, records, writes, edits, reports,  
3 or publishes news or information that concerns matters of  
4 public interest for dissemination to the public for a portion of  
5 the person's livelihood, or a supervisor, or employer of that  
6 person in that capacity: *Provided*, That a student reporter at  
7 an accredited educational institution who meets all of the  
8 requirements of this definition, except that his or her

9 reporting may not provide a portion of his or her livelihood,  
10 meets the definition of reporter for purposes of this section.

11 (b) No reporter may be compelled to:

12 (1) Testify in any civil, criminal, administrative or grand  
13 jury proceeding in any court in this state concerning the  
14 confidential source of any published or unpublished  
15 information obtained by the reporter in the course of the  
16 above described activities without the consent of the  
17 confidential source, unless such testimony is necessary to  
18 prevent imminent death, serious bodily injury or unjust  
19 incarceration; or

20 (2) Produce any information or testimony that would  
21 identify a confidential source, without the consent of the  
22 confidential source, unless such testimony or information is  
23 necessary to prevent imminent death, serious bodily injury or  
24 unjust incarceration.

25 (c) Nothing in this section shall be read to limit any  
26 existing constitutional protections afforded any person under  
27 the United States or West Virginia Constitutions.

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## CHAPTER 134

**(Com. Sub. for S. B. 570 - By Senators Browning,  
Laird, Williams, Palumbo, Foster and Plymale)**

[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 31, 2011.]

AN ACT to amend the Code of West Virginia, 1931, as amended,  
by adding thereto a new article, designated §29-29-1, §29-29-2,

§29-29-3, §29-29-4, §29-29-5, §29-29-6 and §29-29-7, all relating to creating an exemption from licensing for nonprofit youth volunteers; exempting certain volunteers for nonprofit youth organizations from licensing, certification and permitting; exempting certain medical service professionals; exempting certain law-enforcement officers; exempting certain emergency medical service professionals; stating duties of the nonprofit youth organization; providing for the revocation of permits; and defining liability of the volunteers and the nonprofit youth organizations.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §29-29-1, §29-29-2, §29-29-3, §29-29-4, §29-29-5, §29-29-6 and §29-29-7, all to read as follows:

**ARTICLE 29. VOLUNTEER FOR NONPROFIT YOUTH ORGANIZATIONS ACT.**

**§29-29-1. Short title.**

1 This article shall be known as and may be cited to as the  
2 “Volunteer for Nonprofit Youth Organizations Act”.

**§29-29-2. Legislative purpose.**

1 The Legislature finds that:

2 (1) Adventure and recreational activities attractive to  
3 nonprofit youth organizations interested in training and  
4 inspiring young people from other parts of the United States  
5 and throughout the world will contribute significantly to the  
6 economy of West Virginia, and enhance the state’s reputation  
7 as a place to visit and transact business; and

8 (2) Nonprofit youth organizations must rely on volunteers  
9 to staff and support their events and programs and that some  
10 of the volunteers are medical, nursing, emergency medical  
11 service and law-enforcement professionals authorized to  
12 practice in other states. Because of the large number of  
13 volunteers required to support those events and programs, the  
14 benefits these events and programs provide to youth, the  
15 multicounty areas those events and programs may cover and  
16 the number of agencies potentially involved in granting  
17 authorizations to practice for those volunteers to provide  
18 those services in this state, it is in the state's best interest to  
19 provide a streamlined system to permit those volunteers to  
20 practice for the periods of time they engage in volunteer work  
21 at those events and programs.

**§29-29-3. Definitions.**

1 As used in this article:

2 (a) "Applicant" means any emergency medical service  
3 applicant, law-enforcement applicant or medical services  
4 applicant, that is registered as a volunteer of the nonprofit  
5 organization, making application for a nonprofit volunteer  
6 permit under the provisions of this article.

7 (b) "Appropriate licensing agency" means the board,  
8 department, division or other agency in each jurisdiction  
9 charged with the licensing, certification or permitting of  
10 persons performing services of the nature and kind described  
11 or duties provided for in this article.

12 (c) "Emergency medical service applicant" means a  
13 person authorized to provide emergency medical services in  
14 West Virginia, or in another state who but for this article  
15 would be required to obtain a certification from the  
16 Commissioner of the Bureau for Public Health pursuant to  
17 article eight, chapter sixteen of this code to perform  
18 emergency medical services in this state.

19 (d) "Law-enforcement applicant" means a person  
20 authorized to work as a law-enforcement officer in West  
21 Virginia, or in another state who but for this article would be  
22 required to obtain authorization pursuant to article twenty-  
23 nine, chapter thirty of this code to work as a law-enforcement  
24 officer in this state: *Provided*, That any person authorized to  
25 work as a law-enforcement officer in another state shall have  
26 completed a training program approved by the governing  
27 authority of a political subdivision in order to work as a law-  
28 enforcement officer in that state.

29 (e) "Medical services applicant" means a person  
30 authorized to provide medical services in West Virginia, or  
31 in another state who but for this article would be required to  
32 obtain authorization to practice in this state, and who is a:

33 (1) Practitioner of medicine or surgery as defined in  
34 article three, chapter thirty of this code;

35 (2) Physician assistant as defined in section three, article  
36 three, chapter thirty of this code;

37 (3) Dentist or dental assistant as defined in article four,  
38 chapter thirty of this code;

39 (4) Nurse as defined in article seven or seven-a, chapter  
40 thirty of this code;

41 (5) Osteopathic physician or surgeon as defined in article  
42 fourteen, chapter thirty of this code;

43 (6) Osteopathic physician assistant as defined in article  
44 fourteen-a, chapter thirty of this code; and

45 (7) Physical therapist as defined in article twenty, chapter  
46 thirty of this code;

47 (f) “Nonprofit volunteer permit” or “permit” means a  
48 permit issued to an applicant pursuant to the provisions of  
49 this article.

50 (g) “Nonprofit volunteer permittee” or “permittee” means  
51 a person holding a nonprofit volunteer permit issued under  
52 the provisions of this article.

53 (h) “Nonprofit youth organization” or “organization”  
54 means any nonprofit organization, including any subsidiary,  
55 affiliated or other related entity within its corporate or  
56 business structure, that has been chartered by the United  
57 States Congress to help train young people to do things for  
58 themselves and others, and that has established an area of at  
59 least six thousand contiguous acres within West Virginia in  
60 which to provide adventure or recreational activities for these  
61 young people and others.

62 (i) “Nonprofit volunteer organization medical director”  
63 means an individual licensed in West Virginia as a  
64 practitioner of medicine or surgery pursuant to article three,  
65 chapter thirty of this code, or an individual licensed in West  
66 Virginia as a osteopathic physician or surgeon pursuant to  
67 article fourteen, chapter thirty of this code, that has been  
68 designated by the nonprofit volunteer organization to serve  
69 as the medical director for an event or program offered by the  
70 organization.

**§29-29-4. Exemption from professional licensure.**

1 (a) Notwithstanding any other provision of this code, any  
2 individual rendering services in this state in connection with  
3 any event or program offered by the nonprofit youth  
4 organization is exempt from obtaining an authorization to  
5 practice from the appropriate licensing agency of this state  
6 while providing services within the limits of his or her  
7 authorization to practice, but is required to obtain a nonprofit  
8 volunteer permit.

9 (b) The nonprofit youth organization may issue a  
10 nonprofit volunteer permit to an applicant, who is a registered  
11 volunteer of the nonprofit youth organization serving as a  
12 volunteer, without compensation, in connection with any  
13 event or program offered by the organization, if:

14 (1) All authorizations held by the medical services  
15 applicant are valid, unrestricted without limitation or  
16 condition and in good standing: *Provided*, That any medical  
17 services applicant issued a permit pursuant to this article  
18 shall:

19 (A) Not have prescriptive authority;

20 (B) Not dispense a Schedule II or Schedule III controlled  
21 substance, but may dispense pharmaceutical drugs in a manner  
22 consistent with the applicant's training and experience; and

23 (C) At all times be subject to the direction of nonprofit  
24 volunteer organization medical director.

25 (2) All authorizations held by the law-enforcement  
26 applicant are valid, unrestricted without limitation or  
27 condition and in good standing and the applicant is deputized  
28 by the Superintendent of the West Virginia State Police  
29 pursuant to subsection (e), section twelve, article two, chapter  
30 fifteen of this code prior to rendering any law-enforcement  
31 services: *Provided*, That:

32 (A) Any permit issued pursuant to this article shall not  
33 supersede the authority or duty of a law-enforcement officer  
34 certified pursuant to article twenty-nine, chapter thirty of this  
35 code to preserve law and order on the premises;

36 (B) The Superintendent of the West Virginia State Police  
37 has sole discretion in determining whether to deputize any  
38 law-enforcement applicant; and

39 (C) The jurisdiction for a law-enforcement applicant  
40 issued a permit pursuant to the provisions of this article shall  
41 be limited to:

42 (i) The property owned by the nonprofit youth  
43 organization;

44 (ii) Any street, road or thoroughfare, except controlled  
45 access and open country highways, immediately adjacent to  
46 or passing through the property owned by the nonprofit youth  
47 organization; and

48 (iii) Areas of operations in support of an event sponsored  
49 by the nonprofit youth organization.

50 (D) A law-enforcement applicant issued a permit  
51 pursuant to the provisions of this article shall at all times be  
52 subject to the direction of the Superintendent of the West  
53 Virginia State Police.

54 (3) All authorizations held by the emergency medical  
55 service applicant are valid, unrestricted without limitation or  
56 condition and in good standing: *Provided*, That any  
57 emergency medical service applicant issued a permit  
58 pursuant to this article shall:

59 (A) Not have prescriptive authority;

60 (B) Not dispense a Schedule II or Schedule III controlled  
61 substance, but may dispense pharmaceutical drugs in a  
62 manner consistent with the applicant's training and  
63 experience; and

64 (C) At all times be subject to the direction of nonprofit  
65 volunteer organization medical director.



66 (c) Any services rendered by a permittee shall at all times  
67 be performed under the guidelines and instructions of the  
68 nonprofit volunteer organization.

69 (d) A nonprofit volunteer permit issued pursuant to the  
70 provisions of this article may only be valid for a period not to  
71 exceed ninety days in a calendar year.

**§29-29-5. Powers and duties of nonprofit youth organization.**

1 (a) Before the nonprofit youth organization may issue a  
2 nonprofit volunteer permit to an applicant, the organization  
3 shall:

4 (1) Gather and maintain the following information for  
5 each applicant:

6 (A) The applicant's name, position, address and phone  
7 number;

8 (B) A copy of the applicant's authorization to practice  
9 from all jurisdictions in which the applicant is authorized to  
10 practice;

11 (2) Require documentation that the applicant has received  
12 at least two hours of instruction provided by the nonprofit  
13 youth organization, which may be accomplished by webinar,  
14 video conference or other remote means of instruction;

15 (3) No more than one hundred twenty days prior to any  
16 volunteer services being performed, require documentation  
17 from all jurisdictions in which the applicant authorized to  
18 practice stating that the applicant's authorization to practice  
19 is valid, in good standing and unrestricted and without  
20 limitation or condition; and

21 (4) Require a written acknowledgment signed by the  
22 applicant that the rules, regulations and procedures

23 established by the nonprofit youth organization have been  
24 received and reviewed.

25 (b) All information and documentation maintained and  
26 gathered pursuant to this section shall be maintained in a safe  
27 and secure manner, which may be electronically, by the  
28 nonprofit youth organization for a period of ten years from  
29 the date a permit is issued to the applicant.

30 (c) The nonprofit youth organization providing  
31 emergency medical services shall have a license to operate an  
32 emergency medical services agency pursuant to section six-a,  
33 article four-c, chapter sixteen of this code and the  
34 Commissioner of the Bureau of Public Health may make  
35 such adjustments to the licensing standards to reflect the  
36 nature of the services provided by the permittees and the size,  
37 scope and interests being served by any event or program of  
38 such organization.

**§29-29-6. Revocation of nonprofit volunteer permit.**

1 (a) The nonprofit volunteer permit may be revoked at any  
2 time by the nonprofit volunteer organization.

3 (b) The nonprofit volunteer organization shall revoke a  
4 nonprofit volunteer permit and shall report the revocation to  
5 the appropriate licensing agency in every jurisdiction where  
6 the individual holds an authorization to practice for the  
7 following reasons:

8 (1) Professional incompetence;

9 (2) Professional misconduct; or

10 (3) Criminal activity.

**§29-29-7. Liability of permittees and the nonprofit volunteer organization for volunteer services.**

1 (a) Any claim arising out of the services provided by a  
2 permittee or the nonprofit volunteer organization pursuant to  
3 this article shall be determined in the same manner and by the  
4 same standards as if the permittee was authorized to practice  
5 in this state.

6 (b) The nonprofit youth organization shall carry liability  
7 insurance in limits of no less than \$1 million per person, and  
8 \$3 million per occurrence and \$50,000 for property damage  
9 and this insurance shall extend to the acts of any nonprofit  
10 volunteer permittees providing services under this article and  
11 shall be primary to any other available insurance.

12 (c) The liability of nonprofit volunteer permittees shall be  
13 limited to the amount of liability insurance available to them  
14 under subsection (b) unless the act or omission giving rise to  
15 the permittee's liability was the result of willful misconduct:  
16 *Provided*, That permittees deputized by the Superintendent of  
17 the West Virginia State Police pursuant to section four of this  
18 article and subsection (e), section twelve, article two, chapter  
19 fifteen of the code, shall not be considered an insured under  
20 the terms of the liability insurance policy provided West  
21 Virginia state agencies through the state board of risk and  
22 insurance management.

23 (d) The West Virginia appropriate licensing agency shall  
24 not be liable for any harm or claim arising solely out of the  
25 actions of any permittee exempt from obtaining authorization  
26 to practice in this state pursuant to this article.

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**CHAPTER 135**

**(H. B. 3114 - By Delegates Mahan, Moye,  
Sumner, Crosier, O'Neal and Snuffer)**

[Passed March 8, 2011; in effect from passage.]  
[Approved by the Governor on March 21, 2011.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2D-5b, relating to development and operation of a nursing home on the grounds of a critical access hospital meeting certain restrictions and exemptions from nursing home moratorium and certificate of need requirements.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-2D-5b, to read as follows:

**ARTICLE 2D. CERTIFICATE OF NEED.**

**§16-2D-5B. Exception permitting development and operation of certain nursing beds.**

- 1 (a) Notwithstanding any provision of law to the contrary
- 2 and any rule issued by the state agency, a nonprofit
- 3 community group designated by a county commission shall
- 4 not be required to apply for or obtain a certificate of need, an
- 5 exemption from certificate of need review, a determination of
- 6 nonreviewability, or any other approval from the state agency

7 in order to develop and operate a nursing home on the  
8 grounds of a critical access hospital provided that:

9 (1) The critical access hospital is located in the county of  
10 such county commission;

11 (2) The critical access hospital is operated on real  
12 property owned by such county;

13 (3) The critical access hospital previously operated a  
14 long-term care unit on the grounds of the critical access  
15 hospital;

16 (4) The critical access hospital closed such long-term care  
17 unit between December 1, 2010 and February 28, 2011;

18 (5) The nonprofit community group develops and  
19 operates no more than thirty-six nursing home beds pursuant  
20 to this section; and

21 (6) The nonprofit community group applies for a license  
22 to operate the nursing home within six months after the  
23 effective date of this section.

24 (b) The establishment of a nursing home and nursing  
25 beds under this section shall be exempt from the nursing  
26 home bed moratorium pursuant to subsection (g), section five  
27 of this article.

28 (c) Any nursing home developed and operated pursuant  
29 to this section shall be subject to all certificate of need laws  
30 and rules as they pertain to any transactions subsequent to the  
31 development and commencement of operation of such  
32 nursing home.

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## CHAPTER 136

**(Com. Sub. for H. B. 2522 - By Delegates Williams,  
Moye, Perdue, Cann, Border and Hamilton)**

[Passed March 8, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 18, 2011.]

AN ACT to amend and reenact §16-5C-8, §16-5C-10 and §16-5C-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding a new section, designated §16-5C-12a, all relating to nursing home administrative appeals; complaint hearing procedures; establishing an independent disputes resolution process for nursing homes; clarifying the informal and formal review process; and clarifying the judicial review process.

*Be it enacted by the Legislature of West Virginia:*

That §16-5C-8, §16-5C-10 and §16-5C-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §16-5C-12a, all to read as follows:

### **ARTICLE 5C. NURSING HOMES.**

#### **§16-5C-8. Investigation of complaints.**

- 1 (a) The director shall establish rules for prompt
- 2 investigation of all complaints of alleged violations by
- 3 nursing homes of applicable requirements of state law or
- 4 rules, except for such complaints that the director determines

5 are willfully intended to harass a licensee or are without any  
6 reasonable basis. Such procedures shall include provisions  
7 for ensuring the confidentiality of the complainant and for  
8 promptly informing the complainant and the nursing home  
9 involved of the results of the investigation.

10 (b) If, after its investigation, the director determines that  
11 the complaint has merit, the director shall take appropriate  
12 disciplinary action and shall advise any injured party of the  
13 possibility of a civil remedy.

14 (1) A nursing home or licensee adversely affected by an  
15 order or citation of a deficient practice issued pursuant to this  
16 section may request the independent informal dispute  
17 resolution process contained in section twelve-a of this  
18 article.

19 (2) No later than twenty working days following the last  
20 day of a complaint investigation, the director shall transmit  
21 to the nursing home a statement of deficiencies committed by  
22 the facility. Notification of the availability of the independent  
23 informal dispute resolution process and an explanation of the  
24 independent informal dispute resolution process shall be  
25 included in the transmittal.

26 (c) No nursing home may discharge or in any manner  
27 discriminate against any resident, legal representative or  
28 employee for the reason that the resident, legal representative  
29 or employee has filed a complaint or participated in any  
30 proceeding specified in this article. Violation of this  
31 prohibition by any nursing home constitutes ground for the  
32 suspension or revocation of the license of the nursing home  
33 as provided in section eleven of this article. Any type of  
34 discriminatory treatment of a resident, legal representative or  
35 employee by whom, or upon whose behalf, a complaint has  
36 been submitted to the director, or any proceeding instituted  
37 under this article, within one hundred twenty days of the

38 filing of the complaint or the institution of such action, shall  
39 raise a rebuttable presumption that such action was taken by  
40 the nursing home in retaliation for such complaint or action.

**§16-5C-10. Reports of inspections; plans of correction;  
assessment of penalties and use of funds derived  
therefrom; hearings.**

1 (a) Reports of all inspections made pursuant to section  
2 nine of this article shall be in writing and filed with the  
3 director, and shall list all deficiencies in the nursing home's  
4 compliance with the provisions of this article and the rules  
5 adopted hereunder.

6 (1) No later than ten working days following the last day  
7 of the survey or inspection, the director shall transmit to the  
8 nursing home a copy of such report and shall specify a time  
9 within which the nursing home shall submit a plan for  
10 correction of such deficiencies.

11 (2) Additionally, notification of the availability of the  
12 independent informal dispute resolution process and an  
13 explanation of the independent informal dispute resolution  
14 process shall be included in the transmittal.

15 (3) A nursing home adversely affected by an order or  
16 citation of a deficient practice issued pursuant to this section  
17 may request the independent informal dispute resolution  
18 process contained in section twelve-a of this article.

19 (4) The plan submitted by the nursing home shall be  
20 approved, rejected or modified by the director.

21 (5) The surveyors or the nursing home shall allow audio  
22 taping of the exit conference with the expense to be paid by  
23 the requesting party.



24 (b) With regard to a nursing home with deficiencies and  
25 upon its failure to submit a plan of correction which is  
26 approved by the director, or to correct any deficiency within  
27 the time specified in an approved plan of correction, the  
28 director may assess civil penalties as hereinafter provided or  
29 may initiate any other legal or disciplinary action as provided  
30 by this article: *Provided*, That any action by the director shall  
31 be stayed until federal proceedings arising from the same  
32 deficiencies are concluded.

33 (c) Nothing in this section may be construed to prohibit  
34 the director from enforcing a rule, administratively or in  
35 court, without first affording formal opportunity to make  
36 correction under this section, where, in the opinion of the  
37 director, the violation of the rule jeopardizes the health or  
38 safety of residents, or where the violation of the rule is the  
39 second or subsequent such violation occurring during a  
40 period of twelve full months.

41 (d) Civil penalties assessed against nursing home shall  
42 not be less than fifty nor more than eight thousand dollars:  
43 *Provided*, That the director may not assess a penalty under  
44 state licensure for the same deficiency or violation cited  
45 under federal law and may not assess a penalty against a  
46 nursing home if the nursing home corrects the deficiency  
47 within twenty days of receipt of written notice of the  
48 deficiency unless it is a repeat deficiency or the nursing home  
49 is a poor performer.

50 (e) In determining whether to assess a penalty, and the  
51 amount of penalty to be assessed, the director shall consider:

52 (1) How serious the noncompliance is in relation to direct  
53 resident care and safety;

54 (2) The number of residents the noncompliance is likely  
55 to affect;

56 (3) Whether the noncompliance was noncompliance  
57 during a previous inspection;

58 (4) The opportunity the nursing home has had to correct  
59 the noncompliance; and

60 (5) Any additional factors that may be relevant.

61 (f) The range of civil penalties shall be as follows:

62 (1) For a deficiency which presents immediate jeopardy  
63 to the health, safety or welfare of one or more residents, the  
64 director may impose a civil penalty of not less than three  
65 thousand nor more than eight thousand dollars;

66 (2) For a deficiency which actually harms one or more  
67 residents, the director may impose a civil penalty of not less  
68 than one thousand nor more than three thousand dollars;

69 (3) For a deficiency which has the potential to harm one  
70 or more residents, the director may impose a civil penalty of  
71 not less than fifty nor more than one thousand dollars;

72 (4) For a repeated deficiency, the director may impose a  
73 civil penalty of up to one hundred fifty percent of the  
74 penalties provided in subdivisions (1), (2) and (3) of this  
75 subsection; and

76 (5) If no plan of correction is submitted as established in  
77 this rule, a penalty may be assessed in the amount of one  
78 hundred dollars a day unless a reasonable explanation has  
79 been provided and accepted by the director.

80 (g) The director shall assess a civil penalty of not more  
81 than one thousand dollars against an individual who willfully  
82 and knowingly certifies a material and false statement in a  
83 resident assessment. Such penalty shall be imposed with

84 respect to each such resident assessment. The director shall  
85 impose a civil penalty of not more than five thousand dollars  
86 against an individual who willfully and knowingly causes  
87 another individual to certify a material and false statement in  
88 a resident assessment. Such penalty shall be imposed with  
89 respect to each such resident assessment.

90 (h) The director shall assess a civil penalty of not more  
91 than two thousand dollars against any individual who  
92 notifies, or causes to be notified, a nursing home of the time  
93 or date on which an inspection is scheduled to be conducted  
94 under this article or under titles eighteen or nineteen of the  
95 federal Social Security Act.

96 (i) If the director assesses a penalty under this section, the  
97 director shall cause delivery of notice of such penalty by  
98 personal service or by certified mail. Said notice shall state  
99 the amount of the penalty, the action or circumstance for  
100 which the penalty is assessed, the requirement that the action  
101 or circumstance violates, and the basis upon which the  
102 director assessed the penalty and selected the amount of the  
103 penalty.

104 (j) The director shall, in a civil judicial proceeding,  
105 recover any unpaid assessment which has not been contested  
106 under section twelve of this article within thirty days of  
107 receipt of notice of such assessment, or which has been  
108 affirmed under the provisions of that section and not  
109 appealed within thirty days of receipt of the director's final  
110 order, or which has been affirmed on judicial review, as  
111 provided in section thirteen of this article. All money  
112 collected by assessments of civil penalties or interest shall be  
113 paid into a special resident benefit account and shall be  
114 applied by the director for: (1) The protection of the health or  
115 property of facility residents; (2) long-term care educational  
116 activities; (3) the costs arising from the relocation of  
117 residents to other nursing homes when no other funds are

118 available; and (4) in an emergency situation in which there  
119 are no other funds available, the operation of a facility  
120 pending correction of deficiencies or closure.

121 (k) The opportunity for a hearing on an action taken  
122 under this section shall be as provided in section twelve of  
123 this article.

**§16-5C-12. Administrative appeals for civil assessments, license  
limitation, suspension or revocation.**

1 (a) Any licensee or applicant aggrieved by an order  
2 issued pursuant to sections five, six, ten or eleven of this  
3 article may request an informal and formal hearing at which  
4 the licensee or applicant may contest the order as contrary to  
5 law or unwarranted by the facts or both. All of the pertinent  
6 provisions of article five, chapter twenty-nine-a of this code  
7 apply to and govern a formal hearing and the administrative  
8 procedures in connection with any formal hearing.

9 A facility or licensee adversely affected by an order or  
10 citation of a deficient practice issued pursuant to this article  
11 or by a citation issued for a deficient practice pursuant to  
12 federal law may request the independent informal dispute  
13 resolution process contained in section twelve-a of this  
14 article. A facility may contest a cited deficiency as contrary  
15 to law or unwarranted by the facts or both.

16 The director may impose the following prior to or during  
17 the pendency of an informal hearing, an independent  
18 informal dispute resolution process or of a formal hearing:

19 (1) A reduction in the bed quota pursuant to section  
20 eleven of this article; or

21 (2) Transfer of residents and a ban on new admissions  
22 pursuant to section eleven of this article.

23           (b) Informal hearings shall be held within twenty working  
24 days of the director's receipt of timely request for appeal, unless  
25 the licensee or applicant aggrieved by the order consents to a  
26 postponement or continuance. In no event may the informal  
27 hearing occur more than thirty business days after the director  
28 receives timely request for appeal. At the informal hearing,  
29 neither the licensee or applicant nor the director may be  
30 represented by an attorney. Within ten days of the conclusion of  
31 the informal hearing, the director shall issue an informal hearing  
32 order, including a basis for the decision.

33           (c) If the applicant or licensee requested a formal hearing  
34 only, the director and the licensee shall proceed in  
35 accordance with the provisions of the Department of Health  
36 and Human Resources rules of procedure for contested case  
37 hearings and declaratory rulings. If the applicant or licensee  
38 also requested an informal hearing or the independent  
39 informal dispute resolution process contained in section  
40 twelve-a of this article, and if the order is not favorable to the  
41 applicant or licensee, the director shall notify the  
42 administrative hearing examiner of the request for an appeal  
43 within five business days of issuing the order.

#### **§16-5C-12a. Independent informal dispute resolution.**

1           (a) A facility or licensee adversely affected by an order  
2 or citation of a deficient practice issued pursuant to this  
3 article or by a citation issued for a deficient practice pursuant  
4 to federal law may request the independent informal dispute  
5 resolution process. A facility may contest a cited deficiency  
6 as contrary to law or unwarranted by the facts or both.

7           (b) The director shall contract with at least three  
8 independent review organizations to conduct an independent  
9 informal dispute resolution process for facilities. The  
10 independent review organization shall be accredited by the  
11 Utilization Review Accreditation Commission.

12 (c) The independent informal dispute resolution process  
13 is not a formal evidentiary proceeding and utilizing the  
14 independent informal dispute resolution process does not  
15 waive the facility's right to a formal hearing.

16 (d) The independent informal dispute resolution process  
17 consists of the following:

18 (1) No later than ten working days following the last day  
19 of the survey or inspection, or no later than twenty working  
20 days following the last day of a complaint investigation, the  
21 director shall transmit to the facility a statement of  
22 deficiencies committed by the facility. Notification of the  
23 availability of the independent informal dispute resolution  
24 process and an explanation of the independent informal  
25 dispute resolution process shall be included in the transmittal;

26 (2) When the facility returns its plan to correct the cited  
27 deficiencies to the director, the facility may request in writing  
28 the independent informal dispute resolution process to refute  
29 the cited deficiencies;

30 (3) Within five working days of receipt of the written  
31 request for the independent informal dispute resolution process  
32 made by a facility, the director shall refer the request to an  
33 independent review organization from the list of certified  
34 independent review organizations approved by the state. The  
35 director shall vary the selection of the independent review  
36 organization on a rotating basis. The director shall acknowledge  
37 in writing to the facility that the request for independent review  
38 has been received and forwarded to an independent review  
39 organization for review. The notice shall include the name and  
40 address of the independent review organization.

41 (4) Within ten working days of receipt of the written  
42 request for the independent informal dispute resolution process  
43 made by a facility, the independent review organization shall  
44 hold an independent informal dispute resolution conference

45 unless additional time is requested by the facility. Before the  
46 independent informal dispute resolution conference, the facility  
47 may submit additional information.

48 (5) The facility may not be accompanied by counsel  
49 during the independent informal dispute resolution  
50 conference. The manner in which the independent informal  
51 dispute resolution conference is held is at the discretion of the  
52 facility, but is limited to:

53 (A) A desk review of written information submitted by  
54 the facility; or

55 (B) A telephonic conference; or

56 (C) A face-to-face conference held at the facility or a  
57 mutually agreed upon location.

58 (6) If the independent review organization determines the  
59 need for additional information, clarification or discussion  
60 after conclusion of the independent informal dispute  
61 resolution conference, the director and the facility shall  
62 present the requested information.

63 (7) Within ten calendar days of the independent informal  
64 dispute resolution conference, the independent review  
65 organization shall provide and make a determination, based  
66 upon the facts and findings presented, and shall transmit a  
67 written decision containing the rationale for its determination  
68 to the facility and the director.

69 (8) If the director disagrees with the determination, the  
70 director may reject the determination made by the  
71 independent review organization and shall issue an order  
72 setting forth the rationale for the reversal of the independent  
73 review organization's decision to the facility within ten  
74 calendar days of receiving the independent review  
75 organization's determination.

76 (9) If the director accepts the determination, the director  
77 shall issue an order affirming the independent review  
78 organization's determination within ten calendar days of  
79 receiving the independent review organization's determination.

80 (10) If the independent review organization determines  
81 that the original statement of deficiencies should be changed  
82 as a result of the independent informal dispute resolution  
83 process and the director accepts the determination, the  
84 director shall transmit a revised statement of deficiencies to  
85 the facility within ten calendar days of the independent  
86 review organization's determination.

87 (11) Within ten calendar days of receipt of the director's  
88 order and the revised statement of deficiencies, the facility  
89 shall submit a revised plan to correct any remaining  
90 deficiencies to the director.

91 (e) A facility has ten calendar days after receipt of the  
92 director's order to request a formal hearing for any deficient  
93 practice cited under this article. If the facility requests a  
94 formal hearing, the director and the facility shall proceed in  
95 accordance with the provisions of article five, chapter  
96 twenty-nine-a of this code.

97 (f) Under the following circumstances, the facility is  
98 responsible for certain costs of the independent informal  
99 dispute resolution review, which shall be remitted to the  
100 director within sixty days of the informal hearing order:

101 (1) If the facility requests a face-to-face conference, the  
102 facility shall pay any costs incurred by the independent  
103 review organization that exceed the cost of a telephonic  
104 conference, regardless of which party ultimately prevails.

105 (2) If the independent review organization's decision  
106 supports the originally written contested deficiency or  
107 adverse action taken by the director, the facility shall



108 reimburse the director for the cost charged by the  
109 independent review organization. If the independent review  
110 organization's decision supports some of the originally  
111 written contested deficiencies, but not all of them, the facility  
112 shall reimburse the director for the cost charged by the  
113 independent review organization on a pro rata basis.

114 (g) The director shall report to the Legislative Oversight  
115 Commission on Health and Human Resources Accountability  
116 during the July interim meetings in 2013 on the informal  
117 dispute resolution process. This report shall at a minimum  
118 include the number of times the informal dispute resolution  
119 process is requested, the result of the process, and the number  
120 of times the director does not agree and changes the  
121 determination of the independent review organization.

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## CHAPTER 137

**(Com. Sub. for H. B. 3196 - By Delegates  
D. Campbell, Williams and Shaver)**

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[Amended and again passed, in an effort to meet the objections  
of the Governor; March 18, 2011; in effect from passage.]  
[Approved by the Governor on April 5, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended,  
by adding thereto a new article, designated §30-7D-1, §30-7D-  
2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-  
7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12 and §30-  
7D-13, all relating to medication assistive persons in the  
nursing home setting; creating a pilot program; defining terms;  
requiring certification; designating certain facilities; stating  
qualifications to serve as a medication assistive person;

detailing the scope of a medication assistive person's work; setting requirements for renewal of certifications; creating disciplinary authority in the West Virginia Board of Examiners for Registered Professional Nurses; creating misdemeanor offenses for certain violations; creating criminal penalties; vesting the Kanawha County circuit court with jurisdictional and power to enjoin violations; creating the medication assistive person advisory committee; ensuring nurses responsibilities are not changed; and authorizing emergency rule-making authority.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12 and §30-7D-13, all to read as follows:

## **ARTICLE 7D. MEDICATION ASSISTIVE PERSONS.**

### **§30-7D-1. Pilot program.**

1       A pilot program is herein developed to monitor the  
2       practice of unlicensed personnel administering medication in  
3       the nursing home setting. Monitoring of this pilot program  
4       shall be conducted by the West Virginia Board of Examiners  
5       for Registered Professional Nurses and shall encompass the  
6       following:

7       (1) Signed participation agreements from a minimum of ten  
8       nursing homes licensed in West Virginia that meet participation  
9       requirements as determined by the board. The pilot program  
10      will not progress unless this requirement is met.

11      (2) After a period of six months of monitoring the  
12      implementation of the pilot program, a report shall be

13 provided to the Legislative Commission for Health and  
14 Human Resources Accountability.

**§30-7D-2. Definitions.**

1 As used in this article:

2 (1) “Board” means the West Virginia Board of Examiners  
3 for Registered Professional Nurses;

4 (2) “Designated facility” means a type of facility  
5 determined by the board as an environment in which  
6 medication assistive persons may serve in accordance with  
7 the requirements of this article and rules promulgated by the  
8 board;

9 (3) “Medication assistive person” means a person who is  
10 certified by the board to administer certain nonprescription  
11 and legend drugs in designated facilities;

12 (4) “Supervision” means the active oversight of patient  
13 care services while on the premises of a designated facility in  
14 a manner defined by the board; and

15 (5) “MA-C” is the designation for a person who is  
16 certified as a medication assistive person.

**§30-7D-3. Certificate required.**

1 In order to safeguard life and health, any person serving  
2 or offering to serve as a medication assistive person shall:

3 (1) Submit evidence that he or she is qualified; and

4 (2) Be certified as provided in this article.

**§30-7D-4. Designated facilities.**

1 (a) The West Virginia Board of Examiners for Registered  
2 Professional Nurses shall designate the types of facilities that  
3 may use medication assistive persons.

4 (b) (1) Designated facilities may not be required to use  
5 medication assistive persons.

6 (2) If a designated facility elects to use medication  
7 assistive personnel, the facility shall notify the board in a  
8 manner prescribed by the board.

**§30-7D-5. Qualifications.**

1 (a) In order to be certified as a medication assistive  
2 person, an applicant shall submit to the West Virginia Board  
3 of Examiners for Registered Professional Nurses an  
4 application and appropriate fee. During the pilot program,  
5 temporary certificates will be issued. At the completion of the  
6 pilot program, if proven successful, qualified individuals  
7 holding a temporary certificate as a medication assistive  
8 person meeting requirements for full certification shall be  
9 issued a permanent certificate. The application shall provide  
10 written evidence, verified by oath, that the applicant:

11 (1) (A) Is currently listed in good standing on the state's  
12 certified nurse aide registry;

13 (B) Has maintained registration on the state's certified  
14 nurse aide registry continuously for a minimum of one year;

15 (C) Has completed at least one continuous year of full-  
16 time experience as a certified nurse aide in this state;

17 (D) Is currently employed at a designated facility;

18 (E) Has a high school diploma or the equivalent;

19 (F) Has successfully completed a literacy and reading  
20 comprehension screening process approved by the board;

21 (G) Has completed a state and federal criminal  
22 background check in compliance with board requirements;

23 (H) Has successfully completed a medication assistive  
24 person training course of not less than one hundred hours  
25 approved by the board; and

26 (I) Has successfully passed an examination on subjects  
27 the board determines; or

28 (2) (A) Has completed a portion of a nursing education  
29 program equivalent to the medication assistive person  
30 training course; and

31 (B) Passed the medication aide examination.

32 (b) The board may issue a certification as a medication  
33 assistive person by endorsement to an applicant who has been  
34 licensed or certified as a medication assistive person under  
35 the laws of another state or territory if:

36 (1) In the opinion of the board, the applicant meets the  
37 qualifications of medication assistive persons in this state;  
38 and

39 (2) The board recommends certification.

40 (c) Any person holding a certification as a medication  
41 assistive person may use the title "medication aide-certified"  
42 and the abbreviation "MA-C".

### §30-7D-6. Scope of work.

1 (a) (1) A medication assistive person may perform the  
2 delegated nursing function of medication administration and

3 related tasks in accordance with rules promulgated by the West  
4 Virginia Board of Examiners for Registered Professional  
5 Nurses.

6 (2) A medication assistive person shall perform  
7 medication administration and related tasks only:

8 (A) At a designated facility; and

9 (B) Under the supervision of a registered professional  
10 nurse.

11 (3) (A) Medication administration is limited to the  
12 administration of nonprescription and legend drugs ordered  
13 by an authorized prescriber and only by the following  
14 methods:

15 (i) Orally;

16 (ii) Topically;

17 (iii) Drops for eye, ear or nose;

18 (iv) Vaginally;

19 (v) Rectally;

20 (vi) Transdermally; and

21 (vii) Via oral inhaler.

22 (B) Medication administration by a medication assistive  
23 person may not include controlled substances.

24 (b) A medication assistive person may not:

25 (1) Receive, have access to or administer any controlled  
26 substance;

- 27       (2) Administer parenteral, enteral, or injectable medications;
- 28       (3) Administer any substances by nasogastric, orogastric or  
29       gastrostomy tubes;
- 30       (4) Calculate drug dosages;
- 31       (5) Destroy medication;
- 32       (6) Receive orders either in writing or verbally for new or  
33       changed medications;
- 34       (7) Transcribe orders from the medical record;
- 35       (8) Order initial medications;
- 36       (9) Evaluate medication error reports;
- 37       (10) Perform treatments;
- 38       (11) Conduct patient assessments or evaluations; or
- 39       (12) Engage in patient teaching activities.

**§30-7D-7. Renewal of certifications.**

- 1       (a) (1) The West Virginia Board of Examiners for  
2       Registered Professional Nurses shall prescribe the procedure for  
3       the cyclical renewal of medication assistive person  
4       certifications.
- 5       (2) In each case, the board shall provide a notification for  
6       renewal to the medication assistive person at least thirty days  
7       before the expiration date of the certification by United States  
8       Postal Service or by electronic means.
- 9       (b) (1) Upon receipt of the renewal application and the fee,  
10       the board shall verify the accuracy of the application.

11 (2) (A) If the board finds the application to be accurate and  
12 related documents indicate that the applicant remains in good  
13 standing, the board shall issue a certificate of renewal to the  
14 applicant.

15 (B) As a condition of certification renewal, a medication  
16 assistive person shall be:

17 (i) Currently listed in good standing on the state's certified  
18 nurse aide registry; and

19 (ii) Required to satisfactorily complete all continuing  
20 education required in the legislative rules governing the practice  
21 of the MA-C.

22 (c) The renewal renders the holder of the certificate a legal  
23 provider of medication assistive person services for the period  
24 stated in the certificate of renewal.

25 (d) Any medication assistive person who allows his or her  
26 certification to lapse by failing to renew the certification as  
27 provided in this section may be reinstated by the board on:

28 (1) Payment of the renewal fee plus a penalty; and

29 (2) Submission of evidence that the person currently meets  
30 the requirements to serve as a medication assistive person.

31 (e) Any person providing services as a medication assistive  
32 person during the time his or her certification has lapsed is  
33 considered to be providing services illegally and is subject to the  
34 penalties provided for violations of this article.

### **§30-7D-8. Disciplinary actions.**

1 (a) The West Virginia Board of Examiners for Registered  
2 Professional Nurses has sole authority to deny, suspend, revoke



3 or limit any medication assistive person certificate issued by the  
4 board or applied for in accordance with the provisions of this  
5 article or to otherwise discipline a certificate holder upon proof  
6 that the person:

7 (1) Is or was guilty of fraud or deceit in procuring or  
8 attempting to procure a certificate to practice as a medication  
9 aide certified;

10 (2) Has been found guilty of or pled guilty or nolo  
11 contendere to a felony, crime of moral turpitude or violation of  
12 chapter sixty-a of this code;

13 (3) Is unfit or incompetent by reason of negligence, habits or  
14 other causes;

15 (4) Is habitually intemperate or is addicted to the use of  
16 habit-forming drugs;

17 (5) Is mentally incompetent;

18 (6) Is guilty of unprofessional conduct;

19 (7) Is practicing or attempting to practice as a medication  
20 aide certified without a certification;

21 (8) Has had a license, certificate, or registration revoked or  
22 suspended;

23 (9) Has been placed on probation or under disciplinary order  
24 in any jurisdiction;

25 (10) Has voluntarily surrendered a license, certification, or  
26 registration and has not been reinstated in any jurisdiction; or

27 (11) Has willfully or repeatedly violated any of the  
28 provisions of this article.

29 (b) The board shall refuse to issue or shall revoke the  
30 certificate of any person who would be disqualified from  
31 employment under the provisions of this law or the rules  
32 governing the practice of the medication assistive person.

33 (c) Proceedings under this section shall be conducted in  
34 accordance with the West Virginia Administrative Procedure  
35 Act, chapter twenty-nine-a of this code.

**§30-7D-9. Offenses and Penalties.**

1 (a) It shall be a misdemeanor for any person to:

2 (1) Sell or fraudulently obtain or furnish any medication  
3 assistive person's certificate, renewal or record, or aid or abet in  
4 any such sale or fraud;

5 (2) Serve as a medication assistive person under cover of  
6 any certificate or record illegally or fraudulently obtained or  
7 signed or issued unlawfully or under fraudulent representation;

8 (3) Serve as a medication assistive person unless certified by  
9 the West Virginia Board of Examiners for Registered  
10 Professional Nurses;

11 (4) Use in connection with his or her name any of the  
12 following titles, names, or initials if the user is not properly  
13 certified under this article:

14 (A) Medication assistive person;

15 (B) M.A.P.;

16 (C) Medication aide;

17 (D) Medication technician;

18 (E) Certified medication aide;

19 (F) C.M.A.;

20 (G) Medication Aide - certified;

21 (H) MA-C; or

22 (I) Any other name, title, or initials that would cause a  
23 reasonable person to believe the user is certified under this  
24 article;

25 (5) Serve as a medication assistive person during the time  
26 his or her certification is suspended;

27 (6) Conduct an education program for the preparation of  
28 medication assistive persons unless the program has been  
29 approved by the board; or

30 (7) Otherwise violate any provisions of this article.

31 (b) Any person convicted of any such misdemeanor shall be  
32 punished by a fine of not less than \$25 nor more than \$250.

### **§30-7D-10. Injunction.**

1 (a) The Kanawha County circuit court is vested with  
2 jurisdiction and power to enjoin the unlawful provision of  
3 medication assistive person services in any county of the State  
4 of West Virginia in a proceeding initiated by the West Virginia  
5 Board of Examiners for Registered Professional Nurses, any  
6 member of the board, or any citizen in this state.

7 (b) (1) The issuance of an injunction does not relieve a  
8 person from criminal prosecution for violation of the provisions  
9 of this article.

10           (2) The remedy of injunction is in addition to liability for  
11 criminal prosecution.

**§30-7D-11. Medication Assistive Person Advisory Committee.**

1           (a) (1) The Medication Assistive Person Advisory  
2 Committee is created as an advisory committee to the West  
3 Virginia Board of Examiners for Registered Professional  
4 Nurses.

5           (2) The committee shall assist the board in implementing the  
6 provisions of this article regarding medication assistive persons.

7           (b) The board shall appoint six members who have the  
8 following qualifications:

9           (1) Two members shall be certified medication assistive  
10 persons;

11           (2) One member shall be a licensed nursing home  
12 administrator who has worked in that capacity for at least three  
13 years;

14           (3) One member shall be a registered nurse who has been in  
15 a practice using certified nurse aides for at least three years;

16           (4) One member shall be a lay person representing the  
17 interests of consumers of health care services; and

18           (5) One member shall be a nursing faculty member of a  
19 West Virginia nursing education program.

20           (c) Members shall serve three-year terms.

21           (d) The board may remove any committee member after  
22 notice and hearing for incapacity, incompetence, neglect of duty  
23 or malfeasance in office.

24 (e) The members of the committee shall serve without  
25 compensation but may receive expense reimbursement in  
26 accordance with applicable law or rule.

**§30-7D-12. Applicability of article.**

1 Nothing in this article relieves a nurse from the  
2 responsibility of assessing each patient daily and as needed to  
3 assure public safety and safe medication administration.

**§30-7D-13. Rulemaking authority.**

1 The board may promulgate emergency rules pursuant to the  
2 provisions of section fifteen, article three, chapter twenty-nine-a  
3 of the code.

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## CHAPTER 138

**(S. B. 285 - By Senators Stollings, Foster,  
Hall, Jenkins, Laird, Palumbo, Prezioso,  
Tucker, Wills and Yost)**

[Passed March 12, 2011; in effect ninety days from passage.]

[Approved by the Governor on March 31, 2011.]

AN ACT to amend and reenact §16-5W-5 of the Code of West Virginia, 1931, as amended, relating to extending the time frame in which West Virginia practitioners must write prescriptions on official West Virginia tamper-resistant prescription paper.

*Be it enacted by the Legislature of West Virginia:*

That §16-5W-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5W. WEST VIRGINIA OFFICIAL PRESCRIPTION  
PROGRAM ACT.**

**§16-5W-5. Legislative rules.**

1           The board shall propose rules for legislative approval in  
2           accordance with the provisions of article three, chapter  
3           twenty-nine-a of this code to accomplish the requirements of this  
4           article.

5           The legislative rules shall include, at a minimum:

6           (1) That on and after January 1, 2012, every prescription  
7           written in West Virginia by a practitioner shall be written on  
8           official West Virginia tamper-resistant prescription paper.

9           (2) Contracting requirements for contracting with a program  
10          vendor or vendors including auditing requirements for printing  
11          facilities and standard prescription pad formatting requirements.

12          (3) Standard format for prescription paper and the  
13          development of identifying markers on prescription paper. These  
14          markers shall be on the front and back of the prescription paper  
15          to be used by practitioners throughout the state.

16          (4) A means of reporting unauthorized use, theft or  
17          destruction of authorized state prescription paper.

18          (5) Fees for the distribution of standard format prescription  
19          paper to practitioners and facilities.



# CHAPTER 139

**(S. B. 192 - By Senators Jenkins, Kessler  
(Acting President), Barnes, Browning,  
Palumbo, Stollings, Williams, Yost,  
Unger, Foster, Plymale, Minard and Klempa)**

[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on April 4, 2011.]

AN ACT to amend and reenact §46A-6J-2, §46A-6J-3 and §46A-6J-6 of the Code of West Virginia, 1931, as amended, all relating to protection of consumers from price gouging and unfair pricing practices; the sale of gasoline or other motor fuels during a “state of emergency”; amending definition of “state of emergency”; creating an alternative pricing formula for fuel suppliers; and updating the preemption provisions.

*Be it enacted by the Legislature of West Virginia:*

That §46A-6J-2, §46A-6J-3 and §46A-6J-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 6J. PROTECTION OF CONSUMERS FROM PRICE  
GOUGING AND UNFAIR PRICING  
PRACTICES DURING AND SHORTLY  
AFTER A STATE OF EMERGENCY.**

**§46A-6J-2. Definitions.**

- 1 (a) “Building materials” means lumber, construction tools,
- 2 windows and any other item used in the building or rebuilding
- 3 of property.

4 (b) "Consumer food item" means any article that is used or  
5 intended for use for food or drink by a person or animal.

6 (c) "Disaster" means the occurrence or imminent threat of  
7 widespread or severe damage, injury, or loss of life or property  
8 resulting from any natural or man-made cause, including fire,  
9 flood, earthquake, wind, snow, storm, chemical or oil spill or  
10 other water or soil contamination, epidemic, air contamination,  
11 blight, drought, infestation or other public calamity requiring  
12 emergency action.

13 (d) "Emergency supplies" includes, but is not limited to,  
14 water, flashlights, radios, batteries, candles, blankets,  
15 generators, heaters and temporary shelters.

16 (e) "Essential consumer item" means any article that is  
17 necessary to the health, safety and welfare of consumers,  
18 including, but not limited to, clothing, diapers, soap, cleaning  
19 supplies and toiletries.

20 (f) "Gasoline" means any fuel used to power any motor  
21 vehicle or power tool.

22 (g) "Housing" means any rental housing leased on a  
23 month-to-month term or the sale of manufactured homes, as that  
24 term is defined in section two, article nine, chapter twenty-one  
25 of this code.

26 (h) "Medical supplies" includes, but is not limited to,  
27 prescription and nonprescription medications, bandages, gauze,  
28 isopropyl alcohol and antibacterial products.

29 (i) "Repair or reconstruction services" means any services  
30 performed by any person for repairs to residential, commercial  
31 or public property of any type that is damaged as a result of a  
32 disaster.

33 (j) "State of emergency" means the situation existing after  
34 the occurrence of a disaster in which a state of emergency has



35 been declared by the Governor or by the Legislature pursuant to  
36 the provisions of section six, article five, chapter fifteen of this  
37 code or in which a major disaster declaration or emergency  
38 declaration has been issued by the president of the United States  
39 pursuant to the provisions of 42 U.S.C. §5122.

40 (k) “Transportation, freight and storage services” means any  
41 service that is performed by any company that contracts to  
42 move, store or transport personal or business property or rents  
43 equipment or storage space for those purposes.

### §46A-6J-3. Prohibited unfair pricing practices.

1 (a) Upon the declaration of a state of emergency and  
2 continuing for the existence of the state of emergency or for  
3 thirty days following the declaration, whichever period is longer,  
4 it is unlawful for any person, contractor, business, or other entity  
5 to sell or offer to sell to any person in the area subject to the  
6 declaration any consumer food items, essential consumer items,  
7 goods used for emergency cleanup, emergency supplies, medical  
8 supplies, home heating oil, building materials, housing,  
9 transportation, freight and storage services, or gasoline or other  
10 motor fuels for a price greater than ten percent above the price  
11 charged by that person for those goods or services on the tenth  
12 day immediately preceding the declaration of emergency, unless  
13 the increase in price is directly attributable to additional costs  
14 imposed on the seller by the supplier of the goods or directly  
15 attributable to additional costs for labor or materials used to  
16 provide the services: *Provided*, That in those situations where  
17 the increase in price is attributable to additional costs imposed  
18 by the seller’s supplier or additional costs of providing the good  
19 or service during the state of emergency, the price is no greater  
20 than ten percent above the total of the cost to the seller plus the  
21 markup customarily applied by the seller for that good or service  
22 in the usual course of business on the tenth day immediately  
23 preceding the declaration: *Provided, however*, That where a  
24 supplier of gasoline or other motor fuels cannot determine their  
25 daily costs, the supplier may sell gasoline or other motor fuels to

26 distributors on any day at a rate not to exceed the average of the  
27 Oil Price Information Service's average wholesale rack price for  
28 that product at the Montvale/Roanoke, Virginia, Fairfax,  
29 Virginia and Pittsburgh, Pennsylvania wholesale racks for the  
30 previous day.

31 (b) Upon the declaration of a state of emergency, and for a  
32 period of one hundred eighty days following that declaration, it  
33 is unlawful for any contractor to sell or offer to sell any repair or  
34 reconstruction services or any services used in emergency  
35 cleanup in the area subject to the declaration for a price greater  
36 than ten percent above the price charged by that person for those  
37 services on the tenth day immediately preceding the declaration,  
38 unless the increase in price was directly attributable to additional  
39 costs imposed on it by the supplier of the goods or directly  
40 attributable to additional costs for labor or materials used to  
41 provide the services: *Provided*, That in those situations where  
42 the increase in price is attributable to the additional costs  
43 imposed by the contractor's supplier or additional costs of  
44 providing the service, the price is no greater than ten percent  
45 above the total of the cost to the contractor plus the markup  
46 customarily applied by the contractor for that good or service in  
47 the usual course of business on the tenth day immediately  
48 preceding to the declaration of the state of emergency.

49 (c) Any business offering an item for sale at a reduced price  
50 ten days immediately prior to the declaration of the state of  
51 emergency may use the price at which it usually sells the item to  
52 calculate the price pursuant to subsection (a) or (b) of this  
53 section.

54 (d) The price restrictions imposed by this article may be  
55 limited or terminated by proclamation of the Governor.

**§46A-6J-6. Preemption.**

1 This article preempts any local ordinance prohibiting the  
2 same or similar conduct.

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## CHAPTER 140

**(Com. Sub. for S. B. 60 - By Senator Foster)**

[Passed March 4, 2011; in effect from passage.]  
[Approved by the Governor on March 18, 2011.]

AN ACT to amend and reenact §62-12-5 and §62-12-26 of the Code of West Virginia, 1931, as amended, all relating to probation and parole; probation officers and assistants; providing that multijudicial circuit probation officers may supervise sex offenders who are on probation with authorization of the Administrative Director of the Supreme Court of Appeals or his or her designee; and clarifying that circuit court probation officers continue to supervise extended release supervisees until a multijudicial circuit probation officer is in place.

*Be it enacted by the Legislature of West Virginia:*

That §62-12-5 and §62-12-26 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

### **ARTICLE 12. PROBATION AND PAROLE.**

#### **§62-12-5. Probation officers and assistants.**

- 1       (a) Each circuit court, subject to the approval of the
- 2       Supreme Court of Appeals and in accordance with its rules, is
- 3       authorized to appoint one or more probation officers and clerical
- 4       assistants.

5 (b) The appointment of probation officers and clerical  
6 assistants shall be in writing and entered on the order book of the  
7 court by the judge making such appointment and a copy of said  
8 order of appointment shall be delivered to the Administrative  
9 Director of the Supreme Court of Appeals. The order of  
10 appointment shall state the monthly salary, fixed by the judge  
11 and approved by the Supreme Court of Appeals, to be paid to the  
12 probation officer or clerical assistants so appointed.

13 (c) The salary of probation officers and clerical assistants  
14 shall be paid monthly or semimonthly, as the Supreme Court of  
15 Appeals by rule may direct and they shall be reimbursed for all  
16 reasonable and necessary expenses actually incurred in the line  
17 of duty in the field. The salary and expenses shall be paid by the  
18 state from the judicial accounts thereof. The county commission  
19 shall provide adequate office space for the probation officer and  
20 his or her assistants to be approved by the appointing court. The  
21 equipment and supplies as may be needed by the probation  
22 officer and his or her assistants shall be provided by the state and  
23 the cost thereof shall be charged against the judicial accounts of  
24 the state.

25 (d) No judge may appoint any probation officer, assistant  
26 probation officer or clerical assistant who is related to him or her  
27 either by consanguinity or affinity.

28 (e) Subject to the approval of the Supreme Court of Appeals  
29 and in accordance with its rules, a judge of a circuit court whose  
30 circuit comprises more than one county may appoint a probation  
31 officer and a clerical assistant in each county of the circuit or  
32 may appoint the same persons to serve in these respective  
33 positions in two or more counties in the circuit.

34 (f) Nothing contained in this section alters, modifies, affects  
35 or supersedes the appointment or tenure of any probation officer,  
36 medical assistant or psychiatric assistant appointed by any court  
37 under any special act of the Legislature heretofore enacted, and

38 the salary or compensation of those persons shall remain as  
39 specified in the most recent amendment of any special act until  
40 changed by the court, with approval of the Supreme Court of  
41 Appeals, by order entered of record, and any such salary or  
42 compensation shall be paid out of the State Treasury.

43 (g) In order to carry out the supervision responsibilities set  
44 forth in section twenty-six, article twelve, chapter sixty-two of  
45 this code, the Administrative Director of the Supreme Court of  
46 Appeals, or his or her designee, in accordance with the court's  
47 procedures, is authorized to hire multijudicial-circuit probation  
48 officers, to be employed through the court's Division of  
49 Probation Services. Such officers may also supervise  
50 probationers who are on probation for sexual offences with the  
51 approval of the administrative director of the Supreme Court of  
52 Appeals or his or her designee.

**§62-12-26. Extended supervision for certain sex offenders;  
sentencing; conditions; supervision provisions;  
supervision fee.**

1 (a) Notwithstanding any other provision of this code to the  
2 contrary, any defendant convicted after the effective date of this  
3 section of a violation of section twelve, article eight, chapter  
4 sixty-one of this code or a felony violation of the provisions of  
5 article eight-b, eight-c or eight-d of said chapter shall, as part of  
6 the sentence imposed at final disposition, be required to serve,  
7 in addition to any other penalty or condition imposed by the  
8 court, a period of supervised release of up to fifty years:  
9 *Provided*, That the period of supervised release imposed by the  
10 court pursuant to this section for a defendant convicted after the  
11 effective date of this section as amended and reenacted during  
12 the first extraordinary session of the Legislature, 2006, of a  
13 violation of section three or seven, article eight-b, chapter sixty-  
14 one of this code and sentenced pursuant to section nine-a of said  
15 article, shall be no less than ten years: *Provided, however*, That  
16 a defendant designated after the effective date of this section as

17 amended and reenacted during the first extraordinary session of  
18 the Legislature, 2006, as a sexually violent predator pursuant to  
19 the provisions of section two-a, article twelve, chapter fifteen of  
20 this code shall be subject, in addition to any other penalty or  
21 condition imposed by the court, to supervised release for life:  
22 *Provided further*, That pursuant to the provisions of subsection  
23 (g) of this section, a court may modify, terminate or revoke any  
24 term of supervised release imposed pursuant to subsection (a) of  
25 this section.

26 (b) Any person required to be on supervised release for a  
27 minimum term of ten years or for life pursuant to the provisos of  
28 subsection (a) of this section also shall be further prohibited  
29 from:

30 (1) Establishing a residence or accepting employment within  
31 one thousand feet of a school or child care facility or within one  
32 thousand feet of the residence of a victim or victims of any  
33 sexually violent offenses for which the person was convicted;

34 (2) Establishing a residence or any other living  
35 accommodation in a household in which a child under sixteen  
36 resides if the person has been convicted of a sexually violent  
37 offense against a child, unless the person is one of the following:

38 (i) The child's parent;

39 (ii) The child's grandparent; or

40 (iii) The child's stepparent and the person was the stepparent  
41 of the child prior to being convicted of a sexually violent  
42 offense, the person's parental rights to any children in the home  
43 have not been terminated, the child is not a victim of a sexually  
44 violent offense perpetrated by the person, and the court  
45 determines that the person is not likely to cause harm to the child  
46 or children with whom such person will reside: *Provided*, That  
47 nothing in this subsection shall preclude a court from imposing

48 residency or employment restrictions as a condition of  
49 supervised release on defendants other than those subject to the  
50 provision of this subsection.

51 (c) The period of supervised release imposed by the  
52 provisions of this section shall begin upon the expiration of any  
53 period of probation, the expiration of any sentence of  
54 incarceration or the expiration of any period of parole  
55 supervision imposed or required of the person so convicted,  
56 whichever expires later.

57 (d) Any person sentenced to a period of supervised release  
58 pursuant to the provisions of this section shall be supervised by  
59 a multijudicial circuit probation officer, if available. Until such  
60 time as a multijudicial circuit probation officer is available, the  
61 offender shall be supervised by the probation office of the  
62 sentencing court or of the circuit in which he or she resides.

63 (e) A defendant sentenced to a period of supervised release  
64 shall be subject to any or all of the conditions applicable to a  
65 person placed upon probation pursuant to the provisions of  
66 section nine of this article: *Provided*, That any defendant  
67 sentenced to a period of supervised release pursuant to this  
68 section shall be required to participate in appropriate offender  
69 treatment programs or counseling during the period of  
70 supervised release unless the court deems the offender treatment  
71 programs or counseling to no longer be appropriate or necessary  
72 and makes express findings in support thereof.

73 Within ninety days of the effective date of this section as  
74 amended and reenacted during the first extraordinary session of  
75 the Legislature, 2006, the Secretary of the Department of Health  
76 and Human Resources shall propose rules and emergency rules  
77 for legislative approval in accordance with the provisions of  
78 article three, chapter twenty-nine-a of this code establishing  
79 qualifications for sex offender treatment programs and  
80 counselors based on accepted treatment protocols among  
81 licensed mental health professionals.

82 (f) The sentencing court may, based upon defendant's ability  
83 to pay, impose a supervision fee to offset the cost of supervision.  
84 Said fee shall not exceed \$50 per month. Said fee may be  
85 modified periodically based upon the defendant's ability to pay.

86 (g) *Modification of conditions or revocation.* -- The court  
87 may:

88 (1) Terminate a term of supervised release and discharge the  
89 defendant released at any time after the expiration of two years  
90 of supervised release, pursuant to the provisions of the West  
91 Virginia Rules of Criminal Procedure relating to the  
92 modification of probation, if it is satisfied that such action is  
93 warranted by the conduct of the defendant released and the  
94 interests of justice;

95 (2) Extend a period of supervised release if less than the  
96 maximum authorized period was previously imposed or modify,  
97 reduce or enlarge the conditions of supervised release, at any  
98 time prior to the expiration or termination of the term of  
99 supervised release, consistent with the provisions of the West  
100 Virginia Rules of Criminal Procedure relating to the  
101 modification of probation and the provisions applicable to the  
102 initial setting of the terms and conditions of post-release  
103 supervision;

104 (3) Revoke a term of supervised release and require the  
105 defendant to serve in prison all or part of the term of supervised  
106 release without credit for time previously served on supervised  
107 release if the court, pursuant to the West Virginia Rules of  
108 Criminal Procedure applicable to revocation of probation, finds  
109 by clear and convincing evidence that the defendant violated a  
110 condition of supervised release, except that a defendant whose  
111 term is revoked under this subdivision may not be required to  
112 serve more than the period of supervised release;



113           (4) Order the defendant to remain at his or her place of  
114 residence during nonworking hours and, if the court so directs,  
115 to have compliance monitored by telephone or electronic  
116 signaling devices, except that an order under this paragraph may  
117 be imposed only as an alternative to incarceration.

118           (h) *Written statement of conditions.* -- The court shall direct  
119 that the probation officer provide the defendant with a written  
120 statement at the defendant's sentencing hearing that sets forth all  
121 the conditions to which the term of supervised release is subject  
122 and that it is sufficiently clear and specific to serve as a guide for  
123 the defendant's conduct and for such supervision as is required.

124           (i) *Supervised release following revocation.* -- When a term  
125 of supervised release is revoked and the defendant is required to  
126 serve a term of imprisonment that is less than the maximum term  
127 of supervised release authorized under subsection (a) of this  
128 section, the court may include a requirement that the defendant  
129 be placed on a term of supervised release after imprisonment.  
130 The length of such term of supervised release shall not exceed  
131 the term of supervised release authorized by this section less any  
132 term of imprisonment that was imposed upon revocation of  
133 supervised release.

134           (j) *Delayed revocation.* -- The power of the court to revoke  
135 a term of supervised release for violation of a condition of  
136 supervised release and to order the defendant to serve a term of  
137 imprisonment and, subject to the limitations in subsection (i) of  
138 this section, a further term of supervised release extends beyond  
139 the expiration of the term of supervised release for any period  
140 necessary for the adjudication of matters arising before its  
141 expiration if, before its expiration, a warrant or summons has  
142 been issued on the basis of an allegation of such a violation.

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## CHAPTER 141

### (H. B. 2001 - By Delegates Boggs and Armstead)

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[Passed January 25, 2011; in effect from passage.]  
[Approved by the Governor on February 3, 2011.]

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AN ACT to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to powers and duties of the board of parole; providing that inmates serving life sentences with possibility of parole may be reconsidered by the parole board anytime within three years of denial of parole; and making technical corrections to the section.

*Be it enacted by the Legislature of West Virginia:*

That §62-12-13 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

#### **ARTICLE 12. PROBATION AND PAROLE.**

##### **§62-12-13. Powers and duties of board; eligibility for parole; procedure for granting parole.**

- 1           (a) The board of parole, whenever it is of the opinion that
- 2           the best interests of the state and of the inmate will be served,
- 3           and subject to the limitations hereinafter provided, shall release
- 4           any inmate on parole for terms and upon conditions as are
- 5           provided by this article.

6 (b) Any inmate of a state correctional center is eligible for  
7 parole if he or she:

8 (1)(A) Has served the minimum term of his or her  
9 indeterminate sentence or has served one fourth of his or her  
10 definite term sentence, as the case may be; or

11 (B) He or she:

12 (i) Has applied for and been accepted by the Commissioner  
13 of Corrections into an accelerated parole program;

14 (ii) Does not have a prior criminal conviction for a felony  
15 crime of violence against the person, a felony offense involving  
16 the use of a firearm, or a felony offense where the victim was a  
17 minor child;

18 (iii) Has no record of institutional disciplinary rule  
19 violations for a period of one hundred twenty days prior to  
20 parole consideration unless the requirement is waived by the  
21 commissioner;

22 (iv) Is not serving a sentence for a crime of violence against  
23 the person, or more than one felony for a controlled substance  
24 offense for which the inmate is serving a consecutive sentence,  
25 a felony offense involving the use of a firearm, or a felony  
26 offense where the victim was a minor child; and

27 (v) Has successfully completed a rehabilitation treatment  
28 program created with the assistance of a standardized risk and  
29 needs assessment;

30 (I) As used in this section “felony crime of violence against  
31 the person” means felony offenses set forth in articles two, three-  
32 e, eight-b or eight-d of chapter sixty-one of this code; and

33 (II) As used in this section “felony offense where the victim  
34 was a minor child” means any felony crime of violence against

35 the person and any felony violation set forth in article eight,  
36 eight-a, eight-c or eight-d of chapter sixty-one of this code.

37 (C) Notwithstanding any provision of this code to the  
38 contrary, any person who committed, or attempted to commit a  
39 felony with the use, presentment or brandishing of a firearm, is  
40 not eligible for parole prior to serving a minimum of three years  
41 of his or her sentence or the maximum sentence imposed by the  
42 court, whichever is less: *Provided*, That any person who  
43 committed, or attempted to commit, any violation of section  
44 twelve, article two, chapter sixty-one of this code, with the use,  
45 presentment or brandishing of a firearm, is not eligible for parole  
46 prior to serving a minimum of five years of his or her sentence  
47 or one third of his or her definite term sentence, whichever is  
48 greater. Nothing in this paragraph applies to an accessory before  
49 the fact or a principal in the second degree who has been  
50 convicted as if he or she were a principal in the first degree if, in  
51 the commission of or in the attempted commission of the felony,  
52 only the principal in the first degree used, presented or  
53 brandished a firearm. A person is not ineligible for parole under  
54 the provisions of this paragraph because of the commission or  
55 attempted commission of a felony with the use, presentment or  
56 brandishing of a firearm unless that fact is clearly stated and  
57 included in the indictment or presentment by which the person  
58 was charged and was either: (i) Found by the court at the time  
59 of trial upon a plea of guilty or nolo contendere; (ii) found by the  
60 jury, upon submitting to the jury a special interrogatory for such  
61 purpose if the matter was tried before a jury; or (iii) found by the  
62 court, if the matter was tried by the court without a jury.

63 For the purpose of this section, the term "firearm" means  
64 any instrument which will, or is designed to, or may readily be  
65 converted to, expel a projectile by the action of an explosive,  
66 gunpowder or any other similar means.

67 (D) The amendments to this subsection adopted in the year  
68 1981:

69 (i) Apply to all applicable offenses occurring on or after  
70 August 1 of that year;

71 (ii) Apply with respect to the contents of any indictment or  
72 presentment returned on or after August 1 of that year  
73 irrespective of when the offense occurred;

74 (iii) Apply with respect to the submission of a special  
75 interrogatory to the jury and the finding to be made thereon in  
76 any case submitted to the jury on or after August 1 of that year  
77 or to the requisite findings of the court upon a plea of guilty or  
78 in any case tried without a jury: *Provided*, That the state gives  
79 notice in writing of its intent to seek such finding by the jury or  
80 court, as the case may be, which notice shall state with  
81 particularity the grounds upon which the finding will be sought  
82 as fully as such grounds are otherwise required to be stated in an  
83 indictment, unless the grounds therefor are alleged in the  
84 indictment or presentment upon which the matter is being tried;  
85 and

86 (iv) Does not apply with respect to cases not affected by the  
87 amendments and in such cases the prior provisions of this  
88 section apply and are construed without reference to the  
89 amendments.

90 (1) Insofar as the amendments relate to mandatory sentences  
91 restricting the eligibility for parole, all matters requiring a  
92 mandatory sentence shall be proved beyond a reasonable doubt  
93 in all cases tried by the jury or the court;

94 (2) Is not in punitive segregation or administrative  
95 segregation as a result of disciplinary action;

96 (3) Has maintained a record of good conduct in prison for a  
97 period of at least three months immediately preceding the date  
98 of his or her release on parole;

99           (4) Has prepared and submitted to the board a written parole  
100 release plan setting forth proposed plans for his or her place of  
101 residence, employment and, if appropriate, his or her plans  
102 regarding education and post-release counseling and treatment.  
103 The Commissioner of Corrections or his or her designee shall  
104 review the plan to be reviewed and investigated and provide  
105 recommendations to the board as to the suitability of the plan:  
106 *Provided*, That in cases in which there is a mandatory thirty-day  
107 notification period required prior to the release of the inmate,  
108 pursuant to section twenty-three of this article, the board may  
109 conduct an initial interview and deny parole without requiring  
110 the development of a plan. In the event the board does not  
111 believe parole should be denied, it may defer a final decision  
112 pending completion of an investigation and receipt of  
113 recommendations. Upon receipt of the plan together with the  
114 investigation and recommendation, the board, through a panel,  
115 shall make a final decision regarding the granting or denial of  
116 parole; and

117           (5) Has satisfied the board that if released on parole he or  
118 she will not constitute a danger to the community.

119           (c) Except in the case of a person serving a life sentence, no  
120 person who has been previously twice convicted of a felony may  
121 be released on parole until he or she has served the minimum  
122 term provided by law for the crime for which he or she was  
123 convicted. A person sentenced for life may not be paroled until  
124 he or she has served ten years, and a person sentenced for life  
125 who has been previously twice convicted of a felony may not be  
126 paroled until he or she has served fifteen years: *Provided*, That  
127 a person convicted of first degree murder for an offense  
128 committed on or after June 10, 1994, is not eligible for parole  
129 until he or she has served fifteen years.

130           (d) In the case of a person sentenced to any state  
131 correctional center, it is the duty of the board, as soon as a  
132 person becomes eligible, to consider the advisability of his or  
133 her release on parole.

134 (e) If, upon consideration, parole is denied, the board shall  
135 promptly notify the inmate of the denial. The board shall, at the  
136 time of denial, notify the inmate of the month and year he or she  
137 may apply for reconsideration and review. The board shall at  
138 least once a year reconsider and review the case of every inmate  
139 who was denied parole and is still eligible: *Provided*, That the  
140 board may reconsider and review parole eligibility anytime  
141 within three years following the denial of parole of an inmate  
142 serving a life sentence with the possibility of parole.

143 (f) Any person serving a sentence on a felony conviction  
144 who becomes eligible for parole consideration prior to being  
145 transferred to a state correctional center may make written  
146 application for parole. The terms and conditions for parole  
147 consideration established by this article apply to such inmates.

148 (g) The board shall, with the approval of the Governor,  
149 adopt rules governing the procedure in the granting of parole.  
150 No provision of this article and none of the rules adopted  
151 hereunder are intended or may be construed to contravene, limit  
152 or otherwise interfere with or affect the authority of the  
153 Governor to grant pardons and reprieves, commute sentences,  
154 remit fines or otherwise exercise his or her constitutional powers  
155 of executive clemency.

156 (h) The Division of Corrections shall promulgate policies  
157 and procedures for developing a rehabilitation treatment plan  
158 created with the assistance of a standardized risk and needs  
159 assessment. The policies and procedures shall include, but not  
160 be limited to, policy and procedures for screening and selecting  
161 inmates for rehabilitation treatment and development and use of  
162 standardized risk and needs assessment tools. An inmate shall  
163 not be paroled solely due to having successfully completed a  
164 rehabilitation treatment plan but completion of all the  
165 requirements of a rehabilitation parole plan along with  
166 compliance with the requirements of subsection (b) of this  
167 section shall create a rebuttable presumption that parole is

168 appropriate. The presumption created by this subsection may be  
169 rebutted by a Parole Board finding that at the time parole release  
170 is sought the inmate still constitutes a reasonable risk to the  
171 safety or property of other persons if released. Nothing in  
172 subsection (b) of this section or in this subsection may be  
173 construed to create a right to parole.

174 (i) Notwithstanding the provisions of subsection (b) of this  
175 section, the Parole Board may, in its discretion, grant or deny  
176 parole to an inmate against whom a detainer is lodged by a  
177 jurisdiction other than West Virginia for service of a sentence of  
178 incarceration, upon a written request for parole from the inmate.  
179 A denial of parole under this subsection shall preclude  
180 consideration for a period of one year or until the provisions of  
181 subsection (b) of this section are applicable.

182 (j) Where an inmate is otherwise eligible for parole pursuant  
183 to subsection (b) of this section but the Parole Board determines  
184 that the inmate should participate in an additional program or  
185 complete an assigned task or tasks prior to actual release on  
186 parole, the board may grant parole contingently, effective upon  
187 successful completion of the program or assigned task or tasks,  
188 without the need for a further hearing. The Commissioner of  
189 Corrections shall provide notice to the Parole Board of the  
190 imminent release of a contingently paroled inmate to effectuate  
191 appropriate supervision.

192 (k) The Division of Corrections is charged with the duty of  
193 supervising all probationers and parolees whose supervision may  
194 have been undertaken by this state by reason of any interstate  
195 compact entered into pursuant to the uniform act for out-of-state  
196 parolee supervision.

197 (l)(1) When considering an inmate of a state correctional  
198 center for release on parole, the Parole Board panel considering  
199 the parole is to have before it an authentic copy of or report on  
200 the inmate's current criminal record as provided through the



201 West Virginia State Police, the United States Department of  
202 Justice or other reliable criminal information sources and written  
203 reports of the warden or superintendent of the state correctional  
204 center to which the inmate is sentenced:

205 (A) On the inmate's conduct record while in custody,  
206 including a detailed statement showing any and all infractions of  
207 disciplinary rules by the inmate and the nature and extent of  
208 discipline administered therefor;

209 (B) On improvement or other changes noted in the inmate's  
210 mental and moral condition while in custody, including a  
211 statement expressive of the inmate's current attitude toward  
212 society in general, toward the judge who sentenced him or her,  
213 toward the prosecuting attorney who prosecuted him or her,  
214 toward the policeman or other officer who arrested the inmate  
215 and toward the crime for which he or she is under sentence and  
216 his or her previous criminal record;

217 (C) On the inmate's industrial record while in custody  
218 which shall include: The nature of his or her work, occupation  
219 or education, the average number of hours per day he or she has  
220 been employed or in class while in custody and a  
221 recommendation as to the nature and kinds of employment  
222 which he or she is best fitted to perform and in which the inmate  
223 is most likely to succeed when he or she leaves prison;

224 (D) On physical, mental and psychiatric examinations of the  
225 inmate conducted, insofar as practicable, within the two months  
226 next preceding parole consideration by the board.

227 (2) The board panel considering the parole may waive the  
228 requirement of any report when not available or not applicable  
229 as to any inmate considered for parole but, in every such case,  
230 shall enter in the record thereof its reason for the waiver:  
231 *Provided*, That in the case of an inmate who is incarcerated  
232 because the inmate has been found guilty of, or has pleaded

233 guilty to a felony under the provisions of section twelve, article  
234 eight, chapter sixty-one of this code or under the provisions of  
235 article eight-b or eight-c of said chapter, the board panel may not  
236 waive the report required by this subsection and the report is to  
237 include a study and diagnosis including an on-going treatment  
238 plan requiring active participation in sexual abuse counseling at  
239 an approved mental health facility or through some other  
240 approved program: *Provided, however,* That nothing disclosed  
241 by the person during the study or diagnosis may be made  
242 available to any law-enforcement agency, or other party without  
243 that person's consent, or admissible in any court of this state,  
244 unless the information disclosed indicates the intention or plans  
245 of the parolee to do harm to any person, animal, institution or to  
246 property. Progress reports of outpatient treatment are to be made  
247 at least every six months to the parole officer supervising the  
248 person. In addition, in such cases, the Parole Board shall inform  
249 the prosecuting attorney of the county in which the person was  
250 convicted of the parole hearing and shall request that the  
251 prosecuting attorney inform the Parole Board of the  
252 circumstances surrounding a conviction or plea of guilty, plea  
253 bargaining and other background information that might be  
254 useful in its deliberations.

255 (m) Before releasing any inmate on parole, the board of  
256 parole shall arrange for the inmate to appear in person before  
257 a Parole Board panel and the panel may examine and  
258 interrogate him or her on any matters pertaining to his or her  
259 parole, including reports before the board made pursuant to the  
260 provisions hereof: *Provided,* That an inmate may appear by  
261 video teleconference if the members of the panel conducting  
262 the examination are able to contemporaneously see the inmate  
263 and hear all of his or her remarks and if the inmate is able to  
264 contemporaneously see each of the members of the panel  
265 conducting the examination and hear all of the members'  
266 remarks. The panel shall reach its own written conclusions as  
267 to the desirability of releasing the inmate on parole and the  
268 majority of the panel considering the release shall concur in the

269 decision. The warden or superintendent shall furnish all  
270 necessary assistance and cooperate to the fullest extent with the  
271 Parole Board. All information, records and reports received by  
272 the board are to be kept on permanent file.

273 (n) The board and its designated agents are at all times to  
274 have access to inmates imprisoned in any state correctional  
275 center or in any jail in this state and may obtain any information  
276 or aid necessary to the performance of its duties from other  
277 departments and agencies of the state or from any political  
278 subdivision thereof.

279 (o) The board shall, if so requested by the Governor,  
280 investigate and consider all applications for pardon, reprieve or  
281 commutation and shall make recommendation thereon to the  
282 Governor.

283 (p) Prior to making a recommendation for pardon, reprieve  
284 or commutation and prior to releasing any inmate on parole, the  
285 board shall notify the sentencing judge and prosecuting attorney  
286 at least ten days before the recommendation or parole.

287 (q) Any person released on parole shall participate as a  
288 condition of parole in the litter control program of the county to  
289 the extent directed by the board, unless the board specifically  
290 finds that this alternative service would be inappropriate.

291 (r) Except for the amendments to this section contained in  
292 subdivision (4), subsection (b) and subsection (i) of this section  
293 the amendments to this section enacted during the 2010 regular  
294 session of the Legislature shall become effective on January 1,  
295 2011.

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## CHAPTER 142

**(Com. Sub. for H. B. 2498 - By Delegates  
Morgan, Stephens, Hartman, Hatfield,  
Martin, D. Poling, Staggers and Rowan)**

[Passed March 10, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 24, 2011.]

AN ACT to amend and reenact §30-4-19, §30-4-20, §30-4-23, §30-4-28 and §30-4-29 of the Code of West Virginia, 1931, as amended, all relating to the practice of dentistry; requiring notification of a dentist's death to the dental board by the deceased's personal representative; requiring dentists to notify the board of a life threatening occurrence, serious injury or death to patient as a result of dental treatment or related complications; providing for disciplinary action for failing to report; certain actions of dentists subject to disciplinary action by board; providing the board with the authority to require a licensee have a psychological evaluation prior to reinstatement of license; increasing personal representative's length of time to dispose of shares of a deceased shareholder in a dental corporation after dentist's death; and permitting a dental student to work in a public health setting under certain conditions.

*Be it enacted by the Legislature of West Virginia:*

That §30-4-19, §30-4-20, §30-4-23, §30-4-28 and §30-4-29 of the Code of West Virginia, 1931, as amended, be amended reenacted, all to read as follows:

**ARTICLE 4. WEST VIRGINIA DENTAL PRACTICE ACT.****§30-4-19. Dental Office.**

1 (a) A licensed dentist within thirty days of changing his or  
2 her place of practice or establishing a practice at an additional  
3 dental office shall furnish the board with the address of the new  
4 or additional dental office.

5 (b) A personal representative of a deceased dentist shall  
6 notify the board of a dentist's death no later than 60 days from  
7 the death of the dentist.

8 (c) A licensed dental hygienist within thirty days of  
9 changing his or her place of employment or establishing  
10 employment at additional dental office shall furnish the board  
11 with the name and address of the new or additional employers.

**§30-4-20. Refusal to issue or renew, suspension or revocation of license; disciplinary action.**

1 (a) The board may refuse to issue, refuse to renew, suspend,  
2 revoke or limit any license or practice privilege of a licensee and  
3 may take disciplinary action against a licensee who, after  
4 hearing, has been adjudged by the board as unqualified for any  
5 of the following reasons:

6 (1) The presentation to the board of any diploma, license or  
7 certificate illegally or fraudulently obtained, or one obtained  
8 from an institution which is not reputable, or one obtained from  
9 an unrecognized or irregular institution or state board;

10 (2) Suspension or revocation of a license issued by another  
11 state or territory on grounds which would be the basis of  
12 discipline in this state;

13 (3) Incompetent, negligent or willful misconduct in the  
14 practice of dentistry or dental hygiene, which shall include the

15 departure from, or the failure to conform to, the minimal  
16 standards of acceptable and prevailing dental or dental hygiene  
17 practice in their area of expertise as shall be determined by the  
18 board. The board need not establish actual injury to the patient  
19 in order to adjudge a licensee guilty of this conduct;

20 (4) Engaging in conduct that indicates a lack of knowledge  
21 of, an inability to apply or the negligent application of principles  
22 or skills of dentistry or dental hygiene;

23 (5) Being guilty of gross ignorance or gross inefficiency in  
24 his or her profession;

25 (6) Being convicted of a felony; and a certified copy of the  
26 record of the court of conviction shall be sufficient proof of  
27 conviction;

28 (7) Announcing or otherwise holding himself or herself out  
29 to the public as a specialist or as being specially qualified in any  
30 particular branch of dentistry or as giving special attention to any  
31 branch of dentistry or as limiting his or her practice to any  
32 branch of dentistry without first complying with the  
33 requirements established by the board for the specialty and  
34 having been issued a certificate of qualification in the specialty  
35 by the board;

36 (8) Failing to report to the board within 72 hours of  
37 becoming aware thereof any life threatening occurrence, serious  
38 injury or death of a patient resulting from dental treatment or  
39 complications following a dental procedure; or

40 (9) Being guilty of unprofessional conduct as contained in  
41 the American Dental Association principles of ethics and code  
42 of professional conduct. The following acts or any of them are  
43 conclusively presumed to be unprofessional conduct:

- 44           (A) Being guilty of any fraud or deception;
- 45           (B) Committing a criminal operation or being convicted of  
46 a crime involving moral turpitude;
- 47           (C) Abusing alcohol or drugs;
- 48           (D) Violating any professional confidence or disclosing any  
49 professional secret;
- 50           (E) Being grossly immoral;
- 51           (F) Harassing, abusing, intimidating, insulting, degrading or  
52 humiliating a patient physically, verbally or through another  
53 form of communication;
- 54           (G) Employing what are known as “cappers” or “steerers”  
55 to obtain business;
- 56           (H) Obtaining any fee by fraud or misrepresentation;
- 57           (I) Employing directly or indirectly, or directing or  
58 permitting any suspended or unlicensed person so employed, to  
59 perform operations of any kind or to treat lesions of the human  
60 teeth or jaws or correct malimposed formations thereof;
- 61           (J) Practicing, or offering, or undertaking to practice  
62 dentistry under any firm name or trade name not approved by  
63 the board;
- 64           (K) Having a professional connection or association with, or  
65 lending his or her name to another, for the illegal practice of  
66 dentistry, or professional connection or association with any  
67 person, firm or corporation holding himself or herself,  
68 themselves or itself out in any manner contrary to this article;

69 (L) Making use of any advertising relating to the use of any  
70 drug or medicine of unknown formula;

71 (M) Advertising to practice dentistry or perform any  
72 operation thereunder without causing pain;

73 (N) Advertising professional superiority or the performance  
74 of professional services in a superior manner;

75 (O) Advertising to guarantee any dental service;

76 (P) Advertising in any manner that is false or misleading in  
77 any material respect;

78 (Q) Soliciting subscriptions from individuals within or  
79 without the state for, or advertising or offering to individuals  
80 within or without the state, a course or instruction or course  
81 materials in any phase, part or branch of dentistry or dental  
82 hygiene in any journal, newspaper, magazine or dental  
83 publication, or by means of radio, television or United States  
84 mail, or in or by any other means of contacting individuals:  
85 *Provided*, That the provisions of this paragraph may not be  
86 construed so as to prohibit: (i) An individual dentist or dental  
87 hygienist from presenting articles pertaining to procedures or  
88 technique to state or national journals or accepted dental  
89 publications; or (ii) educational institutions approved by the  
90 board from offering courses or instruction or course materials to  
91 individual dentists and dental hygienists from within or without  
92 the state; or

93 (R) Engaging in any action or conduct which would have  
94 warranted the denial of the license.

95 (b) The term advertising, as used in this section, shall be  
96 construed to include any type of public media.



97 (c) Disciplinary action includes, but is not limited to, a  
98 reprimand, censure, probation, administrative fine not to exceed  
99 \$1,000 per day per violation and mandatory attendance at  
100 continuing professional education seminars.

**§30-4-23. Reinstatement.**

1 (a) Any dentist or dental hygienist against whom  
2 disciplinary action has been taken under the provisions of this  
3 article shall be afforded an opportunity to demonstrate the  
4 qualifications to resume practice. The application for  
5 reinstatement shall be in writing and subject to the procedures  
6 specified by the board by rule.

7 (b) The board may require a licensee to undergo a  
8 psychological evaluation to determine a licensee is competent to  
9 make decisions or if the licensee is impaired by drugs or  
10 alcohol.

**§30-4-28. Dental corporations.**

1 (a) All dental corporations created prior to July 1, 2001, are  
2 hereby continued.

3 (b) One or more dentists may organize and become a  
4 shareholder or shareholders of a dental corporation domiciled  
5 within this state under the terms and conditions and subject to  
6 the limitations and restrictions specified by rule.

7 (c) No corporation may practice dentistry, or any of its  
8 branches, or hold itself out as being capable of doing so without  
9 a certificate of authorization from the board.

10 (d) When the Secretary of State receives a certificate of  
11 authorization to act as a dental corporation from the board, he or  
12 she shall attach the authorization to the corporation application

13 and, upon compliance with the applicable provisions of chapter  
14 thirty-one of this code, the Secretary of State shall issue to the  
15 incorporators a certificate of incorporation for the dental  
16 corporation.

17 (e) A corporation holding a certificate of authorization must  
18 register annually, on or before June 30, on a form prescribed by  
19 the board and pay an annual registration fee in an amount  
20 specified by rule.

21 (f) A dental corporation may practice dentistry only through  
22 an individual dentist or dentists duly licensed to practice  
23 dentistry in this state, but the dentist or dentists may be  
24 employees rather than shareholders of the corporation.

25 (g) A dental corporation holding a certificate of  
26 authorization shall cease to engage in the practice of dentistry  
27 upon being notified by the board that any of its shareholders are  
28 no longer a duly licensed dentist or when any shares of the  
29 corporation have been sold or disposed of to a person who is not  
30 a duly licensed dentist: *Provided*, That the personal  
31 representative of a deceased shareholder has a period, not to  
32 exceed twenty-four months from the date of the shareholder's  
33 death, to dispose of the shares; but nothing contained herein may  
34 be construed as affecting the existence of the corporation or its  
35 right to continue to operate for all lawful purposes other than the  
36 practice of dentistry.

**§30-4-29. Inapplicability of article.**

1 The provisions of this article do not apply to:

2 (1) A duly licensed physician or surgeon in the practice of  
3 his or her profession when rendering dental relief in emergency  
4 cases, unless he or she undertakes to reproduce or reproduces  
5 lost parts of the human teeth or to restore or replace lost or  
6 missing teeth in the human mouth;

7           (2) A dental laboratory in the performance of dental  
8 laboratory services as that term is defined in section one, article  
9 four-b of this chapter while the dental laboratory, in the  
10 performance of the work, conforms in all respects to the  
11 requirements of article four-b and further does not apply to  
12 persons performing dental laboratory services under the direct  
13 supervision of a licensed dentist or under the direct supervision  
14 of a person authorized under this article to perform any of the  
15 acts in this article defined to constitute the practice of dentistry  
16 while the work is performed in connection with, and as a part of,  
17 the dental practice of the licensed dentist or other authorized  
18 person and for his or her dental patients;

19           (3) Students enrolled in and regularly attending any dental  
20 college recognized by the state board of dental examiners,  
21 provided their acts are done in the dental college and under the  
22 direct and personal supervision of their instructor;

23           (4) Students enrolled in and regularly attending any dental  
24 college recognized by the state board of dental examiners may  
25 practice dentistry in a public health setting, provided their acts  
26 are done under the direct supervision of their instructor, adjunct  
27 instructor or a dentist;

28           (5) Licensed or registered dentists of another state  
29 temporarily operating a clinic under the auspices of a duly  
30 organized and reputable dental college or reputable dental  
31 society, or to one lecturing before a reputable society composed  
32 exclusively of dentists; or

33           (6) The practice of dentistry by dentists whose practice is  
34 confined exclusively to the service of the United States Army,  
35 the United States Navy, the United States Public Health Service,  
36 the United States Veteran's Bureau or any other authorized  
37 United States government agency or bureau.

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## CHAPTER 143

**(Com. Sub. for H. B. 2479 - By Delegates  
Morgan, Stephens, Hartman, Hatfield, D. Poling,  
Martin, Staggers, Swartzmiller and Rowan)**

[Passed March 10, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 24, 2011.]

AN ACT to repeal §30-4A-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-4A-4, §30-4A-5 and §30-4A-8 of said code; and to amend said code by adding thereto four new sections, designated §30-4A-6a, §30-4A-6b, §30-4A-6c and §30-4A-6d, all relating to the administration of anesthesia by dentists and in dental offices; permit requirements; classes of permits; qualifications and certifications required for the respective classes of permits; standards of care; patient monitoring requirements; education and certification requirements for monitors and assistants; and related office evaluations.

*Be it enacted by the Legislature of West Virginia:*

That §30-4A-6 of the Code of West Virginia, 1931, as amended, be repealed; that §30-4A-4, §30-4A-5 and §30-4A-8 of said code be amended and reenacted; and that said code be amended by adding thereto four new sections, designated §30-4A-6a, §30-4A-6b, §30-4A-6c and §30-4A-6d, all to read as follows:

**ARTICLE 4A. ADMINISTRATION OF ANESTHESIA BY DENTISTS.****§30-4A-4. Requirement for anesthesia permit.**

1 (1) No dentist may induce central nervous system  
2 anesthesia without first having obtained an anesthesia permit  
3 under these rules for the level of anesthesia being induced.

4 (2) The applicant for an anesthesia permit must pay the  
5 appropriate permit fees and renewal fees, designated in section  
6 six of this article, submit a completed board-approved  
7 application and consent to an office evaluation. The fees are to  
8 be set in accordance with section eighteen of this article.

9 (3) Permits shall be issued to coincide with the applicant's  
10 licensing period.

11 (4) Permit holders shall report the names and qualifications of  
12 each qualified monitor. A monitor qualified by PALS or ACLS  
13 shall maintain that certification to act as a qualified monitor.

14 (5) A dentist shall hold a class permit equivalent to or  
15 exceeding the anesthesia level being provided, unless the provider  
16 of anesthesia is a physician anesthesiologist or licensed dentist  
17 who holds a current anesthesia permit issued by the board.

**§30-4A-5. Classes of anesthesia permits.**

1 (a) The board shall issue the following permits:

2 (1) Class 2 Permit: A Class 2 Permit authorizes a dentist to  
3 induce anxiolysis.

4 (2) Class 3 Permit: A Class 3 Permit authorizes a dentist to  
5 induce conscious sedation as limited enteral (3a) and/or  
6 comprehensive parenteral (3b), and anxiolysis.

7 (3) Class 4 Permit: A Class 4 Permit authorizes a dentist to  
8 induce general anesthesia/deep conscious sedation, conscious  
9 sedation, and anxiolysis.

10 (b) When anesthesia services are provided in dental  
11 facilities by a physician anesthesiologist, the dental facility shall  
12 be inspected and approved for a Class IV permit.

**§30-4A-6a. Qualifications, standards applicable, and continuing  
education requirements for relative analgesia use.**

1 (a) The board shall allow administration of relative  
2 analgesia if the practitioner:

3 (1) Is a licensed dentist in the State of West Virginia;

4 (2) Holds valid and current documentation showing  
5 successful completion of a Health Care Provider BLS/CPR  
6 course; and

7 (3) Has completed a training course of instruction in dental  
8 school, continuing education or as a postgraduate in the  
9 administration of relative analgesia.

10 (b) A practitioner who administers relative analgesia shall  
11 have the following facilities, equipment and drugs available  
12 during the procedure and during recovery:

13 (1) An operating room large enough to adequately  
14 accommodate the patient on an operating table or in an  
15 operating chair and to allow delivery of age appropriate care in  
16 an emergency situation;

17 (2) An operating table or chair which permits the patient to  
18 be positioned so that the patient's airway can be maintained,  
19 quickly alter the patient's position in an emergency, and provide  
20 a firm platform for the administration of basic life support;

21 (3) A lighting system which permits evaluation of the  
22 patient's skin and mucosal color and a backup lighting system  
23 of sufficient intensity to permit completion of any operation  
24 underway in the event of a general power failure;

25           (4) Suction equipment which permits aspiration of the oral  
26   and pharyngeal cavities;

27           (5) An oxygen delivery system with adequate full face  
28   masks and appropriate connectors that is capable of delivering  
29   high flow oxygen to the patient under positive pressure, together  
30   with an adequate backup system; and

31           (6) A nitrous oxide delivery system with a fail-safe  
32   mechanism that will insure appropriate continuous oxygen  
33   delivery and a scavenger system.

34           All equipment used must be appropriate for the height and  
35   weight of the patient.

36           (c) Before inducing nitrous oxide sedation, a practitioner  
37   shall:

38           (1) Evaluate the patient;

39           (2) Give instruction to the patient or, when appropriate due  
40   to age or psychological status of the patient, the patient's  
41   guardian; and

42           (3) Certify that the patient is an appropriate candidate for  
43   relative analgesia.

44           (d) A practitioner who administers relative analgesia shall  
45   see that the patient's condition is visually monitored. At all  
46   times the patient shall be observed by a Qualified Monitor until  
47   discharge criteria have been met. The Qualified Monitor shall  
48   hold valid and current documentation showing successful  
49   completion of a Health Care Provider BLS/CPR certification.  
50   Documentation of credentials and training must be maintained  
51   in the personnel records of the Qualified Monitor. The patient  
52   shall be monitored as to response to verbal stimulation and oral  
53   mucosal color.

54 (e) The record must include documentation of all  
55 medications administered with dosages, time intervals and route  
56 of administration.

57 (f) A discharge entry shall be made in the patient's record  
58 indicating the patient's condition upon discharge.

59 (g) Hold valid and current documentation:

60 (1) Showing successful completion of a Health Care  
61 Provider BLS/CPR course; and

62 (2) Have received training and be competent in the  
63 recognition and treatment of medical emergencies, monitoring  
64 vital signs, the operation of nitrous oxide delivery systems and  
65 the use of the sphygmomanometer and stethoscope.

66 (h) The practitioner shall assess the patient's responsiveness  
67 using preoperative values as normal guidelines and discharge the  
68 patient only when the following criteria are met:

69 (1) The patient is alert and oriented to person, place and time  
70 as appropriate to age and preoperative neurological status;

71 (2) The patient can talk and respond coherently to verbal  
72 questioning or to preoperative neurological status;

73 (3) The patient can sit up unaided or without assistance or to  
74 preoperative neurological status;

75 (4) The patient can ambulate with minimal assistance or to  
76 preoperative neurological status; and

77 (5) The patient does not have nausea, vomiting or dizziness.



**§30-4A-6b. Qualifications, standards applicable, and continuing education requirements for a Class II Permit.**

1 (a) The board shall issue a Class II Permit to an applicant  
2 who:

3 (1) Is a licensed dentist in West Virginia;

4 (2) Holds valid and current documentation showing  
5 successful completion of a Health Care Provider BLS/CPR; and

6 (3) Has completed a board approved course of at least six  
7 hours didactic and clinical of either predoctoral dental school or  
8 postgraduate instruction.

9 (b) A dentist who induces anxiolysis shall have the  
10 following facilities, properly maintained equipment and  
11 appropriate drugs available during the procedures and during  
12 recovery:

13 (1) An operating room large enough to adequately  
14 accommodate the patient on an operating table or in an  
15 operating chair and to allow an operating team of at least two  
16 individuals to freely move about the patient;

17 (2) An operating table or chair which permits the patient to  
18 be positioned so the operating team can maintain the patient's  
19 airway, quickly alter the patient's position in an emergency, and  
20 provide a firm platform for the administration of basic life  
21 support;

22 (3) A lighting system which permits evaluation of the  
23 patient's skin and mucosal color and a backup lighting system  
24 of sufficient intensity to permit completion of any operation  
25 underway in the event of a general power failure;

26 (4) Suction equipment which permits aspiration of the oral  
27 and pharyngeal cavities;

28 (5) An oxygen delivery system with adequate full face mask  
29 and appropriate connectors that is capable of delivering high

30 flow oxygen to the patient under positive pressure, together with  
31 an adequate backup system;

32 (6) A nitrous oxide delivery system with a fail-safe  
33 mechanism that will insure appropriate continuous oxygen  
34 delivery and a scavenger system;

35 (7) A recovery area that has available oxygen, adequate  
36 lighting, suction and electrical outlets. The recovery area can be  
37 the operating room;

38 (8) Sphygmomanometer, stethoscope, and pulse oximeter;

39 (9) Emergency drugs; and

40 (10) A defibrillator device is recommended.

41 (11) All equipment and medication dosages must be in  
42 accordance with the height and weight of the patient being  
43 treated.

44 (c) Before inducing anxiolysis, a dentist shall:

45 (1) Evaluate the patient;

46 (2) Certify that the patient is an appropriate candidate for  
47 anxiolysis sedation; and

48 (3) Obtain written informed consent from the patient or  
49 patient's guardian for the anesthesia. The obtaining of the  
50 informed consent shall be documented in the patient's record.

51 (d) The dentist shall monitor and record the patient's  
52 condition or shall use a Qualified Monitor to monitor and record  
53 the patient's condition. The Qualified Monitor shall have a  
54 current Health Care Provider BLS/CPR certification. A Class II  
55 Permit holder shall have no more than one person under  
56 anxiolysis at the same time.

57 (e) The patient shall be monitored as follows:

58 (1) Patients must have continuous monitoring using pulse  
59 oximetry. The patient's blood pressure, heart rate and  
60 respiration shall be recorded at least once before, during and  
61 after the procedure, and these recordings shall be documented in  
62 the patient record. At all times the patient shall be observed by  
63 a Qualified Monitor until discharge criteria have been met. If  
64 the dentist is unable to obtain this information, the reasons shall  
65 be documented in the patient's record. The record must also  
66 include documentation of all medications administered with  
67 dosages, time intervals and route of administration.

68 (2) A discharge entry shall be made by the dentist in the  
69 patient's record indicating the patient's condition upon  
70 discharge.

71 (f) A permit holder who uses anxiolysis shall see that the  
72 patient's condition is visually monitored. The patient shall be  
73 monitored as to response to verbal stimulation, oral mucosal  
74 color and preoperative and postoperative vital signs.

75 (g) The dentist shall assess the patient's responsiveness  
76 using preoperative values as normal guidelines and discharge the  
77 patient only when the following criteria are met:

78 (1) Vital signs including blood pressure, pulse rate and  
79 respiratory rate are stable;

80 (2) The patient is alert and oriented to person, place and time  
81 as appropriate to age and preoperative neurological status;

82 (3) The patient can talk and respond coherently to verbal  
83 questioning, or to preoperative neurological status;

84 (4) The patient can sit up unaided, or to preoperative  
85 neurological status;

86 (5) The patient can ambulate with minimal assistance, or to  
87 preoperative neurological status; and

88 (6) The patient does not have uncontrollable nausea or  
89 vomiting and has minimal dizziness.

90 (7) A dentist may not release a patient who has undergone  
91 anxiolysis except to the care of a responsible adult third party.

**§30-4A-6c. Qualifications, standards applicable, and continuing  
education requirements for Class III Anesthesia  
Permit.**

1 (a) The board shall issue or renew a Class 3 Permit to an  
2 applicant who:

3 (1) Is a licensed dentist in West Virginia;

4 (2) Holds valid and current documentation showing  
5 successful completion of a Health Care Provider BLS/CPR  
6 course, ACLS and/or a PALS course if treating pediatric  
7 patients; and

8 (3) Satisfies one of the following criteria:

9 (A) Certificate of completion of a comprehensive training  
10 program in conscious sedation that satisfies the requirements  
11 described in Part III of the *ADA Guidelines for Teaching the*  
12 *Comprehensive Control of Pain and Anxiety in Dentistry* at the  
13 time training was commenced.

14 (B) Certificate of completion of an ADA accredited  
15 postdoctoral training program which affords comprehensive and  
16 appropriate training necessary to administer and manage  
17 conscious sedation, commensurate with these guidelines.

18 (C) In lieu of these requirements, the board may accept  
19 documented evidence of equivalent training or experience in  
20 conscious sedation anesthesia:

21 (i) Limited (Enteral) Permit (3(a)) must have a board  
22 approved course of at least eighteen hours didactic and twenty  
23 mentored clinical cases.

24 (ii) Comprehensive (Parenteral) Permit (3(b)) must have a  
25 board approved course of at least sixty hours didactic and  
26 twenty mentored clinical cases.

27 (b) A dentist who induces conscious sedation shall have the  
28 following facilities, properly maintained age appropriate  
29 equipment and age appropriate medications available during the  
30 procedures and during recovery:

31 (1) An operating room large enough to adequately  
32 accommodate the patient on an operating table or in an  
33 operating chair and to allow an operating team of at least two  
34 individuals to freely move about the patient;

35 (2) An operating table or chair which permits the patient to  
36 be positioned so the operating team can maintain the patient's  
37 airway, quickly alter the patient's position in an emergency, and  
38 provide a firm platform for the administration of basic life  
39 support;

40 (3) A lighting system which permits evaluation of the  
41 patient's skin and mucosal color and a backup lighting system  
42 of sufficient intensity to permit completion of any operation  
43 underway in the event of a general power failure;

44 (4) Suction equipment which permits aspiration of the oral  
45 and pharyngeal cavities and a backup suction device which will  
46 function in the event of a general power failure;

47 (5) An oxygen delivery system with adequate full face mask  
48 and appropriate connectors that is capable of delivering high  
49 flow oxygen to the patient under positive pressure, together with  
50 an adequate backup system;

51 (6) A nitrous oxide delivery system with a fail-safe  
52 mechanism that will insure appropriate continuous oxygen  
53 delivery and a scavenger system;

54 (7) A recovery area that has available oxygen, adequate  
55 lighting, suction and electrical outlets. The recovery area can be  
56 the operating room;

57 (8) Sphygmomanometer, pulse oximeter, oral and  
58 nasopharyngeal airways, intravenous fluid administration  
59 equipment;

60 (9) Emergency drugs including, but not limited to:  
61 Pharmacologic antagonists appropriate to the drugs used,  
62 vasopressors, corticosteroids, bronchodilators, antihistamines,  
63 antihypertensives and anticonvulsants; and

64 (10) A defibrillator device.

65 (c) Before inducing conscious sedation, a dentist shall:

66 (1) Evaluate the patient and document, using the *American*  
67 *Society of Anesthesiologists Patient Physical Status*  
68 *Classifications*, that the patient is an appropriate candidate for  
69 conscious sedation;

70 (2) Give written preoperative and postoperative instructions  
71 to the patient or, when appropriate due to age or neurological  
72 status of the patient, the patient's guardian; and

73 (3) Obtain written informed consent from the patient or  
74 patient's guardian for the anesthesia.

75           (d) The dentist shall ensure that the patient's condition is  
76 monitored and recorded on a contemporaneous record. The  
77 dentist shall use a Qualified Monitor to monitor and record the  
78 patient's condition in addition to the chair side dental assistant.  
79 A Qualified Monitor shall be present to monitor the patient at all  
80 times.

81           (e) The patient shall be monitored as follows:

82           (1) Patients must have continuous monitoring using pulse  
83 oximetry. At no time shall the patient be unobserved by a  
84 Qualified Monitor until discharge criteria have been met. The  
85 Qualified Monitor shall have a current Health Care provider  
86 BLS/CPR certification and certification from the American  
87 Association of Oral and Maxillofacial Surgeon's certification  
88 program for Anesthesia Assistants or an equivalent. The  
89 patient's blood pressure, heart rate, and respiration shall be  
90 recorded every five minutes, and these recordings shall be  
91 documented in the patient record. The record must also include  
92 documentation of preoperative and postoperative vital signs, all  
93 medications administered with dosages, time intervals and route  
94 of administration. If the dentist is unable to obtain this  
95 information, the reasons shall be documented in the patient's  
96 record.

97           (2) During the recovery phase, the patient must be  
98 monitored by a Qualified Monitor.

99           (3) A discharge entry shall be made by the dentist in the  
100 patient's record indicating the patient's condition upon  
101 discharge and the name of the responsible party to whom the  
102 patient was discharged.

103           (f) A dentist may not release a patient who has undergone  
104 conscious sedation except to the care of a responsible adult third  
105 party.

1512

PROFESSIONS AND OCCUPATIONS

[Ch. 143

106 (g) The dentist shall assess the patient's responsiveness  
107 using preoperative values as normal guidelines and discharge the  
108 patient only when the following criteria are met:

109 (1) Vital signs including blood pressure, pulse rate and  
110 respiratory rate are stable;

111 (2) The patient is alert and oriented to person, place and time  
112 as appropriate to age and preoperative neurological status;

113 (3) The patient can talk and respond coherently to verbal  
114 questioning, or to preoperative neurological status;

115 (4) The patient can sit up unaided, or to preoperative  
116 neurological status;

117 (5) The patient can ambulate with minimal assistance, or to  
118 preoperative neurological status; and

119 (6) The patient does not have uncontrollable nausea or  
120 vomiting and has minimal dizziness.

121 (h) A dentist who induces conscious sedation shall employ  
122 the services of a Qualified Monitor and a chair side dental  
123 assistant at all times who each shall hold a valid BLS/CPR  
124 certification and maintains such certification.

**§30-4A-6d. Qualifications, standards applicable, and continuing  
education requirements for Class IV Anesthesia  
Permit.**

1 (a) A Class IV Permit permits the use of general  
2 anesthesia/deep conscious sedation, conscious sedation, and  
3 anxiolysis.

4 (b) The board shall issue or renew a Class IV Permit to an  
5 applicant who:



6 (1) Is a licensed dentist in West Virginia;

7 (2) Has a current Advanced Cardiac Life Support (ACLS)  
8 Certificate;

9 (3) Satisfies one of the following criteria:

10 (A) Completion of an advanced training program in  
11 anesthesia and related subjects beyond the undergraduate dental  
12 curriculum that satisfies the requirements described in Part II of  
13 the *ADA Guidelines for Teaching the Comprehensive Control*  
14 *of Pain and Anxiety in Dentistry* at the time training was  
15 commenced;

16 (B) Completion of an ADA or AMA accredited  
17 postdoctoral training program which affords comprehensive and  
18 appropriate training necessary to administer and manage general  
19 anesthesia, commensurate with these guidelines;

20 (C) In lieu of these requirements, the board may accept  
21 documented evidence of equivalent training or experience in  
22 general anesthesia.

23 (c) A dentist who induces general anesthesia/deep conscious  
24 sedation shall have the following facilities, properly maintained  
25 age appropriate equipment and age appropriate drugs available  
26 during the procedure and during recovery:

27 (1) An operating room large enough to adequately  
28 accommodate the patient on an operating table or in an  
29 operating chair and to allow an operating team of at least three  
30 individuals to freely move about the patient;

31 (2) An operating table or chair which permits the patient to  
32 be positioned so the operating team can maintain the patient's  
33 airway, quickly alter the patient's position in an emergency, and  
34 provide a firm platform for the administration of basic life  
35 support;

- 36 (3) A lighting system which permits evaluation of the  
37 patient's skin and mucosal color and a backup lighting system  
38 of sufficient intensity to permit completion of any operation  
39 underway in the event of a general power failure;
- 40 (4) Suction equipment which permits aspiration of the oral  
41 and pharyngeal cavities and a backup suction device which will  
42 function in the event of a general power failure;
- 43 (5) An oxygen delivery system with adequate full face mask  
44 and appropriate connectors that is capable of delivering high  
45 flow oxygen to the patient under positive pressure, together with  
46 an adequate backup system;
- 47 (6) A nitrous oxide delivery system with a fail-safe  
48 mechanism that will insure appropriate continuous oxygen  
49 delivery and a scavenger system;
- 50 (7) A recovery area that has available oxygen, adequate  
51 lighting, suction and electrical outlets. The recovery area can be  
52 the operating room;
- 53 (8) Sphygmomanometer, pulse oximeter,  
54 electrocardiograph monitor, defibrillator or automated external  
55 defibrillator, laryngoscope with endotracheal tubes, oral and  
56 nasopharyngeal airways, intravenous fluid administration  
57 equipment;
- 58 (9) Emergency drugs including, but not limited to:  
59 Pharmacologic antagonists appropriate to the drugs used,  
60 vasopressors, corticosteroids, bronchodilators, intravenous  
61 medications for treatment of cardiac arrest, narcotic antagonist,  
62 antihistaminic, antiarrhythmics, antihypertensives and  
63 anticonvulsants; and
- 64 (10) A defibrillator device.

65 (d) Before inducing general anesthesia/deep conscious  
66 sedation the dentist shall:

67 (1) Evaluate the patient and document, using the *American*  
68 *Society of Anesthesiologists Patient Physical Status*  
69 *Classifications*, that the patient is an appropriate candidate for  
70 general anesthesia or deep conscious sedation;

71 (2) Shall give written preoperative and postoperative  
72 instructions to the patient or, when appropriate due to age or  
73 neurological status of the patient, the patient's guardian; and

74 (3) Shall obtain written informed consent from the patient or  
75 patient's guardian for the anesthesia.

76 (e) A dentist who induces general anesthesia/deep conscious  
77 sedation shall ensure that the patient's condition is monitored  
78 and recorded on a contemporaneous record. The dentist shall  
79 use a Qualified Monitor to monitor and record the patient's  
80 condition on a contemporaneous record and a chair side dental  
81 assistant. The Qualified Monitor shall hold current Health Care  
82 provider BLS/CPR certification and hold certification as an  
83 Anesthesia Assistant from the American Association of Oral and  
84 Maxillofacial Surgeon Office Anesthesia Assistant certification  
85 program for Anesthesia Assistants or an equivalent. No permit  
86 holder shall have more than one patient under general anesthesia  
87 at the same time.

88 (f) The patient shall be monitored as follows:

89 (1) Patients must have continuous monitoring of their heart  
90 rate, oxygen saturation levels and respiration. At no time shall  
91 the patient be unobserved by a Qualified Monitor until discharge  
92 criteria have been met. The patient's blood pressure, heart rate  
93 and oxygen saturation shall be assessed every five minutes, and  
94 shall be contemporaneously documented in the patient record.  
95 The record must also include documentation of preoperative and  
96 postoperative vital signs, all medications administered with

97 dosages, time intervals and route of administration. The person  
98 administering the anesthesia may not leave the patient while the  
99 patient is under general anesthesia;

100 (2) During the recovery phase, the patient must be  
101 monitored, including the use of pulse oximetry, by a Qualified  
102 Monitor; and

103 (3) A dentist may not release a patient who has undergone  
104 general anesthesia/deep conscious sedation except to the care of  
105 a responsible adult third party.

106 (g) The dentist shall assess the patient's responsiveness  
107 using preoperative values as normal guidelines and discharge the  
108 patient only when the following criteria are met:

109 (1) Vital signs including blood pressure, pulse rate and  
110 respiratory rate are stable;

111 (2) The patient is alert and oriented to person, place and time  
112 as appropriate to age and preoperative neurological status;

113 (3) The patient can talk and respond coherently to verbal  
114 questioning, or to preoperative neurological status;

115 (4) The patient can sit up unaided, or to preoperative  
116 neurological status;

117 (5) The patient can ambulate with minimal assistance, or to  
118 preoperative neurological status; and

119 (6) The patient does not have nausea or vomiting and has  
120 minimal dizziness.

121 (7) A discharge entry shall be made in the patient's record  
122 by the dentist indicating the patient's condition upon discharge  
123 and the name of the responsible party to whom the patient was  
124 discharged.

125 (h) A dentist who induces general anesthesia shall employ  
126 the services of a Qualified Monitor and a chair side dental  
127 assistant at all times, who each shall hold a valid BLS/CPR  
128 certification and maintains such certification.

**§30-4A-8. Office evaluations.**

1 (a) The in-office evaluation shall include:

2 (1) Observation of one or more cases of anesthesia to  
3 determine the appropriateness of technique and adequacy of  
4 patient evaluation and care;

5 (2) Inspection of facilities, which shall include but not be  
6 limited to, the inspection of equipment, drugs and records and  
7 Qualified Monitor's certifications and documentation; and

8 (3) The evaluation shall be performed by a team appointed  
9 by the board and shall include:

10 (A) A permit holder who has the same type of license as the  
11 licensee to be evaluated and who holds a current anesthesia  
12 permit in the same class or in a higher class than that held by the  
13 licensee being evaluated;

14 (B) A member of the board's Anesthesia Committee;

15 (C) Class II permit holders may be audited periodically as  
16 determined by the committee; and

17 (D) Class III and IV permit holders shall be evaluated once  
18 every five years.

19 (b) A dentist utilizing a licensed dentist who holds a current  
20 anesthesia permit issued by the board shall have his or her office  
21 inspected to the level of the permit held by the anesthesia permit  
22 holder. The office is only approved at that level when the  
23 anesthesia permit holder is present and shall have the number of  
24 qualified monitors present as required by this article.

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## CHAPTER 144

(Com. Sub. for H. B. 2368 -  
By Delegate Morgan)

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[Passed March 12, 2011; in effect from passage.]  
[Approved by the Governor on March 31, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections designated §30-27-8a and §30-27-11a, relating to the Board of Barbers and Cosmetologists; authorizing the establishment of a barber apprenticeship program and shampoo assistant permit; and rulemaking and emergency rule-making authority.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections designated §30-27-8a and §30-27-11a, all to read as follows:

### **ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.**

#### **§30-27-8a. Barber apprentice.**

- 1 (a) The board may establish an apprenticeship program to
- 2 become a barber. A barber apprentice shall work at all times
- 3 under the direct supervision of a licensed barber and any permit
- 4 issued by the board to work as a barber apprentice does not
- 5 allow a person to practice individually as a barber.

6 (b) An applicant for a barber apprenticeship shall present  
7 satisfactory evidence that he or she:

8 (1) Is at least eighteen years of age;

9 (2) Is of good moral character;

10 (3) Has a high school diploma, a GED, or has passed the  
11 "ability to benefit test" approved by the United States  
12 Department of Education;

13 (4) Has paid the applicable fee;

14 (5) Has a certificate of health from a licensed physician;

15 (6) Is a citizen of the United States or is eligible for  
16 employment in the United States; and

17 (7) Has fulfilled any other requirement specified by the  
18 board.

19 (c) An applicant for a sponsor of a barber apprentice shall  
20 present satisfactory evidence that he or she:

21 (1) Is licensed as a barber under the provisions of this  
22 article;

23 (2) Has paid the applicable fee; and

24 (3) Has fulfilled any other requirement specified by the  
25 board.

26 (d) The board may propose emergency rules and rules for  
27 legislative approval, in accordance with the provisions of article  
28 three, chapter twenty-nine-a of this code, to implement the  
29 provisions of this section, including:

- 30 (1) The requirements for:
- 31 (A) The barber apprenticeship program;
- 32 (B) The barber apprentice permit; and
- 33 (C) A licensed barber to sponsor a barber apprentice;
- 34 (2) Procedures for an examination;
- 35 (3) A fee schedule; and
- 36 (4) Any other rules necessary to effectuate the provisions of
- 37 this section.

**§30-27-11a. Shampoo assistant.**

1 (a) The board may establish a shampoo assistant permit. A

2 shampoo assistant shall work at all times under the direct

3 supervision of a licensed barber or cosmetologist and any permit

4 issued by the board to work as a shampoo assistant does not

5 allow a person to practice individually as a shampoo assistant.

6 (b) A shampoo assistant is only authorized to perform the

7 following services:

8 (1) Shampooing and rinsing hair;

9 (2) Removing rollers or permanent rods; and

10 (3) Cleansing or other sink-related functions not requiring

11 the skill of a licensee.

12 (c) An applicant for a shampoo assistant permit shall present

13 satisfactory evidence that he or she:



- 14           (1) Is at least sixteen years of age;
- 15           (2) Is of good moral character;
- 16           (3) Is in high school or has a high school diploma, a GED,  
17 or has passed the “ability to benefit test” approved by the United  
18 States Department of Education;
- 19           (4) Has paid the applicable fee;
- 20           (5) Has a certificate of health from a licensed physician;
- 21           (6) Is a citizen of the United States or is eligible for  
22 employment in the United States; and
- 23           (7) Has fulfilled any other requirement specified by the  
24 board.
- 25           (d) The board may propose rules for legislative approval, in  
26 accordance with the provisions of article three, chapter twenty-  
27 nine-a of this code, to implement the provisions of this section,  
28 including:
- 29           (1) The requirements and procedures for a shampoo  
30 assistant permit:
- 31           (2) A fee schedule; and
- 32           (3) Any other rules necessary to effectuate the provisions of  
33 this section.

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## CHAPTER 145

### (Com. Sub. for S. B. 560 - By Senator Stollings (By Request))

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[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 31, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-20a, relating to the rate-setting model utilized by the board being exempt from public disclosure; and providing when the options generated by the computer program are available to the public.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-29B-20a, to read as follows:

#### **ARTICLE 29B. HEALTH CARE AUTHORITY.**

##### **§16-29B-20a. Confidentiality of the rate-setting model.**

1       Rate-setting models utilized by the authority and options  
2       generated by those models are exempt from public disclosure  
3       under the provisions of chapter twenty-nine-b of this code:  
4       *Provided*, That the options generated by the rate-setting models  
5       shall be subject to disclosure under the provisions of chapter  
6       twenty-nine-b of this code, following any decision by the board  
7       that utilizes the rate-setting models.

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## CHAPTER 146

**(Com. Sub. for H. B. 2663 - By Delegates  
Moye, T. Campbell, Manchin, Shaver,  
Stephens, Barker, M. Poling and Doyle)**

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[Amended and again passed, in an effort to meet the objections  
of the Governor, March 18, 2011; in effect July 1, 2011.]  
[Approved by the Governor on April 5, 2011.]

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AN ACT to amend and reenact §11-13-3f of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13F-1 of said code; to amend and reenact §11-24-11 of said code; to amend and reenact §24-1-3, §24-1-4 and §24-1-6 of said code; to amend and reenact §24-2A-2 of said code; to amend said code by adding thereto a new section, designated §24-2A-5; and to amend and reenact §24-3-2 of said code, all relating to the Public Service Commission; requiring at least one commissioner to be present at a hearing conducted for the sole purpose of receiving public comment or protest; requiring the commission establish a website for reception of public comments; allowing private water companies regulated by the Public Service Commission to offer discounted water services to qualified low-income customers; providing certain tax credits to private water companies extending such discounts to qualified low-income customers; adding cost of providing discounted water utility services by private water companies to qualified low-income residents to matters that the commission must certify; placing the burden of proving eligibility to receive special reduced rates on the customer requesting the reduced rates; providing for the establishment of rules and procedures by the Public Service Commission to implement a reduced rate program for private water utilities and their qualified low-

income residential customers; requiring the Department of Health and Human Resources to establish rules and procedures related to the special reduced water rate program and verifying applicants' eligibility to receive such discounts; providing for establishment of rules by the Tax Commissioner as necessary to implement said reduced rate program and its associated tax credits; and deleting obsolete language.

*Be it enacted by the Legislature of West Virginia:*

That §11-13-3f of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §11-13F-1 be amended and reenacted; that §11-24-11 be amended and reenacted; that §24-1-3, §24-1-4 and §24-1-6 be amended and reenacted; that §24-2A-2 be amended and reenacted; that §24-3-2 be amended and reenacted; and that said code be amended by adding thereto a new section, designated §24-2A-5, all to read as follows:

## CHAPTER 11. TAXATION.

### ARTICLE 13. BUSINESS AND OCCUPATION TAX.

#### **§11-13-3f. Tax credit for reducing electric, natural gas or water utility rates for low-income residential customers; regulations.**

1           (a) There shall be allowed as a credit against the tax  
2 imposed by this article, the cost of providing electric or  
3 natural gas or water utility service, or any combination of  
4 electric, natural gas or water utility services, at reduced rates  
5 to qualified low-income residential customers which has not  
6 been reimbursed by any other means.

7           (b) The tax commissioner may prescribe such regulations  
8 as may be necessary to carry out the purposes of this section,  
9 of article thirteen-f of this chapter and of section eleven,  
10 article twenty-four of this chapter.

**ARTICLE 13F. BUSINESS AND OCCUPATION TAX  
CREDIT FOR REDUCING ELECTRIC,  
NATURAL GAS OR WATER UTILITY  
RATES FOR LOW-INCOME  
RESIDENTIAL CUSTOMERS.**

**§11-13F-1. Legislative Purpose.**

1 In order to reimburse public utilities for the revenue  
2 deficiencies that they incur in providing special reduced  
3 electric or natural gas or water utility rates to low-income  
4 residential customers in accordance with the provisions of  
5 article two-a of chapter twenty-four, there is hereby provided  
6 a business and occupation tax credit for reducing electric  
7 natural gas, or water utility rates for low-income residential  
8 customers.

**ARTICLE 24. CORPORATION NET INCOME TAX.**

**§11-24-11. Credit for reducing electric or natural gas or water  
utility rates for low-income residential customers.**

1 (a) General. -- A credit shall be allowed against the  
2 primary tax liability of an eligible taxpayer under this article  
3 for the cost of providing electric or natural gas or water  
4 utility service, or any combination of electric, natural gas or  
5 water utility services, at special reduced rates to qualified  
6 low-income residential customers which has not been  
7 reimbursed by any other means.

8 (b) Definitions. -- For purposes of this section, the term:

9 (1) "Eligible taxpayer" means a utility which has  
10 provided electric or natural gas or water utility service, or any  
11 combination of electric, natural gas or water utility services,  
12 to qualified low-income residential customers at special  
13 reduced rates.

14           (2) “Cost of providing electric or natural gas or water  
15 utility service, or any combination of electric, natural gas or  
16 water utility services, at special reduced rates” means the  
17 amount certified by the public service commission under the  
18 provisions of section two, article two-a, chapter twenty-four  
19 of this Code, as the revenue deficiency incurred by a public  
20 utility in providing special reduced rates for electric or  
21 natural gas or water utility service, or any combination of  
22 electric, natural gas or water utility services, as required by  
23 section one or authorized by section five, article two-a,  
24 chapter twenty-four of this code.

25           (3) “Special reduced rates” means the rates ordered or  
26 approved by the public service commission under the  
27 authority of sections one or five, article two-a, chapter  
28 twenty-four of this code.

29           (4) “Qualified low-income residential customers” means  
30 those utility customers eligible to receive electric or natural  
31 gas or water utility service, or any combination of electric,  
32 natural gas or water utility services, under special reduced  
33 rates.

34           (c) Amount of credit.-- The amount of the credit available  
35 to any eligible taxpayer shall be equal to its cost of providing  
36 electric or natural gas or water utility service, or any  
37 combination of electric, natural gas or water utility services,  
38 at special reduced rates to qualified residential customers,  
39 less any reimbursement of said cost which the taxpayer has  
40 received through any other means.

41           (d) When credit may be taken.-- An eligible taxpayer may  
42 claim a credit allowed under this section on its annual return  
43 for the taxable year in which it receives certification of the  
44 amount of its revenue deficiency from the Public Service  
45 Commission.

46 Notwithstanding the provisions of section sixteen of this  
47 article to the contrary, no credit may be claimed on any  
48 declaration of estimated tax filed for such taxable year prior  
49 to the first day of July of such taxable year. Such credit may  
50 be claimed on a declaration or amended declaration filed on  
51 or after that date but only if the amount certified will not be  
52 recovered by application of the business and occupation tax  
53 credit allowed by section three-f, article thirteen of this  
54 chapter. In such event, only that amount not recovered by that  
55 credit may be considered or taken as a credit when estimating  
56 the tax due under this article. In no event may the eligible  
57 taxpayer recover more than one hundred percent of its  
58 revenue deficiency as certified by the Public Service  
59 Commission.

60 (e) Application of credit. -- The credit allowable by this  
61 section for a taxable year is not subject to the fifty percent  
62 limitation specified in section nine of this article.  
63 Notwithstanding the provisions of section four, article  
64 thirteen-f of this chapter, any unused credit may be carried  
65 over and applied against business and occupation taxes in the  
66 manner specified in section five, article thirteen-f of this  
67 chapter.

68 (f) Copy of certification order. -- A copy of a certification  
69 order from the Public Service Commission shall be attached  
70 to any annual return under this article on which a credit  
71 allowed by this section is taken.

## CHAPTER 24. PUBLIC SERVICE COMMISSION.

### ARTICLE 1. GENERAL PROVISIONS.

#### §24-1-3. Commission continued; membership; chairman; compensation; quorum.

1 (a) The Public Service Commission of West Virginia is  
2 continued and directed as provided by this chapter, chapter

3 twenty-four-a, chapter twenty-four-b and chapter twenty-  
4 four-d of this code. The Public Service Commission may sue  
5 and be sued by that name.

6 (b) The Public Service Commission shall consist of three  
7 members who shall be appointed by the Governor, with the  
8 advice and consent of the Senate. The commissioners shall be  
9 citizens and residents of this state and at least one of them  
10 shall be duly licensed to practice law in West Virginia, with  
11 not less than ten years' actual work experience in the legal  
12 profession as a member of a state bar.

13 (c) No more than two of the commissioners shall be  
14 members of the same political party.

15 (d) Each commissioner shall, before entering upon the  
16 duties of his or her office, take and subscribe to the oath  
17 provided by section five, article IV of the Constitution of this  
18 State. The oath shall be filed in the office of the Secretary of  
19 State.

20 (e) The Governor shall designate one of the  
21 commissioners to serve as chairman at the Governor's will  
22 and pleasure. The chairman shall be the chief administrative  
23 officer of the commission. The Governor may remove any  
24 commissioner only for incompetency, neglect of duty, gross  
25 immorality, malfeasance in office or violation of subsections  
26 (g) and (h) of this section.

27 (f) Upon expiration of the terms, appointments are for  
28 terms of six years, except that an appointment to fill a  
29 vacancy is for the unexpired term only.

30 (g) No person while in the employ of, or holding any  
31 official relation to, any public utility subject to the provisions  
32 of this chapter or holding any stocks or bonds of a public  
33 utility subject to the provisions of this chapter or who is



34 pecuniarily interested in a public utility subject to the  
35 provisions of this chapter may serve as a member of the  
36 commission or as an employee of the commission.

37 (h) Nor may any commissioner be a candidate for or hold  
38 public office or be a member of any political committee  
39 while acting as a commissioner; nor may any commissioner  
40 or employee of the commission receive any pass, free  
41 transportation or other thing of value, either directly or  
42 indirectly, from any public utility or motor carrier subject to  
43 the provisions of this chapter. In case any of the  
44 commissioners becomes a candidate for any public office or  
45 a member of any political committee, the Governor shall  
46 remove him or her from office and shall appoint a new  
47 commissioner to fill the vacancy created.

48 (i) The annual salary of each commissioner provided in  
49 section two-a, article seven, chapter six of this code shall be  
50 paid in monthly installments from the special funds in the  
51 percentages that follow:

52 (1) From the Public Service Commission Fund collected  
53 under the provisions of section six, article three of this  
54 chapter, eighty percent;

55 (2) From the Public Service Commission Motor Carrier  
56 Fund collected under the provisions of section six, article six,  
57 chapter twenty-four-a of this code, seventeen percent; and

58 (3) From the Public Service Commission Gas Pipeline  
59 Safety Fund collected under the provisions of section three,  
60 article five, chapter twenty-four-b of this code, three percent.

61 (j) In addition to the salary provided for all  
62 commissioners in section two-a, article seven, chapter six of  
63 this code, the chairman of the commission shall receive  
64 \$5,000 per annum to be paid in monthly installments from

65 the Public Service Commission Fund collected under the  
66 provisions of section six, article three of this chapter.

**§24-1-4. Appointment, duties and compensation of secretary  
and other employees; hearings generally; public  
comment; outside employment by certain  
employees prohibited.**

1 The commission shall appoint a secretary and such other  
2 employees as may be necessary to carry out the provisions of  
3 this chapter and shall fix their respective salaries or  
4 compensations. It shall be the duty of the secretary to keep  
5 a full and true record of all proceedings, acts, orders and  
6 judgments of the commission, to issue all necessary process,  
7 returns and notices, to keep all books, maps, documents and  
8 papers ordered filed by the commission, and all orders made  
9 by the commission or approved and confirmed by it and  
10 ordered to be filed; and he shall be responsible to the  
11 commission for the safe custody and preservation of all such  
12 documents in his office. He may administer oaths in all parts  
13 of the state, so far as the exercise of such power is properly  
14 incidental to the performance of his duty or that of the  
15 commission.

16 The commission may designate such of its employees as  
17 it deems necessary to hold hearings, held or required by this  
18 chapter, and to take evidence at such hearings, which  
19 employees are hereby empowered to subpoena witnesses,  
20 administer oaths, take testimony, require the production of  
21 documentary evidence and exercise such other powers and  
22 perform such other duties as may be delegated to them and  
23 required by the commission, in any proceeding or  
24 examination instituted or conducted by the commission under  
25 this chapter, at any designated place of hearing within the  
26 state.

27       The commission shall provide a web site to accept  
28 comments from West Virginia residents regarding any matter  
29 under the auspices of the commission or before the  
30 commission. The commission staff shall report to the full  
31 commission all comments and suggestions received through  
32 the web site.

33       Any commissioner or person employed by the commission  
34 other than on a part-time basis shall devote full time to the  
35 performance of his duties as such commissioner or employee  
36 during the regular working hours as set by the commission.

**§24-1-6. Office of commission; time and place of hearings;  
number of commissioners required for taking  
action.**

1       The general office of the commission shall be kept at the  
2 seat of government and in charge of the secretary or his or her  
3 deputy. Hearings and the taking of evidence may be had at such  
4 times and places and in such manner in each particular case as  
5 the commission may designate. If the sole purpose of the  
6 hearing is to receive public comment or protest, then not less  
7 than one commissioner is required to be present.

8       The concurrent judgment of two of the commissioners,  
9 when in session as the commission, shall be deemed the  
10 action of the commission, and a vacancy in the commission  
11 shall not affect the right or duty of the remaining  
12 commissioners to function as a commission.

**ARTICLE 2A. REDUCED RATES FOR LOW-INCOME  
RESIDENTIAL CUSTOMERS OF  
ELECTRICITY AND GAS.**

**§24-2A-2. Recovery of revenue deficiencies.**

1       In order to provide the special reduced rates mandated or  
2 authorized by sections one and five of this article and still

3 maintain the integrity of the earnings of the utilities offering  
4 service under these rates, the commission shall each year,  
5 determine, upon application by any affected utility, that  
6 utility's revenue deficiency resulting from the special reduced  
7 rates. Upon determining any utility's revenue deficiency, the  
8 commission shall issue an order certifying the amount of that  
9 deficiency. Certified revenue deficiencies shall be recovered  
10 by the affected utilities as follows:

11 (1) A utility's certified revenue deficiency, if any,  
12 resulting from the special reduced rates shall be allowed as a  
13 tax credit against the liability of the utility pursuant to the  
14 provisions of article thirteen-f of chapter eleven of this code.

15 (2) After allowance of a tax credit pursuant to the  
16 provisions of article thirteen-f of chapter eleven, a utility's  
17 remaining revenue deficiency, if any, resulting from the  
18 special reduced rates, shall be allowed as a tax credit against  
19 the liability of the utility pursuant to the provisions of section  
20 eleven, article twenty-four of chapter eleven.

**§24-2A-5. Special rates for certain water utility customers.**

1 (a) The commission may authorize a privately owned  
2 water utility to voluntarily implement a rate design featuring  
3 reduced rates and charges for service for residential utility  
4 customers receiving:

5 (1) Social Security Supplemental Security Income (SSI);

6 (2) Temporary Assistance for Needy Families (TANF);

7 (3) Temporary Assistance for Needy Families-  
8 Unemployed Parent Program (TANF-UP);or

9           (4) Assistance from the Supplemental Nutrition  
10 Assistance Program (SNAP) if they are sixty years of age or  
11 older.

12           (b) The special reduced rate offered by each water utility  
13 to its eligible customers shall be a percentage less, which  
14 shall be approved by the commission, than the rate that  
15 would be applicable to such customers if they were not  
16 receiving any of the four forms of assistance that confer  
17 eligibility for the special reduced rates approved by the  
18 commission: *Provided*, That such rate reduction shall not  
19 exceed twenty percent of the rate that would be otherwise  
20 applicable.

21           (c) Before any individual may qualify to receive the  
22 special reduced rates, the following requirements must be  
23 met:

24           (1) The special reduced rates may apply only to current  
25 customers or to those persons who subsequently become  
26 customers in their own right. If an SSI, TANF, TANF-UP or  
27 SNAP recipient is living in a household that is served under  
28 the name of a person who is not an SSI, TANF, TANF-UP or  
29 SNAP recipient, that service may not be changed or have  
30 been changed subsequent to July 1 , 2011, to the name of the  
31 SSI, TANF, TANF-UP or SNAP recipient in order to qualify  
32 for service under the special reduced rates.

33           (2) The burden of proving eligibility for the special  
34 reduced rates shall be on the customer requesting such rates.  
35 The Department of Health and Human Resources shall  
36 establish by rules and procedures:

37           (A) To inform persons receiving any of the four forms of  
38 assistance that confer eligibility for the special reduced rates  
39 about the availability of the special reduced rates;

40 (B) To assist applicants for the special reduced rates in  
41 proving their eligibility therefor; and

42 (C) To assist water utilities offering the special reduced  
43 rates in determining on a continuing basis the eligibility  
44 therefor of persons receiving or applying for such rates.

45 The commission shall establish rules and procedures for  
46 the application for and provision of service under the special  
47 reduced rates and for the determination and certification of  
48 revenue deficiencies resulting from the special reduced rates.

49 (3) In order to provide each eligible residential utility  
50 customer the special reduced rates, each utility providing  
51 the special reduced rates shall credit against amounts  
52 otherwise owed by each customer an amount equal to the  
53 difference between the total amount that each customer  
54 was actually billed during the previous month and the total  
55 amount that each customer would have been entitled to be  
56 billed under the special reduced rates. Each credit shall be  
57 fully reflected on the first bill issued to each customer after  
58 approval of each customer's application for the special  
59 reduced rates, except in cases where the interval between  
60 the approval and the issuance of the next bill is so short  
61 that it is administratively impracticable to do so, in which  
62 case, such credits shall be fully reflected on the second bill  
63 issued to each customer after approval of that customer's  
64 application. If the interval between the approval and the  
65 issuance of the next bill is fifteen days or more, it may not  
66 be deemed administratively impracticable to reflect the  
67 credit on the customer's first bill.

**ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC  
UTILITIES SUBJECT TO  
REGULATIONS OF COMMISSION.**

**§24-3-2. Discrimination prohibited.**

1       No public utility subject to the provisions of this chapter  
2 shall, directly or indirectly, by any special rate, rebate,  
3 drawback or other device or method, charge, demand, collect  
4 or receive from any person, firm or corporation, a greater or  
5 less compensation, for any service rendered or to be  
6 rendered, than it charges, demands, collects, or receives from  
7 any other person, firm or corporation for doing a like and  
8 contemporaneous service under the same or substantially  
9 similar circumstances and conditions.

10       It shall be unlawful for any public utility subject to the  
11 provisions of this chapter to make or give any undue or  
12 unreasonable preference or advantage to any particular  
13 person, company, firm, corporation or locality, or any  
14 particular character of traffic or service, in any respect  
15 whatsoever, or to subject any particular person, firm,  
16 corporation, company or locality, or any particular character  
17 of traffic or service, to any undue or unreasonable prejudice  
18 or disadvantage in any respect whatsoever.

19       Nothing in this section shall be construed to prevent the  
20 commission from:

21       (a) Authorizing or requiring any rate design consistent  
22 with the purposes and policies set forth in article two-a of this  
23 chapter; or

24       (b) Authorizing a private water utility to voluntarily  
25 implement a rate design featuring reduced rates and charges  
26 for service to qualifying low-income residential customers.

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**CHAPTER 147**

**(H. B. 3119 - By Delegates Hartman,  
Pethtel, Perry, Williams and Evans)**

[Passed March 11, 2011; in effect ninety days from passage.]  
[Approved by the Governor on April 5, 2011.]

AN ACT to amend and reenact §16-13A-7 of the Code of West Virginia, 1931, as amended, relating to increasing the expenditure limit from \$15,000 to \$25,000 on public service district construction and purchase contracts before competitive bids are required.

*Be it enacted by the Legislature of West Virginia:*

That §16-13A-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 13A. PUBLIC SERVICE DISTRICTS.**

**§16-13A-7. Acquisition and operation of district properties.**

1       The board of these districts shall have the supervision  
2       and control of all public service properties acquired or  
3       constructed by the district, and shall have the power, and  
4       it shall be its duty, to maintain, operate, extend and  
5       improve the same, including, but not limited to, those  
6       activities necessary to comply with all federal and state  
7       requirements, including water quality improvement



8 activities. All contracts involving the expenditure by the  
9 district of more than \$25,000 for construction work or for  
10 the purchase of equipment and improvements, extensions  
11 or replacements, shall be entered into only after notice  
12 inviting bids shall have been published as a Class I legal  
13 advertisement in compliance with the provision of article  
14 three, chapter fifty-nine of this code, and the publication  
15 area for such publication shall be as specified in section  
16 two of this article in the county or counties in which the  
17 district is located. The publication shall not be less than  
18 ten days prior to the making of any such contract. To the  
19 extent allowed by law, in-state contractors shall be given  
20 first priority in awarding public service district contracts.  
21 It shall be the duty of the board to ensure that local in-state  
22 labor shall be utilized to the greatest extent possible when  
23 hiring laborers for public service district construction or  
24 maintenance repair jobs. It shall further be the duty of the  
25 board to encourage contractors to use American made  
26 products in their construction to the extent possible. Any  
27 obligations incurred of any kind or character shall not in  
28 any event constitute or be deemed an indebtedness within  
29 the meaning of any of the provisions or limitations of the  
30 Constitution, but all such obligations shall be payable  
31 solely and only out of revenues derived from the operation  
32 of the public service properties of the district or from  
33 proceeds of bonds issued as hereinafter provided. No  
34 continuing contract for the purchase of materials or  
35 supplies or for furnishing the district with electrical energy  
36 or power shall be entered into for a longer period than  
37 fifteen years.

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## CHAPTER 148

**(Com. Sub. for H. B. 3126 - By Delegates  
Boggs, Smith, Hatfield, Storch, Fleischauer,  
Manchin, Longstreth, Sumner and Poore)**

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[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on April 5, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-2-16, relating to railroad companies providing pesticide safety information and training; requiring a railroad company to provide pesticide safety information at a central location accessible to employees of the railroad company; requiring a railroad company to make available to the public on its Internet site a description of how to obtain information regarding the railroad company's use of pesticides, including a telephone number for the company; and requiring a railroad company to provide pesticide safety training annually to its employees who work along railroad rights-of-way, in rail yards or other employees who may work in areas to which pesticides have been applied.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §31-2-16, to read as follows:

**ARTICLE 2. RAILROAD COMPANIES.****§31-2-16. Railroad company pesticide use.**

1 (a) No later than seven days before applying a pesticide  
2 to a right-of-way that a railroad company owns or  
3 maintains, the railroad company shall provide pesticide safety  
4 information, which may be obtained by the railroad  
5 company's contracted pesticide applicator, by posting at  
6 affected on-duty railroad locations and through train  
7 bulletins, dispatcher messages, or other required  
8 documentation for each train and engine crew that will be  
9 working in the affected pesticide spray area. Additionally, the  
10 railroad company shall provide appropriate documentation to  
11 ensure prompt notification for maintenance of way,  
12 mechanical, signal employees, or other rail workers that will  
13 be working in the affected pesticide spray area. A railroad  
14 company shall include all of the following in the safety  
15 information provided under this subdivision:

16 (1) The location and description of the area to be treated.

17 (2) The name of the pesticide, its active ingredients, and  
18 its registration number under 7 U.S.C. §§ 136 et seq. The  
19 material safety data sheet (MSDS) for the pesticide shall  
20 satisfy this purpose.

21 (3) The approximate date and time that the pesticide is to  
22 be applied.

23 (4) Any restricted entry interval specified on the pesticide  
24 labeling. The MSDS for the pesticide shall satisfy this  
25 purpose: *Provided*, That the railroad company shall not  
26 require an employee to reenter the pesticide spray area prior  
27 to the requirements specified by the MSDS on the pesticide  
28 being utilized: *Provided, however*, That train and/or on-track  
29 movement is not prohibited.

30 (5) A description of where the information required to be  
31 on the pesticide label under 7 U.S.C. §§ 136 et seq or under  
32 the provisions of article sixteen-a, chapter nineteen of this

33 code is available for review. The MSDS for the pesticide  
34 shall satisfy this purpose.

35 (6) Emergency medical contact information.

36 (b) A railroad company shall keep the information  
37 required by subsection (a) posted at the location accessible to  
38 employees of the railroad for at least thirty days after the day  
39 of application.

40 (c) No later than seven days before applying a pesticide  
41 to a right-of-way that a railroad company owns or maintains,  
42 the railroad company shall provide all of the following to  
43 each individual who directly supervises employees who work  
44 in the area to be treated:

45 (1) The information described in subdivision (2) to (6) of  
46 subsection (a); and

47 (2) A description of the central location where the  
48 railroad company provides the pesticide safety information  
49 to employees under the provisions of subsection (a).

50 (d) A railroad company shall make available to the public  
51 on its Internet site a description of how to obtain answers to  
52 questions about pesticide use by the railroad company,  
53 including a telephone number for the railroad and any  
54 toll-free number maintained by the railroad company to  
55 provide information about pesticide use.

56 (e) A railroad company shall provide annual pesticide  
57 safety training. This training may coincide with the annual  
58 railroad operating rules class or at any other operating or  
59 safety training class that is scheduled annually. This training  
60 shall be provided to railroad employees who work along  
61 railroad rights-of-way and in rail yards and to other  
62 employees who, due to the nature of their employment, may  
63 work in areas to which pesticides have been applied. It is the

64 duty of the railroad company to keep records for each  
65 training session, which should include, but not be limited to,  
66 the date of the training session, the employees attending, and  
67 the name of the trainer and the trainer's employer. In the  
68 training under this subsection, a railroad company shall  
69 include, but not be limited to, information about restricted  
70 entry intervals, requirements for personal protective  
71 equipment, how to read pesticide labels, and incident and  
72 complaint reporting.

73 (f) For purposes of this section, the term "pesticide" is  
74 defined by section three, article sixteen-a, chapter nineteen of  
75 this code.

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## CHAPTER 149

**(Com. Sub. for H. B. 3202 - By Delegates  
Miley, Caputo, Skaff, Fleischauer, Manchin,  
Lawrence, Poore, Lane, Sobonya and Pasdon)**

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[Passed March 12, 2011; in effect ninety days from passage.]

[Approved by the Governor on April 1, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-6A-1, §37-6A-2, §37-6A-3, §37-6A-4, §37-6A-5 and §37-6A-6, all relating to residential rental security deposits; providing relevant definitions; providing for deduction from and returning of security deposits; maintaining records; prohibiting certain provisions in rental agreements; providing remedies upon landlord's noncompliance; setting forth application of article; and providing for security deposits prior to effective date of article.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §37-6A-1, §37-6A-2, §37-6A-3, §37-6A-4, §37-6A-5 and §37-6A-6, all to read as follows:

**ARTICLE 6A. RESIDENTIAL RENTAL SECURITY DEPOSITS.**

**§37-6A-1. Definitions.**

1 When used in this article, unless expressly stated  
2 otherwise:

3 (1) "Action" means recoupment, counterclaim, set off or  
4 other civil suit and any other proceeding in which rights are  
5 determined, including without limitation actions for  
6 possession, rent, unlawful detainer, unlawful entry and  
7 distress for rent.

8 (2) "Application fee" means any deposit of money,  
9 however denominated, which is paid by a tenant to a  
10 landlord, lessor or agent of a landlord for the purpose of  
11 being considered as a tenant for a dwelling unit.

12 (3) "Dwelling unit" means a structure or part of a  
13 structure that is used as a home or residence by one or more  
14 persons who maintain a household, including, but not limited  
15 to, a manufactured home.

16 (4) "Facility" means something that is built, constructed,  
17 installed or established to perform some particular function.

18 (5) "Landlord" means the owner or lessor of the dwelling  
19 unit or the building of which such dwelling unit is a part.  
20 "Landlord" also includes a managing agent of the premises  
21 who fails to disclose the name of such owner or lessor.

22 (6) “Managing agent” means a person authorized by the  
23 landlord to act on behalf of the landlord under a management  
24 agreement.

25 (7) “Notice period” means: (A) within 60 days of the  
26 termination of the tenancy; or (B) within 45 days of the  
27 occupation of the premise by a subsequent tenant, whichever  
28 time period is shorter.

29 (8) “Owner” means one or more persons, jointly or  
30 severally, in whom is vested:

31 (A) All or part of the legal title to the property, or

32 (B) All or part of the beneficial ownership and a right to  
33 present use and enjoyment of the premises, and the term  
34 includes a mortgagee in possession.

35 (9) “Person” means any individual, group of individuals,  
36 corporation, partnership, business trust, association or other  
37 legal entity, or any combination thereof.

38 (10) “Premises” means a dwelling unit and the structure  
39 of which it is a part and facilities and appurtenances therein  
40 and grounds, areas and facilities held out for the use of  
41 tenants generally or whose use is promised to the tenant.

42 (11) “Rent” means all money, other than a security  
43 deposit, a nonrefundable fee or money paid to the landlord by  
44 the tenant for damage caused by the tenant to the dwelling  
45 unit, owed or paid to the landlord under the rental agreement.

46 (12) “Rental agreement” means all agreements, written  
47 (including an electronic record as defined by paragraph (7),  
48 section two, article one, chapter thirty-nine-a of the code) or  
49 oral, express or implied, embodying the terms and conditions  
50 concerning the use and occupancy of a dwelling unit and  
51 premises.

52 (13) “Roomer” means a person occupying a dwelling unit  
53 that lacks a major bathroom or kitchen facility, in a structure  
54 where one or more major facilities are used in common by  
55 occupants of the dwelling unit and other dwelling units.  
56 Major facility in the case of a bathroom means toilet, and  
57 either a bath or shower, and in the case of a kitchen means  
58 refrigerator, stove or sink.

59 (14) “Security deposit” means any refundable deposit of  
60 money that is furnished by a tenant to a landlord to secure the  
61 performance of the terms and conditions of a rental  
62 agreement, or as security for damages to the leased premises.  
63 Security deposit does not include: (A) Rent; (B) a pet fee; or  
64 (C) application fee: *Provided*, That the parties expressly  
65 agree, in writing, that a pet fee or application fee is  
66 nonrefundable. A security deposit does not include prepaid  
67 rent.

68 (15) “Sublease” means the transfer by any tenant of any  
69 but not all interests created by a rental agreement.

70 (16) “Tenant” means a person entitled under a rental  
71 agreement to occupy a dwelling unit to the exclusion of  
72 others and shall include a roomer.

73 (17) “Utility” means electricity, natural gas, propane gas,  
74 water, sewer, telephone and cable television provided by a  
75 public utility or such other person providing residential utility  
76 services. If the rental agreement so provides, a landlord may  
77 use submetering equipment or energy allocation equipment,  
78 or a ratio utility billing system.

### §37-6A-2. Security deposits.

1 (a) Upon termination of the tenancy and within the  
2 applicable notice period, any security deposit held by the  
3 landlord, minus any deductions for damages or other charges,



4 shall be delivered to the tenant, together with a written  
5 itemization of any such damages or other charges as provided  
6 in subsection (c).

7 (b) Upon termination of the tenancy, any security deposit  
8 held by the landlord may be applied by the landlord only to:

9 (1) The payment of rent due, including the reasonable  
10 charges for late payment of rent specified in the rental  
11 agreement;

12 (2) The payment of the amount of damages which the  
13 landlord has suffered by reason of the tenant's  
14 noncompliance with the rental agreement, less reasonable  
15 wear and tear;

16 (3) The payment of unpaid utilities that were billed to and  
17 paid by the landlord, are the obligation of the tenant under the  
18 rental agreement and unpaid by the tenant;

19 (4) The payment of reasonable costs for the removal and  
20 storage of the tenant's personal property. The landlord may  
21 dispose of the stored personal property pursuant to the  
22 provisions of subdivisions (1) through (3), subsection (h),  
23 section three, article three-a, chapter fifty-five of this code;  
24 and

25 (5) To other damages or charges as provided in the rental  
26 agreement, including but not limited to, paying for the  
27 services of a third party contractor to repair damages to the  
28 property caused by the tenant.

29 (c) In the event that damages to the premises exceed the  
30 amount of the security deposit and require the services of a  
31 third party contractor, the landlord shall give written notice  
32 to the tenant, advising him or her of that fact, within the  
33 applicable notice period. If notice is given as prescribed in

34 this subsection, the landlord shall have an additional fifteen  
35 day period to provide an itemization of the damages and the  
36 cost of repair.

37 (d) Nothing in this section shall be construed by a court  
38 of law or otherwise as entitling the tenant, upon the  
39 termination of the tenancy, to an immediate credit against the  
40 tenant's delinquent rent account in the amount of the security  
41 deposit.

42 (e) The holder of the landlord's interest in the premises  
43 at the time of the termination of the tenancy, regardless of  
44 how the interest is acquired or transferred, is bound by this  
45 section and shall be required to return any security deposit  
46 received by the original landlord that is duly owed to the  
47 tenant. The provisions of this subsection apply whether or  
48 not such security deposit is transferred with the landlord's  
49 interest by law or equity, and regardless of any contractual  
50 agreements between the original landlord and his or her  
51 successors in interest.

52 (f) If the tenant has any assignee or sublessee, the  
53 landlord shall be entitled to hold a security deposit from only  
54 one party in compliance with the provisions of this section.

55 (g) For the purposes of this section, the delivery to a  
56 tenant of a security deposit and/or any notice prescribed by  
57 this section, may be accomplished by either personal delivery  
58 to the tenant, or by mailing the deposit and/or notice to the  
59 tenant's last known address or forwarding address as  
60 provided by the tenant. It shall be the responsibility of the  
61 tenant to provide an accurate address to the landlord. If  
62 personal delivery is not reasonably possible and a deposit or  
63 notice mailed to the tenant at his or her last known address or  
64 forwarding address provided is returned as non-deliverable,  
65 then the landlord shall hold the deposit or notice for the  
66 period of six months, to be personally delivered to the tenant,

67 or his or her authorized agent or attorney, at the landlord's  
68 place of business during normal business hours within  
69 seventy-two hours after a written request is received from the  
70 tenant.

### **§37-6A-3. Maintenance of records by landlord.**

1 The landlord shall:

2 (1) Maintain and itemize records for each tenant of all  
3 deductions from security deposits provided under this article  
4 which the landlord has made by reason of a tenant's  
5 noncompliance with the rental agreement for one year after  
6 the termination of the tenancy; and

7 (2) Either permit a tenant or his or her authorized agent  
8 or attorney to inspect the tenant's records of deductions at  
9 any time during normal business hours within seventy-two  
10 hours of a written request, or at the landlord's option, provide  
11 a tenant or his or her authorized agent or attorney a copy of  
12 the tenant's record of deductions during normal business  
13 hours within seventy-two hours of a written request.

### **§37-6A-4. Prohibited provision in rental agreements.**

1 A rental agreement may not contain a provision that the  
2 tenant agrees to waive or forego rights or remedies under this  
3 article. A provision prohibited by this section included in a  
4 rental agreement is unenforceable. If a landlord brings an  
5 action to enforce any of the prohibited provisions, the tenant  
6 may recover actual damages sustained by him or her and  
7 reasonable attorney's fees.

### **§37-6A-5. Landlord's noncompliance.**

1 (a) If a landlord fails to comply with any of the  
2 provisions of this article, and such noncompliance is willful  
3 or not in good faith, the tenant is entitled to a judgment for:

4 (1) The amount of any unreturned security deposit; and

5 (2) Damages for annoyance or inconvenience resulting  
6 from the landlord's nonconformance equal to one and a half  
7 times the amount wrongfully withheld, unless the tenant  
8 owes rent to the landlord, in which case, the court shall order  
9 an amount equal to any amount awarded to the tenant  
10 pursuant to this subsection to be credited against any rent due  
11 to the landlord.

12 (b) Jurisdiction for any civil action brought pursuant to  
13 this article shall be in magistrate court or circuit court in the  
14 county where the residential rental premises or units are  
15 located.

16 (c) This section does not limit rights or remedies  
17 available to a landlord or tenant under any other law.

**§37-6A-6. Application and effective date of this article.**

1 (a) The provisions of this article shall apply to all  
2 residential rental premises or units used for dwelling  
3 purposes.

4 (b) The provisions of this article do not apply to  
5 agreements for the payment of security deposits entered into  
6 prior to the effective date of this article.

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**CHAPTER 150**

**(Com. Sub. for H. B. 2939 - By Delegates  
Pethel, Givens, Ennis, Guthrie,  
D. Poling, Duke and Canterbury)**

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[Passed March 8, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 21, 2011.]

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AN ACT to amend and reenact §5-10-2, §5-10-18, §5-10-21, §5-10-24, §5-10-25, §5-10-44 and §5-10-48 of the Code of West Virginia, 1931, as amended, all relating to the Public Employees Retirement System; clarifying the definition of compensation for purposes of calculating required contributions to the system; changing definition of final average salary; clarifying when membership in the system terminates and how membership may be reinstated; providing that individuals first hired after July 1, 2011 must have at least five years of contributory service to retire under the “rule of eighty”; requiring retirants changing annuity options to certify that no final divorce decree or other court order prohibits the same; clarifying that correction of errors provision applies to both employer errors and errors of the system’s administrative body; providing that the correction of an error with respect to a retirant may be prospective only; and providing for reimbursement of mistaken contributions that ensures the plan’s continued qualified status.

*Be it enacted by the Legislature of West Virginia:*

That §5-10-2, §5-10-18, §5-10-21, §5-10-24, §5-10-25, §5-10-44 and §5-10-48 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES  
RETIREMENT ACT.**

**§5-10-2. Definitions.**

1 Unless a different meaning is clearly indicated by the  
2 context, the following words and phrases as used in this  
3 article, have the following meanings:

4 (1) "Accumulated contributions" means the sum of all  
5 amounts deducted from the compensations of a member and  
6 credited to his or her individual account in the members'  
7 deposit fund, together with regular interest on the  
8 contributions;

9 (2) "Accumulated net benefit" means the aggregate  
10 amount of all benefits paid to or on behalf of a retired  
11 member;

12 (3) "Actuarial equivalent" means a benefit of equal value  
13 computed upon the basis of a mortality table and regular  
14 interest adopted by the board of trustees from time to time:  
15 *Provided*, That when used in the context of compliance with  
16 the federal maximum benefit requirements of Section 415 of  
17 the Internal Revenue Code, "actuarial equivalent" shall be  
18 computed using the mortality tables and interest rates  
19 required to comply with those requirements;

20 (4) "Annuity" means an annual amount payable by the  
21 retirement system throughout the life of a person. All  
22 annuities shall be paid in equal monthly installments,  
23 rounding to the upper cent for any fraction of a cent;

24 (5) "Annuity reserve" means the present value of all  
25 payments to be made to a retirant or beneficiary of a retirant  
26 on account of any annuity, computed upon the basis of  
27 mortality and other tables of experience, and regular interest,  
28 adopted by the board of trustees from time to time;

29           (6) “Beneficiary” means any person, except a retirant,  
30 who is entitled to, or will be entitled to, an annuity or other  
31 benefit payable by the retirement system;

32           (7) “Board of Trustees” or “board” means the Board of  
33 Trustees of the West Virginia Consolidated Public  
34 Retirement System;

35           (8) “Compensation” means the remuneration paid a  
36 member by a participating public employer for personal  
37 services rendered by the member to the participating public  
38 employer. In the event a member’s remuneration is not all  
39 paid in money, his or her participating public employer shall  
40 fix the value of the portion of the remuneration which is not  
41 paid in money. Any lump sum or other payments paid to  
42 members that do not constitute regular salary or wage  
43 payments are not considered compensation for the purpose of  
44 withholding contributions for the system or for the purpose  
45 of calculating a member’s final average salary. These  
46 payments include, but are not limited to, attendance or  
47 performance bonuses, one-time flat fee or lump sum  
48 payments, payments paid as a result of excess budget, or  
49 employee recognition payments. The board shall have final  
50 power to decide whether the payments shall be considered  
51 compensation for purposes of this article;

52           (9) “Contributing service” means service rendered by a  
53 member within this state and for which the member made  
54 contributions to a public retirement system account of this  
55 state, to the extent credited him or her as provided by this  
56 article;

57           (10) “Credited service” means the sum of a member’s  
58 prior service credit, military service credit, workers’  
59 compensation service credit and contributing service credit  
60 standing to his or her credit as provided in this article;

61       (11) “Employee” means any person who serves regularly  
62 as an officer or employee, full time, on a salary basis, whose  
63 tenure is not restricted as to temporary or provisional  
64 appointment, in the service of, and whose compensation is  
65 payable, in whole or in part, by any political subdivision, or  
66 an officer or employee whose compensation is calculated on  
67 a daily basis and paid monthly or on completion of  
68 assignment, including technicians and other personnel  
69 employed by the West Virginia National Guard whose  
70 compensation, in whole or in part, is paid by the federal  
71 government: *Provided*, That an employee of the Legislature  
72 whose term of employment is otherwise classified as  
73 temporary and who is employed to perform services required  
74 by the Legislature for its regular sessions or during the  
75 interim between regular sessions and who has been or is  
76 employed during regular sessions or during the interim  
77 between regular sessions in seven or more consecutive  
78 calendar years, as certified by the clerk of the house in which  
79 the employee served, is an employee, any provision to the  
80 contrary in this article notwithstanding, and is entitled to  
81 credited service in accordance with provisions of section  
82 fourteen, article ten, chapter five of this code and: *Provided*,  
83 *however*, That members of the legislative body of any  
84 political subdivision and judges of the State Court of Claims  
85 are employees receiving one year of service credit for each  
86 one-year term served and pro rated service credit for any  
87 partial term served, anything contained in this article to the  
88 contrary notwithstanding. In any case of doubt as to who is  
89 an employee within the meaning of this article, the Board of  
90 Trustees shall decide the question;

91       (12) “Employer error” means an omission,  
92 misrepresentation, or violation of relevant provisions of the  
93 West Virginia Code or of the West Virginia Code of State  
94 Regulations or the relevant provisions of both the West  
95 Virginia Code and of the West Virginia Code of State  
96 Regulations by the participating public employer that has



97 resulted in an underpayment or overpayment of contributions  
98 required. A deliberate act contrary to the provisions of this  
99 section by a participating public employer does not constitute  
100 employer error.

101 (13) "Final average salary" means either of the following:  
102 *Provided*, That salaries for determining benefits during any  
103 determination period may not exceed the maximum  
104 compensation allowed as adjusted for cost of living in  
105 accordance with section seven, article ten-d, chapter five of  
106 this code and Section 401(a)(17) of the Internal Revenue  
107 Code: *Provided, however*, That the provisions of section  
108 twenty-two-h of this article are not applicable to the  
109 amendments made to this subdivision during the 2011  
110 Regular Session of the Legislature.

111 (A) The average of the highest annual compensation  
112 received by a member (including a member of the Legislature  
113 who participates in the retirement system in the year 1971 or  
114 thereafter), during any period of three consecutive years of  
115 credited service contained within the member's fifteen years  
116 of credited service immediately preceding the date his or her  
117 employment with a participating public employer last  
118 terminated; or

119 (B) If the member has less than five years of credited  
120 service, the average of the annual rate of compensation  
121 received by the member during his or her total years of  
122 credited service; and in determining the annual  
123 compensation, under either paragraph (A) or (B) of this  
124 subdivision, of a member of the Legislature who participates  
125 in the retirement system as a member of the Legislature in the  
126 year 1971, or in any year thereafter, his or her actual  
127 legislative compensation (the total of all compensation paid  
128 under sections two, three, four and five, article two-a, chapter  
129 four of this code), in the year 1971, or in any year thereafter,  
130 plus any other compensation he or she receives in any year  
131 from any other participating public employer including the

132 State of West Virginia, without any multiple in excess of one  
133 times his or her actual legislative compensation and other  
134 compensation, shall be used: *Provided*, That “final average  
135 salary” for any former member of the Legislature or for any  
136 member of the Legislature in the year 1971, who, in either  
137 event, was a member of the Legislature on November 30,  
138 1968, or November 30, 1969, or November 30, 1970, or on  
139 November 30 in any one or more of those three years and  
140 who participated in the retirement system as a member of the  
141 Legislature in any one or more of those years means: (i)  
142 Either (notwithstanding the provisions of this subdivision  
143 preceding this proviso) \$1,500 multiplied by eight, plus the  
144 highest other compensation the former member or member  
145 received in any one of the three years from any other  
146 participating public employer including the State of West  
147 Virginia; or (ii) “final average salary” determined in  
148 accordance with paragraph (A) or (B) of this subdivision,  
149 whichever computation produces the higher final average  
150 salary (and in determining the annual compensation under  
151 subparagraph (ii) of this proviso, the legislative compensation  
152 of the former member shall be computed on the basis of  
153 \$1,500 multiplied by eight, and the legislative compensation  
154 of the member shall be computed on the basis set forth in the  
155 provisions of this subdivision immediately preceding this  
156 proviso or on the basis of \$1,500 multiplied by eight,  
157 whichever computation as to the member produces the higher  
158 annual compensation);

159 (14) “Internal Revenue Code” means the Internal  
160 Revenue Code of 1986, as amended, codified at Title 26 of  
161 the United States Code;

162 (15) “Limited credited service” means service by  
163 employees of the West Virginia Educational Broadcasting  
164 Authority, in the employment of West Virginia University,  
165 during a period when the employee made contributions to  
166 another retirement system, as required by West Virginia  
167 University, and did not make contributions to the Public

168 Employees Retirement System: *Provided*, That while limited  
169 credited service can be used for the formula set forth in  
170 subsection (e), section twenty-one of this article, it may not  
171 be used to increase benefits calculated under section twenty-  
172 two of this article;

173 (16) “Member” means any person who has accumulated  
174 contributions standing to his or her credit in the members’  
175 deposit fund;

176 (17) “Participating public employer” means the State of  
177 West Virginia, any board, commission, department,  
178 institution or spending unit, and includes any agency created  
179 by rule of the Supreme Court of Appeals having full-time  
180 employees, which for the purposes of this article is  
181 considered a department of state government; and any  
182 political subdivision in the state which has elected to cover its  
183 employees, as defined in this article, under the West Virginia  
184 Public Employees Retirement System;

185 (18) “Plan year” means the same as referenced in section  
186 forty-two of this article;

187 (19) “Political subdivision” means the State of West  
188 Virginia, a county, city or town in the state; a school  
189 corporation or corporate unit; any separate corporation or  
190 instrumentality established by one or more counties, cities or  
191 towns, as permitted by law; any corporation or  
192 instrumentality supported in most part by counties, cities or  
193 towns; and any public corporation charged by law with the  
194 performance of a governmental function and whose  
195 jurisdiction is coextensive with one or more counties, cities  
196 or towns: *Provided*, That any mental health agency  
197 participating in the Public Employees Retirement System  
198 before July 1, 1997, is considered a political subdivision  
199 solely for the purpose of permitting those employees who are  
200 members of the Public Employees Retirement System to  
201 remain members and continue to participate in the retirement

202 system at their option after July 1, 1997: *Provided, however,*  
203 That the Regional Community Policing Institute which  
204 participated in the Public Employees Retirement System  
205 before July 1, 2000, is considered a political subdivision  
206 solely for the purpose of permitting those employees who are  
207 members of the Public Employees Retirement System to  
208 remain members and continue to participate in the Public  
209 Employees Retirement System after July 1, 2000;

210 (20) "Prior service" means service rendered prior to July  
211 1, 1961, to the extent credited a member as provided in this  
212 article;

213 (21) "Regular interest" means the rate or rates of interest  
214 per annum, compounded annually, as the Board of Trustees  
215 adopts from time to time;

216 (22) "Required beginning date" means April 1 of the  
217 calendar year following the later of: (A) The calendar year in  
218 which the member attains age seventy and one-half years of  
219 age; or (B) the calendar year in which a member who has  
220 attained the age seventy and one-half years of age and who  
221 ceases providing service covered under this system to a  
222 participating employer;

223 (23) "Retirant" means any member who commences an  
224 annuity payable by the retirement system;

225 (24) "Retirement" means a member's withdrawal from  
226 the employ of a participating public employer and the  
227 commencement of an annuity by the retirement system;

228 (25) "Retirement system" or "system" means the West  
229 Virginia Public Employees Retirement System created and  
230 established by this article;

231           (26) “Retroactive service” means: (1) Service between  
232    July 1, 1961, and the date an employer decides to become a  
233    participating member of the Public Employees Retirement  
234    System; (2) service prior to July 1, 1961, for which the  
235    employee is not entitled to prior service at no cost in  
236    accordance with 162 CSR 5.13; and (3) service of any  
237    member of a legislative body or employees of the State  
238    Legislature whose term of employment is otherwise  
239    classified as temporary for which the employee is eligible,  
240    but for which the employee did not elect to participate at that  
241    time;

242           (27) “Service” means personal service rendered to a  
243    participating public employer by an employee of a  
244    participating public employer; and

245           (28) “State” means the State of West Virginia.

**§5-10-18. Termination of membership; reentry.**

1           (a) When a member of the retirement system retires,  
2    withdraws his or her accumulated contributions, or dies, he  
3    or she ceases to be a member. When a member leaves the  
4    employ of a participating public employer for any reason  
5    other than retirement or death, and withdraws his or her  
6    accumulated contributions from the system, he or she ceases  
7    to be a member and forfeits service credited to him or her at  
8    that time. If he or she becomes reemployed by a participating  
9    public employer he or she shall be reinstated as a member of  
10   the retirement system and his or her credited service last  
11   forfeited by him or her shall be restored to his or her credit:  
12   *Provided*, That he or she must be reemployed for a period of  
13   one year or longer to have the service restored: *Provided*,  
14   *however*, That he or she returns to the members’ deposit fund  
15   the amount, if any, he or she withdrew from the fund,  
16   together with regular interest on the withdrawn amount from  
17   the date of withdrawal to the date of repayment, and that the  
18   repayment begins within two years of the return to

19 employment and that the full amount is repaid within five  
20 years of the return to employment. Any failure to repay the  
21 full amount in accordance with this section shall be treated as  
22 an overpayment or excess contribution subject to section  
23 forty-four of this article.

24 (b) The Pretera Center for Mental Health Services,  
25 Valley Comprehensive Mental Health Center, Westbrook  
26 Health Services and Eastern Panhandle Mental Health  
27 Center, and their successors in interest, shall provide for their  
28 employees a pension plan in lieu of the Public Employees  
29 Retirement System during the existence of the named mental  
30 health centers and their successors in interest.

31 (c) The administrative bodies of the Pretera Center for  
32 Mental Health Services, Valley Comprehensive Mental  
33 Health Center, Westbrook Health Services and Eastern  
34 Panhandle Mental Health Center shall, on or before May 1,  
35 1997, give written notice to each employee who is a member  
36 of the Public Employees Retirement System of the option to  
37 withdraw from or remain in the system. The notice shall  
38 include a copy of this section and a statement explaining the  
39 member's options regarding membership. The notice shall  
40 include a statement in plain language giving a full  
41 explanation and actuarial projection figures in support of the  
42 explanation regarding the individual member's current  
43 account balance, vested and nonvested, and his or her  
44 projected return upon remaining in the Public Employees  
45 Retirement System until retirement, disability or death, in  
46 comparison with the projected return upon withdrawing from  
47 the Public Employees Retirement System and joining a  
48 private pension plan provided by the Community Mental  
49 Health Center and remaining therein until retirement,  
50 disability or death. The administrative bodies shall keep in  
51 their respective records a permanent record of each  
52 employee's signature confirming receipt of the notice.

53           (d) Effective March 1, 2003, and ending December 31,  
54 2004, any member may purchase credited service previously  
55 forfeited by him or her and the credited service shall be  
56 restored to his or her credit: *Provided*, That he or she returns  
57 to the members' deposit fund the amount, if any, he or she  
58 withdrew from the fund, together with interest on the  
59 withdrawn amount from the date of withdrawal to the date of  
60 repayment at a rate to be determined by the board. The  
61 repayment under this section may be made by lump sum or  
62 repaid over a period of time not to exceed sixty months.  
63 Where the member elects to repay the required amount other  
64 than by lump sum, the member is required to pay interest at  
65 the rate determined by the board until all sums are fully  
66 repaid.

67           (e) Effective July 1, 2005, and ending December 31,  
68 2006, any emergency services personnel may purchase  
69 service credit for the time period beginning January 1, 1990,  
70 and ending December 31, 1995: *Provided*, That person was  
71 employed as an emergency service person in this state for  
72 that time period: *Provided, however*, That any person  
73 obtaining service credit under this subsection is required to  
74 pay the employee's share and the employer's share upon his  
75 or her actual salary for the years in question plus interest at  
76 the assumed actuarial rate of return for the plan year being  
77 repurchased.

78           (f) Jobs for West Virginia's graduates and their  
79 successors in interest shall provide a pension plan in lieu of  
80 the Public Employees Retirement System for employees  
81 hired on or after July 1, 2005.

82           (g) Wetzel County Hospital and their successors in  
83 interest shall provide a pension plan in lieu of the Public  
84 Employees Retirement System for employees hired on or  
85 after July 1, 2005.

**§5-10-21. Deferred retirement and early retirement.**

1           (a) Any member who has five or more years of credited  
2 service in force, of which at least three years are contributing  
3 service, and who leaves the employ of a participating public  
4 employer prior to his or her attaining age sixty years for any  
5 reason except his or her disability retirement or death, is  
6 entitled to an annuity computed according to section twenty-  
7 two of this article, as that section was in force as of the date  
8 of his or her separation from the employ of a participating  
9 public employer: *Provided*, That he or she does not  
10 withdraw his or her accumulated contributions from the  
11 members' deposit fund: *Provided, however*, That on and  
12 after July 1, 2002, any person who becomes a new member  
13 of this retirement system shall, in qualifying for retirement  
14 under this section, have five or more years of service, all of  
15 which years shall be actual, contributory ones. His or her  
16 annuity shall begin the first day of the calendar month next  
17 following the month in which his or her application for same  
18 is filed with the board of trustees on or after his or her  
19 attaining age sixty-two years.

20           (b) Any member who qualifies for deferred retirement  
21 benefits in accordance with subsection (a) of this section and  
22 has ten or more years of credited service in force and who has  
23 attained age fifty-five as of the date of his or her separation,  
24 may, prior to the effective date of his or her retirement, but  
25 not thereafter, elect to receive the actuarial equivalent of his  
26 or her deferred retirement annuity as a reduced annuity  
27 commencing on the first day of any calendar month between  
28 his or her date of separation and his or her attainment of age  
29 sixty-two years and payable throughout his or her life.

30           (c) Any member who qualifies for deferred retirement  
31 benefits in accordance with subsection (a) of this section and  
32 has twenty or more years of credited service in force may  
33 elect to receive the actuarial equivalent of his or her deferred  
34 retirement annuity as a reduced annuity commencing on the  
35 first day of any calendar month between his or her fifty-fifth



36 birthday and his or her attainment of age sixty-two years and  
37 payable throughout his or her life.

38 (d) Notwithstanding any of the other provisions of this  
39 section or of this article, except sections twenty-seven-a and  
40 twenty-seven-b of this article, and pursuant to rules  
41 promulgated by the board, any member who has thirty or  
42 more years of credited service in force, at least three of which  
43 are contributing service, and who elects to take early  
44 retirement, which for the purposes of this subsection means  
45 retirement prior to age sixty, whether an active employee or  
46 a separated employee at the time of application, is entitled to  
47 the full computation of annuity according to section twenty-  
48 two of this article, as that section was in force as of the date  
49 of retirement application, but with the reduced actuarial  
50 equivalent of the annuity the member would have received if  
51 his or her benefit had commenced at age sixty when he or she  
52 would have been entitled to full computation of benefit  
53 without any reduction.

54 (e) Notwithstanding any of the other provisions of this  
55 section or of this article, except sections twenty-seven-a and  
56 twenty-seven-b of this article, any member of the retirement  
57 system may retire with full pension rights, without reduction  
58 of benefits, if he or she is at least fifty-five years of age and  
59 the sum of his or her age plus years of contributing service  
60 and limited credited service, as defined in section two of this  
61 article, equals or exceeds eighty: *Provided*, That on and after  
62 July 1, 2011, any person who becomes a new member of this  
63 retirement system shall, in qualifying for retirement under  
64 this subsection, have five or more years of service, all of  
65 which years shall be actual, contributory ones. The member's  
66 annuity shall begin the first day of the calendar month  
67 immediately following the calendar month in which his or  
68 her application for the annuity is filed with the board.

**§5-10-24. Annuity options.**

1 (a) Prior to the effective date of his or her retirement, but  
2 not thereafter except upon the death of a spouse, a member  
3 may elect to receive his or her annuity as a straight life  
4 annuity payable throughout his or her life, or he or she may  
5 elect to receive the actuarial equivalent, at the time, of his or  
6 her straight life annuity in a reduced annuity payable  
7 throughout his or her life, and nominate a beneficiary, in  
8 accordance with option A or B set forth below:

9 *Option A -- Joint and survivor annuity.* -- Upon the death  
10 of a retirant who elected option A, his or her reduced annuity  
11 shall be continued throughout the life of and paid to the  
12 beneficiary, having an insurable interest in the retirant's life,  
13 whom the retirant nominated by written designation duly  
14 executed and filed with the Board of Trustees prior to the  
15 effective date of his or her retirement; or

16 *Option B -- Modified joint and survivor annuity.* -- Upon  
17 the death of a retirant who elected option B, one half of his or  
18 her reduced annuity shall be continued throughout the life of  
19 and paid to the beneficiary, having an insurable interest in the  
20 retirant's life, whom the retirant nominated by written  
21 designation duly executed and filed with the Board of  
22 Trustees prior to the effective date of his or her retirement.

23 (b) Upon the death of a spouse, a retirant may elect any  
24 of the retirement options offered by the provisions of this  
25 section in an amount adjusted on a fair basis to be of equal  
26 actuarial value as the annuity prospectively in effect relative  
27 to the retirant at the time the new option is elected.

28 (c) Upon divorce, a retirant may elect to change any of  
29 the retirement benefit options offered by the provisions of  
30 this section to a life annuity in an amount adjusted on a fair  
31 basis to be of equal actuarial value of the annuity  
32 prospectively in effect relative to the retirant at the time the  
33 option is elected: *Provided*, That the retirant furnishes to the  
34 board satisfactory proof of entry of a final decree of divorce

35 or annulment: *Provided, however,* That the retirant certifies  
36 under penalty of perjury that no qualified domestic relations  
37 order, final decree of divorce, or other court order that would  
38 restrict the election is in effect: *Provided further,* That no  
39 cause of action against the board may then arise or be  
40 maintained on the basis of having permitted the retirant to  
41 name a new spouse as annuitant for any of the survivorship  
42 retirement benefit options.

43 (d) Upon remarriage, a retirant may name the new spouse  
44 as an annuitant for any of the retirement benefit options  
45 offered by the provisions of this section: *Provided,* That the  
46 retirant shall furnish to the board proof of marriage:  
47 *Provided, however,* That the retirant certifies under penalty  
48 of perjury that no qualified domestic relations order, final  
49 decree of divorce or other court order that would restrict the  
50 designation is in effect: *Provided further,* That no cause of  
51 action against the board may then arise or be maintained on  
52 the basis of having permitted the retirant to name a new  
53 spouse as annuitant for any of the survivorship retirement  
54 benefit options. The value of the new survivorship annuity  
55 shall be the actuarial equivalent of the retirant's benefit  
56 prospectively in effect at the time the new annuity is elected.

#### **§5-10-25. Disability retirement.**

1 (a) Upon the application of a member of the retirement  
2 system, or his or her present or past employing authority, any  
3 member who is in the employ of a participating public  
4 employer or was in the employ of a participating public  
5 employer on a date which is twelve months or less from the  
6 date upon which the member became incapacitated, who has  
7 ten or more years of credited service of which three years is  
8 contributing service, and who becomes totally and  
9 permanently incapacitated for employment, by reason of a  
10 personal injury or disease, may be retired by the board if after  
11 a medical examination of the member made by or under the  
12 direction of a medical committee consisting of two

13 physicians, one of whom shall be named by the board, and  
14 one by the member, the medical committee reports, in  
15 writing, to the board that the member is physically or  
16 mentally totally incapacitated for employment, that the  
17 incapacity will probably be permanent, and that the member  
18 should be retired. In the event the two above-mentioned  
19 examining physicians do not agree in their findings, then the  
20 board may, at its discretion, appoint a third physician to  
21 examine the member and, based upon the third physician's  
22 report in writing, the board may retire the member. A  
23 member who was not in the employ of a participating public  
24 employer on a date which is twelve months or less from the  
25 date upon which the member became incapacitated may  
26 receive disability retirement under the provisions of this  
27 subsection if, in the opinion of the medical committee, the  
28 incapacity occurred during the time that the member was  
29 employed by a participating public employer and the  
30 incapacity otherwise qualifies the member for retirement  
31 under this subsection.

32 (b) A member with less than ten years of credited service  
33 shall have the service requirement provided in subsection (a)  
34 above (including the requirement of three years contributing  
35 service) waived in the event: (1) The board finds his or her  
36 total and permanent disability to be the natural and proximate  
37 result of a personal injury or disease arising out of and in the  
38 course of his or her actual performance of duty in the employ  
39 of a participating public employer; and (2) he or she is  
40 receiving or has received workers' compensation benefits on  
41 account of the physical or mental disability.

42 (c) For any member retiring and any member retired, as  
43 of March 1, 1970, he or she shall receive a straight life  
44 annuity computed according to section twenty-two hereof  
45 and he or she shall have the right to elect an option provided  
46 in section twenty-four hereof: *Provided*, That his or her  
47 straight life annuity payable to his or her attainment of age  
48 sixty-five years may not be less than fifty percent of his or

49 her final average salary; and his or her straight life annuity  
50 payable from and after his or her attainment of age sixty-five  
51 years may not be less than twenty percent of his or her final  
52 average salary: *Provided, however,* That his or her annuity  
53 shall be subject to section twenty-six hereof.

**§5-10-44. Correction of errors; underpayments; overpayments.**

1 (a) General rule: If any change or employer error in the  
2 records of any participating public employer or the retirement  
3 system results in any member, retirant or beneficiary  
4 receiving from the system more or less than he or she would  
5 have been entitled to receive had the records been correct, the  
6 board shall correct the error. If correction of the error occurs  
7 after the effective retirement date of a retirant, and as far as  
8 is practicable, the board shall adjust the payment of the  
9 benefit in a manner that the actuarial equivalent of the benefit  
10 to which the retirant was correctly entitled shall be paid.

11 (b) Underpayments: Any error resulting in an  
12 underpayment to the retirement system of required  
13 contributions may be corrected by the member or retirant  
14 remitting the required employee contribution and the  
15 participating public employer remitting the required  
16 employer contribution. Interest shall accumulate in  
17 accordance with the Legislative Rule 162 CSR 7 concerning  
18 retirement board refund, reinstatement and loan interest  
19 factors and any accumulating interest owed on the employee  
20 and employer contributions resulting from an employer error  
21 shall be the responsibility of the participating public  
22 employer. The participating public employer may remit total  
23 payment and the employee reimburse the participating public  
24 employer through payroll deduction over a period equivalent  
25 to the time period during which the employer error occurred.  
26 If the correction of an error involving an underpayment of  
27 required contributions to the retirement system will result in  
28 increased payments to a retirant, including increases to  
29 payments already made, any adjustments shall be made only

30 after the board receives full payment of all required employee  
31 and employer contributions, including interest.

32 (c) Overpayments: (1) When mistaken or excess  
33 employer contributions, including any overpayments, have  
34 been made to the retirement system by a participating public  
35 employer, due to error or other reason, the board shall credit  
36 the participating public employer with an amount equal to the  
37 erroneous contributions, to be offset against the participating  
38 public employer's future liability for employer contributions  
39 to the system. Earnings or interest shall not be credited to the  
40 employer.

41 (2) When mistaken or excess employee contributions,  
42 including any overpayments, have been made to the  
43 retirement system, due to error or other reason, the board  
44 shall have sole authority for determining the means of return,  
45 offset or credit to or for the benefit of the employee of the  
46 amounts, and may use any means authorized or permitted  
47 under the provisions of Section 401(a), *et seq.* of the Internal  
48 Revenue Code and guidance issued thereunder applicable to  
49 governmental plans. Alternatively, in its full and complete  
50 discretion, the board may require the participating public  
51 employer to pay the employee the amounts as wages, with  
52 the board crediting the participating public employer with a  
53 corresponding amount to offset against its future  
54 contributions to the plan: *Provided*, That the wages paid to  
55 the employee shall not be considered compensation for any  
56 purposes under this article. Earnings or interest shall not be  
57 returned, offset, or credited under any of the means utilized  
58 by the board for returning mistaken or excess employee  
59 contributions, including any overpayments, to an employee.

**§5-10-48. Reemployment after retirement; options for holder of  
elected public office.**

1 (a) The Legislature finds that a compelling state interest  
2 exists in maintaining an actuarially sound retirement system  
3 and that this interest necessitates that certain limitations be

4 placed upon an individual's ability to retire from the system  
5 and to then later return to state employment as an employee  
6 with a participating public employer while contemporaneously  
7 drawing an annuity from the system. The Legislature hereby  
8 further finds and declares that the interests of the public are  
9 served when persons having retired from public employment  
10 are permitted, within certain limitations, to render  
11 post-retirement employment in positions of public service,  
12 either in elected or appointed capacities. The Legislature  
13 further finds and declares that it has the need for qualified  
14 employees and that in many cases an employee of the  
15 Legislature will retire and be available to return to work for  
16 the Legislature as a per diem employee. The Legislature  
17 further finds and declares that in many instances these  
18 employees have particularly valuable expertise which the  
19 Legislature cannot find elsewhere. The Legislature further  
20 finds and declares that reemploying these persons on a  
21 limited per diem basis after they have retired is not only in  
22 the best interests of this state, but has no adverse effect  
23 whatsoever upon the actuarial soundness of this particular  
24 retirement system.

25 (b) For the purposes of this section: (1) "Regularly  
26 employed on a full-time basis" means employment of an  
27 individual by a participating public employer, in a position  
28 other than as an elected or appointed public official, which  
29 normally requires twelve months per year service and at least  
30 one thousand forty hours of service per year in that position;  
31 (2) "temporary full-time employment or temporary part-time  
32 employment" means employment of an individual on a  
33 temporary or provisional basis by a participating public  
34 employer, other than as an elected or appointed public  
35 official, in a position which does not otherwise render the  
36 individual as regularly employed; (3) "former employee of  
37 the Legislature" means any person who has retired from  
38 employment with the Legislature and who has at least ten  
39 years' contributing service with the Legislature; and (4)

40 “reemployed by the Legislature” means a former employee  
41 of the Legislature who has been reemployed on a per diem  
42 basis not to exceed one hundred seventy-five days per  
43 calendar year.

44 (c) In the event a retirant becomes regularly employed on  
45 a full-time basis by a participating public employer, payment  
46 of his or her annuity shall be suspended during the period of  
47 his or her reemployment and he or she shall become a  
48 contributing member to the retirement system. If his or her  
49 reemployment is for a period of one year or longer, his or her  
50 annuity shall be recalculated and he or she shall be granted an  
51 increased annuity due to the additional employment, the  
52 annuity to be computed according to section twenty-two of  
53 this article. A retirant may accept temporary full-time or  
54 temporary part-time employment from a participating  
55 employer without suspending his or her retirement annuity so  
56 long as he or she does not receive annual compensation in  
57 excess of \$15,000: *Provided*, That a retirant may be  
58 employed by the Legislature on a per diem basis without  
59 suspension of the retirement annuity if the retirant’s annual  
60 compensation from the Legislature does not exceed \$20,000.

61 (d) In the event a member retires and is then subsequently  
62 elected to a public office or is subsequently appointed to hold  
63 an elected public office, or is a former employee of the  
64 Legislature who has been reemployed by the Legislature, he  
65 or she has the option, notwithstanding subsection (c) of this  
66 section, to either:

67 (1) Continue to receive payment of his or her annuity  
68 while holding public office or during any reemployment of  
69 a former employee of the Legislature on a per diem basis, in  
70 addition to the salary he or she may be entitled to as an office  
71 holder or as a per diem reemployed former employee of the  
72 Legislature; or



73           (2) Suspend the payment of his or her annuity and  
74       become a contributing member of the retirement system as  
75       provided in subsection (c) of this section. Notwithstanding  
76       the provisions of this subsection, a member who is  
77       participating in the system as an elected public official may  
78       not retire from his or her elected position and commence to  
79       receive an annuity from the system and then be elected or  
80       reappointed to the same position unless and until a  
81       continuous twelve-month period has passed since his or her  
82       retirement from the position: *Provided*, That a former  
83       employee of the Legislature may not be reemployed by the  
84       Legislature on a per diem basis until at least sixty days after  
85       the employee has retired: *Provided, however*, That the  
86       limitation on compensation provided by subsection (c) of this  
87       section does not apply to the reemployed former employee:  
88       *Provided further*, That in no event may reemployment by the  
89       Legislature of a per diem employee exceed one hundred  
90       seventy-five days per calendar year.

91           (e) A member who is participating in the system  
92       simultaneously as both a regular, full-time employee of a  
93       participating public employer and as an elected or appointed  
94       member of the legislative body of the state or any political  
95       subdivision may, upon meeting the age and service  
96       requirements of this article, elect to retire from his or her  
97       regular full-time state employment and may commence to  
98       receive an annuity from the system without terminating his or  
99       her position as a member of the legislative body of the state  
100       or political subdivision: *Provided*, That the retired member  
101       shall not, during the term of his or her retirement and  
102       continued service as a member of the legislative body of a  
103       political subdivision, be eligible to continue his or her  
104       participation as a contributing member of the system and  
105       shall not continue to accrue any additional service credit or  
106       benefits in the system related to the continued service.

107           (f) Notwithstanding the provisions of section twenty-  
108       seven-b of this article, any publicly elected member of the

109 legislative body of any political subdivision or of the State  
110 Legislature, the Clerk of the House of Delegates and the  
111 Clerk of the Senate may elect to commence receiving  
112 in-service retirement distributions from this system upon  
113 attaining the age of seventy and one-half years: *Provided,*  
114 That the member is eligible to retire under the provisions of  
115 section twenty or twenty-one of this article: *Provided,*  
116 *however,* That the member elects to stop actively contributing  
117 to the system while receiving the in-service distributions.

118 (g) The provisions of section twenty-two-h of this article  
119 are not applicable to the amendments made to this section  
120 during the 2006 regular session.

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## CHAPTER 151

**(Com. Sub. for H. B. 3145 - By Delegates  
Pethel, Ennis, White and T. Campbell)**

[Passed March 10, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 24, 2011.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22k; and to amend said code by adding thereto a new section, designated §18-7A-26v, all relating to the Public Employees Retirement System and the State Teachers Retirement System; and providing for a one-time bonus payment for certain annuitants.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §5-10-22k; and that said

code be amended by adding thereto a new section, designated §18-7A-26v, all to read as follows:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF  
THE GOVERNOR, SECRETARY OF STATE AND  
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;  
MISCELLANEOUS AGENCIES, COMMISSIONS,  
OFFICES, PROGRAMS, ETC.**

**ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES  
RETIREMENT ACT.**

**§5-10-22k. One-time bonus payment for certain annuitants  
effective July 1, 2011.**

1           (a) As an additional bonus payment to other retirement  
2 allowances provided, a one-time bonus payment to retirement  
3 benefits shall be paid to retirants of the system as provided in  
4 subsection (b) of this section. The one-time bonus payment  
5 shall equal \$1,200 and shall be paid on July 27, 2011.

6           (b) The one-time bonus payment provided by this section  
7 applies to any retirant with at least twenty years of credited  
8 service who currently receives an annual retirement annuity  
9 of not more than \$7,200. This bonus payment is subject to  
10 any applicable limitations under section 415 of the Internal  
11 Revenue Code of 1986, as amended.

12           (c) The one-time bonus payment provided by this section  
13 shall be payable pro rata to any beneficiaries of a qualifying  
14 retirant who currently receive an annuity or other benefit  
15 payable by the system.

**CHAPTER 18. EDUCATION.****ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.****§18-7A-26v. One-time bonus payment for certain annuitants effective July 1, 2011.**

1 (a) As an additional bonus payment to other retirement  
 2 allowances provided, a one-time bonus payment to retirement  
 3 benefits shall be paid to retirants of the retirement system as  
 4 provided in subsection (b) of this section. The one-time bonus  
 5 payment shall equal \$1,200 and shall be paid on July 27, 2011.

6 (b) The one-time bonus payment provided in this section  
 7 applies to any retirant with at least twenty years of service as a  
 8 contributing member who currently receives an annual  
 9 retirement annuity of not more than \$7,200. This one-time  
 10 bonus payment is subject to any applicable limitations under  
 11 section 415 of the Internal Revenue Code of 1986, as amended.

12 (c) The one-time bonus payment provided by this section  
 13 shall be payable pro rata to any beneficiaries of a qualifying  
 14 retirant who currently receive an annuity or other benefit  
 15 payable by the retirement system.

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## CHAPTER 152

**(H. B. 2765 - By Delegates Pethtel, Givens,  
 Canterbury, Ennis, Duke, Guthrie and D. Poling)  
 [By Request of the Consolidated Public Retirement Board]**

[Passed March 8, 2011; in effect from passage.]  
 [Approved by the Governor on March 18, 2011.]

AN ACT to amend the Code of West Virginia, 1931, as amended,  
 by adding thereto a new section, designated §5-10D-10,

relating to the retirement plans administered by the West Virginia Consolidated Public Retirement Board, and ensuring the continued qualification of the plans under federal tax laws by adopting provisions required by Sections 104(a) and 105(b) of the Heroes Earnings Assistance and Relief Tax Act of 2008 (P.L. 110-245) requiring the plans to provide certain death benefits to survivors of the plans' members or participants who die while performing qualified military service and governing the treatment of differential wage payments made to the plans' members or participants.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section §5-10D-10, to read as follows:

**ARTICLE 10D. CONSOLIDATED PUBLIC RETIREMENT BOARD.**

**§5-10D-10. Death benefits for participants or members who die while performing qualified military service; treatment of differential wage payments.**

1           (a) Death benefits. In the case of a death occurring on or  
2 after January 1, 2007, if a participant or member of any plan  
3 administered by the board dies while performing qualified  
4 military service (as defined in Section 414(u) of the Internal  
5 Revenue Code), the survivors of the participant or member  
6 are entitled to any additional benefits (other than benefit  
7 accruals relating to the period of qualified military service)  
8 provided under the plan as if the participant or member had  
9 resumed and then terminated employment on account of  
10 death, to the extent required by Section 401(a)(37) of the  
11 Internal Revenue Code: *Provided*, That the death of the  
12 participant or member shall not be considered to be by reason  
13 of injury, illness or disease resulting from an occupational  
14 risk or hazard inherent in or peculiar to the service required

15 of the participant or member, or as having occurred in the  
16 performance of his or her duties as a member, or as a result  
17 of any service-related illness or injury.

18 (b) Differential wage payments. For years beginning on  
19 or after December 31, 2008, if a participant or member of any  
20 plan administered by the board is receiving a differential  
21 wage payment (as defined by Section 3401(h)(2) of the  
22 Internal Revenue Code), then for purposes of applying the  
23 Internal Revenue Code to the plan, all of the following shall  
24 apply: (i) The participant or member shall be treated as an  
25 employee of the employer making the payment; and (ii) the  
26 differential wage payment shall be treated as compensation  
27 of the participant or member for purposes of applying the  
28 Internal Revenue Code (but not for purposes of determining  
29 contributions and benefits under the plan, unless the plan  
30 terms explicitly so provide); (iii) the plan shall not be treated  
31 as failing to meet the requirements of any provision described  
32 in Section 414(u)(1)(C) of the Internal Revenue Code by  
33 reason of any contribution or benefit which is based on the  
34 differential wage payment.

35 (c) Nondiscrimination. Subsection (b)(iii) applies only if  
36 all employees of the employer performing service in the  
37 uniformed services described in Section 3401(h)(2)(A) of the  
38 Internal Revenue Code are entitled to receive differential  
39 wage payments (as defined in Section 3401(h)(2) of the  
40 Internal Revenue Code) on reasonably equivalent terms and,  
41 if eligible to participate in a retirement plan maintained by  
42 the employer, to make contributions based on the payments  
43 on reasonably equivalent terms.

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**CHAPTER 153**

**(Com. Sub. for S. B. 282 - By Senators Beach,  
Snyder, Laird, Yost, Green, Foster, Browning,  
McCabe, Plymale, D. Facemire, Minard, Klempa,  
Williams and Kessler (Acting President))**

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[Passed March 9, 2011; in effect from passage.]  
[Approved by the Governor on March 21, 2011.]

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AN ACT to amend and reenact §17-2D-2 and §17-2D-5 of the Code of West Virginia, 1931, as amended, all relating to the Highway Design-Build Pilot Program; continuing the Highway Design-Build Pilot Program for two years; increasing the annual amounts which may be expended on design-build projects; authorizing additional projects after the effective date of this amendment; and providing that consultant engineers involved in the preliminary planning of a design-build project may not participate in the construction of that project.

*Be it enacted by the Legislature of West Virginia:*

That §17-2D-2 and §17-2D-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 2D. HIGHWAY DESIGN-BUILD PILOT PROGRAM.**

**§17-2D-2. Highway Design-Build Pilot Program.**

- 1 (a) Notwithstanding any provision of this code to the
- 2 contrary, the Commissioner of the West Virginia Division of
- 3 Highways may continue with the pilot program to expedite

4 the construction of no more than ten special projects after the  
5 effective date of the amendment to this article in the regular  
6 session of 2011, in addition to the three projects authorized  
7 by prior enactment of this section, by combining the design  
8 and construction elements of a highway or bridge project into  
9 a single contract.

10 (b) A design-build project may not be let to contract after  
11 June 30, 2013. The Division of Highways may expend no  
12 more than \$75 million in each of the two years remaining in  
13 the pilot program after the effective date of the amendment  
14 to this article in the regular session of 2011: *Provided*, That  
15 if any of the \$75 million is unused in the first year, the  
16 remaining amount may be applied to the following year's  
17 amount: *Provided, however*, That the total aggregate amount  
18 to be expended after the effective date of the amendment to  
19 this article in the regular session of 2011 may not exceed  
20 \$150 million.

21 (c) A design-build project may be let to contract only in  
22 accordance with the commissioner's established policies and  
23 procedures concerning design-build projects.

24 (d) After June 30, 2013, projects may not be let under the  
25 provisions of this article unless the West Virginia Legislature  
26 either approves additional projects or makes the program  
27 permanent.

28 (e) Projects receiving special funding above the regular  
29 federal core funding may utilize the pilot program, but shall  
30 not be included in the total number of projects or expenditure  
31 limits provided by subsections (a) and (b) of this section.

32 (f) Effective after the effective date of the amendment to  
33 this article in the regular session of 2011, no consultant  
34 engineer who prepares preliminary plans, planning reports or  
35 other project development products for a project pursuant to



36 the provisions of this section may participate in the  
37 construction of that project.

**§17-2D-5. Report to the Legislature.**

1 On or before December 1, 2013, the commissioner shall  
2 prepare and submit to the Joint Standing Committee on  
3 Government Organization a report evaluating the experience  
4 of the Division of Highways with each project, including  
5 whether the division realized any cost or time savings, the  
6 number and cost of change orders, the quality of work  
7 performed, the number of bids received and other issues the  
8 commissioner considers appropriate.

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## CHAPTER 154

**(Com. Sub. for H. B. 2879 - By Mr. Speaker,  
Mr. Thompson, and Delegate Armstead)  
[By Request of the Executive]**

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[Passed March 12, 2011; in effect from passage.]  
[Approved by the Governor on March 24, 2011.]

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AN ACT to repeal §18A-4-5c and §18A-4-5d of the Code of West Virginia, 1931, as amended; to amend and reenact §6-7-2a of said code; to amend and reenact §15-2-5 of said code; to amend and reenact §18A-4-2, §18A-4-5 and §18A-4-8a of said code; to amend and reenact §20-7-1c of said code; to amend and reenact §50-1-3 of said code; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating generally to increasing compensation for certain public officials and public employees.

*Be it enacted by the Legislature of West Virginia:*

That §18A-4-5c and §18A-4-5d of the Code of West Virginia, 1931, as amended, be repealed; that §6-7-2a of said code be amended and reenacted; that §15-2-5 of said code be amended and reenacted; that §18A-4-2, §18A-4-5 and §18A-4-8a of said code be amended and reenacted; that §20-7-1c of said code be amended and reenacted; that §50-1-3 of said code be amended and reenacted; that §51-1-10a of said code be amended and reenacted; that §51-2-13 of said code be amended and reenacted; and that §51-2A-6 of said code be amended and reenacted, all to read as follows:

## **CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.**

### **ARTICLE 7. COMPENSATION AND ALLOWANCES.**

#### **\*§6-7-2a. Terms of certain appointive state officers; appointment; qualifications; powers and salaries of such officers.**

1           (a) Each of the following appointive state officers named  
2 in this subsection shall be appointed by the Governor, by and  
3 with the advice and consent of the Senate. Each of the  
4 appointive state officers serves at the will and pleasure of the  
5 Governor for the term for which the Governor was elected  
6 and until the respective state officers' successors have been  
7 appointed and qualified. Each of the appointive state officers  
8 are subject to the existing qualifications for holding each  
9 respective office and each has and is hereby granted all of the  
10 powers and authority and shall perform all of the functions  
11 and services heretofore vested in and performed by virtue of  
12 existing law respecting each office.

13           Prior to July 1, 2006, each such named appointive state  
14 officer shall continue to receive the annual salaries they were  
15 receiving as of the effective date of the enactment of this

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\***CLERK'S NOTE:** This section was also amended by Com. Sub. for S.B. 238 (Chapter 157) which passed subsequent to this act.

16 section in 2006 and thereafter, notwithstanding any other  
17 provision of this code to the contrary, the annual salary of  
18 each named appointive state officer shall be as follows:

19 Commissioner, Division of Highways, \$92,500;  
20 Commissioner, Division of Corrections, \$80,000; Director,  
21 Division of Natural Resources, \$75,000; Superintendent,  
22 State Police, \$85,000; Commissioner, Division of Banking,  
23 \$75,000; Commissioner, Division of Culture and History,  
24 \$65,000; Commissioner, Alcohol Beverage Control  
25 Commission, \$75,000; Commissioner, Division of Motor  
26 Vehicles, \$75,000; Chairman, Health Care Authority,  
27 \$80,000; members, Health Care Authority, \$75,000; Director,  
28 Human Rights Commission, \$55,000; Commissioner,  
29 Division of Labor, \$70,000; Director, Division of Veterans'  
30 Affairs, \$65,000; Chairperson, Board of Parole, \$55,000;  
31 members, Board of Parole, \$50,000; members, Employment  
32 Security Review Board, \$17,000; and Commissioner, Bureau  
33 of Employment Programs, \$75,000. Secretaries of the  
34 departments shall be paid an annual salary as follows: Health  
35 and Human Resources, \$95,000; Transportation, \$95,000:  
36 *Provided*, That if the same person is serving as both the  
37 Secretary of Transportation and the Commissioner of  
38 Highways, he or she shall be paid \$120,000; Revenue,  
39 \$95,000; Military Affairs and Public Safety, \$95,000;  
40 Administration, \$95,000; Education and the Arts, \$95,000;  
41 Commerce, \$95,000; and Environmental Protection, \$95,000:  
42 *Provided, however*, That any increase in the salary of any  
43 current appointive state officer named in this subsection  
44 pursuant to the reenactment of this subsection during the  
45 regular session of the Legislature in 2006 that exceeds \$5,000  
46 shall be paid to such officer or his or her successor beginning  
47 on July 1, 2006, in annual increments of \$5,000 per fiscal  
48 year, up to the maximum salary provided in this subsection:  
49 *Provided further*, That if the same person is serving as both  
50 the Secretary of Transportation and the Commissioner of

51 Highways, then the annual increments of \$5,000 per fiscal  
52 year do not apply.

53 (b) Each of the state officers named in this subsection  
54 shall continue to be appointed in the manner prescribed in  
55 this code and, prior to July 1, 2006, each of the state officers  
56 named in this subsection shall continue to receive the annual  
57 salaries he or she was receiving as of the effective date of the  
58 enactment of this section in 2006 and shall thereafter,  
59 notwithstanding any other provision of this code to the  
60 contrary, be paid an annual salary as follows:

61 Director, Board of Risk and Insurance Management,  
62 \$80,000; Director, Division of Rehabilitation Services,  
63 \$70,000; Director, Division of Personnel, \$70,000; Executive  
64 Director, Educational Broadcasting Authority, \$75,000;  
65 Secretary, Library Commission, \$72,000; Director,  
66 Geological and Economic Survey, \$75,000; Executive  
67 Director, Prosecuting Attorneys Institute, \$70,000; Executive  
68 Director, Public Defender Services, \$70,000; Commissioner,  
69 Bureau of Senior Services, \$75,000; Director, State Rail  
70 Authority, \$65,000; Executive Director, Women's  
71 Commission, \$55,000; Director, Hospital Finance Authority,  
72 \$35,000; member, Racing Commission, \$12,000; Chairman,  
73 Public Service Commission, \$85,000; members, Public  
74 Service Commission, \$85,000; Director, Division of Forestry,  
75 \$75,000; Director, Division of Juvenile Services, \$80,000;  
76 and Executive Director, Regional Jail and Correctional  
77 Facility Authority, \$80,000: *Provided*, That any increase in  
78 the salary of any current appointive state officer named in  
79 this subsection pursuant to the reenactment of this subsection  
80 during the regular session of the Legislature in 2006 that  
81 exceeds \$5,000 shall be paid to such officer or his or her  
82 successor beginning on July 1, 2006, in annual increments of  
83 \$5,000 per fiscal year, up to the maximum salary provided in  
84 this subsection.

85           (c) Each of the following appointive state officers named  
86 in this subsection shall be appointed by the Governor, by and  
87 with the advice and consent of the Senate. Each of the  
88 appointive state officers serves at the will and pleasure of the  
89 Governor for the term for which the Governor was elected  
90 and until the respective state officers' successors have been  
91 appointed and qualified. Each of the appointive state officers  
92 are subject to the existing qualifications for holding each  
93 respective office and each has and is hereby granted all of the  
94 powers and authority and shall perform all of the functions  
95 and services heretofore vested in and performed by virtue of  
96 existing law respecting each office.

97           Prior to July 1, 2006, each such named appointive state  
98 officer shall continue to receive the annual salaries they were  
99 receiving as of the effective date of the enactment of this  
100 section in 2006 and thereafter, notwithstanding any other  
101 provision of this code to the contrary, the annual salary of  
102 each named appointive state officer shall be as follows:

103           Commissioner, State Tax Division, \$92,500;  
104 Commissioner, Insurance Commission, \$92,500; Director,  
105 Lottery Commission, \$92,500; Director, Division of  
106 Homeland Security and Emergency Management, \$65,000;  
107 and Adjutant General, \$125,000.

108           (d) No increase in the salary of any appointive state  
109 officer pursuant to this section shall be paid until and unless  
110 the appointive state officer has first filed with the State  
111 Auditor and the Legislative Auditor a sworn statement, on a  
112 form to be prescribed by the Attorney General, certifying that  
113 his or her spending unit is in compliance with any general  
114 law providing for a salary increase for his or her employees.  
115 The Attorney General shall prepare and distribute the form to  
116 the affected spending units.

**CHAPTER 15. PUBLIC SAFETY.****ARTICLE 2. WEST VIRGINIA STATE POLICE.****§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.**

1           (a) The superintendent shall establish within the West  
2 Virginia State Police a system to provide for: The promotion  
3 of members to the supervisory ranks of sergeant, first  
4 sergeant, second lieutenant and first lieutenant; the  
5 classification of nonsupervisory members within the field  
6 operations force to the ranks of trooper, senior trooper,  
7 trooper first class or corporal; the classification of members  
8 assigned to the forensic laboratory as criminalist I-VIII; and  
9 the temporary reclassification of members assigned to  
10 administrative duties as administrative support specialist  
11 I-VIII.

12           (b) The superintendent may propose legislative rules for  
13 promulgation in accordance with article three, chapter  
14 twenty-nine-a of this code for the purpose of ensuring  
15 consistency, predictability and independent review of any  
16 system developed under the provisions of this section.

17           (c) The superintendent shall provide to each member a  
18 written manual governing any system established under the  
19 provisions of this section and specific procedures shall be  
20 identified for the evaluation and testing of members for  
21 promotion or reclassification and the subsequent placement  
22 of any members on a promotional eligibility or  
23 reclassification recommendation list.

24           (d) Beginning on July 1, 2008, through June 30, 2011,  
25 members shall receive annual salaries as follows:

26            **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 27            **SUPERVISORY AND NONSUPERVISORY RANKS**

28	Cadet During Training. . . . .	\$ 2,752 Mo.	\$ 33,024
29	Cadet Trooper After Training. . . . .	3,357.33 Mo.	40,288
30	Trooper Second Year. . . . .		41,296
31	Trooper Third Year. . . . .		41,679
32	Senior Trooper. . . . .		42,078
33	Trooper First Class. . . . .		42,684
34	Corporal. . . . .		43,290
35	Sergeant. . . . .		47,591
36	First Sergeant. . . . .		49,742
37	Second Lieutenant. . . . .		51,892
38	First Lieutenant. . . . .		54,043
39	Captain. . . . .		56,194
40	Major. . . . .		58,344
41	Lieutenant Colonel. . . . .		60,495

42            **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 43            **ADMINISTRATION SUPPORT**  
 44            **SPECIALIST CLASSIFICATION**

45	I. . . . .	\$ 41,679
46	II. . . . .	42,078
47	III. . . . .	42,684
48	IV. . . . .	43,290
49	V. . . . .	47,591
50	VI. . . . .	49,742
51	VII. . . . .	51,892
52	VIII. . . . .	54,043

53            **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 54            **CRIMINALIST CLASSIFICATION**

55	I. . . . .	\$ 41,679
56	II. . . . .	42,078

57	III. ....	42,684
58	IV. ....	43,290
59	V. ....	47,591
60	VI. ....	49,742
61	VII. ....	51,892
62	VIII. ....	54,043

63           Beginning on July 1, 2011, and continuing thereafter,  
64           members shall receive annual salaries as follows:

65                   **ANNUAL SALARY SCHEDULE (BASE PAY)**  
66                   **SUPERVISORY AND NONSUPERVISORY RANKS**

67	Cadet During Training. ....	\$ 2,833 Mo.	\$ 33,994
68	Cadet Trooper After Training. ....	\$ 3,438 Mo.	\$ 41,258
69	Trooper Second Year. ....		42,266
70	Trooper Third Year. ....		42,649
71	Senior Trooper. ....		43,048
72	Trooper First Class. ....		43,654
73	Corporal. ....		44,260
74	Sergeant. ....		48,561
75	First Sergeant. ....		50,712
76	Second Lieutenant. ....		52,862
77	First Lieutenant. ....		55,013
78	Captain. ....		57,164
79	Major. ....		59,314
80	Lieutenant Colonel. ....		61,465

81                   **ANNUAL SALARY SCHEDULE (BASE PAY)**  
82                   **ADMINISTRATION SUPPORT**  
83                   **SPECIALIST CLASSIFICATION**

84	I. ....	42,266
85	II. ....	43,048
86	III. ....	43,654
87	IV. ....	44,260
88	V. ....	48,561



89	VI . . . . .	50,712
90	VII. . . . .	52,862
91	VIII . . . . .	55,013

92           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 93           **CRIMINALIST CLASSIFICATION**

94	I . . . . .	42,266
95	II. . . . .	43,048
96	III. . . . .	43,654
97	IV. . . . .	44,260
98	V. . . . .	48,561
99	VI. . . . .	50,712
100	VII. . . . .	52,862
101	VIII. . . . .	55,013

102           Each member of the West Virginia State Police whose  
 103 salary is fixed and specified in this annual salary schedule is  
 104 entitled to the length of service increases set forth in  
 105 subsection (e) of this section and supplemental pay as  
 106 provided in subsection (g) of this section.

107           (e) Each member of the West Virginia State Police whose  
 108 salary is fixed and specified pursuant to this section shall  
 109 receive, and is entitled to, an increase in salary over that set  
 110 forth in subsection (d) of this section for grade in rank, based  
 111 on length of service, including that service served before and  
 112 after the effective date of this section with the West Virginia  
 113 State Police as follows: At the end of two years of service  
 114 with the West Virginia State Police, the member shall receive  
 115 a salary increase of \$400 to be effective during his or her next  
 116 year of service and a like increase at yearly intervals  
 117 thereafter, with the increases to be cumulative.

118           (f) In applying the salary schedules set forth in this  
 119 section where salary increases are provided for length of  
 120 service, members of the West Virginia State Police in service

121 at the time the schedules become effective shall be given  
122 credit for prior service and shall be paid the salaries the same  
123 length of service entitles them to receive under the provisions  
124 of this section.

125 (g) The Legislature finds and declares that because of the  
126 unique duties of members of the West Virginia State Police,  
127 it is not appropriate to apply the provisions of state wage and  
128 hour laws to them. Accordingly, members of the West  
129 Virginia State Police are excluded from the provisions of  
130 state wage and hour law. This express exclusion shall not be  
131 construed as any indication that the members were or were  
132 not covered by the wage and hour law prior to this exclusion.

133 In lieu of any overtime pay they might otherwise have  
134 received under the wage and hour law, and in addition to  
135 their salaries and increases for length of service, members  
136 who have completed basic training and who are exempt from  
137 federal Fair Labor Standards Act guidelines may receive  
138 supplemental pay as provided in this section.

139 The authority of the superintendent to propose a  
140 legislative rule or amendment thereto for promulgation in  
141 accordance with article three, chapter twenty-nine-a of this  
142 code to establish the number of hours per month which  
143 constitute the standard work month for the members of the  
144 West Virginia State Police is hereby continued. The rule  
145 shall further establish, on a graduated hourly basis, the  
146 criteria for receipt of a portion or all of supplemental  
147 payment when hours are worked in excess of the standard  
148 work month. The superintendent shall certify monthly to the  
149 West Virginia State Police's payroll officer the names of  
150 those members who have worked in excess of the standard  
151 work month and the amount of their entitlement to  
152 supplemental payment. The supplemental payment may not  
153 exceed \$236 monthly. The superintendent and civilian  
154 employees of the West Virginia State Police are not eligible  
155 for any supplemental payments.

156       (h) Each member of the West Virginia State Police,  
157       except the superintendent and civilian employees, shall  
158       execute, before entering upon the discharge of his or her  
159       duties, a bond with security in the sum of \$5,000 payable to  
160       the State of West Virginia, conditioned upon the faithful  
161       performance of his or her duties, and the bond shall be  
162       approved as to form by the Attorney General and as to  
163       sufficiency by the Governor.

164       (i) In consideration for compensation paid by the West  
165       Virginia State Police to its members during those members'  
166       participation in the West Virginia State Police Cadet Training  
167       Program pursuant to section eight, article twenty-nine,  
168       chapter thirty of this code, the West Virginia State Police  
169       may require of its members by written agreement entered into  
170       with each of them in advance of such participation in the  
171       program that, if a member should voluntarily discontinue  
172       employment any time within one year immediately following  
173       completion of the training program, he or she shall be  
174       obligated to pay to the West Virginia State Police a pro rata  
175       portion of such compensation equal to that part of such year  
176       which the member has chosen not to remain in the employ of  
177       the West Virginia State Police.

178       (j) Any member of the West Virginia State Police who is  
179       called to perform active duty training or inactive duty  
180       training in the National Guard or any reserve component of  
181       the armed forces of the United States annually shall be  
182       granted, upon request, leave time not to exceed thirty  
183       calendar days for the purpose of performing the active duty  
184       training or inactive duty training and the time granted may  
185       not be deducted from any leave accumulated as a member of  
186       the West Virginia State Police.

**CHAPTER 18A. SCHOOL PERSONNEL.**

**ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**

**§18A-4-2. State minimum salaries for teachers.**

1 (a) Effective July 1, 2007, through June 30, 2008, each  
2 teacher shall receive the amount prescribed in the 2007-08 State  
3 Minimum Salary Schedule as set forth in this section, specific  
4 additional amounts prescribed in this section or article and any  
5 county supplement in effect in a county pursuant to section  
6 five-a of this article during the contract year.

7 Effective July 1, 2008, through June 30, 2011, each teacher  
8 shall receive the amount prescribed in the 2008-09 State  
9 Minimum Salary Schedule as set forth in this section, specific  
10 additional amounts prescribed in this section or article and any  
11 county supplement in effect in a county pursuant to section  
12 five-a of this article during the contract year.

13 Beginning July 1, 2011, and continuing thereafter, each  
14 teacher shall receive the amount prescribed in the 2011-12 State  
15 Minimum Salary Schedule as set forth in this section, specific  
16 additional amounts prescribed in this section or article and any  
17 county supplement in effect in a county pursuant to section  
18 five-a of this article during the contract year.

19

**2008-09 STATE MINIMUM SALARY SCHEDULE**

20	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
21	Years	4th	3rd	2nd		A.B.		M.A.	M.A.	M.A.	
22	Exp.	Class	Class	Class	A.B.	+15	M.A.	+15	+30	+45	Doc- torate
23	0	25,651	26,311	26,575	27,827	28,588	30,355	31,116	31,877	32,638	33,673
24	1	25,979	26,639	26,903	28,345	29,106	30,874	31,635	32,395	33,156	34,191
25	2	26,308	26,967	27,231	28,864	29,625	31,392	32,153	32,914	33,675	34,710

26	3	26,636	27,295	27,559	29,383	30,143	31,911	32,672	33,432	34,193	35,228
27	4	27,208	27,867	28,131	30,145	30,906	32,674	33,435	34,195	34,956	35,991
28	5	27,536	28,195	28,459	30,664	31,425	33,192	33,953	34,714	35,475	36,510
29	6	27,864	28,523	28,787	31,182	31,943	33,711	34,472	35,232	35,993	37,028
30	7	28,192	28,852	29,115	31,701	32,462	34,229	34,990	35,751	36,512	37,547
31	8	28,520	29,180	29,444	32,219	32,980	34,748	35,509	36,269	37,030	38,065
32	9	28,848	29,508	29,772	32,738	33,499	35,266	36,027	36,788	37,549	38,584
33	10	29,177	29,836	30,100	33,258	34,018	35,786	36,547	37,308	38,068	39,103
34	11	29,505	30,164	30,428	33,776	34,537	36,305	37,065	37,826	38,587	39,622
35	12	29,833	30,492	30,756	34,295	35,055	36,823	37,584	38,345	39,105	40,140
36	13	30,161	30,820	31,084	34,813	35,574	37,342	38,102	38,863	39,624	40,659
37	14	30,489	31,148	31,412	35,332	36,092	37,860	38,621	39,382	40,142	41,177
38	15	30,817	31,476	31,740	35,850	36,611	38,379	39,139	39,900	40,661	41,696
39	16	31,145	31,804	32,068	36,369	37,129	38,897	39,658	40,419	41,179	42,214
40	17	31,473	32,133	32,396	36,887	37,648	39,416	40,177	40,937	41,698	42,733
41	18	31,801	32,461	32,725	37,406	38,167	39,934	40,695	41,456	42,217	43,252
42	19	32,129	32,789	33,053	37,924	38,685	40,453	41,214	41,974	42,735	43,770
43	20	32,457	33,117	33,381	38,443	39,204	40,971	41,732	42,493	43,254	44,289
44	21	32,786	33,445	33,709	38,961	39,722	41,490	42,251	43,011	43,772	44,807
45	22	33,114	33,773	34,037	39,480	40,241	42,008	42,769	43,530	44,291	45,326
46	23	33,442	34,101	34,365	39,999	40,759	42,527	43,288	44,048	44,809	45,844
47	24	33,770	34,429	34,693	40,517	41,278	43,046	43,806	44,567	45,328	46,363
48	25	34,098	34,757	35,021	41,036	41,796	43,564	44,325	45,086	45,846	46,881
49	26	34,426	35,085	35,349	41,554	42,315	44,083	44,843	45,604	46,365	47,400
50	27	34,754	35,413	35,677	42,073	42,833	44,601	45,362	46,123	46,883	47,918
51	28	35,082	35,742	36,005	42,591	43,352	45,120	45,880	46,641	47,402	48,437
52	29	35,410	36,070	36,334	43,110	43,870	45,638	46,399	47,160	47,920	48,955
53	30	35,738	36,398	36,662	43,628	44,389	46,157	46,917	47,678	48,439	49,474
54	31	36,067	36,726	36,990	44,147	44,908	46,675	47,436	48,197	48,957	49,992

1590

## SALARIES

[Ch. 154

55	32	36,395	37,054	37,318	44,665	45,426	47,194	47,955	48,715	49,476	50,511
56	33	36,723	37,382	37,646	45,184	45,945	47,712	48,473	49,234	49,995	51,030
57	34	37,051	37,710	37,974	45,702	46,463	48,231	48,992	49,752	50,513	51,548
58	35	37,379	38,038	38,302	46,221	46,982	48,749	49,510	50,271	51,032	52,067

59

## 2011-12 STATE MINIMUM SALARY SCHEDULE

60	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
61	Years	4th	3rd	2nd	A.B.		M .A.	M.A.	M.A.	Doc-	
62	Exp.	Class	Class	Class	A.B.	+15	M.A.	+15	+30	+45	torate
63	0	26,917	27,606	27,872	29,315	30,076	31,843	32,604	33,365	34,126	35,161
64	1	27,245	27,934	28,200	29,833	30,594	32,362	33,123	33,883	34,644	35,679
65	2	27,574	28,262	28,528	30,352	31,113	32,880	33,641	34,402	35,163	36,198
66	3	27,902	28,590	28,856	30,871	31,631	33,399	34,160	34,920	35,681	36,716
67	4	28,474	29,162	29,428	31,633	32,394	34,162	34,923	35,683	36,444	37,479
68	5	28,802	29,490	29,756	32,152	32,913	34,680	35,441	36,202	36,963	37,998
69	6	29,130	29,818	30,084	32,670	33,431	35,199	35,960	36,720	37,481	38,516
70	7	29,458	30,147	30,412	33,189	33,950	35,717	36,478	37,239	38,000	39,035
71	8	29,786	30,475	30,741	33,707	34,468	36,236	36,997	37,757	38,518	39,553
72	9	30,114	30,803	31,069	34,226	34,987	36,754	37,515	38,276	39,037	40,072
73	10	30,443	31,131	31,397	34,746	35,506	37,274	38,035	38,796	39,556	40,591
74	11	30,771	31,459	31,725	35,264	36,025	37,793	38,553	39,314	40,075	41,110
75	12	31,099	31,787	32,053	35,783	36,543	38,311	39,072	39,833	40,593	41,628
76	13	31,427	32,115	32,381	36,301	37,062	38,830	39,590	40,351	41,112	42,147
77	14	31,755	32,443	32,709	36,820	37,580	39,348	40,109	40,870	41,630	42,665
78	15	32,083	32,771	33,037	37,338	38,099	39,867	40,627	41,388	42,149	43,184
79	16	32,411	33,099	33,365	37,857	38,617	40,385	41,146	41,907	42,667	43,702
80	17	32,739	33,428	33,693	38,375	39,136	40,904	41,665	42,425	43,186	44,221

81	18	33,067	33,756	34,022	38,894	39,655	41,422	42,183	42,944	43,705	44,740
82	19	33,395	34,084	34,350	39,412	40,173	41,941	42,702	43,462	44,223	45,258
83	20	33,723	34,412	34,678	39,931	40,692	42,459	43,220	43,981	44,742	45,777
84	21	34,052	34,740	35,006	40,449	41,210	42,978	43,739	44,499	45,260	46,295
85	22	34,380	35,068	35,334	40,968	41,729	43,496	44,257	45,018	45,779	46,814
86	23	34,708	35,396	35,662	41,487	42,247	44,015	44,776	45,536	46,297	47,332
87	24	35,036	35,724	35,990	42,005	42,766	44,534	45,294	46,055	46,816	47,851
88	25	35,364	36,052	36,318	42,524	43,284	45,052	45,813	46,574	47,334	48,369
89	26	35,692	36,380	36,646	43,042	43,803	45,571	46,331	47,092	47,853	48,888
90	27	36,020	36,708	36,974	43,561	44,321	46,089	46,850	47,611	48,371	49,406
91	28	36,348	37,037	37,302	44,079	44,840	46,608	47,368	48,129	48,890	49,925
92	29	36,676	37,365	37,631	44,598	45,358	47,126	47,887	48,648	49,408	50,443
93	30	37,004	37,693	37,959	45,116	45,877	47,645	48,405	49,166	49,927	50,962
94	31	37,333	38,021	38,287	45,635	46,396	48,163	48,924	49,685	50,445	51,480
95	32	37,661	38,349	38,615	46,153	46,914	48,682	49,443	50,203	50,964	51,999
96	33	37,989	38,677	38,943	46,672	47,433	49,200	49,961	50,722	51,483	52,518
97	34	38,317	39,005	39,271	47,190	47,951	49,719	50,480	51,240	52,001	53,036
98	35	38,645	39,333	39,599	47,709	48,470	50,237	50,998	51,759	52,520	53,555

99 (b) Six hundred dollars shall be paid annually to each  
100 classroom teacher who has at least twenty years of teaching  
101 experience. The payments: (i) Shall be in addition to any  
102 amounts prescribed in the applicable state minimum salary  
103 schedule; (ii) shall be paid in equal monthly installments; and  
104 (iii) shall be considered a part of the state minimum salaries  
105 for teachers.

**§18A-4-5. Salary equity among the counties; state salary supplement.**

1 (a) For the purposes of this section, salary equity among  
2 the counties means that the salary potential of school

3 employees employed by the various districts throughout the  
4 state does not differ by greater than ten percent between those  
5 offering the highest salaries and those offering the lowest  
6 salaries. In the case of professional educators, the difference  
7 shall be calculated utilizing the average of the professional  
8 educator salary schedules, degree classifications B.A.  
9 through doctorate and the years of experience provided for in  
10 the most recent state minimum salary schedule for teachers,  
11 in effect in the five counties offering the highest salary  
12 schedules compared to the lowest salary schedule in effect  
13 among the fifty-five counties. In the case of school service  
14 personnel, the difference shall be calculated utilizing the  
15 average of the school service personnel salary schedules, pay  
16 grades "A" through "H" and the years of experience provided  
17 for in the most recent state minimum pay scale pay grade for  
18 service personnel, in effect in the five counties offering the  
19 highest salary schedules compared to the lowest salary  
20 schedule in effect among the fifty-five counties. Effective  
21 July 1, 2013, for both professional educators and school  
22 service personnel, the differences shall be calculated as  
23 otherwise required by this subsection except that the ten  
24 counties offering the highest salary schedules shall be  
25 compared to the lowest salary schedule in effect among the  
26 fifty-five counties.

27 (b) To assist the state in meeting its objective of salary  
28 equity among the counties, as defined in subsection (a) of this  
29 section, on and after July 1, 1984, subject to available state  
30 appropriations and the conditions set forth herein, each  
31 teacher and school service personnel shall receive a  
32 supplemental amount in addition to the amount from the state  
33 minimum salary schedules provided for in this article.

34 (c) State funds for this purpose shall be paid within the  
35 West Virginia public school support plan in accordance with  
36 article nine-a, chapter eighteen of this code. The amount  
37 allocated for salary equity shall be apportioned between



38 teachers and school service personnel in direct proportion to  
39 that amount necessary to support the professional salaries and  
40 service personnel salaries statewide under sections four, five  
41 and eight, article nine-a, chapter eighteen of this code.

42 (d) Pursuant to this section, each teacher and school  
43 service personnel shall receive the amount indicated on the  
44 applicable State Equity Supplement Schedule or Pay Scale  
45 for 2010-11, maintained by the West Virginia Department of  
46 Education, reduced by any amount provided by the county as  
47 a salary supplement for teachers and school service personnel  
48 on January 1, 1984: *Provided*, That effective July 1, 2011,  
49 the amounts indicated on the State Equity Supplement Pay  
50 Scale for service personnel is increased by \$37 across-the-  
51 board.

52 (e) The amount received pursuant to this section shall not  
53 be decreased as a result of any county supplement increase  
54 instituted after January 1, 1984: *Provided*, That any amount  
55 received pursuant to this section may be reduced  
56 proportionately based upon the amount of funds appropriated  
57 for this purpose. No county may reduce any salary  
58 supplement that was in effect on January 1, 1984, except as  
59 permitted by sections five-a and five-b of this article.

60 (f) During its 2011 interim meetings, the Legislative  
61 Oversight Commission on Education Accountability shall  
62 conduct a study on whether a recommendation should be  
63 made to the Legislature for establishing the State Equity  
64 Supplement Schedule and the State Equity Supplement Pay  
65 Scale in statute.

**§18A-4-8a. Service personnel minimum monthly salaries.**

1 (a) The minimum monthly pay for each service employee  
2 shall be as follows:

3 (1) Effective July 1, 2010, through June 30, 2011, the  
 4 minimum monthly pay for each service employee whose  
 5 employment is for a period of more than three and one-half  
 6 hours a day shall be at least the amounts indicated in the  
 7 2010-2011 State Minimum Pay Scale Pay Grade and the  
 8 minimum monthly pay for each service employee whose  
 9 employment is for a period of three and one-half hours or less  
 10 a day shall be at least one-half the amount indicated in the  
 11 2010-2011 State Minimum Pay Scale Pay Grade set forth in  
 12 this subdivision.

13 Beginning July 1, 2011, and continuing thereafter, the  
 14 minimum monthly pay for each service employee whose  
 15 employment is for a period of more than three and one-half  
 16 hours a day shall be at least the amounts indicated in the  
 17 2011-2012 State Minimum Pay Scale Pay Grade and the  
 18 minimum monthly pay for each service employee whose  
 19 employment is for a period of three and one-half hours or less  
 20 a day shall be at least one-half the amount indicated in the  
 21 2011-2012 State Minimum Pay Scale Pay Grade set forth in  
 22 this section subdivision.

23  
 24  
 25

2010-2011 STATE MINIMUM PAY SCALE PAY GRADE

Years Exp.	Pay Grade							
	A	B	C	D	E	F	G	H
26 0	1,577	1,598	1,639	1,691	1,743	1,805	1,836	1,908
27 1	1,609	1,630	1,671	1,723	1,775	1,837	1,868	1,940
28 2	1,641	1,662	1,703	1,755	1,807	1,869	1,900	1,972
29 3	1,673	1,694	1,735	1,787	1,839	1,901	1,932	2,004
30 4	1,705	1,726	1,767	1,819	1,871	1,933	1,964	2,037
31 5	1,737	1,758	1,799	1,851	1,903	1,965	1,996	2,069
32 6	1,769	1,790	1,832	1,883	1,935	1,997	2,028	2,101
33 7	1,802	1,822	1,864	1,915	1,967	2,029	2,060	2,133
34 8	1,834	1,854	1,896	1,947	1,999	2,061	2,092	2,165
35 9	1,866	1,886	1,928	1,980	2,031	2,093	2,124	2,197
36 10	1,898	1,919	1,960	2,012	2,063	2,126	2,157	2,229
37 11	1,930	1,951	1,992	2,044	2,095	2,158	2,189	2,261
38 12	1,962	1,983	2,024	2,076	2,128	2,190	2,221	2,293

39	13	1,994	2,015	2,056	2,108	2,160	2,222	2,253	2,325
40	14	2,026	2,047	2,088	2,140	2,192	2,254	2,285	2,357
41	15	2,058	2,079	2,120	2,172	2,224	2,286	2,317	2,389
42	16	2,090	2,111	2,152	2,204	2,256	2,318	2,349	2,422
43	17	2,122	2,143	2,185	2,236	2,288	2,350	2,381	2,454
44	18	2,154	2,175	2,217	2,268	2,320	2,382	2,413	2,486
45	19	2,187	2,207	2,249	2,300	2,352	2,414	2,445	2,518
46	20	2,219	2,239	2,281	2,333	2,384	2,446	2,477	2,550
47	21	2,251	2,271	2,313	2,365	2,416	2,478	2,509	2,582
48	22	2,283	2,304	2,345	2,397	2,448	2,511	2,542	2,614
49	23	2,315	2,336	2,377	2,429	2,481	2,543	2,574	2,646
50	24	2,347	2,368	2,409	2,461	2,513	2,575	2,606	2,678
51	25	2,379	2,400	2,441	2,493	2,545	2,607	2,638	2,710
52	26	2,411	2,432	2,473	2,525	2,577	2,639	2,670	2,742
53	27	2,443	2,464	2,505	2,557	2,609	2,671	2,702	2,774
54	28	2,475	2,496	2,537	2,589	2,641	2,703	2,734	2,807
55	29	2,507	2,528	2,570	2,621	2,673	2,735	2,766	2,839
56	30	2,540	2,560	2,602	2,653	2,705	2,767	2,798	2,871
57	31	2,572	2,592	2,634	2,685	2,737	2,799	2,830	2,903
58	32	2,604	2,624	2,666	2,718	2,769	2,831	2,862	2,935
59	33	2,636	2,656	2,698	2,750	2,801	2,863	2,895	2,967
60	34	2,668	2,689	2,730	2,782	2,833	2,896	2,927	2,999
61	35	2,700	2,721	2,762	2,814	2,866	2,928	2,959	3,031
62	36	2,732	2,753	2,794	2,846	2,898	2,960	2,991	3,063
63	37	2,764	2,785	2,826	2,878	2,930	2,992	3,023	3,095
64	38	2,796	2,817	2,858	2,910	2,962	3,024	3,055	3,127
65	39	2,828	2,849	2,890	2,942	2,994	3,056	3,087	3,159
66	40	2,860	2,881	2,922	2,974	3,026	3,088	3,119	3,192

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2011-2012 STATE MINIMUM PAY SCALE PAY GRADE

Years	Exp.	Pay Grade							
		A	B	C	D	E	F	G	H
70	0	1,627	1,648	1,689	1,741	1,793	1,855	1,886	1,958
71	1	1,659	1,680	1,721	1,773	1,825	1,887	1,918	1,990
72	2	1,691	1,712	1,753	1,805	1,857	1,919	1,950	2,022
73	3	1,723	1,744	1,785	1,837	1,889	1,951	1,982	2,054
74	4	1,755	1,776	1,817	1,869	1,921	1,983	2,014	2,087
75	5	1,787	1,808	1,849	1,901	1,953	2,015	2,046	2,119

1596

## SALARIES

[Ch. 154

76	6	1,819	1,840	1,882	1,933	1,985	2,047	2,078	2,151
77	7	1,852	1,872	1,914	1,965	2,017	2,079	2,110	2,183
78	8	1,884	1,904	1,946	1,997	2,049	2,111	2,142	2,215
79	9	1,916	1,936	1,978	2,030	2,081	2,143	2,174	2,247
80	10	1,948	1,969	2,010	2,062	2,113	2,176	2,207	2,279
81	11	1,980	2,001	2,042	2,094	2,145	2,208	2,239	2,311
82	12	2,012	2,033	2,074	2,126	2,178	2,240	2,271	2,343
83	13	2,044	2,065	2,106	2,158	2,210	2,272	2,303	2,375
84	14	2,076	2,097	2,138	2,190	2,242	2,304	2,335	2,407
85	15	2,108	2,129	2,170	2,222	2,274	2,336	2,367	2,439
86	16	2,140	2,161	2,202	2,254	2,306	2,368	2,399	2,472
87	17	2,172	2,193	2,235	2,286	2,338	2,400	2,431	2,504
88	18	2,204	2,225	2,267	2,318	2,370	2,432	2,463	2,536
89	19	2,237	2,257	2,299	2,350	2,402	2,464	2,495	2,568
90	20	2,269	2,289	2,331	2,383	2,434	2,496	2,527	2,601
91	21	2,301	2,321	2,363	2,415	2,466	2,528	2,559	2,634
92	22	2,333	2,354	2,395	2,447	2,498	2,561	2,593	2,666
93	23	2,365	2,386	2,427	2,479	2,531	2,594	2,625	2,699
94	24	2,397	2,418	2,459	2,511	2,563	2,627	2,658	2,732
95	25	2,429	2,450	2,491	2,543	2,596	2,659	2,691	2,764
96	26	2,461	2,482	2,523	2,576	2,629	2,692	2,723	2,797
97	27	2,493	2,514	2,555	2,608	2,661	2,724	2,756	2,829
98	28	2,525	2,546	2,588	2,641	2,694	2,757	2,789	2,863
99	29	2,557	2,579	2,621	2,673	2,726	2,790	2,821	2,896
100	30	2,591	2,611	2,654	2,706	2,759	2,822	2,854	2,928
101	31	2,623	2,644	2,687	2,739	2,792	2,855	2,887	2,961
102	32	2,656	2,676	2,719	2,772	2,824	2,888	2,919	2,994
103	33	2,689	2,709	2,752	2,805	2,857	2,920	2,953	3,026
104	34	2,721	2,743	2,785	2,838	2,890	2,954	2,986	3,059
105	35	2,754	2,775	2,817	2,870	2,923	2,987	3,018	3,092
106	36	2,787	2,808	2,850	2,903	2,956	3,019	3,051	3,124
107	37	2,819	2,841	2,883	2,936	2,989	3,052	3,083	3,157
108	38	2,852	2,873	2,915	2,968	3,021	3,084	3,116	3,190
109	39	2,885	2,906	2,948	3,001	3,054	3,117	3,149	3,222
110	40	2,917	2,939	2,980	3,033	3,087	3,150	3,181	3,256

111 (2) Each service employee shall receive the amount  
112 prescribed in the Minimum Pay Scale in accordance with the

113 provisions of this subsection according to their class title and  
 114 pay grade as set forth in this subdivision:

115	CLASS TITLE	PAY GRADE
116	Accountant I. . . . .	D
117	Accountant II. . . . .	E
118	Accountant III. . . . .	F
119	Accounts Payable Supervisor. . . . .	G
120	Aide I. . . . .	A
121	Aide II. . . . .	B
122	Aide III. . . . .	C
123	Aide IV. . . . .	D
124	Audiovisual Technician. . . . .	C
125	Auditor. . . . .	G
126	Autism Mentor. . . . .	F
127	Braille or Sign Language Specialist. . . . .	E
128	Bus Operator. . . . .	D
129	Buyer. . . . .	F
130	Cabinetmaker. . . . .	G
131	Cafeteria Manager. . . . .	D
132	Carpenter I. . . . .	E
133	Carpenter II. . . . .	F
134	Chief Mechanic. . . . .	G
135	Clerk I. . . . .	B
136	Clerk II. . . . .	C
137	Computer Operator. . . . .	E
138	Cook I. . . . .	A
139	Cook II. . . . .	B
140	Cook III. . . . .	C
141	Crew Leader. . . . .	F
142	Custodian I. . . . .	A
143	Custodian II. . . . .	B
144	Custodian III. . . . .	C
145	Custodian IV. . . . .	D
146	Director or Coordinator of Services. . . . .	H
147	Draftsman. . . . .	D
148	Electrician I. . . . .	F

149	Electrician II.....	G
150	Electronic Technician I.....	F
151	Electronic Technician II.....	G
152	Executive Secretary.....	G
153	Food Services Supervisor.....	G
154	Foreman.....	G
155	General Maintenance.....	C
156	Glazier.....	D
157	Graphic Artist.....	D
158	Groundsman.....	B
159	Handyman.....	B
160	Heating and Air Conditioning Mechanic I.....	E
161	Heating and Air Conditioning Mechanic II.....	G
162	Heavy Equipment Operator.....	E
163	Inventory Supervisor.....	D
164	Key Punch Operator.....	B
165	Licensed Practical Nurse.....	F
166	Locksmith.....	G
167	Lubrication Man.....	C
168	Machinist.....	F
169	Mail Clerk.....	D
170	Maintenance Clerk.....	C
171	Mason.....	G
172	Mechanic.....	F
173	Mechanic Assistant.....	E
174	Office Equipment Repairman I.....	F
175	Office Equipment Repairman II.....	G
176	Painter.....	E
177	Paraprofessional.....	F
178	Payroll Supervisor.....	G
179	Plumber I.....	E
180	Plumber II.....	G
181	Printing Operator.....	B
182	Printing Supervisor.....	D
183	Programmer.....	H
184	Roofing/Sheet Metal Mechanic.....	F
185	Sanitation Plant Operator.....	G

186	School Bus Supervisor.....	E
187	Secretary I. ....	D
188	Secretary II.....	E
189	Secretary III. ....	F
190	Supervisor of Maintenance. ....	H
191	Supervisor of Transportation. ....	H
192	Switchboard Operator-Receptionist.....	D
193	Truck Driver.....	D
194	Warehouse Clerk. ....	C
195	Watchman. ....	B
196	Welder. ....	F
197	WVEIS Data Entry and Administrative Clerk.....	B

198           (b) An additional \$12 per month shall be added to the  
 199 minimum monthly pay of each service employee who holds  
 200 a high school diploma or its equivalent.

201           (c) An additional \$11 per month also shall be added to  
 202 the minimum monthly pay of each service employee for each  
 203 of the following:

204           (1) A service employee who holds twelve college hours  
 205 or comparable credit obtained in a trade or vocational school  
 206 as approved by the state board;

207           (2) A service employee who holds twenty-four college  
 208 hours or comparable credit obtained in a trade or vocational  
 209 school as approved by the state board;

210           (3) A service employee who holds thirty-six college  
 211 hours or comparable credit obtained in a trade or vocational  
 212 school as approved by the state board;

213           (4) A service employee who holds forty-eight college  
 214 hours or comparable credit obtained in a trade or vocational  
 215 school as approved by the state board;

216 (5) A service employee who holds sixty college hours or  
217 comparable credit obtained in a trade or vocational school as  
218 approved by the state board;

219 (6) A service employee who holds seventy-two college  
220 hours or comparable credit obtained in a trade or vocational  
221 school as approved by the state board;

222 (7) A service employee who holds eighty-four college  
223 hours or comparable credit obtained in a trade or vocational  
224 school as approved by the state board;

225 (8) A service employee who holds ninety-six college  
226 hours or comparable credit obtained in a trade or vocational  
227 school as approved by the state board;

228 (9) A service employee who holds one hundred eight  
229 college hours or comparable credit obtained in a trade or  
230 vocational school as approved by the state board;

231 (10) A service employee who holds one hundred twenty  
232 college hours or comparable credit obtained in a trade or  
233 vocational school as approved by the state board;

234 (d) An additional \$40 per month also shall be added to  
235 the minimum monthly pay of each service employee for each  
236 of the following:

237 (1) A service employee who holds an associate's degree;

238 (2) A service employee who holds a bachelor's degree;

239 (3) A service employee who holds a master's degree;

240 (4) A service employee who holds a doctorate degree.



241 (e) An additional \$11 per month shall be added to the  
242 minimum monthly pay of each service employee for each of  
243 the following:

244 (1) A service employee who holds a bachelor's degree  
245 plus fifteen college hours;

246 (2) A service employee who holds a master's degree plus  
247 fifteen college hours;

248 (3) A service employee who holds a master's degree plus  
249 thirty college hours;

250 (4) A service employee who holds a master's degree plus  
251 forty-five college hours; and

252 (5) A service employee who holds a master's degree plus  
253 sixty college hours.

254 (f) When any part of a school service employee's daily  
255 shift of work is performed between the hours of six o'clock  
256 p.m. and five o'clock a.m. the following day, the employee  
257 shall be paid no less than an additional \$10 per month and  
258 one half of the pay shall be paid with local funds.

259 (g) Any service employee required to work on any legal  
260 school holiday shall be paid at a rate one and one-half times  
261 the employee's usual hourly rate.

262 (h) Any full-time service personnel required to work in  
263 excess of their normal working day during any week which  
264 contains a school holiday for which they are paid shall be  
265 paid for the additional hours or fraction of the additional  
266 hours at a rate of one and one-half times their usual hourly  
267 rate and paid entirely from county board funds.

268 (i) No service employee may have his or her daily work  
269 schedule changed during the school year without the

270 employee's written consent and the employee's required  
271 daily work hours may not be changed to prevent the payment  
272 of time and one-half wages or the employment of another  
273 employee.

274 (j) The minimum hourly rate of pay for extra duty  
275 assignments as defined in section eight-b of this article shall  
276 be no less than one seventh of the employee's daily total  
277 salary for each hour the employee is involved in performing  
278 the assignment and paid entirely from local funds: *Provided,*  
279 That an alternative minimum hourly rate of pay for  
280 performing extra duty assignments within a particular  
281 category of employment may be used if the alternate hourly  
282 rate of pay is approved both by the county board and by the  
283 affirmative vote of a two-thirds majority of the regular  
284 full-time employees within that classification category of  
285 employment within that county: *Provided, however,* That the  
286 vote shall be by secret ballot if requested by a service  
287 personnel employee within that classification category within  
288 that county. The salary for any fraction of an hour the  
289 employee is involved in performing the assignment shall be  
290 prorated accordingly. When performing extra duty  
291 assignments, employees who are regularly employed on a  
292 one-half day salary basis shall receive the same hourly extra  
293 duty assignment pay computed as though the employee were  
294 employed on a full-day salary basis.

295 (k) The minimum pay for any service personnel  
296 employees engaged in the removal of asbestos material or  
297 related duties required for asbestos removal shall be their  
298 regular total daily rate of pay and no less than an additional  
299 \$3 per hour or no less than \$5 per hour for service personnel  
300 supervising asbestos removal responsibilities for each hour  
301 these employees are involved in asbestos related duties.  
302 Related duties required for asbestos removal include, but are  
303 not limited to, travel, preparation of the work site, removal of  
304 asbestos decontamination of the work site, placing and  
305 removal of equipment and removal of structures from the

306 site. If any member of an asbestos crew is engaged in  
307 asbestos related duties outside of the employee's regular  
308 employment county, the daily rate of pay shall be no less than  
309 the minimum amount as established in the employee's  
310 regular employment county for asbestos removal and an  
311 additional \$30 per each day the employee is engaged in  
312 asbestos removal and related duties. The additional pay for  
313 asbestos removal and related duties shall be payable entirely  
314 from county funds. Before service personnel employees may  
315 be used in the removal of asbestos material or related duties,  
316 they shall have completed a federal Environmental Protection  
317 Act approved training program and be licensed. The  
318 employer shall provide all necessary protective equipment  
319 and maintain all records required by the Environmental  
320 Protection Act.

321 (l) For the purpose of qualifying for additional pay as  
322 provided in section eight, article five of this chapter, an aide  
323 shall be considered to be exercising the authority of a  
324 supervisory aide and control over pupils if the aide is  
325 required to supervise, control, direct, monitor, escort or  
326 render service to a child or children when not under the direct  
327 supervision of certified professional personnel within the  
328 classroom, library, hallway, lunchroom, gymnasium, school  
329 building, school grounds or wherever supervision is required.  
330 For purposes of this section, "under the direct supervision of  
331 certified professional personnel" means that certified  
332 professional personnel is present, with and accompanying the  
333 aide.

## **CHAPTER 20. NATURAL RESOURCES.**

### **ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.**

**§20-7-1c. Natural resources police officer, ranks, salary  
schedule, base pay, exceptions.**

1 (a) Notwithstanding any provision of this code to the  
 2 contrary, the ranks within the law-enforcement section of the  
 3 Division of Natural Resources are colonel, lieutenant colonel,  
 4 major, captain, lieutenant, sergeant, corporal, natural  
 5 resources police officer first class, senior natural resources  
 6 police officer, natural resources police officer and natural  
 7 resources police officer-in-training. Each officer while in  
 8 uniform shall wear the insignia of rank as provided by the  
 9 chief natural resources police officer.

10 (b) Beginning on July 1, 2002, through June 30, 2011,  
 11 natural resources police officers shall be paid the minimum  
 12 annual salaries based on the following schedule:

13 ANNUAL SALARY SCHEDULE (BASE PAY)  
 14 SUPERVISORY AND NONSUPERVISORY RANKS

15	Natural Resources Police Officer In Training	
16	(first year until end of probation) . . . . .	\$26,337
17	Natural Resources Police Officer (second year). . .	\$29,768
18	Natural Resources Police Officer (third year). . . .	\$30,140
19	Senior Natural Resources Police Officer	
20	(fourth and fifth year) . . . . .	\$30,440
21	Senior Natural Resources Police Officer First Class	
22	(after fifth year). . . . .	\$32,528
23	Senior Natural Resources Police Officer	
24	(after tenth year). . . . .	\$33,104
25	Senior Natural Resources Police Officer	
26	(after fifteenth year). . . . .	\$33,528
27	Corporal (after sixteenth year). . . . .	\$36,704
28	Sergeant. . . . .	\$40,880
29	First Sergeant. . . . .	\$42,968
30	Lieutenant. . . . .	\$47,144
31	Captain. . . . .	\$49,232
32	Major. . . . .	\$51,320
33	Lieutenant Colonel. . . . .	\$53,408
34	Colonel. . . . .	

35 Beginning July 1, 2011, and continuing thereafter, natural  
36 resources police officers shall be paid the minimum annual  
37 salaries based on the following schedule:

38 ANNUAL SALARY SCHEDULE (BASE PAY)  
39 SUPERVISORY AND NONSUPERVISORY RANKS

40	Natural Resources Police Officer In Training	
41	(first year until end of probation). . . . .	\$31,222
42	Natural Resources Police Officer (second year). . .	\$34,881
43	Natural Resources Police Officer (third year). . . .	\$35,277
44	Senior Natural Resources Police Officer	
45	(fourth and fifth year). . . . .	\$35,601
46	Senior Natural Resources Police Officer First Class	
47	(after fifth year). . . . .	\$37,797
48	Senior Natural Resources Police Officer	
49	(after tenth year). . . . .	\$38,397
50	Senior Natural Resources Police Officer	
51	(after fifteenth year) . . . . .	\$38,833
52	Corporal (after sixteenth year). . . . .	\$42,105
53	Sergeant. . . . .	\$46,401
54	First Sergeant. . . . .	\$48,549
55	Lieutenant. . . . .	\$52,857
56	Captain. . . . .	\$55,005
57	Major. . . . .	\$57,153
58	Lieutenant Colonel. . . . .	\$59,301
59	Colonel. . . . .	

60 Natural resources police officers in service at the time the  
61 amendment to this section becomes effective shall be given  
62 credit for prior service and shall be paid salaries the same  
63 length of service entitles them to receive under the provisions  
64 of this section.

65 (c) This section does not apply to special or emergency  
66 natural resources police officers appointed under the  
67 authority of section one of this article.

68 (d) Nothing in this section prohibits other pay increases  
69 as provided under section two, article five, chapter five of  
70 this code: *Provided*, That any across-the-board pay increase  
71 granted by the Legislature or the Governor will be added to,  
72 and reflected in, the minimum salaries set forth in this  
73 section; and that any merit increases granted to an officer  
74 over and above the annual salary schedule listed in  
75 subsection (b) of this section are retained by an officer when  
76 he or she advances from one rank to another: *Provided*,  
77 *however*, That any natural resources police officer who  
78 receives an increase in compensation pursuant to the  
79 amendment and reenactment of this section in 2011 shall not  
80 receive any across-the-board pay increase granted by the  
81 Legislature or the Governor in 2011.

## CHAPTER 50. MAGISTRATE COURTS.

### ARTICLE 1. COURTS AND OFFICERS.

#### §50-1-3. Salaries of magistrates.

1 (a) The Legislature finds and declares that:

2 (1) The West Virginia Supreme Court of Appeals has  
3 held that a salary system for magistrates which is based upon  
4 the population that each magistrate serves does not violate  
5 the equal protection clause of the Constitution of the United  
6 States;

7 (2) The West Virginia Supreme Court of Appeals has held  
8 that a salary system for magistrates which is based upon the  
9 population that each magistrate serves does not violate section  
10 thirty-nine, article VI of the Constitution of West Virginia;

11 (3) The utilization of a two-tiered salary schedule for  
12 magistrates is an equitable and rational manner by which  
13 magistrates should be compensated for work performed;

14           (4) Organizing the two tiers of the salary schedule into  
15 one tier for magistrates serving less than eight thousand four  
16 hundred in population and the second tier for magistrates  
17 serving eight thousand four hundred or more in population is  
18 rational and equitable given current statistical information  
19 relating to population and caseload; and

20           (5) That all magistrates who fall under the same tier  
21 should be compensated equally.

22           (b) The salary of each magistrate shall be paid by the  
23 state. Magistrates who serve fewer than eight thousand four  
24 hundred in population shall be paid annual salaries of thirty  
25 thousand six hundred twenty-five dollars and magistrates  
26 who serve eight thousand four hundred or more in population  
27 shall be paid annual salaries of thirty-seven thousand dollars:  
28 *Provided*, That on and after the first day of July, two  
29 thousand three, magistrates who serve fewer than eight  
30 thousand four hundred in population shall be paid annual  
31 salaries of thirty-three thousand six hundred twenty-five  
32 dollars and magistrates who serve eight thousand four  
33 hundred or more in population shall be paid annual salaries  
34 of forty thousand dollars: *Provided, however*, That on and  
35 after the first day of July, two thousand five, magistrates who  
36 serve fewer than eight thousand four hundred in population  
37 shall be paid annual salaries of forty-three thousand six  
38 hundred twenty-five dollars and magistrates who serve eight  
39 thousand four hundred or more in population shall be paid  
40 annual salaries of fifty thousand dollars. *Provided further*,  
41 That on and after the first day of July, 2011, magistrates who  
42 serve fewer than eight thousand four hundred in population  
43 shall be paid annual salaries of \$51,125 and magistrates who  
44 serve eight thousand four hundred or more in population shall  
45 be paid annual salaries of \$57,500.

46           (c) For the purpose of determining the population served  
47 by each magistrate, the number of magistrates authorized for

48 each county shall be divided into the population of each  
49 county. For the purpose of this article, the population of each  
50 county is the population as determined by the last preceding  
51 decennial census taken under the authority of the United  
52 States government.

## **CHAPTER 51. COURTS AND THEIR OFFICERS.**

### **ARTICLE 1. SUPREME COURT OF APPEALS.**

#### **§51-1-10a. Salary of justices.**

1 The salary of each of the justices of the Supreme Court  
2 of Appeals shall be \$95,000 per year: *Provided*, That  
3 beginning July, 1, 2005, the salary of each of the justices of  
4 the Supreme Court shall be \$121,000: *Provided, however*,  
5 That beginning July 1, 2011, the annual salary of a justice of  
6 the Supreme Court shall be \$136,000.

### **ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.**

#### **§51-2-13. Salaries of judges of circuit courts.**

1 The salaries of the judges of the various circuit courts  
2 shall be paid solely out of the State Treasury. No county,  
3 county commission, board of commissioners or other  
4 political subdivision shall supplement or add to such salaries.

5 The annual salary of all circuit judges shall be \$90,000  
6 per year: *Provided*, That beginning July 1, 2005, the annual  
7 salary of all circuit judges shall be \$116,000 per year:  
8 *Provided, however*, That beginning July 1, 2011, the annual  
9 salary of a circuit court judge shall be \$126,000.



**ARTICLE 2A. FAMILY COURTS.****§51-2A-6. Compensation and expenses of family court judges and their staffs.**

1 (a) A family court judge is entitled to receive as  
2 compensation for his or her services an annual salary of  
3 \$62,500: *Provided*, That beginning July 1, 2005, a family  
4 court judge is entitled to receive as compensation for his or  
5 her services an annual salary of \$82,500: *Provided, however*,  
6 That beginning July 1, 2011, the annual salary of a family  
7 court judge shall be \$94,500.

8 (b) The secretary-clerk of the family court judge is  
9 appointed by the family court judge and serves at his or her  
10 will and pleasure. The secretary-clerk of the family court  
11 judge is entitled to receive an annual salary of \$27,036:  
12 *Provided*, That on and after July 1, 2006, the annual salary of  
13 the secretary-clerk shall be established by the administrative  
14 director of the Supreme Court of Appeals, but may not  
15 exceed \$35,000. In addition, any person employed as a  
16 secretary-clerk to a family court judge on the effective date  
17 of the enactment of this section during the sixth extraordinary  
18 session of the Legislature in the year 2001 who is receiving  
19 an additional \$500 per year up to ten years of a certain period  
20 of prior employment under the provisions of the prior  
21 enactment of section eight of this article during the second  
22 extraordinary session of the Legislature in the year 1999 shall  
23 continue to receive such additional amount. Further, the  
24 secretary-clerk will receive such percentage or proportional  
25 salary increases as may be provided by general law for other  
26 public employees and is entitled to receive the annual  
27 incremental salary increase as provided in article five,  
28 chapter five of this code.

29 (c) The family court judge may employ not more than  
30 one family case coordinator who serves at his or her will and  
31 pleasure. The annual salary of the family case coordinator of  
32 the family court judge shall be established by the

33 Administrative Director of the Supreme Court of Appeals but  
34 may not exceed \$36,000: *Provided*, That on and after July 1,  
35 2006, the annual salary of the family case coordinator of the  
36 family court judge may not exceed \$46,060. The family case  
37 coordinator will receive such percentage or proportional  
38 salary increases as may be provided by general law for other  
39 public employees and is entitled to receive the annual  
40 incremental salary increase as provided in article five,  
41 chapter five of this code.

42 (d) The sheriff or his or her designated deputy shall serve  
43 as a bailiff for a family court judge. The sheriff of each  
44 county shall serve or designate persons to serve so as to  
45 assure that a bailiff is available when a family court judge  
46 determines the same is necessary for the orderly and efficient  
47 conduct of the business of the family court.

48 (e) Disbursement of salaries for family court judges and  
49 members of their staffs are made by or pursuant to the order  
50 of the Director of the Administrative Office of the Supreme  
51 Court of Appeals.

52 (f) Family court judges and members of their staffs are  
53 allowed their actual and necessary expenses incurred in the  
54 performance of their duties. The expenses and compensation  
55 will be determined and paid by the Director of the  
56 Administrative Office of the Supreme Court of Appeals  
57 under such guidelines as he or she may prescribe, as  
58 approved by the Supreme Court of Appeals.

59 (g) Notwithstanding any other provision of law, family  
60 court judges are not eligible to participate in the retirement  
61 system for judges under the provisions of article nine of this  
62 chapter.

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**CHAPTER 155**

**(Com. Sub. for S. B. 256 - By Senators Beach,  
Jenkins, Miller, Nohe, Klempa and Barnes)**

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[Passed March 7, 2011; in effect from passage.]  
[Approved by the Governor on March 18, 2011.]

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AN ACT to amend and reenact §15-12-10 of the Code of West Virginia, 1931, as amended, relating to requiring sex offenders to verify information to the State Police; and expanding information to be provided, including online information.

*Be it enacted by the Legislature of West Virginia:*

That §15-12-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 12. SEX OFFENDER REGISTRATION ACT.**

**§15-12-10. Address and online information verification.**

1 All registrants, including those for whom there has been  
 2 no change in registration information since their initial  
 3 registration or previous address verification, must report, in  
 4 the month of their birth, or in the case of a sexually violent  
 5 predator in the months of January, April, July and October,  
 6 to the State Police detachment in their county or counties of  
 7 registration and must respond to all verification inquiries and  
 8 informational requests, including but not limited to requests  
 9 for online information made by the State Police pursuant to  
 10 this section. The State Police shall verify addresses of those

11 persons registered as sexually violent predators every ninety  
12 days and all other registered persons once a year. As used in  
13 this section, the term “online information” shall mean all  
14 information required by subdivision (8), subsection (d),  
15 section two, article twelve, chapter fifteen of this code. The  
16 State Police may require registrants to periodically submit to  
17 new fingerprints and photographs as part of the verification  
18 process. The method of verification shall be in accordance  
19 with internal management rules pertaining thereto  
20 promulgated by the superintendent under authority of section  
21 twenty-five, article two, chapter fifteen of this code.

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## CHAPTER 156

**(Com. Sub. for H. B. 2525 - By Delegates  
Morgan, Stephens, Hatfield, Martin,  
Staggers, Swartzmiller, and C. Miller)**

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[Amended and again passed in an effort to meet the objections  
of the Governor, March 28, 2011; in effect from passage.]  
[Approved by the Governor on April 5, 2011.]

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AN ACT to repeal §30-30-8a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-30-1, §30-30-2, §30-30-3, §30-30-4, §30-30-5, §30-30-6, §30-30-7, §30-30-8, §30-30-9, §30-30-10, §30-30-11 and §30-30-12 of said code; and to amend said code by adding thereto seventeen new sections, designated §30-30-13, §30-30-14, §30-30-15, §30-30-16, §30-30-17, §30-30-18, §30-30-19, §30-30-20, §30-30-21, §30-30-22, §30-30-23, §30-30-24, §30-30-25, §30-30-26, §30-30-27, §30-30-28 and §30-30-29, all relating to the practice of social work; prohibiting the practice of social work without a license; setting forth applicable law; defining

terms; continuing and renaming board; providing for board composition, appointments, qualifications, terms of office, filling of vacancies and holding meetings; providing for compensation and reimbursement for board members; setting forth the powers and duties of the board; clarifying rulemaking authority; continuing a special revenue account; establishing licensure requirements for independent clinical social workers, certified social workers, licensed graduate social workers and social workers; setting forth scopes of practice for independent clinical social workers, certified social workers, licensed graduate social workers and social workers; providing for provisional licenses; establishing qualifications and scope of practice for provisional licenses; providing exemptions from licensure; providing temporary exemption for persons licensed in another state; establishing licensure renewal requirements; establishing delinquent, expired and inactive license requirements; providing temporary permit requirements; requiring license to be displayed; providing for privileged communications and exceptions; providing the board may issue notices to cease and desist; providing that circuit courts may issue injunctions; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for the investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; and providing for criminal penalties.

*Be it enacted by the Legislature of West Virginia:*

That §30-30-8a of the Code of West Virginia, 1931, as amended, be repealed; that §30-30-1, §30-30-2, §30-30-3, §30-30-4, §30-30-5, §30-30-6, §30-30-7, §30-30-8, §30-30-9, §30-30-10, §30-30-11 and §30-30-12 of said code be amended and reenacted; and that said code be amended by adding thereto seventeen new sections, designated §30-30-13, §30-30-14, §30-30-15, §30-30-16, §30-30-17, §30-30-18, §30-30-19, §30-30-20, §30-30-21, §30-30-22, §30-30-23, §30-30-24, §30-30-25, §30-30-26, §30-30-27, §30-30-28 and §30-30-29, all to read as follows:

**ARTICLE 30. SOCIAL WORKERS.****§30-30-1. Unlawful acts.**

1 (a) It is unlawful for any person to practice or offer to  
2 practice social work in this state without a license or permit  
3 issued under this article, or advertise or use any title or  
4 description tending to convey the impression that the person  
5 is a social worker, unless the person has been licensed or  
6 permitted under this article, and the license or permit has not  
7 expired, been suspended or revoked.

8 (b) No business entity, except through a licensee, may  
9 render any service or engage in any activity which if rendered  
10 or engaged in by an individual, would constitute the practices  
11 regulated under this article.

**§30-30-2. General provisions.**

1 The practices regulated under this article and the Board  
2 of Social Work are subject to article one of this chapter, this  
3 article, and any rules promulgated hereunder.

**§30-30-3. Definitions.**

1 As used in this article:

2 (1) "Applicant" means any person making application for  
3 a license or a permit under this article.

4 (2) "Board" means the Board of Social Work.

5 (3) "Business entity" means any firm, partnership,  
6 association, company, corporation, limited partnership,  
7 limited liability company or other entity providing social  
8 work services.

9           (4) “Code of Ethics” means the Code of Ethics of the  
10 National Association of Social Workers.

11           (5) “General Supervision” means the supervising social  
12 worker provides instructions and oversight for services and  
13 is easily accessible.

14           (6) “Indirect supervision” means the performance of an  
15 action after instruction from a supervising social worker.

16           (7) “License” means a license issued under this article.  
17 A license does not mean a provisional license issued under  
18 this article.

19           (8) “Licensee” means a person holding a license under  
20 this article. A licensee does not mean a person provisionally  
21 licensed under this article.

22           (9) “Permit” means a temporary permit to practice social  
23 work issued by the board.

24           (10) “Permittee” means a person holding a permit issued  
25 under this article.

26           (11) “Supervising social worker” means a social worker,  
27 who meets the requirements of this article, who assumes  
28 responsibility for the professional care given by a person  
29 authorized by this article to work under his or her general or  
30 indirect supervision.

#### **§30-30-4. Board of Social Work.**

1           (a) The State Board of Social Work Examiners is  
2 continued. On July 1, 2011, the State Board of Social Work  
3 Examiners is renamed the Board of Social Work. The  
4 members of the board in office on July 1, 2011, shall, unless  
5 sooner removed, continue to serve until their respective terms

6 expire and until their successors have been appointed and  
7 qualified.

8 (b) The board shall consist of the following seven  
9 members who are appointed by the Governor with the advice  
10 and consent of the Senate:

11 (1) One independent clinical social worker;

12 (2) Two certified social workers;

13 (3) One graduate social worker;

14 (4) Two social workers; and

15 (5) One citizen member.

16 (c) The terms shall be for five years.

17 (d) Each licensed member of the board, at the time of his  
18 or her appointment, must have held a license in this state for  
19 at least five years.

20 (e) Each member of the board must be a resident of this  
21 state during the appointment term.

22 (f) A member may not serve more than two consecutive  
23 full terms. A member having served two consecutive full  
24 terms may not be appointed for one year after completion of  
25 his or her second full term. A member may continue to serve  
26 until a successor has been appointed and has qualified.

27 (g) A vacancy on the board shall be filled by appointment  
28 by the Governor for the unexpired term of the member whose  
29 office shall be vacant and the appointment shall be made  
30 within sixty days of the vacancy.



31 (h) The Governor may remove any member from the  
32 board for neglect of duty, incompetency or official  
33 misconduct.

34 (i) Any member of the board immediately and  
35 automatically forfeits his or her membership if his or her  
36 license to practice is suspended or revoked by the board, is  
37 convicted of a felony under the laws of any jurisdiction, or  
38 becomes a nonresident of this state.

39 (j) The board shall elect annually one of its members as  
40 chairperson who serves at the will of the board.

41 (k) Each member of the board is entitled to compensation  
42 and expense reimbursement in accordance with article one of  
43 this chapter.

44 (l) A majority of the members of the board constitutes a  
45 quorum.

46 (m) The board shall hold at least two meetings annually.  
47 Other meetings may be held at the call of the chairperson or  
48 upon the written request of four members, at the time and  
49 place as designated in the call or request.

50 (n) Prior to commencing his or her duties as a member of  
51 the board, each member shall take and subscribe to the oath  
52 required by section five, article four of the Constitution of  
53 this state.

#### **§30-30-5. Powers and duties of the board.**

1 (a) The board has all the powers and duties set forth in  
2 this article, by rule, in article one of this chapter and  
3 elsewhere in law.

4 (b) The board shall:

- 5           (1) Hold meetings;
- 6           (2) Establish requirements for licenses and permits;
- 7           (3) Establish procedures for submitting, approving and  
8 rejecting applications for licenses and permits;
- 9           (4) Determine the qualifications of an applicant for  
10 licenses and permits;
- 11          (5) Maintain records of the examinations the board or a  
12 third party administers, including the number of persons  
13 taking the examinations and the pass and fail rate;
- 14          (6) Hire, discharge, establish the job requirements and fix  
15 the compensation of the executive director;
- 16          (7) Maintain an office, and hire, discharge, establish the  
17 job requirements and fix the compensation of employees,  
18 investigators and contracted employees necessary to enforce  
19 this article;
- 20          (8) Investigate alleged violations of this article,  
21 legislative rules, orders and final decisions of the board;
- 22          (9) Conduct disciplinary hearings of persons regulated by  
23 the board;
- 24          (10) Determine disciplinary action and issue orders;
- 25          (11) Institute appropriate legal action for the enforcement  
26 of this article;
- 27          (12) Maintain an accurate registry of names and  
28 addresses of all persons regulated by the board;
- 29          (13) Keep accurate and complete records of its  
30 proceedings, and certify the same as may be necessary and  
31 appropriate;

32 (14) Establish the continuing education requirements for  
33 licensees;

34 (15) Issue, renew, combine, deny, suspend, revoke or  
35 reinstate licenses and permits;

36 (16) Establish a fee schedule;

37 (17) Propose rules in accordance with article three,  
38 chapter twenty-nine-a of this code to implement this article;  
39 and

40 (18) Take all other actions necessary and proper to  
41 implement this article.

42 (c) The board may:

43 (1) Contract with third parties to administer the  
44 examinations required under this article;

45 (2) Sue and be sued in its official name as an agency of  
46 this state; and

47 (3) Confer with the Attorney General or his or her  
48 assistant in connection with legal matters and questions.

### §30-30-6. Rulemaking.

1 (a) The board shall propose rules for legislative approval,  
2 in accordance with article three, chapter twenty-nine-a of this  
3 code, to implement this article, including:

4 (1) Additional standards and requirements for licenses  
5 and permits;

6 (2) Requirements for third parties to prepare and/or  
7 administer examinations and reexaminations;

8 (3) Educational and experience requirements;

- 9           (4) Standards for approval of courses and curriculum;
- 10          (5) Procedures for the issuance and renewal of licenses  
11 and permits;
- 12          (6) A fee schedule;
- 13          (7) Continuing education requirements for licensees;
- 14          (8) Qualifications for supervisors; providing type of  
15 required supervision; requirements that shall be included  
16 within a supervisory plan; and detailed periodic  
17 documentation and successful completion of supervision  
18 required;
- 19          (9) Baccalaureate degrees related to social work;
- 20          (10) Establish critical social work workforce shortage  
21 positions, setting, areas or fields of practice;
- 22          (11) Establishing credentialing guidelines identifying  
23 advanced social work practice in existing and emerging  
24 specializations, skills and settings;
- 25          (12) The procedures for denying, suspending, revoking,  
26 reinstating or limiting the practice of licensees and permittees;
- 27          (13) Requirements for inactive or revoked licenses and  
28 permits; and
- 29          (14) Any other rules necessary to implement this article.
- 30          (b) All of the board's rules in effect on January 1, 2011,  
31 shall remain in effect until they are amended or repealed, and  
32 references to former enactments of this article are interpreted  
33 to be consistent with this article.

**§30-30-7. Fees; special revenue account; administrative fines.**

1 (a) All fees in effect, shall remain in effect until they are  
2 amended or repealed by legislative rule or statute.

3 (b) All fees and other moneys, except administrative  
4 fines, received by the board shall be deposited in a separate  
5 special revenue fund in the State Treasury designated the  
6 “Board of Social Work Fund”, which is continued. The fund  
7 is used by the board for the administration of this article.  
8 Except as may be provided in article one of this chapter, the  
9 board retains the amount in the special revenue account from  
10 year to year. No compensation or expense incurred under  
11 this article is a charge against the General Revenue Fund.

12 (c) Any amount received as fines, imposed pursuant to  
13 this article, shall be deposited into the General Revenue Fund  
14 of the State Treasury.

**§30-30-8. License to practice as an independent clinical social worker.**

1 To be eligible for a license to practice as an independent  
2 clinical social worker, the applicant must:

3 (1) Submit an application to the board;

4 (2) Be at least eighteen years of age;

5 (3) Be of good moral character;

6 (4) Have obtained a master’s degree from a school of  
7 social work accredited by the council on social work  
8 education that included a concentration of clinically oriented  
9 course work as defined by the board;

10 (5) Have completed a supervised clinical field placement  
11 at the graduate level, or post-master’s clinical training that is  
12 found by the board to be equivalent;

13           (6) Have practiced clinical social work for at least two  
14 years in full-time employment, or three thousand hours under  
15 the supervision of an independent clinical social worker, or  
16 clinical supervision that is found by the board to be  
17 equivalent;

18           (7) Have passed an examination approved by the board;

19           (8) Have satisfied the board that he or she merits the  
20 public trust by providing the board with three letters of  
21 recommendation from persons not related to the applicant;

22           (9) Not be an alcohol or drug abuser, as these terms are  
23 defined in section eleven, article one-a, chapter twenty-seven  
24 of this code: *Provided*, That an applicant in an active  
25 recovery process, which may, in the discretion of the board,  
26 be evidenced by participation in an acknowledged substance  
27 abuse treatment and/or recovery program may be considered;

28           (10) Not have been convicted of a felony in any  
29 jurisdiction within five years preceding the date of  
30 application for license which conviction remains unreversed;

31           (11) Not have been convicted of a misdemeanor or felony  
32 in any jurisdiction if the offense for which he or she was  
33 convicted related to the practice of social work, which  
34 conviction remains unreversed; and

35           (12) Meet any other requirements established by the  
36 board.

**§30-30-9. Scope of practice for an independent clinical social  
worker.**

1           A clinical social worker may:

2           (1) Perform all duties within the scope of practice of a  
3 licensed certified social worker, licensed graduate social  
4 worker, and licensed social worker.

5           (2) Apply social work theory, methods, assessment,  
6 ethics and the professional use of self to the diagnosis,  
7 treatment and prevention of psychological dysfunction,  
8 disability or impairment, including emotional and mental  
9 disorders and developmental disabilities.

10           (3) Clinical social work practice is based on knowledge  
11 of one or more theories of biological, psychological and  
12 social development, normal human behavior,  
13 psychopathology, the causes and effects of physical illness  
14 and disability, unconscious motivation, interpersonal  
15 relationships, family dynamics, environmental stress, social  
16 systems and cultural diversity with particular attention to the  
17 person existing as a combination of biological, psychological  
18 and social elements in his or her environment.

19           (4) Clinical social work includes interventions directed  
20 to interpersonal interactions, intrapsychic dynamics and  
21 life-support and management issues.

22           (5) Clinical social work services consist of assessment,  
23 diagnosis, treatment, including psychotherapy and  
24 counseling, client-centered advocacy, consultation and  
25 evaluation. The process of clinical social work is undertaken  
26 within the objectives of the social work profession and the  
27 principles and values of its code of ethics.

**§30-30-10. License to practice as a certified social worker.**

1           (a) To be eligible for a license to practice as certified  
2 social worker, the applicant must:

3           (1) Submit an application to the board;

4           (2) Be at least eighteen years of age;

5           (3) Be of good moral character;

6 (4) Have obtained a master's degree from a school of  
7 social work accredited by the council on social work  
8 education;

9 (5) Have practiced social work for at least two-years  
10 post-master's experience in full-time employment or earned  
11 three thousand hours of post-masters social work experience;

12 (6) Have passed an examination approved by the board;

13 (7) Have satisfied the board that he or she merits the  
14 public trust by providing the board with three letters of  
15 recommendation from persons not related to the applicant;

16 (8) Not be an alcohol or drug abuser, as these terms are  
17 defined in section eleven, article one-a, chapter twenty-seven  
18 of this code: *Provided*, That an applicant in an active  
19 recovery process, which may, in the discretion of the board,  
20 be evidenced by participation in an acknowledged substance  
21 abuse treatment and/or recovery program may be considered;

22 (9) Not have been convicted of a felony in any  
23 jurisdiction within five years preceding the date of  
24 application for license which conviction remains unreversed;

25 (10) Not have been convicted of a misdemeanor or  
26 felony in any jurisdiction if the offense for which he or she  
27 was convicted related to the practice of social work, which  
28 conviction remains unreversed; and

29 (11) Meet other additional requirements as established  
30 by the board.

31 (b) A certified social worker may engage in the practice  
32 of clinical social work, if that certified social worker has:

33 (1) Obtained a master's degree from a school of social  
34 work accredited by the council on social work education that



35 included a concentration of clinically oriented course work as  
36 defined by the board;

37 (2) Has completed a supervised clinical field placement  
38 at the graduate level, or post-master's clinical training that is  
39 found by the board to be equivalent;

40 (3) Has contracted, in writing, with a licensed clinical  
41 social worker who shall assume responsibility for and  
42 supervise the certified social worker's practice as directed by  
43 the board by promulgation of legislative rules;

44 (4) Is an employee of an institution or organization in  
45 which the certified social worker has no direct or indirect  
46 interest other than employment.

47 (c) A certified social worker may not practice clinical  
48 social work until his or her contract has been approved by the  
49 board, and shall cease the practice of clinical social work  
50 immediately upon the termination of the contract. At the  
51 termination of the contract, the certified social worker shall  
52 apply for licensure as a licensed clinical social worker or  
53 request an extension of the contract from the board.

**§30-30-11. Scope of practice for a licensed certified social  
worker.**

1 A licensed certified social worker may:

2 (1) Perform all duties within the scope of practice of a  
3 licensed graduate social worker and licensed social worker;

4 (2) Apply social work theory and methods to the  
5 diagnosis, treatment and prevention of psychological  
6 dysfunction, disability or impairment, including emotional  
7 and mental disorders and developmental disabilities; and

- 8       (3) Determine behavioral health diagnosis, using  
9       diagnostic taxonomies commonly accepted across disciplines  
10      among behavioral health professionals.

**§30-30-12. License to practice as a licensed graduate social worker.**

1       (a) To be eligible for a license to practice as a graduate  
2       social worker, the applicant must:

3       (1) Submit an application to the board;

4       (2) Be at least eighteen years of age;

5       (3) Be of good moral character;

6       (4) Have obtained a master's degree from a school of  
7       social work accredited by the council on social work  
8       education;

9       (5) Have passed an examination approved by the board;

10      (6) Have satisfied the board that he or she merits the  
11      public trust by providing the board with three letters of  
12      recommendation from persons not related to the applicant;

13      (7) Not be an alcohol or drug abuser, as these terms are  
14      defined in section eleven, article one-a, chapter twenty-seven  
15      of this code: *Provided*, That an applicant in an active  
16      recovery process, which may, in the discretion of the board,  
17      be evidenced by participation in an acknowledged substance  
18      abuse treatment and/or recovery program may be considered;

19      (8) Not have been convicted of a felony in any  
20      jurisdiction within five years preceding the date of  
21      application for license which conviction remains unreversed;

22           (9) Not have been convicted of a misdemeanor or felony  
23 in any jurisdiction if the offense for which he or she was  
24 convicted related to the practice of social work, which  
25 conviction remains unreversed; and

26           (10) Meet any other requirements established by the board.

27           (b) A licensed graduate social worker may engage in the  
28 practice of clinical social work, if he or she has:

29           (1) Obtained a master's degree from a school of social  
30 work accredited by the council on social work education that  
31 included a concentration of clinically oriented course work as  
32 defined by the board;

33           (2) Has completed a supervised clinical field placement  
34 at the graduate level, or post-master's clinical training that is  
35 found by the board to be equivalent;

36           (3) Has contracted, in writing, with a licensed clinical  
37 social worker who shall assume responsibility for and  
38 supervise the certified social worker's practice as directed by  
39 the board by promulgation of legislative rules;

40           (4) Be employed by an institution or organization in  
41 which the graduate social worker has no direct or indirect  
42 interest other than employment.

43           (c) A graduate social worker may not practice clinical  
44 social work until this contract has been approved by the  
45 board, and shall cease the practice of clinical social work  
46 immediately upon the termination of the contract. At the  
47 termination of the contract, the graduate social worker shall  
48 apply for licensure as a licensed independent clinical social  
49 worker or request an extension of the contract from the  
50 board.

**§30-30-13. Scope of practice for a licensed graduate social worker.**

1 A licensed graduate social worker may perform all duties  
2 within the scope of practice of a licensed social worker and  
3 provisional social worker as well as:

4 (1) Appropriately conduct social work education,  
5 formally teaching social work theory and methodology to  
6 bachelor's and master's level social work students.

7 (2) Conduct clinical or psychotherapeutic services, under  
8 the clinical supervision of another experienced and  
9 credentialed behavioral health professional, including  
10 individual, family and group methodologies.

**§30-30-14. License to practice as a social worker.**

1 To be eligible for a license to practice as a social worker,  
2 the applicant must:

3 (1) Submit an application to the board;

4 (2) Be at least eighteen years of age;

5 (3) Be of good moral character;

6 (4) Have a baccalaureate degree in social work from a  
7 program accredited by the council on social work education;

8 (5) Have passed an examination approved by the board;

9 (6) Have satisfied the board that he or she merits the  
10 public trust by providing the board with three letters of  
11 recommendation from persons not related to the applicant;

12 (7) Not be an alcohol or drug abuser, as these terms are  
13 defined in section eleven, article one-a, chapter twenty-seven  
14 of this code: *Provided*, That an applicant in an active

15 recovery process, which may, in the discretion of the board,  
16 be evidenced by participation in an acknowledged substance  
17 abuse treatment and/or recovery program may be considered;

18 (8) Not have been convicted of a felony in any  
19 jurisdiction within five years preceding the date of  
20 application for license which conviction remains unreversed;

21 (9) Not have been convicted of a misdemeanor or felony  
22 in any jurisdiction if the offense for which he or she was  
23 convicted related to the practice of social work, which  
24 conviction remains unreversed; and

25 (10) Meet any other requirements established by the  
26 board.

### **§30-30-15. Scope of Practice for a Social Worker.**

1 (a) A licensed social worker may perform all duties  
2 within the scope of practice of a provisional social worker as  
3 well as:

4 (1) Apply social work theory, knowledge, methods, ethics  
5 and the professional use of self in social work practice  
6 including assessment, planning, intervention, counseling,  
7 evaluation, and case management supervision;

8 (2) Provide social advocacy activities, designed to  
9 influence social service systems and social policies in the  
10 direction of reduced disparities in social and distributive  
11 justice, especially for at risk and socially or economically  
12 disadvantaged populations;

13 (3) Community organization activities, designed to assist  
14 client systems at the community level to achieve desirable  
15 social or policy change toward goals of enhanced civic  
16 functioning and improved environmental responsiveness to  
17 client quality of life issues;

18 (4) Administration and program development, designed  
19 to develop, structure and, oversee social service systems at  
20 the organizational level; and

21 (5) Training activities, designed to assist clients or client  
22 systems with skill development deemed desirable to restore  
23 or enhance social functioning or adaptation; or, to assist less  
24 experienced social workers with professional skill  
25 development.

26 (b) A licensed social worker with a baccalaureate degree  
27 or master's degree in social work from a program accredited  
28 by the council on social work education and two years of  
29 experience, may supervise a provisionally licensed social  
30 worker.

**§30-30-16. Provisional License to practice as a social worker.**

1 (a) To be eligible for a provisional license to practice as  
2 a social worker, the applicant must:

3 (1) Submit an application to the board;

4 (2) Be at least eighteen years of age;

5 (3) Be of good moral character;

6 (4) Have a baccalaureate degree in a related field, as  
7 provided by legislative rule;

8 (5) Have obtained regular supervised employment, or the  
9 reasonable promise of regular supervised employment  
10 contingent upon receiving a provisional license, in a critical  
11 social work workforce shortage position, area or setting  
12 requiring a social work license: *Provided*, That such  
13 employment shall not as an independent practitioner,

14 contracted employee, sole proprietor, consultant, or other  
15 nonregular employment;

16 (6) Have satisfied the board that he or she merits the  
17 public trust by providing the board with three letters of  
18 recommendation from persons not related to the applicant;

19 (7) Not be an alcohol or drug abuser, as these terms are  
20 defined in section eleven, article one-a, chapter twenty-seven  
21 of this code: *Provided*, That an applicant in an active  
22 recovery process, which may, in the discretion of the board,  
23 be evidenced by participation in an acknowledged substance  
24 abuse treatment and/or recovery program may be considered;

25 (8) Not have been convicted of a felony in any  
26 jurisdiction within five years preceding the date of  
27 application for license which conviction remains unreversed;

28 (9) Not have been convicted of a misdemeanor or felony  
29 in any jurisdiction if the offense for which he or she was  
30 convicted related to the practice of social work, which  
31 conviction remains unreversed; and

32 (10) Meet any other requirements established by the  
33 board.

34 (b) A provisionally licensed social worker may become  
35 a licensed social worker, by completing the following:

36 (1) Be continuously employed for four years as a social  
37 worker and supervised. The board shall promulgate by  
38 legislative rule the supervision requirements;

39 (2) Complete twelve credit hours of core social work  
40 study from a program accredited by the council on social  
41 work education, as defined by legislative rule, within the  
42 four-year provisional license period;

43 (3) Complete continuing education as required by  
44 legislative rule; and

45 (4) Pass an examination approved by the board.

46 (c) A provisionally licensed social worker or a person  
47 previously licensed as a provisionally licensed social worker  
48 may not reapply for licensure through this process if the  
49 process is not completed.

**§30-30-17. Scope of practice for a provisionally licensed social  
worker.**

1 A provisionally licensed social worker may perform all  
2 of the following functions and social work services under  
3 supervision:

4 (1) Multi-dimensional assessment of client or client  
5 system strengths and problems with functioning or  
6 psychosocial adaptation, not including formal mental health  
7 diagnosis.

8 (2) Service planning and contracting with clients or  
9 clients systems to outline proposed interventive strategies for  
10 clients or client systems in order to restore or enhance social,  
11 psychosocial, or biopsychosocial functioning;

12 (3) Implementing service plans and problem solving  
13 methodologies to restore or enhance social, psychosocial or  
14 biopsychosocial functioning of clients or client systems;

15 (4) Supportive and palliative counseling activities,  
16 designed to offer comfort and social encouragement to clients  
17 or client systems, not including psychotherapy;

18 (5) Preventive strategies such as psychoeducation and  
19 consciousness raising for at-risk systems or populations,



20 designed to forestall difficulties with functioning and  
21 psychosocial adaptation;

22 (6) Case management activities designed to assist clients  
23 or client systems with gaining access to needed resources and  
24 services and to assist with coordination of services in  
25 situations where multiple providers may be involved with  
26 client care;

27 (7) Information and referral services; and

28 (8) Personal practice assessment designed to assess and  
29 document outcomes and effectiveness of one's practice.

**§30-30-18. Exemptions from this article.**

1 The following persons are exempt from licensure, unless  
2 specifically stated in writing by the employer:

3 (1) A person employed as the director or administrative  
4 head of a social service agency or division, or applicants for  
5 employment to be licensed;

6 (2) Licensed or qualified members of other professions,  
7 such as physicians, psychologists, lawyers, counselors,  
8 clergy, educators, or the general public engaged in social  
9 work-like activities, from doing social work consistent with  
10 their training if they do not hold themselves out to the public  
11 by a title or description incorporating the words "licensed  
12 social worker" or "licensed clinical social worker" or a  
13 variation thereof;

14 (3) An employer from performing social work-like  
15 activities performed solely for the benefit of employees;

16 (4) Activities and services of a student, intern, or resident  
17 in social work pursuing a course of study at an accredited

18 university or college or working in a generally recognized  
19 training center if the activities and services constitute a part  
20 of the supervised course of study; and

21 (5) Pending disposition of the application for a license,  
22 activities and services by a person who has recently become  
23 a resident of this state, has applied for a license within ninety  
24 days of taking up residency in this state, and is licensed to  
25 perform the activities and services in the state of former  
26 residence.

**§30-30-19. Renewal of license.**

1 (a) All licenses are effective on the date of issuance from  
2 the board and shall expire in twenty-four months and the  
3 number of days remaining in the month after the date the  
4 license was issued.

5 (b) The board shall charge a fee for each renewal of a  
6 license and shall charge a late fee for any renewal not paid by  
7 the due date.

8 (c) The board shall require as a condition of renewal that  
9 each licensee complete continuing education.

10 (d) The board may deny an application for renewal for  
11 any reason which would justify the denial of an original  
12 application for a license.

13 (e) A provisional licensee shall provide all information  
14 and document progress in completing all requirements for the  
15 board to renew his or her provisional license.

**§30-30-20. Delinquent and expired license requirements.**

1 (a) If a license is not renewed when due, then the board  
2 shall automatically place the licensee on delinquent status.

3 A licensee on delinquent status may not practice social work  
4 in this state.

5 (b) The fee for a person on delinquent status shall  
6 increase at a rate, determined by the board, for each month or  
7 fraction thereof that the renewal fee is not paid, up to a  
8 maximum of thirty-six months.

9 (c) Within thirty-six months of being placed on  
10 delinquent status, if a licensee wants to return to active  
11 practice, he or she must complete all the continuing education  
12 requirements and pay all the applicable fees as set by rule.

13 (d) After thirty-six months of being placed on delinquent  
14 status, a license is automatically placed on expired status and  
15 cannot be renewed. A person whose license has expired must  
16 reapply for a new license.

### **§30-30-21. Inactive license requirements.**

1 (a) A licensee who does not want to continue an active  
2 practice must submit an application and the applicable fee to  
3 be granted inactive status.

4 (b) A person granted inactive status is not subject to the  
5 payment of any fee and may not practice social work in this  
6 state.

7 (c) When the person wants to return to the practice of  
8 social work, the person shall submit an application for  
9 renewal along with all applicable fees as set by rule.

### **§30-30-22. Temporary permit to practice social work.**

1 (a) Upon completion of the application and payment of  
2 the nonrefundable fees, the board may issue a temporary  
3 permit, for a period not to exceed six months, to an applicant

4 to practice in this state, if the applicant has completed the  
5 educational requirements set out in this article, pending the  
6 examination and who works under a supervising social  
7 worker with the scope of the supervision to be defined by  
8 legislative rule. The applicant may renew the permit if the  
9 licensee receives a failing score on the examination.

10 (b) A temporary permit may be revoked by a majority  
11 vote of the board.

**§30-30-23. Display of license.**

1 (a) The board shall prescribe the form for a license and  
2 permit, and may issue a duplicate license or permit upon  
3 payment of a fee.

4 (b) Any person regulated by the article shall  
5 conspicuously display his or her license or permit at his or  
6 her principal business location.

**§30-30-24. Privileged communications.**

1 (a) A licensee may not disclose any information acquired  
2 provided by a client or from persons consulting the licensee  
3 in a professional capacity, except that which may be  
4 voluntarily disclosed under these following circumstances:

5 (1) In the course of formally reporting, conferring or  
6 consulting with administrative superiors, colleagues or  
7 consultants who share professional responsibility, in which  
8 instance all recipients of such information are similarly  
9 bound to regard the communication as privileged;

10 (2) With the written consent of the person who provided  
11 the information;

12 (3) In case of death or disability, with the written consent  
13 of a personal representative, other person authorized to sue,

14 or the beneficiary of an insurance policy on the person's life,  
15 health or physical condition;

16 (4) When a communication reveals the intended  
17 commission of a crime or harmful act and such disclosure is  
18 judged necessary by the social worker to protect any person  
19 from a clear, imminent risk of serious mental or physical  
20 harm or injury, or to forestall a serious threat to the public  
21 safety; or

22 (5) When the person waives the privilege by bringing any  
23 public charges against the licensee.

24 (b) When the person is a minor and the information  
25 acquired by the licensee indicates the minor was the victim  
26 of or witness to a crime, the licensee may be required to  
27 testify in any judicial proceedings in which the commission  
28 of that crime is the subject of inquiry and when the court  
29 determines that the interests of the minor in having the  
30 information held privileged are outweighed by the  
31 requirements of justice.

32 (c) Any person having access to records or anyone who  
33 participates in providing social work services or who, in  
34 providing any human services, is supervised by a licensee, is  
35 similarly bound to regard all information and  
36 communications as privileged in accord with this section.

37 (d) Nothing shall be construed to prohibit a licensee from  
38 voluntarily testifying in court hearings concerning matters of  
39 adoption, child abuse, child neglect or other matters  
40 pertaining to children, elderly, and physically and mentally  
41 impaired adults, except as prohibited under the applicable  
42 state and federal laws.

### §30-30-25. Actions to enjoin violations.

1 (a) If the board obtains information that any person has  
2 engaged in, is engaging in or is about to engage in any act

3 which constitutes or will constitute a violation of this article,  
4 the rules promulgated pursuant to this article, or a final order  
5 or decision of the board, it may issue a notice to the person to  
6 cease and desist in engaging in the act and/or apply to the  
7 circuit court in the county of the alleged violation for an  
8 order enjoining the act.

9 (b) The circuit courts of this state may issue a temporary  
10 injunction pending a decision on the merits, and may issue a  
11 permanent injunction based on its findings in the case.

12 (c) The judgment of the circuit court on an application  
13 permitted by this section is final unless reversed, vacated or  
14 modified on appeal to the West Virginia Supreme Court of  
15 Appeals.

**§30-30-26. Complaints; investigations; due process procedure;  
grounds for disciplinary action.**

1 (a) The board may upon its own motion based on credible  
2 information, and shall upon the written complaint of any  
3 person, cause an investigation to be made to determine  
4 whether grounds exist for disciplinary action under this  
5 article or the legislative rules promulgated pursuant to this  
6 article.

7 (b) Upon initiation or receipt of the complaint, the board  
8 shall provide a copy of the complaint to the licensee or  
9 permittee.

10 (c) After reviewing any information obtained through an  
11 investigation, the board shall determine if probable cause  
12 exists that the licensee or permittee has violated subsection  
13 (g) of this section or rules promulgated pursuant to this  
14 article.

15           (d) Upon a finding that probable cause exists that the  
16 licensee or permittee has violated subsection (g) of this  
17 section or rules promulgated pursuant to this article, the  
18 board may enter into a consent decree or hold a hearing for  
19 the suspension or revocation of the license or permit or the  
20 imposition of sanctions against the licensee or permittee.  
21 Any hearing shall be held in accordance with this article.

22           (e) Any member of the board or the administrator of the  
23 board may issue subpoenas and subpoenas duces tecum to  
24 obtain testimony and documents to aid in the investigation of  
25 allegations against any person regulated by the article.

26           (f) Any member of the board or its administrator may  
27 sign a consent decree or other legal document on behalf of  
28 the board.

29           (g) The board may, after notice and opportunity for  
30 hearing, deny or refuse to renew, suspend, restrict or revoke  
31 the license or permit of, or impose probationary conditions  
32 upon or take disciplinary action against, any licensee or  
33 permittee for any of the following reasons once a violation  
34 has been proven by a preponderance of the evidence:

35           (1) Obtaining a license or permit by fraud,  
36 misrepresentation or concealment of material facts;

37           (2) Being convicted of a felony or other crime involving  
38 moral turpitude;

39           (3) Being guilty of unprofessional conduct which placed  
40 the public at risk, as defined by legislative rule of the board;

41           (4) Intentional violation of a lawful order or legislative  
42 rule of the board;

43           (5) Having had a license or other authorization revoked  
44 or suspended, other disciplinary action taken, or an

45 application for licensure or other authorization revoked or  
46 suspended by the proper authorities of another jurisdiction;

47 (6) Aiding or abetting unlicensed practice; or

48 (7) Engaging in an act while acting in a professional  
49 capacity which has endangered or is likely to endanger the  
50 health, welfare or safety of the public.

51 (h) For the purposes of subsection (g) of this section,  
52 effective July 1, 2011, disciplinary action may include:

53 (1) Reprimand;

54 (2) Probation;

55 (3) Restrictions;

56 (4) Administrative fine, not to exceed \$1,000 per day per  
57 violation;

58 (5) Mandatory attendance at continuing education  
59 seminars or other training;

60 (6) Practicing under supervision or other restriction; or

61 (7) Requiring the licensee or permittee to report to the  
62 board for periodic interviews for a specified period of time.

63 (i) In addition to any other sanction imposed, the board  
64 may require a licensee or permittee to pay the costs of the  
65 proceeding.

**§30-30-27. Procedures for hearing; right of appeal.**

1 (a) Hearings are governed by section eight, article one of  
2 this chapter.



3 (b) The board may conduct the hearing or elect to have an  
4 administrative law judge conduct the hearing.

5 (c) If the hearing is conducted by an administrative law  
6 judge, at the conclusion of a hearing he or she shall prepare  
7 a proposed written order containing findings of fact and  
8 conclusions of law. The proposed order may contain  
9 proposed disciplinary actions if the board so directs. The  
10 board may accept, reject or modify the decision of the  
11 administrative law judge.

12 (d) Any member or the administrator of the board has the  
13 authority to administer oaths, examine any person under oath  
14 and issue subpoenas and subpoenas duces tecum.

15 (e) If, after a hearing, the board determines the licensee  
16 or permittee has violated this article or the board's rules, a  
17 formal written decision shall be prepared which contains  
18 findings of fact, conclusions of law and a specific description  
19 of the disciplinary actions imposed.

### **§30-30-28. Judicial review.**

1 Any licensee or permittee adversely affected by a  
2 decision of the board entered after a hearing may obtain  
3 judicial review of the decision in accordance with section  
4 four, article five, chapter twenty-nine-a of this code, and may  
5 appeal any ruling resulting from judicial review in  
6 accordance with article six, chapter twenty-nine-a of this  
7 code.

### **§30-30-29. Criminal proceedings; penalties.**

1 (a) When, as a result of an investigation under this article  
2 or otherwise, the board has reason to believe that a licensee  
3 or permittee has committed a criminal offense under this

4 article, the board may bring its information to the attention of  
5 an appropriate law-enforcement official.

6 (b) A person violating section one of this article is guilty  
7 of a misdemeanor and, upon conviction thereof, shall be  
8 fined not less than \$100 nor more than \$5,000 or confined in  
9 jail not more than six months, or both fined and confined.

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## CHAPTER 157

**(Com. Sub. for S. B. 238 - By Senators  
Kessler (Acting President) and Hall)  
[By Request of the Executive]**

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[Amended and again passed, in an effort to meet the objections  
of the Governor March 18, 2011; in effect from passage.]  
[Approved by the Governor on March 29, 2011.]

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AN ACT to amend and reenact §4-10-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-1-2 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §9A-1-1, §9A-1-2 and §9A-1-4 of said code; and to amend said code by adding thereto four new sections, designated §9A-1-1a, §9A-1-1b, §9A-1-1c and §9A-1-1d, all relating to organization and authority of state agencies generally; clarifying agencies' structures; redesignating the Division of Veterans' Affairs as the Department of Veterans' Assistance within the executive branch; establishing the office of the secretary and setting forth the powers and duties of the secretary; establishing the time period for review of the Department of Veterans' Assistance by the Joint Standing Committee on Government Organization and the Joint Committee on Government Operations; providing that the Veterans' Council be part of the Department of Veterans'

Assistance; changing name of division from Division of Veteran Affairs to Department of Veterans' Assistance; changing name of council from Veterans' Council to Veterans Council; revising membership requirements for the Veterans' Council; providing that the Department of Veterans' Assistance be supervised by a secretary-level administrator; establishing the salary of the secretary; providing an effective date for redesignation; clarifying the purpose of the Department of Veterans' Assistance; making other changes to the code to comport with the amendment; establishing the salaries of certain public officers and public employees requiring some salary increases to be incremental; establishing internal effective dates related to positions and salary pending transition to department level agency; and providing technical and clerical cleanup.

*Be it enacted by the Legislature of West Virginia:*

That §4-10-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §5F-1-2 of said code be amended and reenacted; that §5F-2-1 of said code be amended and reenacted; that §6-7-2a of said code be amended and reenacted; that §9A-1-1, §9A-1-2 and §9A-1-4 of said code be amended and reenacted; and that said code be amended by adding thereto four new sections, designated §9A-1-1a, §9A-1-1b, §9A-1-1c and §9A-1-1d, all to read as follows:

#### **CHAPTER 4. THE LEGISLATURE.**

#### **ARTICLE 10. PERFORMANCE REVIEW ACT.**

#### **§4-10-8. Schedule of departments for agency review.**

1           (a) Each department shall make a presentation pursuant  
2 to the provisions of this article, to the Joint Standing  
3 Committee and the committee during the first interim  
4 meeting after the regular session of the year in which the  
5 department is to be reviewed pursuant to the schedule set  
6 forth in subsection (b) of this section.

7 (b) An agency review shall be performed on one or more  
8 agencies under the purview of each department at least once  
9 every six years, commencing as follows:

10 (1) 2008, the Department of Administration;

11 (2) 2009, the Department of Education and the Arts, and  
12 the Department of Education, including the Higher Education  
13 Policy Commission and the West Virginia Council for  
14 Community and Technical College Education;

15 (3) 2010, the Department of Revenue and the Department  
16 of Commerce;

17 (4) 2011, the Department of Environmental Protection  
18 and the Department of Military Affairs and Public Safety;

19 (5) 2012, the Department of Health and Human  
20 Resources, including the Bureau of Senior Services;

21 (6) 2013, the Department of Transportation; and

22 (7) 2016, the Department of Veterans' Assistance.

## **CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

### **ARTICLE 1. GENERAL PROVISIONS.**

#### **§5F-1-2. Executive departments created; offices of secretary created.**

1 (a) There are created, within the executive branch of the  
2 state government, the following departments:

3 (1) Department of Administration;

4 (2) Department of Education and the Arts;

- 5 (3) Department of Environmental Protection;
- 6 (4) Department of Health and Human Resources;
- 7 (5) Department of Military Affairs and Public Safety;
- 8 (6) Department of Revenue;
- 9 (7) Department of Transportation;
- 10 (8) Department of Commerce; and
- 11 (9) Effective July 1, 2011, Department of Veterans'
- 12 Assistance.

13 (b) Each department will be headed by a secretary  
 14 appointed by the Governor with the advice and consent of the  
 15 Senate. Each secretary serves at the will and pleasure of the  
 16 Governor.

**ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.**

**\*§5F-2-1. Transfer and incorporation of agencies and boards;  
 funds.**

1 (a) The following agencies and boards, including all of  
 2 the allied, advisory, affiliated or related entities and funds  
 3 associated with any agency or board, are incorporated in and  
 4 administered as a part of the Department of Administration:

5 (1) Building Commission provided in article six, chapter  
 6 five of this code;

7 (2) Public Employees Insurance Agency provided in  
 8 article sixteen, chapter five of this code;

9 (3) Governor's Mansion Advisory Committee provided  
 10 in article five, chapter five-a of this code;

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\*CLERK'S NOTE: This section was also amended by H.B. 2695 (Chapter 68) and Com. Sub. for S.B. 241 (Chapter 158) both of which passed prior to this act.

11 (4) Commission on Uniform State Laws provided in  
12 article one-a, chapter twenty-nine of this code;

13 (5) West Virginia Public Employees Grievance Board  
14 provided in article three, chapter six-c of this code;

15 (6) Board of Risk and Insurance Management provided  
16 in article twelve, chapter twenty-nine of this code;

17 (7) Boundary Commission provided in article  
18 twenty-three, chapter twenty-nine of this code;

19 (8) Public Defender Services provided in article  
20 twenty-one, chapter twenty-nine of this code;

21 (9) Division of Personnel provided in article six, chapter  
22 twenty-nine of this code;

23 (10) The West Virginia Ethics Commission provided in  
24 article two, chapter six-b of this code;

25 (11) Consolidated Public Retirement Board provided in  
26 article ten-d, chapter five of this code; and

27 (12) Real Estate Division provided in article ten, chapter  
28 five-a of this code.

29 (b) The following agencies and boards, including all of  
30 the allied, advisory, affiliated or related entities and funds  
31 associated with any agency or board, are incorporated in and  
32 administered as a part of the Department of Commerce:

33 (1) Division of Labor provided in article one, chapter  
34 twenty-one of this code, which includes:

35 (A) Occupational Safety and Health Review Commission  
36 provided in article three-a, chapter twenty-one of this code;  
37 and

38           (B) Board of Manufactured Housing Construction and  
39 Safety provided in article nine, chapter twenty-one of this  
40 code.

41           (2) Office of Miners' Health, Safety and Training  
42 provided in article one, chapter twenty-two-a of this code.  
43 The following boards are transferred to the Office of Miners'  
44 Health, Safety and Training for purposes of administrative  
45 support and liaison with the Office of the Governor:

46           (A) Board of Coal Mine Health and Safety and Coal  
47 Mine Safety and Technical Review Committee provided in  
48 article six, chapter twenty-two-a of this code;

49           (B) Board of Miner Training, Education and Certification  
50 provided in article seven, chapter twenty-two-a of this code;  
51 and

52           (C) Mine Inspectors' Examining Board provided in  
53 article nine, chapter twenty-two-a of this code.

54           (3) The West Virginia Development Office provided in  
55 article two, chapter five-b of this code;

56           (4) Division of Natural Resources and Natural Resources  
57 Commission provided in article one, chapter twenty of this  
58 code;

59           (5) Division of Forestry provided in article one-a, chapter  
60 nineteen of this code;

61           (6) Geological and Economic Survey provided in article  
62 two, chapter twenty-nine of this code; and

63           (7) Workforce West Virginia provided in chapter  
64 twenty-one-a of this code, which includes:

65           (A) Division of Unemployment Compensation;

66 (B) Division of Employment Service;

67 (C) Division of Workforce Development; and

68 (D) Division of Research, Information and Analysis.

69 (8) Division of Energy provided in article two-f, chapter  
70 five-b of this code.

71 (9) Division of Tourism Commission provided in article  
72 two-h, chapter five-b of this code.

73 (c) The Economic Development Authority provided in  
74 article fifteen, chapter thirty-one of this code is continued as  
75 an independent agency within the executive branch.

76 (d) The Water Development Authority and the Water  
77 Development Authority Board provided in article one,  
78 chapter twenty-two-c of this code is continued as an  
79 independent agency within the executive branch.

80 (e) The following agencies and boards, including all of  
81 the allied, advisory and affiliated entities, are transferred to  
82 the Department of Environmental Protection for purposes of  
83 administrative support and liaison with the office of the  
84 Governor:

85 (1) Air Quality Board provided in article two, chapter  
86 twenty-two-b of this code;

87 (2) Solid Waste Management Board provided in article  
88 three, chapter twenty-two-c of this code;

89 (3) Environmental Quality Board, or its successor board,  
90 provided in article three, chapter twenty-two-b of this code;

91 (4) Surface Mine Board provided in article four, chapter  
92 twenty-two-b of this code;



93 (5) Oil and Gas Inspectors' Examining Board provided in  
94 article seven, chapter twenty-two-c of this code;

95 (6) Shallow Gas Well Review Board provided in article  
96 eight, chapter twenty-two-c of this code; and

97 (7) Oil and Gas Conservation Commission provided in  
98 article nine, chapter twenty-two-c of this code.

99 (f) The following agencies and boards, including all of  
100 the allied, advisory, affiliated or related entities and funds  
101 associated with any agency or board, are incorporated in and  
102 administered as a part of the Department of Education and  
103 the Arts:

104 (1) Library Commission provided in article one, chapter  
105 ten of this code;

106 (2) Division of Culture and History provided in article  
107 one, chapter twenty-nine of this code; and

108 (3) Division of Rehabilitation Services provided in article  
109 ten-a, chapter eighteen of this code.

110 (g) The Educational Broadcasting Authority provided in  
111 article five, chapter ten of this code is part of the Department  
112 of Education and the Arts for the purposes of administrative  
113 support and liaison with the office of the Governor.

114 (h) The following agencies and boards, including all of  
115 the allied, advisory, affiliated or related entities and funds  
116 associated with any agency or board, are incorporated in and  
117 administered as a part of the Department of Health and  
118 Human Resources:

119 (1) Human Rights Commission provided in article  
120 eleven, chapter five of this code;

121 (2) Division of Human Services provided in article two,  
122 chapter nine of this code;

123 (3) Bureau for Public Health provided in article one,  
124 chapter sixteen of this code;

125 (4) Office of Emergency Medical Services and the  
126 Emergency Medical Service Advisory Council provided in  
127 article four-c, chapter sixteen of this code;

128 (5) Health Care Authority provided in article  
129 twenty-nine-b, chapter sixteen of this code;

130 (6) Commission on Mental Retardation provided in  
131 article fifteen, chapter twenty-nine of this code;

132 (7) Women's Commission provided in article twenty,  
133 chapter twenty-nine of this code; and

134 (8) The Child Support Enforcement Division provided in  
135 chapter forty-eight of this code.

136 (i) The following agencies and boards, including all of  
137 the allied, advisory, affiliated or related entities and funds  
138 associated with any agency or board, are incorporated in and  
139 administered as a part of the Department of Military Affairs  
140 and Public Safety:

141 (1) Adjutant General's Department provided in article  
142 one-a, chapter fifteen of this code;

143 (2) Armory Board provided in article six, chapter fifteen  
144 of this code;

145 (3) Military Awards Board provided in article one-g,  
146 chapter fifteen of this code;

147       (4) West Virginia State Police provided in article two,  
148       chapter fifteen of this code;

149       (5) Division of Homeland Security and Emergency  
150       Management and Disaster Recovery Board provided in  
151       article five, chapter fifteen of this code and Emergency  
152       Response Commission provided in article five-a of said  
153       chapter;

154       (6) Sheriffs' Bureau provided in article eight, chapter  
155       fifteen of this code;

156       (7) Division of Justice and Community Services provided  
157       in article nine-a, chapter fifteen of this code;

158       (8) Division of Corrections provided in chapter  
159       twenty-five of this code;

160       (9) Fire Commission provided in article three, chapter  
161       twenty-nine of this code;

162       (10) Regional Jail and Correctional Facility Authority  
163       provided in article twenty, chapter thirty-one of this code;  
164       and

165       (11) Board of Probation and Parole provided in article  
166       twelve, chapter sixty-two of this code.

167       (j) The following agencies and boards, including all of  
168       the allied, advisory, affiliated or related entities and funds  
169       associated with any agency or board, are incorporated in and  
170       administered as a part of the Department of Revenue:

171       (1) Tax Division provided in chapter eleven of this code;

172       (2) Racing Commission provided in article twenty-three,  
173       chapter nineteen of this code;

- 174       (3) Lottery Commission and position of Lottery Director  
175       provided in article twenty-two, chapter twenty-nine of this  
176       code;
- 177       (4) Insurance Commissioner provided in article two,  
178       chapter thirty-three of this code;
- 179       (5) West Virginia Alcohol Beverage Control  
180       Commissioner provided in article sixteen, chapter eleven of  
181       this code and article two, chapter sixty of this code;
- 182       (6) Board of Banking and Financial Institutions provided  
183       in article three, chapter thirty-one-a of this code;
- 184       (7) Lending and Credit Rate Board provided in chapter  
185       forty-seven-a of this code;
- 186       (8) Division of Banking provided in article two, chapter  
187       thirty-one-a of this code;
- 188       (9) The State Budget Office provided in article two of  
189       this chapter;
- 190       (10) The Municipal Bond Commission provided in article  
191       three, chapter thirteen of this code;
- 192       (11) The Office of Tax Appeals provided in article ten-a,  
193       chapter eleven of this code; and
- 194       (12) The State Athletic Commission provided in article  
195       five-a, chapter twenty-nine of this code.
- 196       (k) The following agencies and boards, including all of  
197       the allied, advisory, affiliated or related entities and funds  
198       associated with any agency or board, are incorporated in and  
199       administered as a part of the Department of Transportation:

200 (1) Division of Highways provided in article two-a,  
201 chapter seventeen of this code;

202 (2) Parkways, Economic Development and Tourism  
203 Authority provided in article sixteen-a, chapter seventeen of  
204 this code;

205 (3) Division of Motor Vehicles provided in article two,  
206 chapter seventeen-a of this code;

207 (4) Driver's Licensing Advisory Board provided in article  
208 two, chapter seventeen-b of this code;

209 (5) Aeronautics Commission provided in article two-a,  
210 chapter twenty-nine of this code;

211 (6) State Rail Authority provided in article eighteen,  
212 chapter twenty-nine of this code; and

213 (7) Public Port Authority provided in article sixteen-b,  
214 chapter seventeen of this code.

215 (l) Effective July 1, 2011, the Veterans' Council provided  
216 in article one, chapter nine-a of this code, including all of the  
217 allied, advisory, affiliated or related entities and funds  
218 associated with it, is incorporated in and administered as a  
219 part of the Department of Veterans' Assistance.

220 (m) Except for powers, authority and duties that have  
221 been delegated to the secretaries of the departments by the  
222 provisions of section two of this article, the position of  
223 administrator and the powers, authority and duties of each  
224 administrator and agency are not affected by the enactment  
225 of this chapter.

226 (n) Except for powers, authority and duties that have  
227 been delegated to the secretaries of the departments by the  
228 provisions of section two of this article, the existence,  
229 powers, authority and duties of boards and the membership,  
230 terms and qualifications of members of the boards are not  
231 affected by the enactment of this chapter. All boards that are

232 appellate bodies or are independent decision makers shall not  
 233 have their appellate or independent decision-making status  
 234 affected by the enactment of this chapter.

235 (o) Any department previously transferred to and  
 236 incorporated in a department by prior enactment of this  
 237 section means a division of the appropriate department.  
 238 Wherever reference is made to any department transferred to  
 239 and incorporated in a department created in section two,  
 240 article one of this chapter, the reference means a division of  
 241 the appropriate department and any reference to a division of  
 242 a department so transferred and incorporated means a section  
 243 of the appropriate division of the department.

244 (p) When an agency, board or commission is transferred  
 245 under a bureau or agency other than a department headed by  
 246 a secretary pursuant to this section, that transfer is solely for  
 247 purposes of administrative support and liaison with the Office  
 248 of the Governor, a department secretary or a bureau. Nothing  
 249 in this section extends the powers of department secretaries  
 250 under section two of this article to any person other than a  
 251 department secretary and nothing limits or abridges the  
 252 statutory powers and duties of statutory commissioners or  
 253 officers pursuant to this code.

## CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

### ARTICLE 7. COMPENSATION AND ALLOWANCES.

#### **\*§6-7-2a. Terms of certain appointive state officers; appointment; qualifications; powers and salaries of such officers.**

1 (a) Each of the following appointive state officers named  
 2 in this subsection shall be appointed by the Governor, by and

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\*CLERK'S NOTE: This section was also amended by Com. Sub. for H.B. 2879  
 (Chapter 154) which passed prior to this act.

3 with the advice and consent of the Senate. Each of the  
4 appointive state officers serves at the will and pleasure of the  
5 Governor for the term for which the Governor was elected  
6 and until the respective state officers' successors have been  
7 appointed and qualified. Each of the appointive state officers  
8 are subject to the existing qualifications for holding each  
9 respective office and each has and is hereby granted all of the  
10 powers and authority and shall perform all of the functions  
11 and services heretofore vested in and performed by virtue of  
12 existing law respecting each office.

13 The annual salary of each named appointive state officer  
14 is as follows:

15 Commissioner, Division of Highways, \$92,500;  
16 Commissioner, Division of Corrections, \$80,000; Director,  
17 Division of Natural Resources, \$75,000; Superintendent,  
18 State Police, \$85,000; Commissioner, Division of  
19 Banking, \$75,000; Commissioner, Division of Culture and  
20 History, \$65,000; Commissioner, Alcohol Beverage Control  
21 Commission, \$75,000; Commissioner, Division of Motor  
22 Vehicles, \$75,000; Chairman, Health Care Authority,  
23 \$80,000; members, Health Care Authority, \$70,000; Director,  
24 Human Rights Commission, \$55,000; Commissioner,  
25 Division of Labor, \$70,000; prior to July 1, 2011, Director,  
26 Division of Veterans Affairs, \$65,000; Chairperson, Board of  
27 Parole, \$55,000; members, Board of Parole, \$50,000;  
28 members, Employment Security Review Board, \$17,000; and  
29 Commissioner, Workforce West Virginia, \$75,000.  
30 Secretaries of the departments shall be paid an annual salary  
31 as follows: Health and Human Resources, \$95,000;  
32 Transportation, \$95,000: *Provided*, That if the same person  
33 is serving as both the Secretary of Transportation and the  
34 Commissioner of Highways, he or she shall be paid  
35 \$120,000; Revenue, \$95,000; Military Affairs and Public

36 Safety, \$95,000; Administration, \$95,000; Education and the  
37 Arts, \$95,000; Commerce, \$95,000; Veterans' Assistance,  
38 \$95,000; and Environmental Protection, \$95,000: *Provided,*  
39 *however,* That any officer specified in this subsection whose  
40 salary is increased by more than \$5,000 as a result of the  
41 amendment and reenactment of this section during the 2011  
42 regular session of the Legislature shall be paid the salary  
43 increase in increments of \$5,000 per fiscal year beginning  
44 July 1, 2011 up to the maximum salary provided in this  
45 subsection.

46 (b) Each of the state officers named in this subsection  
47 shall continue to be appointed in the manner prescribed in  
48 this code, and shall be paid an annual salary as follows:

49 Director, Board of Risk and Insurance Management,  
50 \$80,000; Director, Division of Rehabilitation Services,  
51 \$70,000; Director, Division of Personnel, \$70,000; Executive  
52 Director, Educational Broadcasting Authority, \$75,000;  
53 Secretary, Library Commission, \$72,000; Director,  
54 Geological and Economic Survey, \$75,000; Executive  
55 Director, prosecuting attorneys Institute, \$70,000; Executive  
56 Director, Public Defender Services, \$70,000; Commissioner,  
57 Bureau of Senior Services, \$75,000; Director, State Rail  
58 Authority, \$65,000; Executive Director, Women's  
59 Commission, \$45,000; Director, Hospital Finance Authority,  
60 \$35,000; member, Racing Commission, \$12,000; Chairman,  
61 Public Service Commission, \$85,000; members, Public  
62 Service Commission, \$85,000; Director, Division of Forestry,  
63 \$75,000; Director, Division of Juvenile Services, \$80,000;  
64 and Executive Director, Regional Jail and Correctional  
65 Facility Authority, \$80,000.

66 (c) Each of the following appointive state officers named  
67 in this subsection shall be appointed by the Governor, by and  
68 with the advice and consent of the Senate. Each of the  
69 appointive state officers serves at the will and pleasure of the



70 Governor for the term for which the Governor was elected  
71 and until the respective state officers' successors have been  
72 appointed and qualified. Each of the appointive state officers  
73 are subject to the existing qualifications for holding each  
74 respective office and each has and is hereby granted all of the  
75 powers and authority and shall perform all of the functions  
76 and services heretofore vested in and performed by virtue of  
77 existing law respecting each office.

78 The annual salary of each named appointive state officer  
79 shall be as follows:

80 Commissioner, State Tax Division, \$92,500; Insurance  
81 Commissioner, \$92,500; Director, Lottery Commission,  
82 \$92,500; Director, Division of Homeland Security and  
83 Emergency Management, \$65,000; and Adjutant General,  
84 \$125,000.

85 (d) No increase in the salary of any appointive state  
86 officer pursuant to this section may be paid until and unless  
87 the appointive state officer has first filed with the State  
88 Auditor and the Legislative Auditor a sworn statement, on a  
89 form to be prescribed by the Attorney General, certifying that  
90 his or her spending unit is in compliance with any general  
91 law providing for a salary increase for his or her employees.  
92 The Attorney General shall prepare and distribute the form to  
93 the affected spending units.

## **CHAPTER 9A. VETERANS' AFFAIRS.**

### **ARTICLE 1. DEPARTMENT OF VETERANS' ASSISTANCE.**

#### **§9A-1-1. Creation and general purposes.**

1 (a) Effective July 1, 2011, the West Virginia Division of  
2 Veterans' Affairs is redesignated the Department of  
3 Veterans' Assistance.

4 (b) The purpose of the department is to aid, assist,  
5 counsel and advise, and to encourage competition among  
6 counties and municipalities to develop, improve and enhance  
7 veteran-friendly services, benefits and assistance to, veterans  
8 who have served in and been honorably discharged or  
9 separated under honorable conditions from the Armed Forces  
10 of the United States and their widows, widowers and  
11 dependents, including populations of veterans who may have  
12 special needs as a result of homelessness, incarceration or  
13 physical or mental disabilities.

14 (c) All references in this code to the West Virginia  
15 Division of Veterans' Affairs and the Director of the West  
16 Virginia Division of Veterans' Affairs shall mean the  
17 Department of Veterans' Assistance and the Secretary of the  
18 Department of Veterans' Assistance, respectively.

**§9A-1-1a. Department of Veterans' Assistance; office of  
Secretary of Department of Veterans' Assistance.**

1 (a) The Secretary of the Department of Veterans'  
2 Assistance is the chief executive officer of the department.  
3 Subject to the requirements for the qualification and  
4 appointment of the secretary provided in section four of this  
5 article, the Governor shall appoint the secretary, by and with  
6 the advice and consent of the Senate, for the term for which  
7 the Governor is elected and until a successor shall have been  
8 appointed and qualified. The secretary shall serve at the will  
9 and pleasure of the Governor. Any reference in this code to  
10 the Division of Veterans' Affairs or to the Department of  
11 Veterans' Affairs means the Department of Veterans'  
12 Assistance. Any reference in this code to the Director of the  
13 Division of Veterans' Affairs means the Secretary of the  
14 Department of Veterans' Assistance. As used in this chapter,  
15 "secretary" means the Secretary of Veterans' Assistance and  
16 "division" means Department of Veterans' Assistance.

17 (b) The department may receive federal funds.

18 (c) The secretary serves at the will and pleasure of the  
19 Governor. The annual compensation of the secretary shall be  
20 as specified in section two-a, article seven, chapter six of this  
21 code.

**§9A-1-1b. Powers and duties of the secretary.**

1 (a) The secretary controls and supervises the department  
2 and is responsible for the work of each department employee.

3 (b) The secretary has the power and authority specified  
4 in this article, in article two, chapter five-f of this code and as  
5 otherwise specified in this chapter.

6 (c) The secretary may employ staff, assistants and  
7 employees as necessary for the efficient operation of the  
8 department.

9 (d) The secretary may delegate his or her powers and  
10 duties to assistants and employees, but the secretary is  
11 responsible for all official acts of the department.

**§9A-1-1c. Reports by secretary.**

1 The secretary shall report annually to the Governor  
2 concerning the conduct of the department and make other  
3 reports as the Governor may require.

**§9A-1-1d. Right of appeal from interference with functioning of  
agency.**

1 Any governmental entity may appeal to the Governor for  
2 review upon a showing that application of the secretary's  
3 authority may interfere with the successful functioning of that  
4 entity. The Governor's decision controls on appeal.

**§9A-1-2. Veterans' Council; administration of department.**

1           There is continued the "Veterans' Council" consisting of  
2 nine members who must be citizens and residents of this state  
3 and who have served in and been honorably discharged or  
4 separated under honorable conditions from the Armed Forces  
5 of the United States and whose service was within a time of  
6 war as defined by the laws of the United States, either Public  
7 Law No. 2 -- 73rd Congress, or Public Law No. 346 -- 78th  
8 Congress, and amendments thereto. Where feasible, two  
9 members of the council shall be veterans of either World War  
10 II or the Korean Conflict, at least two members of the council  
11 shall be veterans of the Vietnam era, at least one member  
12 shall be a veteran of the first Gulf War and at least one  
13 member shall be a veteran of the Afghanistan or Iraqi  
14 Conflicts. The members of the veterans' council shall be  
15 selected with special reference to their ability and fitness to  
16 effectuate the purposes of this article. If an eligible veteran  
17 is not available or cannot be selected, a veteran who is a  
18 citizen and resident of this state, who served in and was  
19 honorably discharged or separated under honorable  
20 conditions from the Armed Forces of the United States and  
21 who served during any time of war or peace may be selected.

22           A secretary and such veterans' affairs officers, assistants  
23 and employees as the secretary considers advisable, shall  
24 administer the West Virginia Department of Veterans'  
25 Assistance.

**§9A-1-4. Duties and functions of Veterans' Council; appointment of secretary; honoring academic achievement at military academies.**

1           (a) It is the duty and function of the Veterans' Council to  
2 advise the secretary on the general administrative policies of  
3 the department, to select, at their first meeting in each fiscal  
4 year commencing on July 1, a chairperson to serve one year,  
5 to advise the secretary on rules as may be necessary, to

6 advise the Governor and the Legislature with respect to  
7 legislation affecting the interests of veterans, their widows,  
8 dependents and orphans and to make annual reports to the  
9 Governor respecting the service of the department. The  
10 secretary has the same eligibility and qualifications  
11 prescribed for members of the Veterans' Council. The  
12 secretary ex officio shall maintain all records of the Veterans'  
13 Council.

14 (b) The Veterans' Council may annually honor each West  
15 Virginian graduating from the U.S. Military Academy, the  
16 U.S. Naval Academy, the U.S. Air Force Academy and the  
17 U.S. Coast Guard Academy with the highest grade point  
18 average by bestowing upon him or her the "West Augusta  
19 Award." The award shall be in a design and form established  
20 by the council and include the famous Revolutionary War  
21 phrase from which the award's name is derived: "Once again  
22 our brethren from West Augusta have answered the call to  
23 duty." The council shall coordinate the manner of recognition  
24 of the recipient at graduation ceremonies with each academy.

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## CHAPTER 158

**(Com. Sub. for S. B. 241 - By Senators  
Kessler (Acting President) and Hall)  
[By Request of the Executive]**

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[Passed March 12, 2011; in effect ninety days from passage.]

[Approved by the Governor on March 30, 2011.]

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AN ACT to amend and reenact §5B-1-1a and §5B-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-2-8 and §5B-2-9 of said code; to amend said code by

adding thereto a new section designated §5B-2-8a; and to amend and reenact §5F-2-1 of said code, all relating to the organization and authority of state agencies generally; continuing the Marketing and Communications Office of the Department of Commerce; authorizing the Marketing and Communications Office to sell partnerships, sponsorships or advertising in certain circumstances; providing that Division of Tourism and the Tourism Commission are separate entities within Department of Commerce; continuing the Division of Tourism and the Tourism Commission; providing qualifications for the commissioner; providing powers of the commissioner; modifying the composition of the Tourism Commission; modifying the Tourism Commission's annual reporting requirement; providing that the Educational Broadcasting Authority is part of the Department of Education and the Arts for administrative support and liaison with the office of the Governor; and providing that the Veterans' Council and its allied, advisory, affiliated or related entities and funds are part of the Department of Veteran's Assistance.

*Be it enacted by the Legislature of West Virginia:*

That §5B-1-1a and §5B-1-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §5B-2-8 and §5B-2-9 of said code be amended and reenacted; that said code be amended by adding thereto a new section designated §5B-2-8a; and that §5F-2-1 of said code be amended and reenacted, all to read as follows:

**CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF  
1985.**

**ARTICLE 1. DEPARTMENT OF COMMERCE.**

**§5B-1-1a. Marketing and Communications Office.**

- 1 (a) There is continued in the Department of Commerce
- 2 the Marketing and Communications Office. The office is

3 created to provide marketing and communications goods and  
4 services to other state agencies, departments, units of state or  
5 local government or other entity or person.

6 (b) The office is authorized to charge for goods and  
7 services it provides to other state agencies. The Secretary of  
8 the Department of Commerce shall approve a fee schedule  
9 determining the amounts that may be charged for goods and  
10 services provided by the office to other state agencies. At the  
11 discretion of and with the approval of the Secretary of the  
12 Department of Commerce, the office may also sell  
13 partnerships, sponsorships or advertising in its publications,  
14 events or promotions to help offset the cost of producing and  
15 distributing its products and services.

16 (c) All moneys collected shall be deposited in a special  
17 account in the State Treasury to be known as the Department  
18 of Commerce Marketing and Communications Operating  
19 Fund. Expenditures from the fund shall be for the operation  
20 of the office and are not authorized from collections but are  
21 to be made only in accordance with appropriation by the  
22 Legislature and in accordance with the provisions of article  
23 two, chapter eleven-b of this code.

24 (d) Any balance remaining at the end of any fiscal year  
25 shall not revert to the General Revenue Fund, but shall  
26 remain in the fund for expenditures in accordance with the  
27 purposes set forth in this section.

28 (e) The Department of Commerce shall develop and  
29 maintain a system of annual or more frequent performance  
30 measures useful in gauging the efficiency and effectiveness  
31 of the office's marketing and communications activities. The  
32 measures shall also reflect the office's efficiency and  
33 effectiveness with respect to commercially available  
34 marketing and communications services and any private  
35 sector benchmarks which might be identified or created. For  
36 the purposes of this section, "performance measures" means

37 income, output, quality, self-sufficiency and outcome  
38 metrics.

39 (f) On January 1 of each year the Secretary of the  
40 Department of Commerce shall report to the Joint Committee  
41 on Government and Finance, the Joint Standing Committee  
42 on Finance and the Joint Commission on Economic  
43 Development on the performance of the office. This report  
44 is to include a statement of the performance measurements  
45 for the office developed by the Secretary of the Department  
46 of Commerce and an analysis of the office's performance.

**§5B-1-2. Agencies, boards, commissions, divisions and offices  
comprising the Department of Commerce.**

1 The Department of Commerce consists of the following  
2 agencies, boards, commissions, divisions and offices,  
3 including all of the allied, advisory, affiliated or related  
4 entities, which are incorporated in and administered as part  
5 of the Department of Commerce:

6 (1) Division of Labor provided in article one, chapter  
7 twenty-one of this code, which includes:

8 (A) Occupational Safety and Health Review Commission  
9 provided in article three-a, chapter twenty-one of this code;  
10 and

11 (B) Board of Manufactured Housing Construction and  
12 Safety provided in article nine, chapter twenty-one of this  
13 code;

14 (2) Office of Miners' Health, Safety and Training  
15 provided in article one, chapter twenty-two-a of this code.  
16 The following boards are transferred to the Office of Miners'  
17 Health, Safety and Training for purposes of administrative  
18 support and liaison with the Office of the Governor:



19           (A) Board of Coal Mine Health and Safety and Coal  
20 Mine Safety and Technical Review Committee provided in  
21 article six, chapter twenty-two-a of this code;

22           (B) Board of Miner Training, Education and Certification  
23 provided in article seven, chapter twenty-two-a of this code;  
24 and

25           (C) Mine Inspectors' Examining Board provided in  
26 article nine, chapter twenty-two-a of this code;

27           (3) The West Virginia Development Office provided in  
28 article two, chapter five-b of this code;

29           (4) Division of Natural Resources and Natural Resources  
30 Commission provided in article one, chapter twenty of this  
31 code;

32           (5) Division of Forestry provided in article one-a, chapter  
33 nineteen of this code;

34           (6) Geological and Economic Survey provided in article  
35 two, chapter twenty-nine of this code;

36           (7) Workforce West Virginia provided in chapter  
37 twenty-one-a of this code, which includes:

38           (A) Division of Unemployment Compensation;

39           (B) Division of Employment Service;

40           (C) Division of Workforce Development; and

41           (D) Division of Research, Information and Analysis;

42           (8) Division of Energy provided in article two-f, chapter  
43 five-b of this code; and

44 (9) Division of Tourism and the Tourism Commission  
45 provided in article two, chapter five-b of this code.

**ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE  
AND THE DIVISION OF TOURISM.**

**§5B-2-8. Division of Tourism and Tourism Commission  
continued; members, appointment and expenses.**

1 (a) There is hereby continued within the Department of  
2 Commerce the Division of Tourism and an independent  
3 Tourism Commission, which is a body corporate and politic,  
4 constituting a public corporation and government  
5 instrumentality.

6 (b) Prior to July 1, 2011, the Governor, by and with the  
7 advice and consent of the Senate, shall appoint to the  
8 Tourism Commission three members from the private sector  
9 to represent participants in the state's tourism industry, one  
10 for a term of four years, one for a term of three years and one  
11 for a term of two years.

12 (c) Commencing July 1, 2011, the Tourism Commission  
13 shall consist of the following fifteen members with staggered  
14 terms:

15 (1) Twelve members appointed by the Governor, with the  
16 advice and consent of the Senate, representing participants in  
17 the state's tourism industry. Ten of the members shall be  
18 from the private sector, one shall be a director employed by  
19 a convention and visitors bureau and one shall be a member  
20 of a convention and visitors bureau. In making the  
21 appointments the Governor may select from a list provided  
22 by the West Virginia Hospitality and Travel Association of  
23 qualified applicants. Of the twelve members so appointed,  
24 no less than three shall be from each congressional district  
25 within the state and shall be appointed to provide the broadest  
26 geographic distribution which is feasible;

27           (2) One member to be appointed by the Governor to  
28 represent public sector nonstate participants in the tourism  
29 industry within the state;

30           (3) The Secretary of Transportation or his or her  
31 designee, ex officio; and

32           (4) The Director of the Division of Natural Resources or  
33 his or her designee, ex officio.

34           (d) Each member appointed by the Governor shall serve  
35 staggered terms of four years. Any member whose term has  
36 expired shall serve until his or her successor has been  
37 appointed. Any person appointed to fill a vacancy shall serve  
38 only for the unexpired term. Any member shall be eligible  
39 for reappointment. In cases of vacancy in the office of  
40 member, such vacancy shall be filled by the Governor in the  
41 same manner as the original appointment.

42           (e) Members of the commission shall not be entitled to  
43 compensation for services performed as members. A  
44 majority of these members shall constitute a quorum for the  
45 purpose of conducting business. The Governor shall appoint  
46 a chair of the commission for a term to run concurrent with  
47 the term of the office of the member appointed to be the  
48 chair. The chair is eligible for successive terms in that  
49 position.

**§5B-2-8a. Commissioner of Tourism.**

1           (a) The Division of Tourism is under the direction and  
2 charge of the Commissioner of Tourism.

3           (b) The commissioner shall be appointed by the  
4 Governor: *Provided*, That the person serving as  
5 commissioner at the time of the enactment of this section in  
6 2011, shall continue to serve in that capacity at the will and  
7 pleasure of the Governor. The commissioner's salary shall

8 be set the Governor. The commissioner shall be a competent  
9 person, having executive ability and knowledge of publicity,  
10 advertising and tourist promotion.

11 (c) In addition to other duties required of the division by  
12 other provisions of this code, the division shall:

13 (1) Coordinate media events to promote a positive image  
14 of West Virginia and new investment in the tourist industry;

15 (2) Provide comprehensive strategic planning services to  
16 existing tourism enterprises;

17 (3) Promote attractions of West Virginia in other states;  
18 and

19 (4) Distribute West Virginia informational publications  
20 and manage the West Virginia Welcome Centers.

**§5B-2-9. Powers and duties of Tourism Commission.**

1 (a) The commission shall develop a comprehensive  
2 tourism promotion and development strategy for West  
3 Virginia. “Comprehensive tourism promotion and  
4 development strategy” means a plan that outlines strategies  
5 and activities designed to continue, diversify or expand the  
6 tourism base of the state as a whole; create tourism jobs;  
7 develop a highly skilled tourism work force; facilitate  
8 business access to capital for tourism; advertise and market  
9 the resources offered by the state with respect to tourism  
10 promotion and development; facilitate cooperation among  
11 local, regional and private tourism enterprises; improve  
12 infrastructure on a state, regional and community level in  
13 order to facilitate tourism development; improve the tourism  
14 business climate generally; and leverage funding from  
15 sources other than the state, including local, federal and  
16 private sources.

17 (b) In developing its strategies, the commission shall  
18 consider the following:

19 (1) Improvement and expansion of existing tourism  
20 marketing and promotion activities;

21 (2) Promotion of cooperation among municipalities,  
22 counties, and the West Virginia infrastructure and jobs  
23 development council in funding physical infrastructure to  
24 enhance the potential for tourism development.

25 (c) The Tourism Commission shall have the power and  
26 duty:

27 (1) To acquire for the state in the name of the  
28 commission by purchase, lease or agreement, or accept or  
29 reject for the state, in the name of the commission, gifts,  
30 donations, contributions, bequests or devises of money,  
31 security or property, both real and personal, and any interest  
32 in such property, to effectuate or support the purposes of this  
33 article;

34 (2) To make recommendations to the Governor and the  
35 Legislature of any legislation deemed necessary to facilitate  
36 the carrying out of any of the foregoing powers and duties  
37 and to exercise any other power that may be necessary or  
38 proper for the orderly conduct of the business of the  
39 commission and the effective discharge of the duties of the  
40 commission;

41 (3) To cooperate and assist in the production of motion  
42 pictures and television and other communications;

43 (4) To purchase advertising time or space in or upon any  
44 medium generally engaged or employed for said purpose to  
45 advertise and market the resources of the state or to inform  
46 the public at large or any specifically targeted group or  
47 industry about the benefits of living in, investing in,

48 producing in, buying from, contracting with, or in any other  
49 way related to, the state of West Virginia or any business,  
50 industry, agency, institution or other entity therein: *Provided,*  
51 That of any funds appropriated and allocated for purposes of  
52 advertising and marketing expenses for the promotion and  
53 development of tourism, not less than twenty percent of the  
54 funds shall be expended with the approval of the Director of  
55 the Division of Natural Resources to advertise, promote and  
56 market state parks, state forests, state recreation areas and  
57 wildlife recreational resources;

58 (5) To promote and disseminate information related to the  
59 attractions of the state through the operation of the state's  
60 telemarketing initiative, which telemarketing initiative shall  
61 include a centralized reservation and information system for  
62 state parks and recreational facilities; and

63 (6) To take such additional actions as may be necessary  
64 to carry out the duties and programs described in this article.

65 (d) The commission shall submit a report annually to the  
66 Secretary of Commerce, the Governor and the Legislature  
67 about the development of the tourism industry in the state and  
68 the necessary funding required by the state to continue the  
69 development of the tourism industry.

70 (e) The Commissioner of the Division of Tourism shall  
71 assist the commission in the performance of its powers and  
72 duties and the commissioner is hereby authorized in  
73 providing this assistance to employ necessary personnel,  
74 contract with professional or technical experts or consultants  
75 and to purchase or contract for the necessary equipment or  
76 supplies.

77 (f) The commission shall promulgate legislative rules  
78 pursuant to the provisions of chapter twenty-nine-a of this  
79 code to carry out its purposes and programs, to include  
80 generally the programs available, the procedure and

81 eligibility of applications relating to assistance under such  
82 programs and the staff structure necessary to support such  
83 programs, which structure shall include the qualifications for  
84 a professional staff person qualified by reason of exceptional  
85 training and experience in the field of advertising to  
86 supervise the advertising and promotion functions of the  
87 commission, and shall further include provision for the  
88 management of West Virginia welcome centers. The  
89 commission is further authorized to promulgate procedural  
90 rules pursuant to said chapter to include instructions and  
91 forms for applications relating to assistance.

**CHAPTER 5F. REORGANIZATION  
OF THE EXECUTIVE BRANCH OF  
STATE GOVERNMENT.**

**ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.**

**\*§5F-2-1. Transfer and incorporation of agencies and boards;  
funds.**

1 (a) The following agencies and boards, including all of  
2 the allied, advisory, affiliated or related entities and funds  
3 associated with any agency or board, are incorporated in and  
4 administered as a part of the Department of Administration:

5 (1) Building Commission provided in article six, chapter  
6 five of this code;

7 (2) Public Employees Insurance Agency provided in  
8 article sixteen, chapter five of this code;

9 (3) Governor's Mansion Advisory Committee provided  
10 in article five, chapter five-a of this code;

11 (4) Commission on Uniform State Laws provided in  
12 article one-a, chapter twenty-nine of this code;

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\***CLERK'S NOTE:** This section was also amended by H.B. 2695 (Chapter 68) and Com. Sub. for S.B. 238 (Chapter 157) both of which passed subsequent to this act.

13 (5) West Virginia Public Employees Grievance Board  
14 provided in article three, chapter six-c of this code;

15 (6) Board of Risk and Insurance Management provided  
16 in article twelve, chapter twenty-nine of this code;

17 (7) Boundary Commission provided in article  
18 twenty-three, chapter twenty-nine of this code;

19 (8) Public Defender Services provided in article  
20 twenty-one, chapter twenty-nine of this code;

21 (9) Division of Personnel provided in article six, chapter  
22 twenty-nine of this code;

23 (10) The West Virginia Ethics Commission provided in  
24 article two, chapter six-b of this code;

25 (11) Consolidated Public Retirement Board provided in  
26 article ten-d, chapter five of this code; and

27 (12) Real Estate Division provided in article ten, chapter  
28 five-a of this code.

29 (b) The following agencies and boards, including all of  
30 the allied, advisory, affiliated or related entities and funds  
31 associated with any agency or board, are incorporated in and  
32 administered as a part of the Department of Commerce:

33 (1) Division of Labor provided in article one, chapter  
34 twenty-one of this code, which includes:

35 (A) Occupational Safety and Health Review Commission  
36 provided in article three-a, chapter twenty-one of this code;  
37 and

38 (B) Board of Manufactured Housing Construction and  
39 Safety provided in article nine, chapter twenty-one of this  
40 code;



41           (2) Office of Miners' Health, Safety and Training  
42 provided in article one, chapter twenty-two-a of this code.  
43 The following boards are transferred to the Office of Miners'  
44 Health, Safety and Training for purposes of administrative  
45 support and liaison with the office of the Governor:

46           (A) Board of Coal Mine Health and Safety and Coal  
47 Mine Safety and Technical Review Committee provided in  
48 article six, chapter twenty-two-a of this code;

49           (B) Board of Miner Training, Education and Certification  
50 provided in article seven, chapter twenty-two-a of this code;  
51 and

52           (C) Mine Inspectors' Examining Board provided in  
53 article nine, chapter twenty-two-a of this code;

54           (3) The West Virginia Development Office provided in  
55 article two, chapter five-b of this code;

56           (4) Division of Natural Resources and Natural Resources  
57 Commission provided in article one, chapter twenty of this  
58 code;

59           (5) Division of Forestry provided in article one-a, chapter  
60 nineteen of this code;

61           (6) Geological and Economic Survey provided in article  
62 two, chapter twenty-nine of this code; and

63           (7) Workforce West Virginia provided in chapter  
64 twenty-one-a of this code, which includes:

65           (A) Division of Unemployment Compensation;

66           (B) Division of Employment Service;

67           (C) Division of Workforce Development; and

- 68 (D) Division of Research, Information and Analysis;
- 69 (8) Division of Energy provided in article two-f, chapter  
70 five-b of this code; and
- 71 (9) Division of Tourism and the Tourism Commission  
72 provided in article two, chapter five-b of this code.
- 73 (c) The Economic Development Authority provided in  
74 article fifteen, chapter thirty-one of this code is continued as  
75 an independent agency within the executive branch.
- 76 (d) The Water Development Authority and the Water  
77 Development Authority Board provided in article one,  
78 chapter twenty-two-c of this code is continued as an  
79 independent agency within the executive branch.
- 80 (e) The following agencies and boards, including all of  
81 the allied, advisory and affiliated entities, are transferred to  
82 the Department of Environmental Protection for purposes of  
83 administrative support and liaison with the office of the  
84 Governor:
- 85 (1) Air Quality Board provided in article two, chapter  
86 twenty-two-b of this code;
- 87 (2) Solid Waste Management Board provided in article  
88 three, chapter twenty-two-c of this code;
- 89 (3) Environmental Quality Board, or its successor board,  
90 provided in article three, chapter twenty-two-b of this code;
- 91 (4) Surface Mine Board provided in article four, chapter  
92 twenty-two-b of this code;
- 93 (5) Oil and Gas Inspectors' Examining Board provided in  
94 article seven, chapter twenty-two-c of this code;

95           (6) Shallow Gas Well Review Board provided in article  
96 eight, chapter twenty-two-c of this code; and

97           (7) Oil and Gas Conservation Commission provided in  
98 article nine, chapter twenty-two-c of this code.

99           (f) The following agencies and boards, including all of  
100 the allied, advisory, affiliated or related entities and funds  
101 associated with any agency or board, are incorporated in and  
102 administered as a part of the Department of Education and  
103 the Arts:

104           (1) Library Commission provided in article one, chapter  
105 ten of this code;

106           (2) Division of Culture and History provided in article  
107 one, chapter twenty-nine of this code; and

108           (3) Division of Rehabilitation Services provided in article  
109 ten-a, chapter eighteen of this code.

110           (g) The Educational Broadcasting Authority provided in  
111 article five, chapter ten of this code, is part of the Department  
112 of Education and the Arts for purposes of administrative  
113 support and liaison with the office of the Governor.

114           (h) The following agencies and boards, including all of  
115 the allied, advisory, affiliated or related entities and funds  
116 associated with any agency or board, are incorporated in and  
117 administered as a part of the Department of Health and  
118 Human Resources:

119           (1) Human Rights Commission provided in article  
120 eleven, chapter five of this code;

121           (2) Division of Human Services provided in article two,  
122 chapter nine of this code;

123       (3) Bureau for Public Health provided in article one,  
124 chapter sixteen of this code;

125       (4) Office of Emergency Medical Services and  
126 Emergency Medical Service Advisory Council provided in  
127 article four-c, chapter sixteen of this code;

128       (5) Health Care Authority provided in article  
129 twenty-nine-b, chapter sixteen of this code;

130       (6) Commission on Mental Retardation provided in  
131 article fifteen, chapter twenty-nine of this code;

132       (7) Women's Commission provided in article twenty,  
133 chapter twenty-nine of this code; and

134       (8) The Child Support Enforcement Division provided in  
135 chapter forty-eight of this code.

136       (i) The following agencies and boards, including all of  
137 the allied, advisory, affiliated or related entities and funds  
138 associated with any agency or board, are incorporated in and  
139 administered as a part of the Department of Military Affairs  
140 and Public Safety:

141       (1) Adjutant General's Department provided in article  
142 one-a, chapter fifteen of this code;

143       (2) Armory Board provided in article six, chapter fifteen  
144 of this code;

145       (3) Military Awards Board provided in article one-g,  
146 chapter fifteen of this code;

147       (4) West Virginia State Police provided in article two,  
148 chapter fifteen of this code;

149 (5) Division of Homeland Security and Emergency  
150 Management and Disaster Recovery Board provided in  
151 article five, chapter fifteen of this code and Emergency  
152 Response Commission provided in article five-a of said  
153 chapter;

154 (6) Sheriffs' Bureau provided in article eight, chapter  
155 fifteen of this code;

156 (7) Division of Justice and Community Services provided  
157 in article nine-a, chapter fifteen of this code;

158 (8) Division of Corrections provided in chapter  
159 twenty-five of this code;

160 (9) Fire Commission provided in article three, chapter  
161 twenty-nine of this code;

162 (10) Regional Jail and Correctional Facility Authority  
163 provided in article twenty, chapter thirty-one of this code;

164 (11) Board of Probation and Parole provided in article  
165 twelve, chapter sixty-two of this code.

166 (j) The following agencies and boards, including all of  
167 the allied, advisory, affiliated or related entities and funds  
168 associated with any agency or board, are incorporated in and  
169 administered as a part of the Department of Revenue:

170 (1) Tax Division provided in chapter eleven of this code;

171 (2) Racing Commission provided in article twenty-three,  
172 chapter nineteen of this code;

173 (3) Lottery Commission and position of Lottery Director  
174 provided in article twenty-two, chapter twenty-nine of this  
175 code;

1678

STATE AGENCIES

[Ch. 158

176 (4) Insurance Commissioner provided in article two,  
177 chapter thirty-three of this code;

178 (5) West Virginia Alcohol Beverage Control  
179 Commissioner provided in article sixteen, chapter eleven of  
180 this code and article two, chapter sixty of this code;

181 (6) Board of Banking and Financial Institutions provided  
182 in article three, chapter thirty-one-a of this code;

183 (7) Lending and Credit Rate Board provided in chapter  
184 forty-seven-a of this code;

185 (8) Division of Banking provided in article two, chapter  
186 thirty-one-a of this code;

187 (9) The State Budget Office provided in article two of  
188 this chapter;

189 (10) The Municipal Bond Commission provided in article  
190 three, chapter thirteen of this code;

191 (11) The Office of Tax Appeals provided in article ten-a,  
192 chapter eleven of this code; and

193 (12) The State Athletic Commission provided in article  
194 five-a, chapter twenty-nine of this code.

195 (k) The following agencies and boards, including all of  
196 the allied, advisory, affiliated or related entities and funds  
197 associated with any agency or board, are incorporated in and  
198 administered as a part of the Department of Transportation:

199 (1) Division of Highways provided in article two-a,  
200 chapter seventeen of this code;

201 (2) Parkways, Economic Development and Tourism  
202 Authority provided in article sixteen-a, chapter seventeen of  
203 this code;

204 (3) Division of Motor Vehicles provided in article two,  
205 chapter seventeen-a of this code;

206 (4) Driver's Licensing Advisory Board provided in article  
207 two, chapter seventeen-b of this code;

208 (5) Aeronautics Commission provided in article two-a,  
209 chapter twenty-nine of this code;

210 (6) State Rail Authority provided in article eighteen,  
211 chapter twenty-nine of this code; and

212 (7) Public Port Authority provided in article sixteen-b,  
213 chapter seventeen of this code.

214 (l) The Veterans' Council provided in article one, chapter  
215 nine-a of this code, including all of the allied, advisory,  
216 affiliated or related entities and funds associated with it is,  
217 incorporated in and administered as part of the Department of  
218 Veteran's Assistance.

219 (m) Except for powers, authority and duties that have  
220 been delegated to the secretaries of the departments by the  
221 provisions of section two of this article, the position of  
222 administrator and the powers, authority and duties of each  
223 administrator and agency are not affected by the enactment  
224 of this chapter.

225 (n) Except for powers, authority and duties that have  
226 been delegated to the secretaries of the departments by the  
227 provisions of section two of this article, the existence,  
228 powers, authority and duties of boards and the membership,  
229 terms and qualifications of members of the boards are not  
230 affected by the enactment of this chapter. All boards that are  
231 appellate bodies or are independent decision makers shall not  
232 have their appellate or independent decision-making status  
233 affected by the enactment of this chapter.

234 (o) Any department previously transferred to and  
235 incorporated in a department by prior enactment of this  
236 section means a division of the appropriate department.  
237 Wherever reference is made to any department transferred to  
238 and incorporated in a department created in section two,  
239 article one of this chapter, the reference means a division of  
240 the appropriate department and any reference to a division of  
241 a department so transferred and incorporated means a section  
242 of the appropriate division of the department.

243 (p) When an agency, board or commission is transferred  
244 under a bureau or agency other than a department headed by  
245 a secretary pursuant to this section, that transfer is solely for  
246 purposes of administrative support and liaison with the office  
247 of the Governor, a department secretary or a bureau. Nothing  
248 in this section extends the powers of department secretaries  
249 under section two of this article to any person other than a  
250 department secretary and nothing limits or abridges the  
251 statutory powers and duties of statutory commissioners or  
252 officers pursuant to this code.

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## CHAPTER 159

**(Com. Sub. for H. B. 2863 - By Delegates  
Pethtel, Givens, Ennis, Canterbury,  
Duke, Guthrie, and D. Poling)**

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[Passed March 10, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 24, 2011.]

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AN ACT to amend and reenact §15-2-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15-2A-11 of said code, all relating to State Police; providing for



payment of medical costs of physical disability and/or mental disability examinations approved by the Consolidated Public Retirement Board under the State Police Death, Disability and Retirement plan and the West Virginia State Police Retirement System; providing for reinstatement to active duty under certain conditions of formerly disabled State Police officers considered no longer disabled from law enforcement work; and providing that a former disability retirant reinstated to active duty with the State Police shall rejoin the retirement system in which originally enrolled with restoration of credited service in force at the time of disability retirement.

*Be it enacted by the Legislature of West Virginia:*

That §15-2-31 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §15-2A-11 of said code be amended and reenacted, all to read as follows:

## **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

### **§15-2-31. Disability physical examinations; termination.**

1           (a) The board may require any retirant who has been  
2 retired with compensation on account of disability to submit  
3 to a physical and/or mental examination by a physician or  
4 physicians selected or approved by the board and a report of  
5 the findings of the physician or physicians shall be submitted  
6 in writing to the board for its consideration. All medical costs  
7 associated with the examination shall be paid by the fund. If,  
8 from the report or from the report and hearing on the report,  
9 the board is of the opinion and finds that the disabled retirant  
10 has recovered from the disability to the extent that he or she  
11 is able to perform adequately the duties of a law-enforcement  
12 officer, the board shall within five working days provide  
13 written notice of the finding to the Superintendent of State  
14 Police, who shall reinstate the retirant to active duty as a

15 member of the department at his or her rank or classification  
16 prior to the disability retirement within forty-five days of the  
17 finding, unless the retirant declines to be reinstated, is found  
18 by a background check to be ineligible for reinstatement, or  
19 is found by the Superintendent to be unacceptable due to the  
20 retirant's performance history and evaluations during prior  
21 work with the department. The Superintendent shall promptly  
22 notify the Board when the retirant is reinstated, is found  
23 ineligible for reinstatement due to a background check or  
24 unacceptable prior performance history or evaluations, or  
25 refuses reinstatement. The board shall order disability  
26 payments from the fund to be terminated at the earlier of the  
27 date of the retirant's reinstatement, regular retirement, failure  
28 of a background check, finding of unacceptable prior  
29 performance history or evaluation with the department,  
30 failure to accept reinstatement or forty-five days from the  
31 board's finding. If, from the report or the report and hearing  
32 on the report, the board is of the opinion and finds that the  
33 disabled retirant has recovered from his or her previously  
34 determined probable permanent disability to the extent that  
35 he or she is able to engage in gainful employment but  
36 remains unable to adequately perform the duties of a law-  
37 enforcement officer, the board shall order the payment, in  
38 monthly installments of an amount equal to two thirds of the  
39 salary, in the case of a retirant retired under the provisions of  
40 section twenty-nine of this article or equal to one half of the  
41 salary, in the case of a retirant retired under the provisions of  
42 section thirty of this article, excluding any compensation paid  
43 for overtime service, for the twelve-month employment  
44 period immediately preceding the disability award:  
45 *Provided*, That if the retirant had not been employed with the  
46 fund for twelve months immediately prior to the disability  
47 award, the amount of monthly salary shall be annualized for  
48 the purpose of determining the benefit.

49 (b) A disability retirant who is returned to active duty as  
50 a member of the West Virginia State Police shall again

51 become a member of the retirement system in which he or  
52 she was originally enrolled and the retirant's credited service  
53 in force at the time of retirement shall be restored.

**ARTICLE 2A. WEST VIRGINIA STATE POLICE  
RETIREMENT SYSTEM.**

**§15-2A-11. Same -- Physical examinations; termination.**

1 (a) The board may require any disabled retirant to submit  
2 to a physical or mental examination or both a physical and  
3 mental examination by a physician or physicians selected or  
4 approved by the board and the physician or physicians shall  
5 submit a report of the findings of the physician or physicians  
6 in writing to the board for its consideration. All medical  
7 costs associated with the examination shall be paid by the  
8 fund. If from the report, or from the report and hearing on  
9 the report, the board is of the opinion and finds that the  
10 disabled retirant has recovered from the disability to the  
11 extent that he or she is able to perform adequately the duties  
12 of a law-enforcement officer, the board shall within five  
13 working days provide written notice of the finding to the  
14 Superintendent of State Police, who shall reinstate the retirant  
15 to active duty as a member of the department at his or her  
16 rank or classification prior to the disability retirement within  
17 forty-five days of the finding, unless the retirant declines to  
18 be reinstated, is found by a background check to be ineligible  
19 for reinstatement, or is found by the Superintendent to be  
20 unacceptable due to the retirant's performance history and  
21 evaluations during prior work with the department. The  
22 Superintendent shall promptly notify the board when the  
23 retirant is reinstated, is found ineligible for reinstatement due  
24 to a background check or unacceptable prior performance  
25 history or evaluations, or refuses reinstatement. The board  
26 shall order disability payments from the fund to be  
27 terminated at the earlier of the date of the retirant's

28 reinstatement, regular retirement, failure of a background  
29 check, finding of unacceptable prior performance history or  
30 evaluation with the department, failure to accept  
31 reinstatement or forty-five days from the board's finding. If  
32 from the report, or the report and hearing on the report, the  
33 board is of the opinion and finds that the disabled retirant has  
34 recovered from his or her previously determined probable  
35 permanent disability to the extent that he or she is able to  
36 engage in any gainful employment, but unable to adequately  
37 perform the duties of a law-enforcement officer, the board  
38 shall order, in the case of a disabled retirant receiving  
39 benefits under the provisions of section nine of this article,  
40 that the disabled retirant be paid annually from the fund an  
41 amount equal to six tenths of the base salary paid to the  
42 retirant in the last full twelve-month employment period. The  
43 board shall order, in the case of a disabled retirant receiving  
44 benefits under the provisions of section ten of this article, that  
45 the disabled retirant be paid from the fund an amount equal  
46 to one fourth of the base salary paid to the retirant in the last  
47 full twelve-month employment period: *Provided*, That if the  
48 retirant had not been employed with the agency for twelve  
49 full months prior to the disability, the amount of monthly  
50 salary shall be annualized for the purpose of determining the  
51 benefit.

52 (b) A disability retirant who is returned to active duty as  
53 a member of the West Virginia State Police shall again  
54 become a member of the retirement system in which he or  
55 she was originally enrolled and the retirant's credited service  
56 in force at the time of retirement shall be restored.

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**CHAPTER 160**

**(Com. Sub. for H. B. 2539 - By Delegates  
Frazier, Miley, Brown, Caputo, Ellem,  
Hamilton, Longstreth, Moore and Sobonya)**

[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 30, 2011.]

AN ACT to amend and reenact §15-2B-3 and §15-2B-5 of the Code of West Virginia, 1931, as amended, all relating to authorizing the West Virginia State Police to enter into agreements with the Marshall University Forensic Science Center; and adding and amending definitions.

*Be it enacted by the Legislature of West Virginia:*

That §15-2B-3 and §15-2B-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 2B. DNA DATA.**

**\*§15-2B-3. Definitions.**

1 As used in this article:

2 (1) "CODIS" means the Federal Bureau of  
3 Investigation's Combined DNA Index System that allows the  
4 storage and exchange of DNA records submitted by federal,  
5 state and local forensic DNA laboratories. The term  
6 "CODIS" includes the National DNA Index System

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\*CLERK'S NOTE: This section was also amended by Com. Sub. for H.B. 3054 (Chapter 47) which passed prior to this act.

7 administered and operated by the Federal Bureau of  
8 Investigation.

9 (2) “Conviction” includes convictions by a jury or court,  
10 guilty plea, or plea of nolo contendere.

11 (3) “Criminal justice agency” means an agency or  
12 institution of a federal, state or local government, other than  
13 the office of public defender, which performs as part of its  
14 principal function, relating to the apprehension, investigation,  
15 prosecution, adjudication, incarceration, supervision or  
16 rehabilitation of criminal offenders.

17 (4) “Division” means the West Virginia State Police.

18 (5) “DNA” means deoxyribonucleic acid. DNA is  
19 located in the nucleus of cells and provides an individual’s  
20 personal genetic blueprint. DNA encodes genetic information  
21 that is the basis of human heredity and forensic identification.

22 (6) “DNA record” means DNA identification information  
23 stored in any state DNA database pursuant to this article.  
24 The DNA record is the result obtained from DNA typing  
25 tests. The DNA record is comprised of the characteristics of  
26 a DNA sample which are of value in establishing the identity  
27 of individuals. The results of all DNA identification tests on  
28 an individual’s DNA sample are also included as a “DNA  
29 record”.

30 (7) “DNA sample” means a tissue, fluid or other bodily  
31 sample, suitable for testing, provided pursuant to this article  
32 or submitted to the division laboratory for analysis pursuant  
33 to a criminal investigation.

34 (8) “FBI” means the Federal Bureau of Investigation.

35 (9) "Interim plan" means the plan used currently by the  
36 Federal Bureau of Investigation for Partial Match Protocol  
37 and to be adopted under the management rules of this article.

38 (10) "Management rules" means the rules promulgated  
39 by the West Virginia State Police that define all policy and  
40 procedures in the administration of this article.

41 (11) "Partial match" means that two DNA profiles, while  
42 not an exact match, share a sufficient number of  
43 characteristics to indicate the possibility of a biological  
44 relationship.

45 (12) "Qualifying offense" means any felony offense as  
46 described in section six of this article or any offense requiring  
47 a person to register as a sex offender under this code or the  
48 federal law. For the purpose of this article, a person found  
49 not guilty of a qualifying offense by reason of insanity or  
50 mental disease or defect shall be required to provide a DNA  
51 sample in accordance with this article.

52 (13) "Registering Agency" means the West Virginia State  
53 Police.

54 (14) "State DNA database" means all DNA identification  
55 records included in the system administered by the West  
56 Virginia State Police.

57 (15) "State DNA databank" means the repository of DNA  
58 samples collected under the provisions of this article.

**§15-2B-5. Authority of division to enter into cooperative agreements.**

1 The division may enter into cooperative agreements with  
2 public or private agencies or entities to provide a service or

3 facility associated with the administration of the DNA  
4 database and databank. In the event the division enters into  
5 any agreements for the purposes of: (1) Testing of offender  
6 samples for CODIS; (2) criminal paternity cases; or (3)  
7 identification of human remains for the Office of Chief  
8 Medical Examiner using nuclear DNA technology, the  
9 division is authorized to only enter into such agreements with  
10 the Marshall University Forensic Science Center.

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## CHAPTER 161

**(Com. Sub. for S. B. 465 - By Senators McCabe,  
Kessler (Acting President), Browning, Unger,  
Snyder, Stollings, Plymale, Wells, Palumbo,  
Beach, Klempa, Yost and Foster)**

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[Passed March 12, 2011; in effect July 1, 2011.]

[Approved by the Governor on April 4, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2H-1 and §5B-2H-2; to amend said code by adding thereto a new section, designated §11-1C-11c; to amend and reenact §11-6D-1, §11-6D-2, §11-6D-3, §11-6D-4, §11-6D-5, §11-6D-6, §11-6D-7 and §11-6D-8 of said code; to amend said code by adding thereto a new section, designated §11-6D-9; to amend and reenact §11-6F-2 and §11-6F-3 of said code; to amend and reenact §11-13Q-20 of said code; to amend and reenact §11-13R-3 of said code; to amend and reenact §11-13S-3 and §11-13S-4 of said code; to amend and reenact §11-15-8d of said code; and to amend and reenact §24-2F-3 of said code, all relating generally to the Marcellus Gas and Manufacturing



Development Act of 2011; providing short title; making legislative findings and declarations; providing guideline for valuation of drilling rigs for property tax purposes; authorizing the Tax Commissioner to promulgate rules; amending and reinstating alternative fuel motor vehicle tax credit; providing credit for alternative fuel refueling facilities; making legislative findings; stating legislative purpose; defining terms; allowing credit for purchase of alternative fuel motor vehicles, conversion of vehicles to alternative fuel motor vehicles and for commercial and residential alternative fuel refueling facilities; providing for expiration of credits; requiring Tax Commissioner to promulgate rules and design forms; providing for carryover of unused credits and for recapture of credits; amending definition of “manufacturing” for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; providing new rules for treatment of certified capital addition property; adding additional requirements for reports to Governor and Legislature; amending definition of “research and development” for purposes of strategic research and development tax credit; amending definition of “manufacturing” for purposes of manufacturing investment tax credit; requiring certain business activities comply with certain hiring requirements in order to be eligible for the manufacturing investment tax credit and sales tax exemption; providing additional exception to limitation on right to assert sales and use tax exemptions; and clarifying meaning of “natural gas” for purposes of Alternative and Renewable Energy Portfolio Standard Act.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §5B-2H-1 and §5B-2H-2; that said code be amended by adding thereto a new section, designated §11-1C-11c; that §11-6D-1, §11-6D-2, §11-6D-3, §11-6D-4, §11-6D-5, §11-6D-6, §11-6D-7 and §11-6D-8 of said code be

amended and reenacted; that said code be amended by adding thereto a new section, designated §11-6D-9; that §11-6F-2 and §11-6F-3 of said code be amended and reenacted; that §11-13Q-20 of said code be amended and reenacted; that §11-13R-3 of said code be amended and reenacted; that §11-13S-3 and §11-13S-4 of said code be amended and reenacted; that §11-15-8d of said code be amended and reenacted; and that §24-2F-3 of said code be amended and reenacted, all to read as follows:

**CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF  
1985.**

**ARTICLE 2H. MARCELLUS GAS AND MANUFACTURING  
DEVELOPMENT ACT.**

**§5B-2H-1. Short Title.**

1       This article shall be known and cited as the “Marcellus  
2       Gas and Manufacturing Development Act.”

**§5B-2H-2. Legislative findings; declaration of public policy.**

1       (a) The Legislature finds that:

2       (1) The advent and advancement of new and existing  
3       technologies and drilling practices have created the  
4       opportunity for the efficient development of natural gas  
5       contained in underground shales and other geological  
6       formations.

7       (2) With development of the Marcellus shale comes the  
8       opportunity for economic development in related areas of the  
9       economy including, but not limited to, manufacturing,  
10      transmission of natural gas and related products and the  
11      transportation of manufactured products.

12      (3) It is in the interest of national security to encourage  
13      post-production uses of natural gas and its various

14 components as a replacement for oil imported from other  
15 countries.

16 (4) Producers of natural gas, transporters of natural gas  
17 and manufacturers of products using natural gas face a  
18 significant number of regulatory requirements, some of  
19 which may be redundant, inconsistent, or overlapping.  
20 Agencies should work together, where practical, to avoid  
21 duplication, promote better coordination and reduce these  
22 requirements, thus reducing costs, simplifying and  
23 harmonizing rules and streamlining regulatory oversight.

24 (5) In developing regulatory actions and identifying  
25 appropriate approaches, agencies should attempt to promote  
26 coordination, simplification, and harmonization.

27 (6) Agencies should also seek to identify, as appropriate,  
28 means to achieve regulatory goals that are designed to  
29 promote innovation.

30 (7) Agencies should review their existing significant  
31 legislative, interpretive and procedural rules to determine  
32 whether any such rules should be modified, streamlined,  
33 expanded or repealed so as to make the agency's regulatory  
34 program more effective or less burdensome in achieving the  
35 regulatory objectives.

36 (8) The West Virginia Economic Development Authority  
37 established in article fifteen, chapter thirty-one of this code  
38 and the West Virginia Infrastructure and Jobs Development  
39 Council created in article fifteen-a, chapter thirty-one of this  
40 code, should, where appropriate, provide assistance that  
41 grows or sustains this segment of the economy.

42 (b) The Legislature declares that facilitating the  
43 development of business activity directly and indirectly  
44 related to development of the Marcellus shale serves the

45 public interest of the citizens of this state by promoting  
46 economic development and improving economic  
47 opportunities for the citizens of this state.

## **CHAPTER 11. TAXATION.**

### **ARTICLE 1C. FAIR AND EQUITABLE PROPERTY VALUATION.**

#### **§11-1C-11c. Valuation of oil and gas drilling rigs.**

1 Notwithstanding any provision of this code to the  
2 contrary and to facilitate the equal and uniform taxation of oil  
3 and natural gas drilling rigs throughout the state, the State  
4 Tax Commissioner shall annually compile a schedule of oil  
5 and natural gas drilling rig values based on the values shown  
6 in a nationally recognized guide or bulletin published during  
7 the calendar year that includes the assessment date, using the  
8 appropriate depth rating assigned to the drawworks by its  
9 manufacturer and the actual condition of the drilling rig. The  
10 State Tax Commissioner shall furnish the schedule to each  
11 assessor and it shall be used by him or her as a guide in  
12 placing the assessed values on all oil and natural gas drilling  
13 rigs in his or her county. This section applies to assessment  
14 years beginning on and after July 1, 2011.

### **ARTICLE 6D. ALTERNATIVE-FUEL MOTOR VEHICLES TAX CREDIT.**

#### **§11-6D-1. Legislative findings and purpose.**

1 Consistent with the public policy as stated in section one,  
2 article two-d, chapter twenty-four of this code, the  
3 Legislature hereby finds that the use of alternative fuels is in  
4 the public interest and promotes the general welfare of the  
5 people of this state insofar as it addresses serious concerns  
6 for our environment and our state's and nation's dependence

7 on foreign oil as a source of energy. The Legislature further  
8 finds that this state has an abundant supply of alternative  
9 fuels and an extensive supply network and that, by  
10 encouraging the use of alternatively-fueled motor vehicles,  
11 the state will be reducing its dependence on foreign oil and  
12 attempting to improve its air quality. The Legislature further  
13 finds that the wholesale cost of fuel for certain alternatively-  
14 fueled motor vehicles is significantly lower than the cost of  
15 fueling traditional motor vehicles with oil based fuels.

16 However, because the cost of motor vehicles which  
17 utilize alternative-fuel technologies remains high in relation  
18 to motor vehicles that employ more traditional technologies,  
19 citizens of this state who might otherwise choose an  
20 alternatively-fueled motor vehicle are forced by economic  
21 necessity to continue using motor vehicles that are fueled by  
22 more conventional means. Additionally, the availability of  
23 commercial and residential infrastructure to support  
24 alternatively-fueled vehicles available to the public is  
25 inadequate to encourage the use of alternatively-fueled motor  
26 vehicles. It is the intent of the Legislature that the alternative  
27 fuel motor vehicle tax credit previously expired in 2006 be  
28 hereby reinstated with changes and amendments as set forth  
29 herein. Therefore, in order to encourage the use of  
30 alternatively-fueled motor vehicles and possibly reduce  
31 unnecessary pollution of our environment and reduce our  
32 dependence on foreign sources of energy, there is hereby  
33 created an alternative-fuel motor vehicles tax credit and an  
34 alternative-fuel infrastructure tax credit.

### **§11-6D-2. Definitions.**

1 As used in this article, the following terms have the  
2 meanings ascribed to them in this section:

3 (a) "Alternative fuel" includes:

- 4 (1) Compressed natural gas;
- 5 (2) Liquified natural gas;
- 6 (3) Liquified petroleum gas;
- 7 (4) Ethanol;
- 8 (5) Fuel mixtures that contain eighty-five percent or more  
9 by volume, when combined with gasoline or other fuels, of  
10 the following:
  - 11 (A) Methanol;
  - 12 (B) Ethanol; or
  - 13 (C) Other alcohols;
- 14 (6) Natural gas hydrocarbons and derivatives;
- 15 (7) Hydrogen;
- 16 (8) Coal-derived liquid fuels; and
- 17 (9) Electricity, including electricity from solar energy.
- 18 (b) "Alternative-fuel motor vehicle" means a motor  
19 vehicle that as a new or retrofitted or converted fuel vehicle:
  - 20 (1) Operates solely on one alternative fuel;
  - 21 (2) Is capable of operating on one or more alternative  
22 fuels, singly or in combination; or
  - 23 (3) Is capable of operating on an alternative fuel and is  
24 also capable of operating on gasoline or diesel fuel.

25           (c) “Bi-fueled” means the ability of an alternative-fuel  
26 motor vehicle to operate on an alternative fuel and another  
27 form of fuel.

28           (d) “Plug-in hybrid electric vehicle” means:

29           (1) A plug-in hybrid electric vehicle manufactured by an  
30 established motor vehicle manufacturer of plug-in hybrid  
31 electric vehicles that can operate solely on electric power and  
32 that is capable of recharging its battery from an on-board  
33 generation source and an off-board electricity source; and

34           (2) A plug-in hybrid electric vehicle conversion that  
35 provides an increase in city fuel economy of seventy-five  
36 percent or more as compared to a comparable nonhybrid  
37 version vehicle for a minimum of twenty miles and that is  
38 capable of recharging its battery from an on-board generation  
39 source and an off-board electricity source. A vehicle is  
40 comparable if it is the same model year and the same vehicle  
41 class as established by the United States Environmental  
42 Protection Agency and is comparable in weight, size and use.  
43 Fuel economy comparisons shall be made using city fuel  
44 economy standards in a manner that is substantially similar  
45 to the manner in which city fuel economy is measured in  
46 accordance with procedures set forth in 40 C.F.R. 600 as in  
47 effect on January 1, 2011.

48           (e) “Qualified alternative fuel vehicle refueling  
49 infrastructure” means property owned by the applicant for the  
50 tax credit and used for storing alternative fuels and for  
51 dispensing such alternative fuels into fuel tanks of motor  
52 vehicles, including, but not limited to, compression  
53 equipment, storage tanks and dispensing units for alternative  
54 fuel at the point where the fuel is delivered: *Provided*, That  
55 the property is installed and located in this state and is not  
56 located on a private residence or private home.

57 (f) “Qualified alternative fuel vehicle home refueling  
58 infrastructure” means property owned by the applicant for the  
59 tax credit located on a private residence or private home and  
60 used for storing alternative fuels and for dispensing such  
61 alternative fuels into fuel tanks of motor vehicles, including,  
62 but not limited to, compression equipment, storage tanks and  
63 dispensing units for alternative fuel at the point where the  
64 fuel is delivered or for providing electricity to plug-in hybrid  
65 electric vehicles or electric vehicles: *Provided*, That the  
66 property is installed and located in this state.

67 (g) “Taxpayer” means any natural person, corporation,  
68 limited liability company or partnership subject to the tax  
69 imposed under article twenty-one, article twenty-three or  
70 article twenty-four of this chapter or any combination  
71 thereof.

**§11-6D-3. Credit allowed for alternative-fuel motor vehicles  
and qualified alternative fuel vehicle refueling  
infrastructure; application against personal  
income tax, business franchise tax or corporate  
net income tax; effective date.**

1 The tax credits for the purchase of alternative-fuel motor  
2 vehicles or conversion to alternative-fuel motor vehicles,  
3 qualified alternative fuel vehicle refueling infrastructure and  
4 qualified alternative fuel vehicle home refueling  
5 infrastructure provided in this article may be applied against  
6 the tax liability of a taxpayer imposed by the provisions of  
7 either article twenty-one, article twenty-three or article  
8 twenty-four of this chapter but in no case may more than one  
9 credit be granted for the same alternative-fuel motor vehicle  
10 as defined in subdivision (b), section two of this article. This  
11 credit shall be available for those tax years beginning on or  
12 after January 1, 2011.



**§11-6D-4. Eligibility for credit.**

1           A taxpayer is eligible to claim the credit against tax  
2 provided in this article if he or she:

3           (a) Converts a motor vehicle that is presently registered  
4 in West Virginia to operate exclusively on an alternative fuel  
5 as defined in subdivision (a), section two of this article; or

6           (b) Purchases from an original equipment manufacturer  
7 or an after-market conversion facility or any other automobile  
8 retailer, a new dedicated or bi-fueled alternative-fuel motor  
9 vehicle for which the taxpayer then obtains a valid West  
10 Virginia registration; or

11           (c) Constructs or purchases and installs qualified  
12 alternative fuel vehicle refueling infrastructure or qualified  
13 alternative fuel vehicle home refueling infrastructure that is  
14 capable of dispensing alternative fuel for alternative-fuel  
15 motor vehicles.

16           (d) The credit provided in this article is not available to  
17 and may not be claimed by any taxpayer under any obligation  
18 pursuant to any federal or state law, policy or regulation to  
19 convert to the use of alternative fuels for any motor vehicle.

**§11-6D-5. Amount of credit for alternative fuel motor vehicles.**

1           (a) For taxable years beginning on and after January 1,  
2 2011, the amount of the credit allowed under this article for  
3 an alternative-fuel motor vehicle that weighs less than  
4 twenty-six thousand pounds is thirty-five percent of the  
5 purchase price of the alternative-fuel motor vehicle up to a  
6 maximum amount of \$7,500 or fifty percent of the actual cost  
7 of converting from a traditionally fueled motor vehicle to an  
8 alternative fuel motor vehicle up to a maximum amount of  
9 \$7,500.

10 (b) For taxable years beginning on and after January 1,  
11 2011, the amount of the credit allowed under this article for  
12 an alternative-fuel motor vehicle that weighs more than  
13 twenty-six thousand pounds is thirty-five percent of the  
14 purchase price of the alternative-fuel motor vehicle up to a  
15 maximum amount of \$25,000 or fifty percent of the actual  
16 cost of converting from a traditionally fueled motor vehicle  
17 to an alternative fuel motor vehicle up to a maximum amount  
18 of \$25,000.

**§11-6D-6. Amount of credit for qualified alternative fuel  
vehicle refueling infrastructure and qualified  
alternative fuel vehicle home refueling  
infrastructure.**

1 (a) For taxable years beginning on and after January 1,  
2 2011, but prior to January 1, 2014, the amount of the credit  
3 allowed under this article for qualified alternative fuel vehicle  
4 refueling infrastructure is equal to an amount of fifty percent  
5 of the total costs directly associated with the construction or  
6 purchase and installation of the alternative fuel vehicle  
7 refueling infrastructure up to a maximum of \$250,000:  
8 *Provided*, That if the qualified alternative fuel vehicle  
9 refueling infrastructure is generally accessible for public use,  
10 the amount of the credit allowed will be multiplied by 1.25  
11 and the maximum amount allowable will be \$312,500. The  
12 amount of credit allowed may not exceed the cost of  
13 construction of the alternative fuel vehicle refueling  
14 infrastructure.

15 (b) For taxable years beginning on and after January 1,  
16 2014, but prior to January 1, 2016, the amount of the credit  
17 allowed under this article for qualified alternative fuel vehicle  
18 refueling infrastructure is equal to an amount of fifty percent  
19 of the total costs directly associated with the construction or  
20 purchase and installation of the alternative fuel vehicle  
21 refueling infrastructure up to a maximum of \$200,000:

22 *Provided*, That if the qualified alternative fuel vehicle  
23 refueling infrastructure is generally accessible for public use,  
24 the amount of the credit allowed will be multiplied by 1.25  
25 and the maximum amount allowable will be \$250,000. The  
26 amount of credit allowed may not exceed the cost of  
27 construction of the alternative fuel vehicle refueling  
28 infrastructure.

29 (c) For taxable years beginning on and after January 1,  
30 2016, but prior to January 1, 2022, the amount of the credit  
31 allowed under this article for qualified alternative fuel vehicle  
32 refueling infrastructure is equal to an amount of fifty percent  
33 of the total costs directly associated with the construction or  
34 purchase and installation of the alternative fuel vehicle  
35 refueling infrastructure up to a maximum of \$150,000:  
36 *Provided*, That if the qualified alternative fuel vehicle  
37 refueling infrastructure is generally accessible for public use,  
38 the amount of the credit allowed will be multiplied by 1.25  
39 and the maximum amount allowable will be \$187,500. The  
40 amount of credit allowed may not exceed the cost of  
41 construction of the alternative fuel vehicle refueling  
42 infrastructure.

43 (d) For taxable years beginning on and after January 1,  
44 2011, the amount of the credit allowed under this article for  
45 qualified alternative fuel vehicle home refueling  
46 infrastructure is equal to an amount of fifty percent of the  
47 total costs directly associated with the construction or  
48 purchase and installation of the alternative fuel vehicle home  
49 refueling infrastructure up to a maximum of \$10,000.

50 (e) The cost of construction of the alternative fuel vehicle  
51 refueling infrastructure or alternative fuel vehicle home  
52 refueling infrastructure eligible for a tax credit under this  
53 section does not include costs associated with exploration,  
54 development or production activities necessary for severing  
55 natural resources from the soil or ground.

56 (f) When the taxpayer is a pass-through entity treated like  
57 a partnership for federal and state income tax purposes, the  
58 credit allowed under this article for the year shall flow  
59 through to the equity owners of the pass-through entity in the  
60 same manner that distributive share flows through to the  
61 equity owners and in accordance with any legislative rule the  
62 Tax Commissioner may propose for legislative approval in  
63 accordance with article three, chapter twenty-nine-a of this  
64 code to administer this section.

65 (g) No credit allowed by this article may be applied  
66 against employer withholding taxes imposed by article  
67 twenty-one of this chapter.

**§11-6D-7. Duration of availability of credit.**

1 No person is eligible to receive a tax credit under this  
2 article for: (1) An alternative-fuel motor vehicle purchased  
3 after December 31, 2021; (2) a vehicle converted to an  
4 alternative-fuel motor vehicle after December 31, 2021; or  
5 (3) the construction or purchase and installation of qualified  
6 alternative fuel vehicle refueling infrastructure or qualified  
7 alternative fuel vehicle home refueling infrastructure  
8 occurring after December 31, 2021.

**§11-6D-8. Commissioner to design forms and schedules;  
promulgation of rules.**

1 (a) The Tax Commissioner shall design and provide to  
2 the public simplified forms and schedules to implement and  
3 effectuate the provisions of this article.

4 (b) The Tax Commissioner shall promulgate new rules  
5 for the administration of this article consistent with its  
6 provisions and in accordance with article three, chapter  
7 twenty-nine-a of this code as the commissioner deems  
8 necessary after the effective date of the amendments to this  
9 article. Such rules shall include rules relating to the necessary

10 documentation required to be filed in order to take the tax  
11 credits allowed in this article.

12 (c) Within one year prior to the expiration of the credit  
13 established in this article, the State Tax Commissioner shall  
14 provide a written report to the Legislature setting forth the  
15 utilization of the credit, the benefit of the credit and the  
16 overall cost of the credit.

**§11-6D-9. Carryover credit allowed; recapture of credit.**

1 (a) If the tax credit allowed under this article in any taxable  
2 year exceeds the taxpayer's tax liability as determined in  
3 accordance with article twenty-one, article twenty-three or article  
4 twenty-four of this chapter for that taxable year, the excess may  
5 be applied for succeeding taxable years until the full amount of  
6 the excess tax credit is used.

7 (b) No carry back to a prior taxable year is allowed for  
8 the amount of any unused credit in any taxable year.

9 (c) A tax credit is subject to recapture, elimination or  
10 reduction if it is determined by the State Tax Commissioner  
11 that a taxpayer was not entitled to the credit, in whole or in  
12 part, in the tax year in which it was claimed by the taxpayer.  
13 The amount of credit that flows through to equity owners of  
14 a passthrough entity may be recaptured or recovered from  
15 either the taxpayer or the equity owners in the discretion of  
16 the Tax Commissioner.

**ARTICLE 6F. SPECIAL METHOD FOR APPRAISING  
QUALIFIED CAPITAL ADDITIONS TO  
MANUFACTURING FACILITIES.**

**§11-6F-2. Definitions.**

1 As used in this article, the term:

2 (a) “Certified capital addition property” means all real  
3 property and personal property included within or to be  
4 included within a qualified capital addition to a  
5 manufacturing facility that has been certified by the State Tax  
6 Commissioner in accordance with section four of this article:  
7 *Provided*, That airplanes and motor vehicles licensed by the  
8 Division of Motor Vehicles shall in no event constitute  
9 certified capital addition property.

10 (b) “Manufacturing” means any business activity  
11 classified as having a sector identifier, consisting of the first  
12 two digits of the six-digit North American Industry  
13 Classification System code number of thirty-one, thirty-two  
14 or thirty-three or the six digit code number 211112.

15 (c) “Manufacturing facility” means any factory, mill,  
16 chemical plant, refinery, warehouse, building or complex of  
17 buildings, including land on which it is located, and all  
18 machinery, equipment, improvements and other real property  
19 and personal property located at or within the facility used in  
20 connection with the operation of the facility in a  
21 manufacturing business.

22 (d) “Personal property” means all property specified in  
23 subdivision (q), section ten, article two, chapter two of this  
24 code and includes, but is not limited to, furniture, fixtures,  
25 machinery and equipment, pollution control equipment,  
26 computers and related data processing equipment, spare parts  
27 and supplies.

28 (e) “Qualified capital addition to a manufacturing  
29 facility” means all real property and personal property, the  
30 combined original cost of all of the property which exceeds  
31 \$50 million to be constructed, located or installed at or within  
32 two miles of a manufacturing facility owned or operated by  
33 the person making the capital addition that has a total original

34 cost before the capital addition of at least \$100 million. If the  
35 capital addition is made in a steel, chemical or polymer  
36 alliance zone as designated from time-to-time by executive  
37 order of the Governor, then the person making the capital  
38 addition may for purposes of satisfying the requirements of  
39 this subsection join in a multiparty project with a person  
40 owning or operating a manufacturing facility that has a total  
41 original cost before the capital addition of at least \$100  
42 million if the capital addition creates additional production  
43 capacity of existing or related products or feedstock or  
44 derivative products respecting the manufacturing facility,  
45 consists of a facility used to store, handle, process or produce  
46 raw materials for the manufacturing facility, consists of a  
47 facility used to store, handle or process natural gas to produce  
48 fuel for the generation of steam or electricity for the  
49 manufacturing facility or consists of a facility that generates  
50 steam or electricity for the manufacturing facility, including  
51 but not limited to a facility that converts coal to a gas or  
52 liquid for the manufacturing facility's use in heating,  
53 manufacturing or generation of electricity. Beginning on and  
54 after July 1, 2011, when the new capital addition is a facility  
55 that is or will be classified under the North American  
56 Industry Classification System with a six digit code number  
57 211112, or is a manufacturing facility that uses product  
58 produced at a facility with code number 211112, then  
59 wherever the term "100 million" is used in this subsection,  
60 the term "20 million" shall be substituted and where the term  
61 "50 million" is used, the term "10 million" shall be  
62 substituted.

63 (f) "Real property" means all property specified in  
64 subdivision (p), section ten, article two, chapter two of this  
65 code and includes, but is not limited to, lands, buildings and  
66 improvements on the land such as sewers, fences, roads,  
67 paving and leasehold improvements.

**§11-6F-3. Tax treatment of certified capital addition property.**

1           Notwithstanding any other provisions of law, the value of  
2 certified capital addition property, for purposes of ad valorem  
3 property taxation under this chapter, is its salvage value,  
4 which for purposes of this article is five percent of the  
5 certified capital addition property's original cost. For capital  
6 additions certified on or after July 1, 2011, the value of the  
7 land before any improvements shall be subtracted from the  
8 value of the capital addition and the unimproved land value  
9 shall not be given salvage value treatment.

**ARTICLE 13Q. ECONOMIC OPPORTUNITY TAX CREDIT.****§11-13Q-20. Tax credit review and accountability.**

1           (a) Beginning on February 1, 2006, and every third year  
2 thereafter, the commissioner shall submit to the Governor,  
3 the President of the Senate and the Speaker of the House of  
4 Delegates a tax credit review and accountability report  
5 evaluating the cost effectiveness of the economic opportunity  
6 credit during the most recent three-year period for which  
7 information is available. The criteria to be evaluated shall  
8 include, but not be limited to, for each year of the three-year  
9 period:

10           (1) The numbers of taxpayers claiming the credit;

11           (2) The net number of new jobs created by all taxpayers  
12 claiming the credit;

13           (3) The cost of the credit;

14           (4) The cost of the credit per new job created; and

15           (5) Comparison of employment trends for an industry and  
16 for taxpayers within the industry that claim the credit.



17 (b) Taxpayers claiming the credit shall provide any  
18 information the Tax Commissioner may require to prepare  
19 the report: *Provided*, That the information provided is subject  
20 to the confidentiality and disclosure provisions of sections  
21 five-d and five-s, article ten of this chapter.

22 (c) On or before February 1, 2013, the Department of  
23 Commerce, in consultation with the Tax Commissioner, the  
24 Department of Transportation and the Department of  
25 Environmental Protection shall submit to the Governor, the  
26 President of the Senate and the Speaker of the House of  
27 Delegates a report of the impact of all the tax credits and  
28 other economic incentives provided in the act of the  
29 Legislature which amended and reenacted this section during  
30 2011 upon economic development in this state, including but  
31 not limited to the creation of jobs in this state, upon the  
32 state's infrastructure, including but not limited to the need for  
33 construction or maintenance of the roads and highways of the  
34 state, upon the natural resources of the state, and upon public  
35 and private property interests in the state.

## ARTICLE 13R. STRATEGIC RESEARCH AND DEVELOPMENT TAX CREDIT.

### §11-13R-3. Definitions.

1 (a) *General.* -- When used in this article or in the  
2 administration of this article, terms defined in subsection (b)  
3 of this section have the meanings ascribed to them by this  
4 section unless a different meaning is clearly required by  
5 either the context in which the term is used or by specific  
6 definition in this article.

7 (b) *Terms defined.* --

8 (1) "Base amount" means:

9           (A) The average annual combined qualified research and  
10 development expenditure for the three taxable years  
11 immediately preceding the taxable year for which a credit is  
12 claimed under this article;

13           (B) For a taxpayer that has filed a tax return under article  
14 twenty-three of this chapter for fewer than three but at least  
15 one prior taxable year, determined on the basis of all filings  
16 by the taxpayer's controlled group, the base amount is the  
17 average annual combined qualified research and development  
18 expenditure for the number of immediately preceding taxable  
19 years, other than short taxable years, during which the  
20 taxpayer has filed a tax return under article twenty-three of  
21 this chapter; or

22           (C) For a taxpayer that has not filed a tax return under  
23 article twenty-three of this chapter for at least one taxable  
24 year, determined on the basis of all filings by the taxpayer's  
25 controlled group, the base amount is zero.

26           (2) "Commissioner" and "Tax Commissioner" are used  
27 interchangeably herein and mean the Tax Commissioner of  
28 the State of West Virginia or his or her delegate.

29           (3) "Controlled group" means a controlled group as  
30 defined by section 1563 of the Internal Revenue Code of  
31 1986, as amended.

32           (4) "Corporation" means any corporation, limited liability  
33 company, joint-stock company or association and any  
34 business conducted by a trustee or trustees wherein interest  
35 or ownership is evidenced by a certificate of interest or  
36 ownership or similar written instrument.

37           (5) "Delegate" in the phrase "or his or her delegate,"  
38 when used in reference to the Tax Commissioner, means any  
39 officer or employee of the State Tax Division of the

40 Department of Tax and Revenue duly authorized by the Tax  
41 Commissioner directly, or indirectly by one or more  
42 redelegations of authority, to perform the functions  
43 mentioned or described in this article.

44 (6) “Eligible taxpayer” means any person that is subject  
45 to the tax imposed by article twenty-three or article twenty-  
46 four of this chapter that is engaged in qualified research and  
47 development that has paid or incurred investment in qualified  
48 research and development credit property or that has paid or  
49 incurred qualified research and development expenses as  
50 defined in section four of this article. In the case of a sole  
51 proprietorship subject to neither the tax imposed by article  
52 twenty-three nor the tax imposed by article twenty-four, the  
53 term “eligible taxpayer” means any sole proprietor who is  
54 subject to the tax imposed by article twenty-one of this  
55 chapter and who is engaged in qualified research and  
56 development that has paid or incurred investment in qualified  
57 research and development credit property or that has paid or  
58 incurred qualified research and development expenses as  
59 defined in section four of this article.

60 (7) “Partnership” includes a syndicate, group, pool, joint  
61 venture or other unincorporated organization through or by  
62 means of which any business, financial operation or venture  
63 is carried on, and which is not a trust or estate, a corporation  
64 or a sole proprietorship. The term “partner” includes a  
65 member in such a syndicate, group, pool, joint venture or  
66 other organization.

67 (8) “Person” includes any natural person, corporation,  
68 limited liability company or partnership.

69 (9) “Qualified research and development credit property”  
70 means depreciable property purchased for the conduct of  
71 qualified research and development.

72 (10) “Research and development” means systematic  
73 scientific, engineering or technological study and  
74 investigation in a field of knowledge in the physical,  
75 computer or software sciences often involving the  
76 formulation of hypotheses and experimentation for the  
77 purpose of revealing new facts, theories or principles or  
78 increasing scientific knowledge which may reveal the basis  
79 for new or enhanced products, equipment or manufacturing  
80 processes.

81 (A) Research and development includes, but is not  
82 limited to, design, refinement and testing of prototypes of  
83 new or improved products or equipment or the design,  
84 refinement and testing of manufacturing processes before  
85 commercial sales relating thereto have begun. For purposes  
86 of this section, commercial sales includes, but is not limited  
87 to, sales of prototypes or sales for market testing.

88 (B) Research and development does not include:

89 (i) Market research;

90 (ii) Sales research;

91 (iii) Efficiency surveys;

92 (iv) Consumer surveys;

93 (v) Product market testing;

94 (vi) Product testing by product consumers or through  
95 consumer surveys for evaluation of consumer product  
96 performance or consumer product usability;

97 (vii) The ordinary testing or inspection of materials or  
98 products for quality control;

- 99           (viii) Management studies;
- 100           (ix) Advertising;
- 101           (x) Promotions;
- 102           (xi) The acquisition of another's patent, model,  
103 production or process or investigation or evaluation of the  
104 value or investment potential related thereto;
- 105           (xii) Research in connection with literary, historical or  
106 similar activities;
- 107           (xiii) Research in the social sciences, economics,  
108 humanities or psychology and other nontechnical activities;  
109 and
- 110           (xiv) The providing of sales services or any other service,  
111 whether technical service or nontechnical service.
- 112           (11) "Related person" means:
- 113           (A) A corporation, limited liability company, partnership,  
114 association or trust controlled by the taxpayer;
- 115           (B) An individual, corporation, limited liability company,  
116 partnership, association or trust that is in control of the  
117 taxpayer;
- 118           (C) A corporation, limited liability company, partnership,  
119 association or trust controlled by an individual, corporation,  
120 partnership, association or trust that is in control of the  
121 taxpayer; or
- 122           (D) A member of the same controlled group as the  
123 taxpayer.

124 For purposes of this article, “control”, with respect to a  
125 corporation, means ownership, directly or indirectly, of stock  
126 possessing fifty percent or more of the total combined voting  
127 power of all classes of the stock of the corporation entitled to  
128 vote. “Control”, with respect to a trust, means ownership,  
129 directly or indirectly, of fifty percent or more of the  
130 beneficial interest in the principal or income of the trust. The  
131 ownership of stock in a corporation, of a capital or profits  
132 interest in a partnership or association or of a beneficial  
133 interest in a trust is determined in accordance with the rules  
134 for constructive ownership of stock provided in section  
135 267(c) of the United States Internal Revenue Code of 1986,  
136 as amended, other than paragraph (3) of that section.

137 (12) “Taxpayer” means any person subject to the tax  
138 imposed by article twenty-three or twenty-four of this chapter  
139 or both. In the case of a sole proprietorship subject to neither  
140 the tax imposed by article twenty-three nor the tax imposed  
141 by article twenty-four, the term “taxpayer” means any sole  
142 proprietor who is subject to the tax imposed by article  
143 twenty-one of this chapter.

144 (13) “This code” means the Code of West Virginia, 1931,  
145 as amended.

146 (14) “This state” means the State of West Virginia.

## **ARTICLE 13S. MANUFACTURING INVESTMENT TAX CREDIT.**

### **§11-13S-3. Definitions.**

1 (a) Any term used in this article has the meaning ascribed  
2 by this section unless a different meaning is clearly required  
3 by the context of its use or by definition in this article.

4 (b) For purpose of this article, the term:

5           (1) “Eligible taxpayer” means an industrial taxpayer who  
6 purchases new property for the purpose of industrial  
7 expansion or for the purpose of industrial revitalization of an  
8 existing industrial facility in this state.

9           (2) “Industrial expansion” means capital investment in a  
10 new or expanded industrial facility in this state.

11           (3) “Industrial facility” means any factory, mill, plant,  
12 refinery, warehouse, building or complex of buildings located  
13 within this state, including the land on which it is located,  
14 and all machinery, equipment and other real and tangible  
15 personal property located at or within the facility primarily  
16 used in connection with the operation of the manufacturing  
17 business.

18           (4) “Industrial revitalization” or “revitalization” means  
19 capital investment in an industrial facility located in this state  
20 to replace or modernize buildings, equipment, machinery and  
21 other tangible personal property used in connection with the  
22 operation of the facility in an industrial business of the  
23 taxpayer including the acquisition of any real property  
24 necessary to the industrial revitalization.

25           (5) “Industrial taxpayer” means any taxpayer who is  
26 primarily engaged in a manufacturing business.

27           (6) “Manufacturing” means any business activity  
28 classified as having a sector identifier, consisting of the first  
29 two digits of the six-digit North American Industry  
30 Classification System code number, of thirty-one, thirty-two  
31 or thirty-three or the six digit code number 211112.

32           (7) “Property purchased for manufacturing investment”  
33 means real property, and improvements thereto, and tangible  
34 personal property but only if the property was constructed or  
35 purchased on or after January 1, 2003, for use as a

36 component part of a new, expanded or revitalized industrial  
37 facility. This term includes only that tangible personal  
38 property with respect to which depreciation, or amortization  
39 in lieu of depreciation, is allowable in determining the federal  
40 income tax liability of the industrial taxpayer, that has a  
41 useful life, at the time the property is placed in service or use  
42 in this state, of four years or more. Property acquired by  
43 written lease for a primary term of ten years or longer, if used  
44 as a component part of a new or expanded industrial facility,  
45 is included within this definition.

46 (A) "Property purchased for manufacturing investment"  
47 does not include:

48 (i) Repair costs, including materials used in the repair,  
49 unless for federal income tax purposes, the cost of the repair  
50 must be capitalized and not expensed;

51 (ii) Motor vehicles licensed by the department of motor  
52 vehicles;

53 (iii) Airplanes;

54 (iv) Off-premises transportation equipment;

55 (v) Property which is primarily used outside this state;  
56 and

57 (vi) Property which is acquired incident to the purchase  
58 of the stock or assets of an industrial taxpayer which property  
59 was or had been used by the seller in his or her industrial  
60 business in this state or in which investment was previously  
61 the basis of a credit against tax taken under any other article  
62 of this chapter.

63 (B) Purchases or acquisitions of land or depreciable  
64 property qualify as purchases of property purchased for  
65 manufacturing investment for purposes of this article only if:



66 (i) The property is not acquired from a person whose  
67 relationship to the person acquiring it would result in the  
68 disallowance of deductions under section 267 or 707(b) of  
69 the United States Internal Revenue Code of 1986, as  
70 amended;

71 (ii) The property is not acquired from a related person or  
72 by one component member of a controlled group from  
73 another component member of the same controlled group.  
74 The Tax Commissioner may waive this requirement if the  
75 property was acquired from a related party for its then fair  
76 market value; and

77 (iii) The basis of the property for federal income tax  
78 purposes, in the hands of the person acquiring it, is not  
79 determined, in whole or in part, by reference to the federal  
80 adjusted basis of the property in the hands of the person from  
81 whom it was acquired or under Section 1014(e) of the United  
82 States Internal Revenue Code of 1986, as amended.

83 (8) "Qualified manufacturing investment" means that  
84 amount determined under section five of this article as  
85 qualified manufacturing investment.

86 (9) "Taxpayer" means any person subject to any of the  
87 taxes imposed by article thirteen-a, twenty-three or twenty-  
88 four of this chapter or any combination of those articles of  
89 this chapter.

**§11-13S-4. Amount of credit allowed for manufacturing investment.**

1 (a) *Credit allowed.* -- There is allowed to eligible  
2 taxpayers and to persons described in subdivision (5),  
3 subsection (b) of this section a credit against the taxes  
4 imposed by articles thirteen-a, twenty-three and twenty-four  
5 of this chapter: *Provided*, That a tax credit for any eligible

6 taxpayer operating a business activity classified as having a  
7 sector identifier, consisting of the six digit code number  
8 211112 such eligible taxpayer must comply with the  
9 provisions of subsection (e) of this section for all  
10 construction related thereto in order to be eligible for any  
11 credit under this article. The amount of credit shall be  
12 determined as hereinafter provided in this section.

13 (b) *Amount of credit allowable.* -- The amount of  
14 allowable credit under this article is equal to five percent of  
15 the qualified manufacturing investment (as determined in  
16 section five of this article) and shall reduce the severance tax,  
17 imposed under article thirteen-a of this chapter, the business  
18 franchise tax imposed under article twenty-three of this  
19 chapter and the corporation net income tax imposed under  
20 article twenty-four of this chapter, in that order, subject to the  
21 following conditions and limitations:

22 (1) The amount of credit allowable is applied over a ten-  
23 year period, at the rate of one-tenth thereof per taxable year,  
24 beginning with the taxable year in which the property  
25 purchased for manufacturing investment is first placed in  
26 service or use in this state;

27 (2) *Severance tax.* -- The credit is applied to reduce the  
28 severance tax imposed under article thirteen-a of this chapter  
29 (determined before application of the credit allowed by  
30 section three, article twelve-b of this chapter and before any  
31 other allowable credits against tax and before application of  
32 the annual exemption allowed by section ten, article thirteen-  
33 a of this chapter). The amount of annual credit allowed may  
34 not reduce the severance tax, imposed under article thirteen-a  
35 of this chapter, below fifty percent of the amount which  
36 would be imposed for such taxable year in the absence of this  
37 credit against tax: *Provided*, That for tax years beginning on  
38 and after January 1, 2009, the amount of annual credit  
39 allowed may not reduce the severance tax, imposed under

40 article thirteen-a of this chapter, below forty percent of the  
41 amount which would be imposed for such taxable year in the  
42 absence of this credit against tax. When in any taxable year  
43 the taxpayer is entitled to claim credit under this article and  
44 article thirteen-d of this chapter, the total amount of all  
45 credits allowable for the taxable year may not reduce the  
46 amount of the severance tax, imposed under article thirteen-a  
47 of this chapter, below fifty percent of the amount which  
48 would be imposed for such taxable year (determined before  
49 application of the credit allowed by section three, article  
50 twelve-b of this chapter and before any other allowable  
51 credits against tax and before application of the annual  
52 exemption allowed by section ten, article thirteen-a of this  
53 chapter): *Provided, however,* That when in any taxable year  
54 beginning on and after January 1, 2009, the taxpayer is  
55 entitled to claim credit under this article and article thirteen-d  
56 of this chapter, the total amount of all credits allowable for  
57 the taxable year may not reduce the amount of the severance  
58 tax imposed under article thirteen-a of this chapter, below  
59 forty percent of the amount which would be imposed for such  
60 taxable year as determined before application of the credit  
61 allowed by section three, article twelve-b of this chapter and  
62 before any other allowable credits against tax and before  
63 application of the annual exemption allowed by section ten,  
64 article thirteen-a of this chapter;

65 (3) *Business franchise tax.* --

66 After application of subdivision (2) of this subsection,  
67 any unused credit is next applied to reduce the business  
68 franchise tax imposed under article twenty-three of this  
69 chapter (determined after application of the credits against  
70 tax provided in section seventeen, article twenty-three of this  
71 chapter, but before application of any other allowable credits  
72 against tax). The amount of annual credit allowed will not  
73 reduce the business franchise tax, imposed under article  
74 twenty-three of this chapter, below fifty percent of the

75 amount which would be imposed for such taxable year in the  
76 absence of this credit against tax: *Provided*, That for tax  
77 years beginning on and after January 1, 2009, the amount of  
78 annual credit allowed will not reduce the business franchise  
79 tax, imposed under article twenty-three of this chapter, below  
80 forty percent of the amount which would be imposed for such  
81 taxable year in the absence of this credit against tax. When  
82 in any taxable year the taxpayer is entitled to claim credit  
83 under this article and article thirteen-d of this chapter, the  
84 total amount of all credits allowable for the taxable year will  
85 not reduce the amount of the business franchise tax, imposed  
86 under article twenty-three of this chapter, below fifty percent  
87 of the amount which would be imposed for the taxable year  
88 (determined after application of the credits against tax  
89 provided in section seventeen, article twenty-three of this  
90 chapter, but before application of any other allowable credits  
91 against tax): *Provided, however*, That when in any taxable  
92 year beginning on and after January 1, 2009, the taxpayer is  
93 entitled to claim credit under this article and article thirteen-d  
94 of this chapter, the total amount of all credits allowable for  
95 the taxable year will not reduce the amount of the business  
96 franchise tax, imposed under article twenty-three of this  
97 chapter, below forty percent of the amount which would be  
98 imposed for the taxable year as determined after application  
99 of the credits against tax provided in section seventeen,  
100 article twenty-three of this chapter, but before application of  
101 any other allowable credits against tax;

102 (4) *Corporation net income tax.* --

103 After application of subdivision (3) of this subsection,  
104 any unused credit is next applied to reduce the corporation  
105 net income tax imposed under article twenty-four of this  
106 chapter (determined before application of any other allowable  
107 credits against tax). The amount of annual credit allowed  
108 will not reduce corporation net income tax, imposed under  
109 article twenty-four of this chapter, below fifty percent of the

110 amount which would be imposed for such taxable year in the  
111 absence of this credit against tax: *Provided*, That for tax  
112 years beginning on and after January 1, 2009, the amount of  
113 annual credit allowed will not reduce corporation net income  
114 tax, imposed under article twenty-four of this chapter, below  
115 forty percent of the amount which would be imposed for such  
116 taxable year in the absence of this credit against tax. When  
117 in any taxable year the taxpayer is entitled to claim credit  
118 under this article and article thirteen-d of this chapter, the  
119 total amount of all credits allowable for the taxable year may  
120 not reduce the amount of the corporation net income tax,  
121 imposed under article twenty-four of this chapter, below fifty  
122 percent of the amount which would be imposed for the  
123 taxable year (determined before application of any other  
124 allowable credits against tax): *Provided, however*, That when  
125 in any taxable year beginning on and after January 1, 2009,  
126 the taxpayer is entitled to claim credit under this article and  
127 article thirteen-d of this chapter, the total amount of all  
128 credits allowable for the taxable year may not reduce the  
129 amount of the corporation net income tax, imposed under  
130 article twenty-four of this chapter, below forty percent of the  
131 amount which would be imposed for the taxable year as  
132 determined before application of any other allowable credits  
133 against tax;

134 (5) *Pass-through entities.* --

135 (A) If the eligible taxpayer is a limited liability company,  
136 small business corporation or a partnership, then any unused  
137 credit (after application of subdivisions (2), (3) and (4) of this  
138 subsection) is allowed as a credit against the taxes imposed  
139 by article twenty-four of this chapter on owners of the  
140 eligible taxpayer on the conduit income directly derived from  
141 the eligible taxpayer by its owners. Only those portions of  
142 the tax imposed by article twenty-four of this chapter that are  
143 imposed on income directly derived by the owner from the  
144 eligible taxpayer are subject to offset by this credit.

145           (B) The amount of annual credit allowed will not reduce  
146 corporation net income tax, imposed under article twenty-  
147 four of this chapter, below fifty percent of the amount which  
148 would be imposed on the conduit income directly derived  
149 from the eligible taxpayer by each owner for such taxable  
150 year in the absence of this credit against the taxes  
151 (determined before application of any other allowable credits  
152 against tax): *Provided*, That for tax years beginning on and  
153 after January 1, 2009, the amount of annual credit allowed  
154 will not reduce corporation net income tax, imposed under  
155 article twenty-four of this chapter, below forty percent of the  
156 amount which would be imposed on the conduit income  
157 directly derived from the eligible taxpayer by each owner for  
158 such taxable year in the absence of this credit against the  
159 taxes as determined before application of any other allowable  
160 credits against tax.

161           (C) When in any taxable year the taxpayer is entitled to  
162 claim credit under this article and article thirteen-d of this  
163 chapter, the total amount of all credits allowable for the  
164 taxable year will not reduce the corporation net income tax  
165 imposed on the conduit income directly derived from the  
166 eligible taxpayer by each owner below fifty percent of the  
167 amount that would be imposed for such taxable year on the  
168 conduit income (determined before application of any other  
169 allowable credits against tax): *Provided*, That when in any  
170 taxable year beginning on and after January 1, 2009, the  
171 taxpayer is entitled to claim credit under this article and  
172 article thirteen-d of this chapter, the total amount of all  
173 credits allowable for the taxable year will not reduce the  
174 corporation net income tax imposed on the conduit income  
175 directly derived from the eligible taxpayer by each owner  
176 below forty percent of the amount that would be imposed for  
177 such taxable year on the conduit income as determined before  
178 application of any other allowable credits against tax;

179 (6) Small business corporations, limited liability  
180 companies, partnerships and other unincorporated  
181 organizations shall allocate any unused credit after  
182 application of subdivisions (2), (3) and (4) of this subsection  
183 among their members in the same manner as profits and  
184 losses are allocated for the taxable year; and

185 (7) No credit is allowed under this article against any tax  
186 imposed by article twenty-one of this chapter.

187 (c) No carryover to a subsequent taxable year or  
188 carryback to a prior taxable year is allowed for the amount of  
189 any unused portion of any annual credit allowance. Any  
190 unused credit is forfeited.

191 (d) *Application for credit required.* --

192 (1) *Application required.* -- Notwithstanding any  
193 provision of this article to the contrary, no credit is allowed  
194 or may be applied under this article for any qualified  
195 investment property placed in service or use until the person  
196 claiming the credit makes written application to the Tax  
197 Commissioner for allowance of credit as provided in this  
198 section. This application shall be in the form prescribed by  
199 the Tax Commissioner and shall provide the number and type  
200 of jobs created, if any, by the manufacturing investment, the  
201 average wage rates and benefits paid to employees filling the  
202 new jobs and any other information the Tax Commissioner  
203 may require. This application shall be filed with the Tax  
204 Commissioner no later than the last day for filing the annual  
205 return, determined by including any authorized extension of  
206 time for filing the return, required under article twenty-one or  
207 twenty-four of this chapter for the taxable year in which the  
208 property to which the credit relates is placed in service or use.

209 (2) *Failure to file.* -- The failure to timely apply the  
210 application for credit under this section results in forfeiture

211 of fifty percent of the annual credit allowance otherwise  
212 allowable under this article. This penalty applies annually  
213 until the application is filed.

214 (e) (1) Any person or entity undertaking any construction  
215 related to any business activity included within North  
216 American Industrial Code six digit code number 211112, the  
217 value of which is an amount equal to or greater than  
218 \$500,000, shall hire at least seventy-five percent of  
219 employees for said construction from the local labor market,  
220 to be rounded off, with at least two employees from outside  
221 the local labor market permissible for each employer per  
222 project, "the local labor market" being defined as every  
223 county in West Virginia and any county outside of West  
224 Virginia if any portion of that county is within fifty miles of  
225 the border of West Virginia.

226 (2) Any person or entity unable to employ the minimum  
227 number of employees from the local labor market shall  
228 inform the nearest office of the bureau of employment  
229 programs' division of employment services of the number of  
230 qualified employees needed and provide a job description of  
231 the positions to be filled.

232 (3) If, within three business days following the placing of  
233 a job order, the division is unable to refer any qualified job  
234 applicants to the person or entity engaged in said construction  
235 or refers less qualified job applicants than the number  
236 requested, then the division shall issue a waiver to the person  
237 or entity engaged in said construction stating the  
238 unavailability of applicants and shall permit the person or  
239 entity engaged in said construction to fill any positions  
240 covered by the waiver from outside the local labor market.  
241 The waiver shall be either oral or in writing and shall be  
242 issued within the prescribed three days. A waiver certificate  
243 shall be sent to the person or entity engaged in said  
244 construction for its permanent project records.



**ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.****\*§11-15-8d. Limitations on right to assert exemptions.**

1 (a) Persons who perform “contracting” as defined in  
2 section two of this article or persons acting in an agency  
3 capacity may not assert any exemption to which the  
4 purchaser of such contracting services or the principal is  
5 entitled. Any statutory exemption to which a taxpayer may  
6 be entitled is invalid unless the tangible personal property or  
7 taxable service is actually purchased by such taxpayer and is  
8 directly invoiced to and paid by such taxpayer. This section  
9 does not apply to purchases by an employee for his or her  
10 employer, purchases by a partner for his or her partnership or  
11 purchases by a duly authorized officer of a corporation, or  
12 unincorporated organization, for his or her corporation or  
13 unincorporated organization so long as the purchase is  
14 invoiced to and paid by the employer, partnership,  
15 corporation or unincorporated organization.

16 (b) *Transition rule.* -- This section does not apply to  
17 purchases of tangible personal property or taxable services in  
18 fulfillment of a purchasing agent or procurement agent  
19 contract executed and legally binding on the parties thereto  
20 prior to September 15, 1999. This transition rule does not  
21 apply to any purchases of tangible personal property or  
22 taxable services made under such a contract after August 31,  
23 1991 and this transition rule does not apply if the primary  
24 purpose of the purchasing agent or procurement agent  
25 contract was to avoid payment of consumers sales and use  
26 taxes. Effective July 1, 2007, this section does not apply to  
27 purchases of services, machinery, supplies or materials,  
28 except gasoline and special fuel, to be directly used or  
29 consumed in the construction, alteration, repair or  
30 improvement of a new or existing building or structure by a  
31 person performing “contracting”, as defined in section two of  
32 this article, if the purchaser of the “contracting” services

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\*CLERK’S NOTE: This section was also amended by Com. Sub. for S.B. 247  
(Chapter 168) which passed prior to this act.

33 would be entitled to claim the refundable exemption under  
34 subdivision (2), subsection (b), section nine of this article had  
35 it purchased the services, machinery, supplies or materials.  
36 Effective July 1, 2009, this section does not apply to  
37 purchases of services, computers, servers, building materials  
38 and tangible personal property, except purchases of gasoline  
39 and special fuel, to be installed into a building or facility or  
40 directly used or consumed in the construction, alteration,  
41 repair or improvement of a new or existing building or  
42 structure by a person performing “contracting”, as defined in  
43 section two of this article, if the purchaser of the  
44 “contracting” services would be entitled to claim the  
45 exemption under subdivision (7), subsection (a), section nine-  
46 h of this article. This section shall not apply to qualified  
47 purchases of computers and computer software, primary  
48 material handling equipment, racking and racking systems,  
49 and their components, or to qualified purchases of building  
50 materials and certain tangible personal property, as those  
51 terms are defined in section nine-n of this article, by a person  
52 performing “contracting,” as defined in section two of this  
53 article, if the purchaser of the “contracting” services would  
54 be entitled to claim the refundable exemption under section  
55 nine-n of this article. Purchases of gasoline and special fuel  
56 shall not be treated as exempt pursuant to this section.

57 (c) Effective July 1, 2011, notwithstanding any other  
58 provision of this code to the contrary, this section shall apply  
59 as to purchases of services, machinery, supplies or materials,  
60 except gasoline and special fuel, to be directly used or  
61 consumed in the construction, alteration, repair or  
62 improvement of a new or existing natural gas compressor  
63 station or gas transmission line having a diameter of twenty  
64 inches or more by a person performing “contracting”, as  
65 defined in section two of this article, even though the  
66 purchaser of the “contracting” services would be entitled to  
67 claim the refundable exemption under subdivision (2),  
68 subsection (b), section nine of this article had it purchased the  
69 services, machinery, supplies or materials, unless the person

70 or entity performing “contracting” under this subsection, as  
71 the term “contracting” is defined in section two of this article,  
72 complies with subsection (e), section four, article thirteen-s  
73 of this chapter.

## **CHAPTER 24. PUBLIC SERVICE COMMISSION.**

### **ARTICLE 2F. ALTERNATIVE AND RENEWABLE ENERGY PORTFOLIO STANDARD.**

#### **§24-2F-3. Definitions.**

1 Unless the context clearly requires a different meaning,  
2 as used in this article:

3 (1) “Advanced coal technology” means a technology that  
4 is used in a new or existing energy generating facility to  
5 reduce airborne carbon emissions associated with the  
6 combustion or use of coal and includes, but is not limited to,  
7 carbon dioxide capture and sequestration technology,  
8 supercritical technology, advanced supercritical technology  
9 as that technology is determined by the Public Service  
10 Commission, ultrasupercritical technology and pressurized  
11 fluidized bed technology and any other resource, method,  
12 project or technology certified by the commission as  
13 advanced coal technology.

14 (2) “Alternative and renewable energy portfolio standard”  
15 or “portfolio standard” means a requirement in any given  
16 year that requires an electric utility to own credits in an  
17 amount equal to a certain percentage of electric energy sold  
18 in the preceding calendar year by the electric utility to retail  
19 customers in this state.

20 (3) “Alternative energy resources” means any of the  
21 following resources, methods or technologies for the  
22 production or generation of electricity:

23 (A) Advanced coal technology;

24 (B) Coal bed methane;

25 (C) Natural gas, including any component of raw natural  
26 gas;

27 (D) Fuel produced by a coal gasification or liquefaction  
28 facility;

29 (E) Synthetic gas;

30 (F) Integrated gasification combined cycle technologies;

31 (G) Waste coal;

32 (H) Tire derived fuel;

33 (I) Pumped storage hydroelectric projects; and

34 (J) Any other resource, method, project or technology  
35 certified as an alternative energy resource by the Public  
36 Service Commission.

37 (4) “Alternative and renewable energy resource credit” or  
38 “credit” means a tradable instrument that is used to establish,  
39 verify and monitor the generation of electricity from  
40 alternative and renewable energy resource facilities, energy  
41 efficiency or demand-side energy initiative projects or  
42 greenhouse gas emission reduction or offset projects.

43           (5) “Alternative energy resource facility” means a facility  
44 or equipment that generates electricity from alternative  
45 energy resources.

46           (6) “Commission” or “Public Service Commission”  
47 means the Public Service Commission of West Virginia as  
48 continued pursuant to section three, article one of this  
49 chapter.

50           (7) “Customer-generator” means an electric retail  
51 customer who owns and operates a customer-sited generation  
52 project utilizing an alternative or renewable energy resource  
53 or a net metering system in this state.

54           (8) “Electric utility” means any electric distribution  
55 company or electric generation supplier that sells electricity  
56 to retail customers in this state. Unless specifically provided  
57 for otherwise, for the purposes of this article, the term  
58 “electric utility” may not include rural electric cooperatives,  
59 municipally-owned electric facilities or utilities serving less  
60 than thirty thousand residential electric customers in West  
61 Virginia.

62           (9) “Energy efficiency or demand-side energy initiative  
63 project” means a project in this state that promotes customer  
64 energy efficiency or the management of customer  
65 consumption of electricity through the implementation of:

66           (A) Energy efficiency technologies, equipment,  
67 management practices or other strategies utilized by  
68 residential, commercial, industrial, institutional or  
69 government customers that reduce electricity consumption by  
70 those customers;

71           (B) Load management or demand response technologies,  
72 equipment, management practices, interruptible or curtailable  
73 tariffs, energy storage devices or other strategies in

74 residential, commercial, industrial, institutional and  
75 government customers that shift electric load from periods of  
76 higher demand to periods of lower demand;

77 (C) Industrial by-product technologies consisting of the  
78 use of a by-product from an industrial process, including, but  
79 not limited to, the reuse of energy from exhaust gases or  
80 other manufacturing by-products that can be used in the  
81 direct production of electricity at the customer's facility;

82 (D) Customer-sited generation, demand-response, energy  
83 efficiency or peak demand reduction capabilities, whether  
84 new or existing, that the customer commits for integration  
85 into the electric utility's demand-response, energy efficiency  
86 or peak demand reduction programs; or

87 (E) Infrastructure and modernization projects that help  
88 promote energy efficiency, reduce energy losses or shift load  
89 from periods of higher demand to periods of lower demand,  
90 including the modernization of metering and  
91 communications, (also known as "smart grid"), distribution  
92 automation, energy storage, distributed energy resources and  
93 investments to promote the electrification of transportation.

94 (10) "Greenhouse gas emission reduction or offset  
95 project" means a project to reduce or offset greenhouse gas  
96 emissions from sources in this state other than the electric  
97 utility's own generating and energy delivery operations.  
98 Greenhouse gas emission reduction or offset projects include,  
99 but are not limited to:

100 (A) Methane capture and destruction from landfills, coal  
101 mines or farms;

102 (B) Forestation, afforestation or reforestation; and

103 (C) Nitrous oxide or carbon dioxide sequestration  
104 through reduced fertilizer use or no-till farming.

105 (11) "Net metering" means measuring the difference  
106 between electricity supplied by an electric utility and  
107 electricity generated from an alternative or renewable energy  
108 resource facility owned or operated by an electric retail  
109 customer when any portion of the electricity generated from  
110 the alternative or renewable energy resource facility is used  
111 to offset part or all of the electric retail customer's  
112 requirements for electricity.

113 (12) "Reclaimed surface mine" means a surface mine, as  
114 that term is defined in section three, article three, chapter  
115 twenty-two of this code, that is reclaimed or is being  
116 reclaimed in accordance with state or federal law.

117 (13) "Renewable energy resource" means any of the  
118 following resources, methods, projects or technologies for the  
119 production or generation of electricity:

120 (A) Solar photovoltaic or other solar electric energy;

121 (B) Solar thermal energy;

122 (C) Wind power;

123 (D) Run of river hydropower;

124 (E) Geothermal energy, which means a technology by  
125 which electricity is produced by extracting hot water or steam  
126 from geothermal reserves in the earth's crust to power steam  
127 turbines that drive generators to produce electricity;

128 (F) Biomass energy, which means a technology by which  
129 electricity is produced from a nonhazardous organic material

130 that is available on a renewable or recurring basis, including  
131 pulp mill sludge;

132 (G) Biologically derived fuel including methane gas,  
133 ethanol or biodiesel fuel;

134 (H) Fuel cell technology, which means any  
135 electrochemical device that converts chemical energy in a  
136 hydrogen-rich fuel directly into electricity, heat and water  
137 without combustion;

138 (I) Recycled energy, which means useful thermal,  
139 mechanical or electrical energy produced from: (i) Exhaust  
140 heat from any commercial or industrial process; (ii) waste  
141 gas, waste fuel or other forms of energy that would otherwise  
142 be flared, incinerated, disposed of or vented; and (iii)  
143 electricity or equivalent mechanical energy extracted from a  
144 pressure drop in any gas, excluding any pressure drop to a  
145 condenser that subsequently vents the resulting heat; and

146 (J) Any other resource, method, project or technology  
147 certified by the commission as a renewable energy resource.

148 (14) “Renewable energy resource facility” means a  
149 facility or equipment that generates electricity from  
150 renewable energy resources.

151 (15) “Waste coal” means a technology by which  
152 electricity is produced by the combustion of the by-product,  
153 waste or residue created from processing coal, such as gob.



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## CHAPTER 162

**(Com. Sub. for H. B. 2949 -  
By Delegates White and T. Campbell)**

[Passed March 10, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 24, 2011.]

AN ACT to repeal §11-6I-1, §11-6I-2, §11-6I-3, §11-6I-4, §11-6I-5, §11-6I-6, §11-6I-7, §11-6I-8, §11-6I-9, §11-6I-10 and §11-6I-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-21, §11-21-23, and §11-21-24 of said code, all relating to providing property tax relief to taxpayers generally; providing definitions of “low income” for purposes of property tax relief programs; allowing only “low income” taxpayers to receive the tax credit benefits of property tax relief programs; allowing those eligible for the homestead exemption to take both the senior citizens’ tax credit for property tax paid on the first \$20,000 of taxable assessed value of a homestead and the refundable tax credit for real property taxes paid in excess of four percent of gross household income; repealing the Senior Citizen Property Tax Payment Deferment Act; and eliminating the alternative low income property tax increment refundable credit program.

*Be it enacted by the Legislature of West Virginia:*

That §11-6I-1, §11-6I-2, §11-6I-3, §11-6I-4, §11-6I-5, §11-6I-6, §11-6I-7, §11-6I-8, §11-6I-9, §11-6I-10, and §11-6I-11 of the code of West Virginia, 1931, as amended, be repealed; and that §11-21-21, §11-21-23, and §11-21-24 of said code be amended and reenacted, all to read as follows:

**ARTICLE 21. PERSONAL INCOME TAX.****§11-21-21. Senior citizens' tax credit for property tax paid on first \$20,000 of taxable assessed value of a homestead in this state.**

1           (a) *Allowance of credit.* --

2           (1) A low-income person who is allowed a \$20,000  
3 homestead exemption from the assessed value of his or her  
4 homestead for ad valorem property tax purposes, as provided  
5 in section three, article six-b of this chapter, shall be allowed  
6 a refundable credit against the taxes imposed by this article  
7 equal to the amount of ad valorem property taxes paid on up  
8 to the first \$10,000 of taxable assessed value of the  
9 homestead for property tax years that begin on or after  
10 January 1, 2003, except as provided in subdivision (2) of this  
11 subsection.

12           (2) For tax years beginning on or after January 1, 2007,  
13 a low-income person who is allowed a \$20,000 homestead  
14 exemption from the assessed value of his or her homestead  
15 for ad valorem property tax purposes, as provided in section  
16 three, article six-b of this chapter, shall be allowed a  
17 refundable credit against the taxes imposed by this article  
18 equal to the amount of ad valorem property taxes paid on up  
19 to the first \$20,000 of taxable assessed value of the  
20 homestead for property tax years that begin on or after  
21 January 1, 2007: *Provided*, That for tax years beginning on  
22 and after January 1, 2009, any person who is required to pay  
23 the federal alternative minimum income tax in the current tax  
24 year is disqualified from receiving any tax credit provided  
25 under this section.

26           (3) Due to the administrative cost of processing, the  
27 refundable credit authorized by this section may not be  
28 refunded if less than \$10.

29           (4) The credit for each property tax year shall be claimed  
30 by filing a claim for refund within three years after the due  
31 date for the personal income tax return upon which the credit  
32 is first available.

33           (b) *Terms defined.* --

34           For purposes of this section:

35           (1) "Low income" means federal adjusted gross income  
36 for the taxable year that is one hundred fifty percent or less  
37 of the federal poverty guideline for the year in which  
38 property tax was paid, based upon the number of individuals  
39 in the family unit residing in the homestead, as determined  
40 annually by the United States Secretary of Health and Human  
41 Services.

42           (2) (A) For tax years beginning before January 1, 2007,  
43 "taxes paid" means the aggregate of regular levies, excess  
44 levies and bond levies extended against not more than  
45 \$10,000 of the taxable assessed value of a homestead that are  
46 paid during the calendar year determined after application of  
47 any discount for early payment of taxes but before  
48 application of any penalty or interest for late payment of  
49 property taxes for a property tax year that begins on or after  
50 January 1, 2003, except as provided in paragraph (B) of this  
51 subdivision.

52           (B) For tax years beginning on or after January 1, 2007,  
53 "taxes paid" means the aggregate of regular levies, excess  
54 levies and bond levies extended against not more than  
55 \$20,000 of the taxable assessed value of a homestead that are  
56 paid during the calendar year determined after application of  
57 any discount for early payment of taxes but before  
58 application of any penalty or interest for late payment of  
59 property taxes for a property tax year that begins on or after  
60 January 1, 2007.

61 (c) *Legislative rule.* --

62 The Tax Commissioner shall propose a legislative rule  
63 for promulgation as provided in article three, chapter  
64 twenty-nine-a of this code to explain and implement this  
65 section.

66 (d) *Confidentiality.* --

67 The Tax Commissioner shall utilize property tax  
68 information in the statewide electronic data processing  
69 system network to the extent necessary for the purpose of  
70 administering this section, notwithstanding any provision of  
71 this code to the contrary.

72 (e) For tax years beginning on or after January 1, 2012,  
73 taxpayers must calculate the credit authorized in this section  
74 prior to calculating the credit authorized in section  
75 twenty-three of this article.

**§11-21-23. Refundable credit for real property taxes paid in  
excess of four percent of gross household income.**

1 (a) For the tax years beginning on or after January 1,  
2 2008, any homeowner living in his or her homestead shall be  
3 allowed a refundable credit against the taxes imposed by this  
4 article equal to the amount of real property taxes paid in  
5 excess of four percent of gross household income: *Provided,*  
6 That for the tax years beginning on or after January 1, 2012,  
7 any low income homeowner living in his or her homestead in  
8 this state shall be allowed a refundable credit against the  
9 taxes imposed by this article equal to the amount by which  
10 the difference between West Virginia real property taxes paid  
11 for the tax year, minus the amount of credit authorized in  
12 section twenty-one of this article, exceeds four percent of the  
13 taxpayer's gross household income for the tax year, as  
14 determined for purposes of this article. If the refundable

15 credit provided in this section exceeds the amount of taxes  
16 imposed by this article, the state Tax Department shall refund  
17 that amount to the homeowner.

18 (b) Due to the administrative cost of processing, the  
19 refundable credit authorized by this section may not be  
20 refunded if less than \$10.

21 (c) The credit for each property tax year shall be claimed  
22 by filing a claim for refund within twelve months after the  
23 real property taxes are paid on the homestead.

24 (d) For the purposes of this section:

25 (1) "Gross household income" is defined as federal  
26 adjusted gross income plus the sum of the following:

27 (A) Modifications in subsection (b), section twelve of this  
28 article increasing federal adjusted gross income;

29 (B) Federal tax-exempt interest reported on federal tax  
30 return;

31 (C) Workers' compensation and loss of earnings  
32 insurance; and

33 (D) Nontaxable Social Security benefits; and

34 (2) For the tax years beginning before January 1, 2008,  
35 "real property taxes paid" means the aggregate of regular  
36 levies, excess levies and bond levies extended against the  
37 homestead that are paid during the calendar year and  
38 determined after any application of any discount for early  
39 payment of taxes but before application of any penalty or  
40 interest for late payment of property taxes for property tax  
41 years that begin on or after January 1, 2008.

42 (e) A homeowner is eligible to benefit from this section  
43 or section twenty-one of this article, whichever section  
44 provides the most benefit as determined by the homeowner.  
45 No homeowner may receive benefits under both this section  
46 and section twenty-one of this article during the same taxable  
47 year: *Provided*, That for tax years beginning on or after  
48 January 1, 2012, a homeowner may take the credit provided  
49 in this section in addition to the credit provided in section  
50 twenty-one of this article, to be calculated as provided in  
51 subsection (a) of this section. For tax years beginning on and  
52 after January 1, 2009, any person who is required to pay the  
53 federal alternative minimum income tax in the current tax  
54 year is disqualified from receiving any tax credit provided  
55 under this section. Nothing in this section denies those  
56 entitled to the homestead exemption provided in section  
57 three, article six-b of this chapter.

58 (f) No homeowner may receive a refundable tax credit  
59 imposed by this article in excess of \$1,000. This amount shall  
60 be reviewed annually by the Legislature to determine if an  
61 adjustment is necessary.

62 (g) For tax years commencing on or after January 1,  
63 2012, no credit may be taken under this section for any  
64 homestead which is owned, in whole or in part, by any  
65 person who is not a low income person.

66 (h) *Terms defined.* -- For purposes of this section:

67 (1) The definitions set forth in section twenty-four of this  
68 article apply for purposes of this section.

69 (2) "Low income" means federal adjusted gross income  
70 for the tax year that is three hundred percent or less of the  
71 federal poverty guideline for the year in which property tax  
72 was paid, based upon the number of individuals in the family

73 unit residing in the homestead, as determined annually by the  
74 United States Secretary of Health and Human Services.

75 (3) A “low income person” means a person whose federal  
76 adjusted gross income for the tax year meets the definition of  
77 “low income” as defined in this subsection.

**§11-21-24. Senior citizen property tax relief credit for tax years  
beginning before 2012.**

1 (a) *Definitions.* -- As used in this section, the following  
2 terms shall have the meaning ascribed to them in this  
3 subsection, unless the context in which the term is used  
4 clearly requires a different meaning or a specific different  
5 definition is provided:

6 (1) “Assessed value” means the value of property as  
7 determined under article three of this chapter.

8 (2) “Real property taxes paid” means, for the tax years  
9 beginning on or after January 1, 2009, the aggregate of  
10 regular levies, excess levies and bond levies extended against  
11 the homestead that are paid during the calendar year and  
12 determined after any application of any discount for early  
13 payment of taxes but before application of any penalty or  
14 interest for late payment of property taxes.

15 (3) “Senior citizen property tax relief tax credit” means  
16 the tax credit authorized under this section.

17 (4) “Gross household income” means gross household  
18 income as defined in section twenty-three of this article.

19 (5) “Homestead” means a homestead qualified for the  
20 homestead property tax exemption authorized in article six-b  
21 of this chapter, but limited to a single-family residential  
22 house, including a mobile or manufactured or modular home,

23 and the land, not exceeding one acre, surrounding such  
24 structure that is owned by the owner of the single-family  
25 residential house, including a mobile or manufactured or  
26 modular home; or a mobile or manufactured or modular  
27 home regardless of whether the land upon which such mobile  
28 or manufactured or modular home is situated is owned by  
29 another.

30 (6) "Owner" or "homeowner" means the person who is  
31 possessed of the homestead, whether in fee or for life. A  
32 person seized or entitled in fee subject to a mortgage or deed  
33 of trust shall be considered the owner. A person who has an  
34 equitable estate of freehold, or is a purchaser of a freehold  
35 estate who is in possession before transfer of legal title shall  
36 also be considered the owner. Personal property mortgaged  
37 or pledged shall, for the purpose of taxation, be considered  
38 the property of the party in possession.

39 (7) "Sixty-five years of age or older" includes a person  
40 who attains the age of sixty-five on or before June 30  
41 following the July 1 assessment day.

42 (8) "Tax increment" means the increase of ad valorem  
43 taxes assessed on the homestead, determined as the  
44 difference between the ad valorem taxes assessed on the  
45 homestead for the current tax year and the ad valorem taxes  
46 assessed on the homestead for the tax year immediately  
47 preceding the tax year for which the taxpayer's application  
48 for tax credit specified in this section is approved by the  
49 assessor, or otherwise finally approved in accordance with  
50 the provisions of this article.

51 (9) "Tax year" means the property tax calendar year  
52 following the July 1 assessment day.

53 (10) "Used and occupied exclusively for residential  
54 purposes" means that the property is used as an abode,



55 dwelling or habitat for more than six consecutive months of  
56 the calendar year prior to the date of application by the owner  
57 thereof; and that subsequent to making application for tax  
58 credit, the property is used only as an abode, dwelling or  
59 habitat to the exclusion of any commercial use.

60 (b) *Refundable credit.* -- Subject to the requirements and  
61 limitations of this section, for the tax years beginning on or  
62 after January 1, 2009, any homeowner having a gross  
63 household income equal to or less than \$25,000 for the tax  
64 year, living in his or her homestead shall be allowed a  
65 refundable credit against the taxes imposed by this article  
66 equal to the amount of real property taxes paid that are  
67 attributable to the tax increment of ad valorem taxes assessed  
68 under the authority of article three of this chapter on the  
69 homestead: *Provided*, That the gross household income shall  
70 be adjusted annually in accordance with the consumer price  
71 index. The credit shall be applied against the personal income  
72 tax in the personal income tax year of the taxpayer when the  
73 property tax increment was actually paid.

74 (1) Due to the administrative cost of processing, the  
75 refundable credit authorized by this section may not be  
76 refunded if less than \$10.

77 (2) The credit for each property tax year shall be claimed  
78 by filing a claim for refund within twelve months after the  
79 real property taxes are paid on the homestead.

80 (3) Notwithstanding the provisions of section twenty-one  
81 or section twenty-three of this article, for property tax years  
82 that begin on or after January 1, 2009, a homeowner is  
83 eligible to benefit from this section, section twenty-one or  
84 twenty-three of this article, whichever section provides the  
85 most benefit as determined by the homeowner. No  
86 homeowner may receive benefits under this section, section  
87 twenty-one or twenty-three of this article during the same

88 taxable year. Nothing in this section shall be interpreted to  
89 deny any lawfully entitled taxpayer of the homestead  
90 exemption provided in section three, article six-b of this  
91 chapter.

92 (4) No tax credit shall be allowed under this section for  
93 tax years beginning on or after January 1, 2012: *Provided,*  
94 That the definitions set forth in this section shall continue to  
95 apply for purposes of section twenty-three of this article.

96 (c) *Qualification for credit.* --

97 (1) The following homesteads shall qualify for the tax  
98 credit provided in this section:

99 (A) Any homestead owned by an owner sixty-five years  
100 of age or older and used and occupied exclusively for  
101 residential purposes by such owner; and

102 (B) Any homestead that:

103 (i) Is owned by an owner sixty-five years of age or older  
104 who, as a result of illness, accident or infirmity, is residing  
105 with a family member or is a resident of a nursing home,  
106 personal care home, rehabilitation center or similar facility;

107 (ii) Was most recently used and occupied exclusively for  
108 residential purposes by the owner or the owner's spouse; and

109 (iii) Has been retained by the owner for noncommercial  
110 purposes.

111 (2) (A) For tax years commencing on or after January 1,  
112 2009, the owner of a homestead meeting the qualifications set  
113 forth in subdivision (1) of this subsection may apply for a tax  
114 credit in the amount of the tax increment of ad valorem taxes  
115 assessed under the authority of article three of this chapter on

116 the homestead, subject to the limitations set forth in this  
117 section: *Provided*, That the tax credit may be authorized only  
118 when the tax increment is the greater of \$300 or ten percent  
119 or more.

120 (B) In lieu of the tax credit authorized under this section,  
121 a taxpayer entitled to such credit may elect to instead apply  
122 the deferment of the tax increment authorized pursuant to  
123 article six-h of this chapter. Any taxpayer making such  
124 election shall be fully subject to the terms and limitations set  
125 forth in article six-h of this chapter.

126 (d) *Application for tax credit; renewals; waiver of tax*  
127 *credit. --*

128 (1) *General. --* No tax credit may be allowed under this  
129 section unless an application for tax credit is filed with the  
130 assessor of the county in which the homestead is located, on  
131 or before November 1 following mailing of the tax ticket in  
132 which the tax increment that is the subject of the application  
133 is contained, such tax ticket being mailed pursuant to section  
134 eight, article one, chapter eleven-a of this code. In the case of  
135 sickness, absence or other disability of the owner, the  
136 application may be filed by the owner or his or her duly  
137 authorized agent.

138 (2) *Renewals. --* After the owner has filed an application for  
139 tax credit with his or her assessor, there shall be no need for that  
140 owner to refile an application for the tax credit. However, the  
141 taxpayer shall in all cases be required to file a personal income  
142 tax return in order to claim the credit in any tax year.

143 (e) *Determination; notice of denial of application for tax*  
144 *credit. --*

145 (1) The assessor shall, as soon as practicable after an  
146 application for tax credit is filed, review that application and

147 either approve or deny it. If the application is denied, the  
148 assessor shall promptly, but not later than January 1, serve  
149 the owner with written notice explaining why the application  
150 was denied and furnish a form for filing with the county  
151 commission, should the owner desire to take an appeal. The  
152 notice required or authorized by this section shall be served  
153 on the owner or his or her authorized representative either by  
154 personal service or by certified mail. The assessor shall  
155 approve or disapprove an application for tax credit within  
156 thirty days of receipt. Any application not approved or denied  
157 within thirty days is deemed approved.

158 (2) In the event that the assessor has information  
159 sufficient to form a reasonable belief that an owner, after  
160 having been originally granted a tax credit, is no longer  
161 eligible for the tax credit, he or she shall, within thirty days  
162 after forming this reasonable belief, revoke the tax credit and  
163 serve the owner with written notice explaining the reasons for  
164 the revocation and furnish a form for filing with the county  
165 commission should the owner desire to take an appeal.

166 (f) *Appeals procedure.* --

167 (1) *Notice of appeal; thirty days.* -- Any owner aggrieved  
168 by the denial of his or her claim for application for tax credit  
169 or the revocation of a previously approved tax credit may  
170 appeal to the county commission of the county within which  
171 the property is situated. All such appeals shall be filed within  
172 thirty days after the owner's receipt of written notice of the  
173 denial of an application or the revocation of a previously  
174 approved tax credit, as applicable, pursuant to subsection (e)  
175 of this section.

176 (2) *Review; determination; appeal.*-- The county  
177 commission shall complete its review and issue its  
178 determination as soon as practicable after receipt of the  
179 notice of appeal, but in no event later than February 28

180 following the tax year for which the tax credit was sought. In  
181 conducting its review, the county commission may hold a  
182 hearing on the application. The assessor or the owner may  
183 apply to the circuit court of the county for review of the  
184 determination of the county commission in the same manner  
185 as is provided for appeals from the county commission in  
186 section twenty-five, article three of this chapter.

187 (g) *Termination of tax credit.* --

188 (1) Any tax credit approved in accordance with the  
189 provisions of this section shall terminate immediately when  
190 any of the following events occur:

191 (A) The death of the owner of the property for which the  
192 tax credit was authorized;

193 (B) The sale of the property for which the tax credit was  
194 approved; or

195 (C) A determination by the assessor that the property for  
196 which the tax credit was approved no longer qualifies for the  
197 tax credit in accordance with the provisions of this section.

198 (h) *Forms, instructions and regulations.* -- The Tax  
199 Commissioner shall prescribe and supply all necessary  
200 instructions and forms for administration of this section.  
201 Additionally, the Tax Commissioner may propose rules for  
202 legislative approval in accordance with the provisions of  
203 article three, chapter twenty-nine-a of this code as the Tax  
204 Commissioner considers necessary for the implementation of  
205 this section.

206 (i) *Criminal penalties; restitution.* --

207 (1) *False or fraudulent claim for tax credit.* -- Any owner  
208 who willfully files a fraudulent application for tax credit and

209 any person who knowingly assisted in the preparation or  
210 filing of such fraudulent application for tax credit or who  
211 knowingly supplied information upon which the fraudulent  
212 application for tax credit was prepared or allowed is guilty of  
213 a misdemeanor and, upon conviction thereof, shall be fined  
214 not less than \$250 nor more than \$500, or imprisoned in jail  
215 for not more than one year, or both fined and imprisoned.

216 (2) In addition to the criminal penalties provided above,  
217 upon conviction of any of the above offenses, the court shall  
218 order that the defendant make restitution unto this state for all  
219 taxes not paid due to an improper tax credit, or continuation  
220 of a tax credit, for the owner and interest thereon at the legal  
221 rate until paid.

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## CHAPTER 163

**(H. B. 2918 - By Delegates White and T. Campbell)**  
**[By Request of the Tax and Revenue Department]**

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[Passed March 11, 2011; in effect ninety days from passage.]

[Approved by the Governor on March 30, 2011.]

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AN ACT to amend and reenact §11-12-3, §11-12-5 and §11-12-86 of the Code of West Virginia, 1931, as amended, all relating to permanent business registrations; changing the procedure for suspending, revoking or canceling a business registration certificate; permitting a registrant to appeal an order to suspend, revoke or cancel a business registration certificate; permitting a business registration certificate to be revoked, canceled or suspended for nonpayment of property taxes; changing the sparkler and novelty registration fee from annual one to an initial one; and updating permanent registration language.

*Be it enacted by the Legislature of West Virginia:*

That §11-12-3, §11-12-5 and §11-12-86 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

## **ARTICLE 12. BUSINESS REGISTRATION TAX.**

### **§11-12-3. Business registration certificate required; tax levied; exemption from registration; exemption from tax; penalty.**

1           (a) *Registration required.* -- No person shall, without a  
2 business registration certificate, engage in or prosecute, in  
3 the State of West Virginia, any business activity without first  
4 obtaining a business registration certificate from the Tax  
5 Commissioner of the State of West Virginia. Additionally,  
6 before beginning business in this state, such person:

7           (1) If a transient vendor, shall comply with the provisions  
8 of sections twenty through twenty-five of this article.

9           (2) If a collection agency, shall comply with the  
10 provisions of article sixteen, chapter forty-seven of this code.

11           (3) If an employment agency, shall comply with the  
12 provisions of article two, chapter twenty-one of this code.

13           (4) If selling drug paraphernalia, as defined in section  
14 three, article nineteen, chapter forty-seven of this code, shall  
15 comply with the provisions of article nineteen, chapter  
16 forty-seven of this code.

17           Persons engaging in or prosecuting other business  
18 activities in this state may also be subject to other provisions  
19 of this code which they must satisfy before commencing or  
20 while engaging in a business activity in this state.

21           (b) *Tax levied.* -- The business registration tax hereby  
22 levied shall be \$15 for each annual business registration  
23 certificate: *Provided*, That for registration periods beginning  
24 on or after July 1, 1999, the business registration tax shall be  
25 \$30, except as otherwise provided in this article: *Provided*,  
26 *however*, That after June 30, 2010, the business registration  
27 tax shall be \$30.00 for each business registration certificate,  
28 including business registration certificates granted upon  
29 application after cessation of a business, or after suspension,  
30 revocation, cancellation or lapse of a prior business  
31 registration certificate.

32           (1) A separate business registration certificate is required  
33 for each fixed business location from which property or  
34 services are offered for sale or lease to the public as a class,  
35 or to a limited portion of the public; or at which customer  
36 accounts may be opened, closed or serviced.

37           (2) A separate business registration certificate is not  
38 required for each coin-operated machine. A separate  
39 certificate is required for each location from which making  
40 coin-operated machines available to the public is itself a  
41 business activity.

42           (3) A business that sells tangible personal property or  
43 services from or out of one or more vehicles needs a separate  
44 business registration certificate for each fixed location in this  
45 state from or out of which business is conducted. A copy of  
46 its business registration certificate shall be carried in each  
47 vehicle and publicly displayed while business is conducted  
48 from or out of the vehicle.

49           (4) A business registration certificate is required by  
50 subsection (a) of this section for every person engaging in  
51 purposeful revenue generating activity in this state. If that  
52 activity is one for which an employment agency license or a  
53 collection agency license or a license to sell drug



54 paraphernalia is required and no other business activity is  
55 conducted by that person at each business location for which  
56 the employment agency license or collection agency license  
57 or license to sell drug paraphernalia is issued, then only that  
58 license is required for each such activity conducted by the  
59 licensee at each business location. However, if, in addition  
60 to the activity for which each license is issued, some other  
61 business activity is conducted by the licensee at such  
62 business location, a separate business registration certificate  
63 is required to conduct the nonlicensed activity.

64 (c) *Exemption from registration.* -- Any person engaging  
65 in or prosecuting business activity in this state:

66 (1) Who is not required by law to collect or withhold a  
67 tax administered under article ten of this chapter; and

68 (2) Who does not claim exemption from payment of taxes  
69 imposed by articles fifteen and fifteen-a of this chapter, shall  
70 be exempt from both registration and payment of the tax  
71 imposed by this article, if such person had gross income from  
72 business activity of \$4,000 or less during that person's tax  
73 year for state income tax purposes immediately preceding the  
74 registration period for which a registration certificate is  
75 otherwise required by this article.

76 (d) *Exemptions from payment of tax.* -- Any person  
77 engaging in or prosecuting any business activity in this state  
78 who is required by law to collect or withhold any tax  
79 administered under article ten of this chapter; or who claims  
80 exemption from payment of the taxes imposed by articles  
81 fifteen and fifteen-a of this chapter, shall be required to  
82 obtain a business registration certificate, as herein before  
83 provided, but shall be exempt from payment of the tax levied  
84 by subsection (b) of this section, if such person is:

85 (1) A person who had gross income from business  
86 activity of \$4,000 or less during that person's tax year for  
87 state income tax purposes immediately preceding the  
88 registration period for which a registration certificate is  
89 required under this article.

90 (2) An organization which qualifies, or would qualify, for  
91 exemption from federal income taxes under section 501 of  
92 the Internal Revenue Code of 1986, as amended.

93 (3) This state, or a political subdivision thereof, selling  
94 tangible personal property, admissions or services, when  
95 those activities compete with or may compete with the  
96 activities of another person.

97 (4) The United States, or an agency or instrumentality  
98 thereof, which is exempt from taxation by the states.

99 (5) A person engaged in the business of agriculture and  
100 farming: *Provided*, That no producer or grower selling  
101 products of the farm, garden or dairy and not included within  
102 the definition of business under subsection (a), section two of  
103 this article shall be required to obtain a business registration  
104 certificate or pay the business registration tax.

105 (6) A foreign retailer who is not a "retailer engaging in  
106 business in this state" as defined in section one, article  
107 fifteen-a of this chapter, who enters into an agreement with  
108 the Tax Commissioner to voluntarily collect and remit use  
109 tax on sales to West Virginia customers.

110 (e) *Money penalty.* -- Any person required to obtain a  
111 business registration certificate under this section, who is  
112 exempt from payment of the tax, as provided in subsection  
113 (d) of this section, who does not obtain a registration  
114 certificate shall, in lieu of paying the penalty imposed by  
115 section nine of this article, pay a penalty of \$15 for each

116 business location for which a certificate is needed: *Provided*,  
117 That application for business registration is made and the  
118 applicable money penalty tendered to the Tax Commissioner  
119 within fifteen days after such person receives written notice  
120 from the Tax Commissioner that such person is required to  
121 obtain a business registration certificate.

**§11-12-5. Time for which registration certificate granted;  
power of Tax Commissioner to suspend, revoke or  
cancel certificate; certificate to be permanent until  
cessation of business for which certificates are  
granted or revocation, suspension or cancellation  
by the Tax Commissioner; penalty for involuntary  
loss of license due to failure to pay required fees  
and taxes relating to business.**

1 (a) *Registration period.* -- All business registration  
2 certificates issued under the provisions of section four of this  
3 article are for the period of one year beginning July 1 and  
4 ending June 30 of the following year: *Provided*, That  
5 beginning on or after July 1, 1999, all business registration  
6 certificates issued under the provisions of section four of this  
7 article shall be issued for two fiscal years of this state, subject  
8 to the following transition rule. If the first year for which a  
9 business was issued a business registration certificate under  
10 this article began on July 1 of an even-numbered calendar  
11 year, then the Tax Commissioner may issue a renewal  
12 certificate to that business for the period beginning July 1,  
13 1999, and ending June 30, 2000, upon receipt of \$15 for each  
14 such one-year certificate. Notwithstanding any other  
15 provisions of this code to the contrary, any certificate of  
16 registration granted on or after July 1, 2010, shall not be  
17 subject to the foregoing requirement that it be renewed, but  
18 shall be permanent until cessation of the business for which  
19 the certificate of registration was granted or until it is  
20 suspended, revoked or canceled by the Tax Commissioner.  
21 Notwithstanding any provision of this code to the contrary,

22 on or after July 1, 2010, reference to renewal of the business  
23 registration certificate shall refer to the issuance of a new  
24 business registration certificate pursuant to expiration,  
25 cancellation or revocation of a prior business registration  
26 certificate or to reinstatement of a business registration  
27 certificate or to reinstatement of a business certificate  
28 previously suspended by the Tax Commissioner. Subject to  
29 the exemptions, exceptions and requirements other than the  
30 \$4,000 or less gross income exemption, set forth in section  
31 three of this article, on or after July 1, 2010, the business  
32 registration certificate shall be issued upon payment of a tax  
33 of \$30 to the Tax Commissioner for new issuances of the  
34 business registration certificate or for issuances of the  
35 business registration certificate pursuant to expiration,  
36 cancellation or revocation of a prior business registration  
37 certificate or for reinstatement of a business registration  
38 certificate previously suspended by the Tax Commissioner,  
39 along with any applicable delinquent fees, interest, penalties  
40 and additions to tax. Subject to the exemptions, exceptions  
41 and requirements set forth in section three of this article, the  
42 \$30 tax shall be paid each and every time there is an  
43 issuance, reissuance or reinstatement of a business  
44 registration certificate, along with any applicable delinquent  
45 fees, interest, penalties and additions to tax: *Provided,*  
46 *however,* That the \$4,000 or less gross income exemption set  
47 forth in subdivision (1), subsection (d), section three of this  
48 article does not apply.

49 (b) *Revocation, cancellation or suspension of certificate. --*

50 (1) The Tax Commissioner may cancel, revoke or  
51 suspend a business registration certificate at any time during  
52 a registration period if:

53 (A) The registrant filed an application for a business  
54 registration certificate, or an application for renewal thereof,  
55 that was false or fraudulent.

56 (B) The registrant willfully refused or neglected to file a  
57 tax return or to report information required by the Tax  
58 Commissioner for any tax imposed by or pursuant to this  
59 chapter.

60 (C) The registrant willfully refused or neglected to pay  
61 any tax, additions to tax, penalties or interest, or any part  
62 thereof, when they became due and payable under this  
63 chapter, determined with regard to any authorized extension  
64 of time for payment.

65 (D) The registrant neglected to pay over to the Tax  
66 Commissioner on or before its due date, determined with  
67 regard to any authorized extension of time for payment, any  
68 tax imposed by this chapter which the registrant collects from  
69 any person and holds in trust for this state.

70 (E) The registrant abused the privilege afforded to it by  
71 article fifteen or fifteen-a of this chapter to be exempt from  
72 payment of the taxes imposed by such articles on some or all  
73 of the registrant's purchases for use in business upon issuing  
74 to the vendor a properly executed exemption certificate, by  
75 failing to timely pay use tax on taxable purchase for use in  
76 business or by failing to either pay the tax or give a properly  
77 executed exemption certificate to the vendor.

78 (F) The registrant has failed to pay in full delinquent  
79 personal property taxes owing for the calendar year.

80 (2) On or after July 1, 2010, a prospective registrant or a  
81 former registrant for which a business registration certificate  
82 has been suspended, canceled or revoked pursuant to the  
83 provisions of this article may apply for a new business  
84 registration certificate or for reinstatement of a suspended  
85 business registration certificate upon payment of all  
86 outstanding delinquent fees, taxes, interest, additions to tax  
87 and penalties, in addition to payment to the Tax

88 Commissioner of a penalty in the amount of \$100. The Tax  
89 Commissioner may issue a new business registration  
90 certificate or reinstate a suspended business registration  
91 certificate if the prospective or former registrant has provided  
92 security acceptable to and authorized by the Tax  
93 Commissioner, payable to the Tax Commissioner, sufficient  
94 to secure all delinquent fees, taxes, interest, additions to tax  
95 and penalties owed by the prospective registrant. The Tax  
96 Commissioner may issue a new business registration  
97 certificate or reinstate a suspended business registration  
98 certificate if the prospective or former registrant has entered  
99 into a payment plan approved by the Tax Commissioner by  
100 which liability for all delinquent fees, taxes, interest,  
101 additions to tax and penalties will be paid in due course and  
102 without significant delay. Failure of any registrant to comply  
103 with a payment plan pursuant to this provision shall be  
104 grounds for immediate suspension or revocation of the  
105 registrant's business registration certificate.

106 (3) On and after July 1, 2010, a prospective registrant or  
107 a former registrant for which a business registration  
108 certificate has been suspended, canceled or revoked pursuant  
109 to the provisions of any article of this code other than this  
110 article may apply for a new business registration certificate  
111 or for reinstatement of a suspended business registration  
112 certificate, only if the prospective or former registrant has  
113 complied with all applicable statutory and regulatory  
114 requirements for renewal, issuance or reinstatement of the  
115 business registration certificate and upon payment to the Tax  
116 Commissioner of a penalty in the amount of \$100.

117 (4) Except pursuant to exceptions specified in this code,  
118 before canceling, revoking or suspending any business  
119 registration certificate, the Tax Commissioner shall give  
120 written notice of his or her intent to suspend, revoke or cancel  
121 the business registration certificate of the taxpayer, the reason  
122 for the suspension, revocation or cancellation and the

123 effective date of the cancellation, revocation or suspension.  
124 Written notice shall be served on the taxpayer in accordance  
125 with section five-e, article ten of this chapter not less than  
126 twenty days prior to the effective date of the cancellation,  
127 revocation or suspension. Acceptance of service of notice  
128 shall be deemed to have occurred if completed as set forth in  
129 section five-e, article ten of this chapter. The taxpayer may  
130 appeal cancellation, revocation or suspension of its business  
131 registration certificate by filing a petition for appeal with the  
132 Office of Tax Appeals within twenty days immediately  
133 succeeding receipt of the service of notice to suspend, revoke  
134 or cancel the business registration certificate. The filing of a  
135 petition for appeal does not stay the effective date of the  
136 suspension, revocation or cancellation. A stay may be  
137 granted only after a hearing is held on a motion to stay filed  
138 by the registrant upon finding that state revenues will not be  
139 jeopardized by the granting of the stay. The Tax  
140 Commissioner may, in his or her discretion and upon such  
141 terms as he or she may specify, agree to stay the effective  
142 date of the cancellation, revocation or suspension until  
143 another date certain.

144 (5) On or before July 1, 2005, the Tax Commissioner  
145 shall propose for promulgation legislative rules establishing  
146 ancillary procedures for the Tax Commissioner's suspension  
147 of business registration certificates for failure to pay  
148 delinquent personal property taxes pursuant to paragraph (F),  
149 subdivision (1) of this section. The rules shall at a minimum  
150 establish any additional requirements for the provision of  
151 notice deemed necessary by the Tax Commissioner to meet  
152 requirements of law; establish protocols for the  
153 communication and verification of information exchanged  
154 between the Tax Commissioner, sheriffs and others; and  
155 establish fees to be assessed against delinquent taxpayers that  
156 shall be deposited into a special fund which is hereby created  
157 and expended for general tax administration by the Tax  
158 Division of the Department of Revenue and for operation of

159 the Tax Division. Upon authorization of the Legislature, the  
160 rules shall have the same force and effect as if set forth  
161 herein. No provision of this subdivision may be construed to  
162 restrict in any manner the authority of the Tax Commissioner  
163 to suspend such certificates for failure to pay delinquent  
164 personal property taxes under paragraph (C) or (F),  
165 subdivision (1) of this section or under any other provision of  
166 this code prior to the authorization of the rules.

167 (c) *Revocation, cancellation or suspension due to*  
168 *delinquent personal property tax.* -- The Tax Commissioner  
169 may revoke, cancel or suspend a business registration  
170 certificate when informed in writing, signed by the county  
171 sheriff, that personal property owned by a registrant and used  
172 in conjunction with the business activity of the a registrant is  
173 subject to delinquent property taxes. The Tax Commissioner  
174 shall forthwith notify the registrant that the commissioner  
175 will revoke, cancel or suspend the registrant's business  
176 registration certificate unless information is provided  
177 evidencing that the taxes due are either exonerated or paid.

178 (d) *Refusal to issue, revocation, suspension and refusal*  
179 *to renew business registration certificate of alter ego,*  
180 *nominee or instrumentality of a business that has previously*  
181 *been the subject of a lawful refusal to issue, revocation,*  
182 *suspension or refuse to renew.* --

183 (1) The Tax Commissioner may refuse to issue a business  
184 registration certificate, or may revoke a business registration  
185 certificate or may suspend a business registration certificate  
186 or may refuse to renew a business registration certificate for  
187 any business determined by the Tax Commissioner to be an  
188 alter ego, nominee or instrumentality of a business that has  
189 previously been the subject of a lawful refusal to issue a  
190 business registration certificate or of a lawful revocation,  
191 suspension or refusal to renew a business registration  
192 certificate pursuant to this section, and for which the business



193 registration certificate has not been lawfully reinstated or  
194 reissued.

195 (2) For purposes of this section, a business is presumed  
196 to be an alter ego, nominee or instrumentality of another  
197 business or other businesses if:

198 (A) More than twenty percent of the real assets or more  
199 than twenty percent of the operating assets or more than  
200 twenty percent of the tangible personal property of one  
201 business are or have been transferred to the other business or  
202 businesses, or are or have been used in the operations of the  
203 other business or businesses, or more than twenty percent of  
204 the real assets or more than twenty percent of the operating  
205 assets or more than twenty percent of the tangible personal  
206 property of one business are or have been used to  
207 collateralize or secure debts or obligations of the other  
208 business or businesses;

209 (B) Ownership of the businesses is so configured that the  
210 attribution rules of either Internal Revenue Code section 267  
211 or Internal Revenue Code section 318 would apply to cause  
212 ownership of the businesses to be attributed to the same  
213 person or entity; or

214 (C) Substantive control of the businesses is held or  
215 retained by the same person, entity or individual, directly or  
216 indirectly, or through attribution under paragraph (B) of this  
217 subdivision.

**§11-12-86. Sparkler and novelty registration fee.**

1 The Tax Commissioner shall establish a "Sparkler and  
2 Novelty Registration Fee" which shall be charged all  
3 businesses licensed to do business in the State of West  
4 Virginia desiring to sell sparklers and novelties authorized for  
5 sale in section twenty-three, article three, chapter twenty-nine

6 of this code. This fee shall run concurrent with the business  
7 registration certificate set forth in section five of this article.  
8 This fee shall not be prorated. Each business shall pay \$15  
9 for each registration and shall be issued a sticker or card by  
10 the Tax Commissioner to be posted in a conspicuous position  
11 at the location of the business which has paid the registration  
12 fee. This fee shall be collected for each separate location  
13 where sparklers and novelties are sold. The Tax  
14 Commissioner may, in his or her discretion, require a  
15 separate certificate which shall be posted as set forth herein,  
16 or provide that the evidence of compliance with this section  
17 may be by a stamp or language added to the business  
18 registration certificate or by embossing or writing imprinted  
19 on the business registration certificate.

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## CHAPTER 164

**(Com. Sub. for H. B. 2953 -  
By Mr. Speaker, Mr. Thompson)  
[By Request of the Executive]**

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[Passed March 12, 2011; in effect from passage.]  
[Approved by the Governor on April 5, 2011.]

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AN ACT to amend and reenact §11-13A-20a of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-15A-16 of said code, all relating to dedication of coalbed methane severance tax proceeds; redirecting coalbed methane severance tax revenues from the Infrastructure Fund to county economic development authorities or county commissions; requiring moneys deposited in the Infrastructure Fund prior to July 1, 2011, be distributed to county economic development authorities or county commissions; removing requirement that the Tax Commissioner provide Infrastructure and Jobs

Development Council a breakdown of coalbed methane severance taxes paid and amount of coalbed methane produced by each county; providing calculation methods and specifying a minimum share of coalbed methane severance tax revenue be distributed to producing counties in an amount at least equal to the share received by nonproducing counties; providing for portional adjustments and redesignation for counties deemed nonproducing; providing that no distribution of moneys to exceed total amount of coalbed methane severance tax received in any fiscal year; setting forth the purposes for receiving and conditions of expending such funds by county economic development authorities and county commissions; requiring approval of respective county commissions and the Development Office prior to expending certain funds; prohibiting certain expenditures by counties or county economic development authorities; and authorizing and requiring the Development Office to promulgate legislative rules regarding use of certain funds, including emergency rules.

*Be it enacted by the Legislature of West Virginia:*

That §11-13A-20a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §31-15A-16 of said code be amended and reenacted, all to read as follows:

## **CHAPTER 11. TAXATION.**

### **ARTICLE 13A. SEVERANCE AND BUSINESS PRIVILEGE TAX ACT.**

#### **11-13A-20a. Dedication of tax; authorization of the development office to promulgate rules.**

- 1 (a) The amount of taxes collected under this article from
- 2 providers of health care items or services, including any
- 3 interest, additions to tax and penalties collected under article
- 4 ten of this chapter, less the amount of allowable refunds and
- 5 any interest payable with respect to such refunds, shall be

6 deposited into the special revenue fund created in the State  
7 Treasurer's Office and known as the Medicaid State Share  
8 Fund. Said fund shall have separate accounting for those  
9 health care providers as set forth in articles four-b and four-c,  
10 chapter nine of this code.

11 (b) Notwithstanding the provisions of subsection (a) of  
12 this section, for the remainder of fiscal year 1993 and for  
13 each succeeding fiscal year, no expenditures from taxes  
14 collected from providers of health care items or services are  
15 authorized except in accordance with appropriations by the  
16 Legislature.

17 (c) The amount of taxes on the privilege of severing  
18 timber collected under section three-b of this article,  
19 including any interest, additions to tax and penalties collected  
20 under article ten of this chapter, less the amount of allowable  
21 refunds and any interest payable with respect to such refunds,  
22 shall be paid into a special revenue account in the State  
23 Treasury to be appropriated by the Legislature for purposes  
24 of the Division of Forestry.

25 (d) Notwithstanding any other provision of this code to  
26 the contrary, beginning January 1, 2009, there is hereby  
27 dedicated an annual amount not to exceed \$4 million from  
28 annual collections of the tax imposed by section three-d of  
29 this article to be deposited into the West Virginia  
30 Infrastructure Fund, created in section nine, article fifteen-a,  
31 chapter thirty-one of this code.

32 (e) Beginning with the fiscal year ending June 30, 2009,  
33 and each fiscal year thereafter, the Tax Commissioner shall  
34 pay from the taxes imposed in section three-d of this article,  
35 on October 1, of each year, to the respective county economic  
36 development authorities or county commissions as provided  
37 in subsections (f) through (h) of this section, an amount in the  
38 aggregate not to exceed \$4 million per fiscal year. Prior to

39 making any such payment the commissioner shall deduct the  
40 amount of refunds lawfully paid and administrative costs  
41 authorized by this code. All moneys distributed to the West  
42 Virginia Infrastructure Fund pursuant to this section prior to  
43 July 1, 2011, shall be returned to the Tax Commissioner and  
44 distributed to the respective county economic development  
45 authorities or county commissions as provided in this section.

46 (f) Notwithstanding any provision of this article to the  
47 contrary, prior to the deposit of the proceeds of the tax on  
48 coalbed methane with each county economic development  
49 authority or county commission pursuant to subsection (e) of  
50 this section, the Tax Commissioner shall undertake the  
51 following calculations:

52 (1) Seventy-five percent of the moneys to be deposited  
53 shall be provisionally allocated for the various counties of  
54 this state in which the coalbed methane was produced; and

55 (2) The remaining twenty-five percent of the moneys to  
56 be deposited shall be provisionally allocated to the various  
57 counties of this state in which no coalbed methane was  
58 produced for projects in accordance with subsection (h) of  
59 this section.

60 (3) Moneys shall be provisionally allocated to each  
61 coalbed methane producing county in direct proportion to the  
62 amount of tax revenues derived from coalbed methane  
63 production in the county.

64 (4) Moneys shall be provisionally allocated to each  
65 coalbed methane nonproducing county equally.

66 (5) Portional adjustments.

67 (A) If, for any year, a coalbed methane producing  
68 county's share of money provisionally allocated to that  
69 county is computed to be an amount that is less than the

70 amount provisionally allocated to each of the coalbed  
71 methane nonproducing counties, then for purposes of the  
72 computations set forth in this subsection, that coalbed  
73 methane producing county shall be redesignated a coalbed  
74 methane nonproducing county. The money that has been  
75 provisionally allocated to that coalbed methane producing  
76 county out of the seventy-five percent portion specified in  
77 subdivision (1) of this subsection shall be subtracted out of  
78 the seventy-five percent portion specified in that subdivision  
79 and added to the twenty-five percent portion specified in  
80 subdivision (2) of this subsection.

81 (B) When the adjustment specified in paragraph (A),  
82 subdivision (4) of this subsection has been made for each  
83 coalbed methane producing county that has been  
84 redesignated as a coalbed methane nonproducing county,  
85 then the Tax Department shall finalize the calculations of the  
86 amounts to be made available for distribution to the  
87 respective county development authority or county  
88 commission of the coalbed methane producing counties that  
89 have not been redesignated as coalbed methane nonproducing  
90 counties under subdivision (4) of this subsection as follows:  
91 The amount remaining in the provisional seventy-five percent  
92 portion specified in subdivision (1) of this subsection, as  
93 adjusted in accordance with paragraph (A), subdivision (4) of  
94 this subsection, shall be allocated, in direct proportion to the  
95 amount that tax revenues derived from coalbed methane  
96 production in each such county not redesignated as a coalbed  
97 methane nonproducing county bears to the total amount of  
98 tax revenues derived from coalbed methane production in all  
99 coalbed methane producing counties that have not been  
100 redesignated as a coalbed methane nonproducing county.

101 (C) The Tax Commissioner shall then finalize the  
102 calculation of the total amount in the twenty-five percent  
103 portion specified in subdivision (2) of this subsection, as  
104 adjusted in accordance with paragraph (A), subdivision (4) of

105 this subsection equally among the coalbed methane  
106 nonproducing counties.

107 (g) In no case may the total amount distributed in any  
108 fiscal year to the aggregate of all coalbed methane producing  
109 counties and all coalbed methane nonproducing counties  
110 calculated by the Tax Commissioner exceed the total amount  
111 of tax on coalbed methane authorized to be remitted to the  
112 county economic development authority or county  
113 commission pursuant to subsection (e) of this section.

114 (h) Distribution of coalbed methane severance tax to  
115 county economic development authorities or county  
116 commissions is subject to the following:

117 (1) If the amount determined pursuant to subsections (f)  
118 and (g) of this section for a county is more than ten thousand  
119 dollars, the Tax Commissioner shall distribute the amount  
120 determined for that county to the economic development  
121 authority of that county created pursuant to article twelve,  
122 chapter seven of this code for the purposes of encouraging  
123 economic development in the county.

124 (2) Each county economic development authority shall  
125 use such funds for the following upon a finding by the county  
126 economic development authority that the cost of such  
127 projects are reasonably anticipated to lead to further  
128 economic development of the county:

129 (i) The cost of preparation of land sites for any public or  
130 private facility; or

131 (ii) The cost of design or construction of water, sewer and  
132 stormwater infrastructure.

133 (3) Prior to expending any coalbed methane severance tax  
134 moneys, each county economic development authority must  
135 obtain the approval of its respective county commission in  
136 writing for the purpose of such expenditure.

137 (4) Prior to expending any coalbed methane severance tax  
138 moneys, each county economic development authority must  
139 obtain the approval of the development office in writing for  
140 the purpose of such expenditure. The Development Office  
141 shall approve all plans for use of the moneys if such plans are  
142 within the required uses provided in subdivision (2) of this  
143 subsection. The Director of the State Development Office  
144 shall promulgate legislative rules in accordance with article  
145 three, chapter twenty-nine-a of this code in order to set forth  
146 the required documentation to be submitted to the  
147 Development Office from the county economic development  
148 authorities to ensure that such funds are utilized as intended  
149 by the Legislature. The Director of the Development Office  
150 is authorized to promulgate emergency rules to implement  
151 the provisions of this section.

152 (5) A county or county economic development authority  
153 may not use such funds for the purposes of paying wages to  
154 any employee of the county or any employee of a county  
155 economic development authority.

156 (6) If the amount determined pursuant to subsections (f)  
157 and (g) of this section for a county is ten thousand dollars or  
158 less, the Tax Commissioner shall distribute the amount  
159 determined for that county to the county commission. The  
160 county commission may then use the funds to offset its  
161 regional jail costs, costs of any community corrections  
162 programs in which it participates, expenses of a volunteer fire  
163 department that provides service within its county or expenses  
164 of any library that provides services within its county.

## **CHAPTER 31. CORPORATIONS.**

### **ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT ACT.**

#### **§31-15A-16. Dedication of severance tax proceeds.**

1 (a) There shall be dedicated an annual amount from the  
2 collections of the tax collected pursuant to article thirteen-a,



3 chapter eleven of this code for the construction, extension,  
4 expansion, rehabilitation, repair and improvement of water  
5 supply and sewage treatment systems and for the acquisition,  
6 preparation, construction and improvement of sites for  
7 economic development in this state as provided in this article.

8 (b) Notwithstanding any other provision of this code to  
9 the contrary, beginning on July 1, 1995, the first \$16 million  
10 of the tax collected pursuant to article thirteen-a, chapter  
11 eleven of this code shall be deposited to the credit of the  
12 West Virginia Infrastructure General Obligation Debt Service  
13 Fund created pursuant to section three, article fifteen-b of this  
14 chapter: *Provided*, That beginning on July 1, 1998, the first  
15 \$24 million of the tax annually collected pursuant to article  
16 thirteen-a of this code shall be deposited to the credit of the  
17 West Virginia Infrastructure General Obligation Debt Service  
18 Fund created pursuant to section three, article fifteen-b of this  
19 chapter.

20 (c) Notwithstanding any provision of subsection (b) of  
21 this section to the contrary: (1) None of the collections from  
22 the tax imposed pursuant to section six, article thirteen-a,  
23 chapter eleven of this code shall be so dedicated or deposited;  
24 and (2) the portion of the tax imposed by article thirteen-a,  
25 chapter eleven and dedicated for purposes of Medicaid and  
26 the Division of Forestry pursuant to section twenty-a of said  
27 article thirteen-a shall remain dedicated for the purposes set  
28 forth in that section twenty-a.

29 (d) On or before May 1 of each year, commencing May 1,  
30 1995, the council, by resolution, shall certify to the Treasurer  
31 and the Water Development Authority the principal and  
32 interest coverage ratio and amount for the following fiscal year  
33 on any infrastructure general obligation bonds issued pursuant  
34 to the provisions of article fifteen-b of this chapter.

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**CHAPTER 165****(H. B. 2993 - By Delegates White and T. Campbell)**

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[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 30, 2011.]

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AN ACT to amend and reenact §11-13AA-3, §11-13AA-4, §11-13AA-5, §11-13AA-7, §11-13AA-11 and §11-13AA-12 of the Code of West Virginia, 1931, as amended, all relating to modifying the provisions of the West Virginia Commercial Patents Incentives Tax Act generally; defining terms; providing for tax credit carryover and accrual; restricting eligibility for tax credit; providing for disallowance of tax credit; providing for strict construction; and retroactively adjusting the effective date of the provisions of the Act.

*Be it enacted by the Legislature of West Virginia:*

That §11-13AA-3, §11-13AA-4, §11-13AA-5, §11-13AA-7, §11-13AA-11 and §11-13AA-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 13AA. COMMERCIAL PATENT INCENTIVES  
TAX ACT.**

**§11-13AA-3. Definitions.**

- 1           (a) *General.* -- When used in this article, or in the
- 2           administration of this article, terms defined in subsection (b)
- 3           of this section have the meanings ascribed to them by this
- 4           section, unless a different meaning is clearly required by

5 either the context in which the term is used, or by specific  
6 definition, in this article.

7 (b) *Terms defined.* --

8 (1) "Agreement" means any agreement or contractual  
9 relationship entered into after the effective date of this  
10 section between a person developing patents in this state and  
11 either:

12 (A) A corporation established under the laws of this state  
13 that meet the requirements of section three, article twelve,  
14 chapter eighteen-b of this code; or

15 (B) A center for economic development and  
16 technological advancement created pursuant to section three,  
17 article twelve-a, chapter eighteen-b of this code.

18 (2) "Business activity" means all activities engaged in or  
19 caused to be engaged in by a person with the object of gain  
20 or economic benefit, direct or indirect. For purposes of this  
21 definition, the term "gain or economic benefit, direct or  
22 indirect" does not include income realized by any person in  
23 the form of wages, salary or income that is reported on  
24 federal form W-2.

25 (3) "Commercial use" means selling, licensing, leasing or  
26 otherwise making patents available to a third party for a  
27 price, fee, royalty, commission or other consideration called  
28 by whatever name. "Commercial use" also means, in the  
29 case of patents developed by the developer for the  
30 developer's own commercial use, the first use of the patents  
31 in a manufacturing or other business activity of the  
32 developer. "Commercial use" does not include any selling,  
33 licensing, leasing or otherwise making patents available to a  
34 third party when done by a broker or by any person who does

35 not own the patent sold, licensed, leased or otherwise made  
36 available.

37 (4) “Commissioner” and “Tax Commissioner” are used  
38 interchangeably herein and mean the Tax Commissioner of  
39 the State of West Virginia or his or her designee.

40 (5) “Copyright” means a copyright that is registered with  
41 the United States Copyright Office or with a similar office of  
42 a foreign country when the foreign copyright is recognized  
43 under federal law.

44 (6) “Delegate” in the phrase “or his or her delegate”,  
45 when used in reference to the Tax Commissioner, means any  
46 officer or employee of the Tax Department of the Department  
47 of Revenue duly authorized by the Tax Commissioner  
48 directly, or indirectly, by one or more redelegations of  
49 authority to perform the functions mentioned or described in  
50 this article.

51 (7) “Development of a patent”, “developing patents” or  
52 “development” means the act of inventing or discovering any  
53 new and useful process, machine, article of manufacture, or  
54 composition of matter, or any new and useful improvement  
55 thereto through significant investment of money,  
56 performance of research, or application of design or  
57 engineering expertise, which culminates in the issuance of a  
58 patent, as defined in this article.

59 (8) “Developer” means a person engaged in this state in  
60 developing patents for direct use in a manufacturing process  
61 or product and who has an agreement, as defined in this  
62 section, with Marshall University or West Virginia  
63 University.

64 (9) “Directly used in manufacturing process or product”,  
65 and “direct use in manufacturing process or product” with  
66 reference to patents means application or incorporation of a

67 patented process, machine, article of manufacture or  
68 composition of matter, in manufacturing operations or  
69 processes, or in manufactured products, in circumstances  
70 where United States or foreign patent laws require that the  
71 specific patent for the process, machine, article of  
72 manufacture or composition of matter be owned by the  
73 manufacturer, or purchased, leased, licensed or authorized by  
74 contract to be applied or incorporated in the manufacturing  
75 operation, processes or product, and where such lawful  
76 ownership, purchase, lease, licensure or contractual  
77 authorization is in effect.

78 (10) "Manufacturing" means any business activity  
79 classified as having a sector identifier, consisting of the first  
80 two digits of the six-digit North American Industry  
81 Classification System code number of thirty-one, thirty-two  
82 or thirty-three.

83 (11) "Mask work" means a series of related images,  
84 however fixed or encoded:

85 (A) Having or representing the predetermined, three-  
86 dimensional pattern of metallic, insulating or semiconductor  
87 material present or removed from the layers of a  
88 semiconductor chip product; and

89 (B) In which series the relation of the images to one  
90 another is that each image has the pattern of the surface of  
91 one form of the semiconductor chip product.

92 (12) "Net profits" means West Virginia taxable income  
93 as determined for purposes of article twenty four of this  
94 chapter, before application of this credit and after application  
95 of all credits allowable under this chapter except this credit.  
96 In the case of taxpayers that are not subject to the tax  
97 imposed by article twenty-four, "net profits" means West  
98 Virginia taxable income as determined for purposes of article  
99 twenty-one of this chapter, before application of this credit

100 and after application of all credits allowable under this  
101 chapter except this credit. In circumstances where net profit  
102 is not solely attributable to and the exclusive result of the  
103 direct use of a patent in a manufacturing process or product  
104 in this state, the taxpayer shall determine net profit solely  
105 attributable to and the exclusive result of the direct use of a  
106 patent in a manufacturing process or product in this state, and  
107 net profit for purposes of determining the amount of credit  
108 allowable under this article shall be the net profit solely  
109 attributable to and the exclusive result of the direct use of a  
110 patent in a manufacturing process or product in this state.

111 (13) "Owner", when used in reference to a pass-through  
112 entity, means a person who owns an equity interest in the  
113 pass-through entity.

114 (14) "Partnership" includes a syndicate, group, pool, joint  
115 venture or other unincorporated organization through or by  
116 means of which any business, financial operation or venture  
117 is carried on, which is not a sole proprietorship, trust or  
118 estate, and which is treated as a partnership for federal  
119 income tax purposes for the taxable year.

120 (15) "Pass-through entity" means a partnership, limited  
121 liability company, small business corporation (S corporation)  
122 or other entity treated as a partnership for federal income tax  
123 purposes for the taxable year.

124 (16) "Patent" means a United States patent issued  
125 pursuant to 35 U.S.C. §101, et seq. or the Patent Cooperation  
126 Treaty done at Washington, on June 19, 1970 and is limited  
127 to plant patents, design patents and patents developed in this  
128 state for direct use in a manufacturing process or product, or  
129 both developed for use and directly used in a manufacturing  
130 process or product in this state. For purposes of this article,  
131 patents do not include copyrights, trademarks, mask works,  
132 trade secrets or any intellectual property that is not a patent.

133       (17) “Person” includes a natural person, corporation,  
134       limited liability company or partnership. A single member  
135       liability company that is treated as a disregarded entity for  
136       federal income tax purposes is be treated as a disregarded  
137       entity for purposes of this article.

138       (18) “Purchase” means a transaction under which title to  
139       an item is transferred for consideration, or a license or lease  
140       contract for at least three years is executed, regardless of  
141       whether title to the item is transferred at the end of the lease  
142       or license period.

143       (19) “Taxpayer” means any person subject to the tax  
144       imposed by article twenty-three or twenty-four of this chapter  
145       or to both taxes. In the case of a sole proprietorship that is  
146       not subject to either the tax imposed by article twenty-three  
147       or twenty-four of this chapter, the term “taxpayer” means a  
148       natural person who owns a disregarded entity and who is  
149       subject to the tax imposed by article twenty-one of this  
150       chapter on his or her income from business activity in this  
151       state, or any sole proprietor who is subject to the tax imposed  
152       by article twenty-one of this chapter.

153       (20) “Trademark” means any trademark, trade name,  
154       service mark or other identifying symbol or name that is  
155       registered with the United States Patent and Trademark  
156       Office or with a similar office of a foreign country when the  
157       foreign registration is recognized under federal law.

158       (21) “Trade secret” means information, including a  
159       formula, pattern, compilation, program device, method,  
160       technique or process, that:

161       (A) Derives independent economic value, actual or  
162       potential, from not being generally known to, and not being  
163       readily ascertainable by proper means, by other persons who  
164       can obtain economic value from its disclosure or use; and

165 (B) Is the subject of efforts that are reasonable under the  
166 circumstances to maintain its secrecy.

**§11-13AA-4. Tax incentive for developing patents in this state.**

1 (a) *Allowance of credit.* -- A person engaging in this state  
2 in developing plant patent, design patent or patents for direct  
3 use in a manufacturing process or product and who has an  
4 agreement, as defined in section three of this article, is  
5 allowed a credit, when computing the person's liability for  
6 business franchise tax imposed by article twenty-three of this  
7 chapter and corporation net income tax imposed by article  
8 twenty-four of this chapter, in the amount allowed under  
9 subsection (b) of this section. When the developer is a sole  
10 proprietor or a pass-through entity, that amount of the credit  
11 remaining after first applying it against the tax liability under  
12 article twenty-three of this chapter for the taxable year is  
13 allowed when computing the tax imposed by article twenty-  
14 one of this chapter on income from the person's business  
15 activity. No credit is allowed under this article for any  
16 activity, investment, assets, or expenditures for which any of  
17 the tax credits authorized under articles thirteen-d, thirteen-e,  
18 thirteen-q, thirteen-r, thirteen-s, or thirteen-x of this chapter,  
19 has been authorized, taken or allowed. No credit is allowed  
20 under this article for any activity, investment, assets, or  
21 expenditures for which the tax credits authorized under  
22 article thirteen, chapter eighteen-b, has been, authorized,  
23 taken or allowed.

24 (b) *Amount of credit.* -- The amount of credit allowed  
25 under this section is equal to twenty percent of the royalties,  
26 license fees or other consideration received by the developer  
27 during the taxable year from the sale, lease or licensing of a  
28 patent developed in this state for direct use in a  
29 manufacturing process or product by the person in taxable  
30 years beginning on or after January 1, 2011: *Provided*, That  
31 the amount of credit allowed under this section is thirty  
32 percent, rather than twenty percent, when the person reinvests



33 at least eighty percent of the amount of the credit claimed for  
34 the taxable year in depreciable property purchased for  
35 purposes of developing additional patents in this state in  
36 taxable years beginning on or after January 1, 2011, or  
37 improving upon a patent developed in this state or  
38 contributing to a stipend to retain a graduate or post-doctoral  
39 student in this state integral to the development of the patents  
40 or related technology in taxable years beginning on or after  
41 January 1, 2011, during the next taxable year of the person,  
42 and the person has an agreement, as defined in section three  
43 of this article, for the development of a patent.

44 (c) *Rules for application of credit.* -- The amount of  
45 credit computed under this section is allowed in accordance  
46 with the following rules and applied as provided in  
47 subsection (d) of this section:

48 (1) No credit is allowed under this section for royalties,  
49 rents, license fees or other consideration received by the  
50 developer of the patent for a patent developed outside this  
51 state, except as provided in subdivision (2) of this subsection;

52 (2) When the person developed the patent for direct use  
53 in a manufacturing process or product through that person's  
54 activity in this state and through that person's activity in one  
55 or more other states, the consideration received by the  
56 developer during the taxable year from the sale, lease or  
57 license of the patent developed through multistate activity of  
58 the developer is multiplied by a fraction, the numerator of  
59 which is the direct costs of developing the patent in this state  
60 and the denominator of which is the total direct costs of  
61 developing the patent. The product of this computation  
62 establishes the consideration to be used in subsection (b) of  
63 this section;

64 (3) If a person receives a portion of a royalty that would  
65 be eligible for a tax credit under this section because of a  
66 business association, licensing agreement or otherwise, the

67 person may receive the tax credit allowable to the portion of  
68 royalties that person receives provided the person has an  
69 agreement, as defined in section three of this article and  
70 otherwise meets the requirements for entitlement to this  
71 credit, as set forth in subsection (a) of this section;

72 (4) Unused credit may be carried forward until the earlier  
73 of the tax year when the credit is used up or the ninth  
74 consecutive tax year after the first tax year in which the  
75 taxpayer is eligible to claim the credit. When the person is an  
76 owner of a pass-through entity, credit may be taken by the  
77 owner beginning in the tax year when credit may be taken by  
78 the pass-through entity or when the pass through entity gains  
79 entitlement to the credit;

80 (5) No credit is allowed under this section for  
81 consideration received by the developer for patents  
82 developed for direct use in a manufacturing process or  
83 product before the taxable year beginning January 1, 2011.  
84 For purposes of this subdivision, a patent was developed for  
85 direct use in a manufacturing process or product before  
86 January 1, 2011, if it was sold, leased or licensed to a third  
87 party prior to January 1, 2011, or before that day it was  
88 reduced to practice for purely commercial purposes by the  
89 developer or a person related to the developer, as defined in  
90 subsection (b), Section 267 of the Internal Revenue Code of  
91 1986, as amended;

92 (6) No credit is allowed under this section for  
93 consideration received by the developer from a person related  
94 to the developer, as defined in subsection (b), Section 267 of  
95 the Internal Revenue Code of 1986, as amended for patents  
96 developed for direct use in a manufacturing process or  
97 product; and

98 (7) No credit is allowed under this section beginning with  
99 the eleventh taxable year after the patent was first directly  
100 used in a manufacturing process or product.

101       (d) *Application of credit.* -- The amount of the credit  
102       computed under this section is allowed as a credit against tax  
103       as provided in this subsection, but the credit may not reduce  
104       the tax below zero.

105       (1) *Business franchise tax.*-- The amount of the allowable  
106       credit shall first be taken as a credit against the tax liability of  
107       the developer for the taxable year under article twenty-three  
108       of this chapter.

109       (2) *Corporation net income tax.* -- The amount of the  
110       allowable credit remaining, if any, after first applying the  
111       credit against the tax imposed by article twenty-three of this  
112       chapter shall then be taken as a credit when computing the  
113       liability of the developer for the taxable year under article  
114       twenty-four of this chapter.

115       (3) *Personal income tax on business income.* --

116       (A) When the developer is a sole proprietor, the amount  
117       of the allowable credit is taken as a credit when computing  
118       the liability of the developer for the taxable year on business  
119       income under article twenty-one of this chapter.

120       (B) When the developer is a pass-through entity, the  
121       amount of allowable credit remaining, if any, after first  
122       applying the credit against the tax imposed by article twenty-  
123       three of this chapter for the taxable year is allowed as a credit  
124       against the tax imposed for the taxable year on the West  
125       Virginia source income of the pass-through entity under  
126       article twenty-one of this chapter and the amount of the credit  
127       is distributed to the owners of the pass-through entity in the  
128       same manner as items of partnership income, gain loss or  
129       deduction are distributed or allocated for the taxable year.

**§11-13AA-5. Tax credit for use of a patent in a manufacturing process or product in this state that was developed in this state.**

1           (a) *Allowance of credit.* -- A person directly using a plant  
2 patent, design patent or patent developed in this state in a  
3 manufacturing process or product in this state is allowed a  
4 credit against the person's liability for business franchise tax  
5 imposed by article twenty-three of this chapter and  
6 corporation net income tax imposed by article twenty-four of  
7 this chapter, the amount computed under subsection (b) of  
8 this section. When the user of a patent is a sole proprietor or  
9 a pass-through entity, that amount of credit allowed against  
10 income taxes shall be against the tax imposed by article  
11 twenty-one of this chapter.

12           (b) *Amount of credit.* -- The amount of credit allowed  
13 under this section is equal to twenty percent of the net profit  
14 attributable to the patent: *Provided,* That the amount of  
15 credit allowed under this section is equal to thirty percent of  
16 the net profit attributable to the patent when the person  
17 claiming the credit reinvests in capital improvements to add  
18 product lines to or increase productivity in this state during  
19 the next taxable year an amount equal to at least eighty  
20 percent of the tax credit amount used for the taxable year.

21           (c) *Rules for application of credit.* -- The amount of  
22 credit computed under this section is allowed in accordance  
23 with the following rules and applied as provided in  
24 subsection (d) of this section:

25           (1) The credit allowed by this section is applied after all  
26 other credits allowed by this chapter have been applied  
27 against the person's business franchise tax and West Virginia  
28 income tax liabilities for the taxable year under this chapter;

29           (2) Unused credit may be carried forward until the earlier  
30 of the tax year when the credit is used up or the ninth  
31 consecutive tax year after the first tax year in which the  
32 taxpayer is eligible to claim the credit. When the person is an

33 owner of a pass-through entity, credit may be taken by the  
34 owner beginning in the tax year when credit may be taken by  
35 the pass-through entity or when the pass through entity gains  
36 entitlement to the credit;

37 (3) Any credit not used within the ten-year period  
38 described in subdivision (2) of this subsection is forfeited  
39 beginning with the eleventh taxable year after the first tax  
40 year in which the taxpayer is eligible to claim the credit;

41 (4) No credit is allowed under this section for using a  
42 patent in this state when the person began using the patent  
43 before January 1, 2011;

44 (5) No credit is allowed under this section for using a  
45 patent in this state for which the taxpayer is allowed credit  
46 under another article of this chapter.

47 (6) No credit is allowed under this section for any patent  
48 acquired from, by or between, leased from, by or between,  
49 licensed from, by or between, or otherwise authorized to be  
50 used from, by or between related persons, as defined in  
51 subsection (b), Section 267 of the Internal Revenue Code of  
52 1986, as amended.

53 (7) Amounts received from, by or between related  
54 persons, as defined in subsection (b), Section 267 of the  
55 Internal Revenue Code of 1986, as amended, are disallowed  
56 when calculating net profit attributable to a patent.

57 (d) *Application of credit.* -- The amount of the credit  
58 computed under this section is allowed as a credit against tax  
59 as provided in this subsection, but the credit may not reduce  
60 the tax below zero.

61 (1) *Business franchise tax.* -- The amount of the  
62 allowable credit shall first be taken as a credit against the tax  
63 liability of the person allowed the credit for the taxable year  
64 under article twenty-three of this chapter.

65           (2) *Corporation net income tax.* -- The amount of the  
66 allowable credit remaining, if any, after first applying the  
67 credit against the tax imposed by article twenty-three of this  
68 chapter shall then be taken as a credit when computing the  
69 liability of the corporation for the taxable year under article  
70 twenty-four of this chapter.

71           (3) *Personal income tax on business income.* --

72           (A) When the person allowed the credit is a sole  
73 proprietor, the amount of the allowable credit is taken as a  
74 credit when computing the liability of the person allowed the  
75 credit for the taxable year on business income under article  
76 twenty-one of this chapter.

77           (B) When the person allowed the credit is a pass-through  
78 entity, the amount of allowable credit remaining, if any, after  
79 first applying the credit against the tax imposed by article  
80 twenty-three of this chapter for the taxable year is allowed as  
81 a credit against the tax imposed for the taxable year on the  
82 West Virginia source income of the pass-through entity under  
83 article twenty-one of this chapter and the amount of the credit  
84 is distributed to the owners of the pass-through entity in the  
85 same manner as items of partnership income, gain loss or  
86 deduction are distributed or allocated for the taxable year.

**§11-13AA-7. Identification of a patent and required records.**

1           (a) *Required records.* -- Every developer of a patent in  
2 this state for direct use in a manufacturing process or product  
3 and every person who uses a patent directly in a  
4 manufacturing process or product in this state who claims a  
5 credit under this article shall maintain sufficient records to  
6 establish the following facts for each item of a patent for  
7 which a credit is allowed under this article:

8           (1) Its identity;

9           (2) The amount of net profit attributable to the patent;

10           (3) The month and taxable year in which the patent was  
11 first used, placed in service or directly used in the person's  
12 manufacturing process or product in this state;

13           (4) The amount of credit taken; and

14           (5) The date the patent was disposed of or otherwise  
15 ceased to be directly used in the person's manufacturing  
16 process or product in this state.

17           (b) *Enhanced credit.* -- Any person who claims the  
18 enhanced credit under section four or five of this article shall  
19 maintain sufficient records to clearly establish entitlement to  
20 claim the amount of the enhanced credit. At a minimum  
21 those records shall identify:

22           (1) Each and every item of depreciable property  
23 purchased for purposes of claiming the enhanced credit;

24           (2) The date the depreciable property identified in  
25 subdivision (1) of this subsection was purchased, its cost and  
26 its estimated useful life determined using straight-line  
27 method of depreciation;

28           (3) The date the depreciable property identified in  
29 subdivision (1) of this subsection was placed in service or  
30 used in the person's business activity in this state;

31           (4) The date the depreciable property identified in  
32 subdivision (1) of this subsection was taken out of service or  
33 use in the person's business activity in this state and the  
34 reason why the property was taken out of service or use; and

35           (5) Other information that the Tax Commissioner may  
36 reasonably require by rule promulgated as provided in section  
37 eleven of this article.

38           (c) *New jobs.* -- Every person who claims a credit under  
39 this article shall also maintain sufficient records to establish  
40 the number and types of new jobs, if any created, the wages  
41 and benefits paid to employees filling the new jobs and the  
42 duration of each job.

43           (d) *Exception.* -- This section does not apply to an owner  
44 of a pass-through entity that develops or uses a patent for  
45 which a credit is allowed under this article.

**§11-13AA-11. Interpretation and construction.**

1           (a) No inference, implication or presumption of  
2 legislative construction or intent may be drawn or made by  
3 reason of the location or grouping of any particular section,  
4 provision or portion of this article; and no legal effect may be  
5 given to any descriptive matter or heading relating to any  
6 section, subsection or paragraph of this article.

7           (b) The provisions of this article shall be strictly  
8 construed in order to effectuate the legislative intent recited  
9 in section two of this article.

**§11-13AA-12. Effective date.**

1           The provisions of this article retroactively become  
2 effective on January 1, 2011, and apply only to a patent  
3 developed in this state in tax years beginning on or after  
4 January 1, 2011, and to a patent purchased, leased or licensed  
5 for use on or after that date for direct use in the taxpayer's  
6 manufacturing process or product in this state.



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## CHAPTER 166

**(Com. Sub. for H. B. 2955 -  
By Delegates Caputo and Barker)**

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[Amended and again passed in an effort to meet the objections  
of the Governor, March 18, 2011; in effect ninety days from passage.]  
[Approved by the Governor on April 5, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13BB-1, §11-13BB-2, §11-13BB-3, §11-13BB-4, §11-13BB-5, §11-13BB-6, §11-13BB-7, §11-13BB-8, §11-13BB-9, §11-13BB-10, §11-13BB-11, §11-13BB-12, §11-13BB-13 and §11-13BB-14; to amend and reenact §22-3-7, §22-3-8 and §22-3-19 of said code; to amend and reenact §22A-1-4 of said code; and to amend and reenact §22A-11-3 of said code, all relating to environmental resources; providing a tax credit for purchase of innovative mine safety technology; providing legislative findings and purpose; providing definitions; requiring list of approved innovative mine safety technology; authorizing tax credits; providing criteria for qualified investment; providing for forfeiture of unused tax credits; providing for transfer of certified eligible safety property to successors; setting forth requirements for identification of investment credit property; prescribing treatment for failure to keep records of certified eligible safety property; specifying tax credit review and accountability requirements; specifying requirement for disclosure of tax credits; authorizing rules; providing for termination of tax credit; providing for increased and new fees on coal mining operators by the Division of Mining and Reclamation; providing for and requiring certain permits and applications relating to coal mining; amending the duties of the

Director of the West Virginia Office of Miners' Health, Safety and Training; and amending the duties of the Mine Safety Technology Task Force.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated § 11-13BB-1, § 11-13BB-2, § 11-13BB-3, § 11-13BB-4, § 11-13BB-5, § 11-13BB-6, § 11-13BB-7, § 11-13BB-8, § 11-13BB-9, § 11-13BB-10, § 11-13BB-11, § 11-13BB-12, § 11-13BB-13 and § 11-13BB-14; that § 22-3-7, § 22-3-8 and § 22-3-19 of said code be amended and reenacted; that § 22A-1-4 of said code be amended and reenacted; and that § 22A-11-3 of said code be amended and reenacted, all to read as follows:

## **CHAPTER 11. TAXATION.**

### **ARTICLE 13BB. WEST VIRGINIA INNOVATIVE MINE SAFETY TECHNOLOGY TAX CREDIT ACT.**

#### **§11-13BB-1. Short title.**

1        This article may be cited as the "West Virginia  
2        Innovative Mine Safety Technology Tax Credit Act".

#### **§11-13BB-2. Legislative findings and purpose.**

1        The Legislature finds that the encouragement of new  
2        investment in innovative coal mine safety technology in this  
3        state is in the public interest and promotes the general welfare  
4        of the people of this state.

#### **§11-13BB-3. Definitions.**

1        (a) Any term used in this article has the meaning ascribed  
2        by this section, unless a different meaning is clearly required  
3        by the context of its use or by definition in this article.

4 (b) For purposes of this article, the term:

5 (1) "Certified eligible safety property" means eligible  
6 safety property in which an eligible taxpayer has made  
7 qualified investment for which credit has been certified under  
8 this article.

9 (2) "Coal mining company" means:

10 (A) Any person subject to tax imposed on the severance  
11 of coal by section three, article thirteen-a of this chapter; or

12 (B) Any person working as a contract miner of coal,  
13 which mines coal in this state, under contract with a person  
14 subject to tax imposed on the severance of coal by section  
15 three, article thirteen-a of this chapter.

16 (3) "Director" means the Director of the Office of  
17 Miners' Health, Safety and Training or West Virginia Office  
18 of Miners' Health, Safety and Training established under  
19 article one, chapter twenty two-a of this code.

20 (4) "Eligible safety property" means safety technology  
21 equipment, that at the time of acquisition, is on the list of  
22 approved innovative mine safety technology.

23 (5) "Eligible taxpayer" means a coal mining company  
24 which purchases eligible safety property.

25 (6) "List of approved innovative mine safety technology"  
26 means the list required to be compiled and maintained by the  
27 Mine Safety Technology Task Force and approved and  
28 published by the director under this article.

29 (7) "Office of Miners' Health, Safety and Training" or  
30 "West Virginia Office of Miners' Health, Safety and  
31 Training" means the Office of Miners' Health, Safety and

32 Training established under article one, chapter twenty two-a  
33 of this code.

34 (8) "Person" includes any corporation, limited liability  
35 company, or partnership.

36 (9) "Qualified investment" means the eligible taxpayer's  
37 investment in eligible safety property pursuant to a qualified  
38 purchase as qualified and limited by section six of this article.

39 (10) "Qualified purchase" means and includes only  
40 acquisitions of eligible safety property for use in this state.

41 (A) A lease of eligible safety property may constitute a  
42 qualified purchase if the lease was entered into and became  
43 effective at a time when the equipment is on the list of  
44 approved innovative mine safety technology, and if the  
45 primary term of the lease for the eligible safety property is  
46 five years or more. Leases having a primary term of less than  
47 five years do not qualify.

48 (B) "Qualified purchase" does not include:

49 (i) Purchases or leases of realty or any cost for, or related  
50 to, the construction of any building, facility or structure  
51 attached to realty;

52 (ii) Purchases or leases of any property not exclusively  
53 used in West Virginia;

54 (iii) Repair costs including materials used in the repair,  
55 unless for federal income tax purposes, the cost of the repair  
56 must be capitalized and not expensed;

57 (iv) Motor vehicles licensed by the Department of Motor  
58 Vehicles;

59 (v) Clothing;

60 (vi) Airplanes;

61 (vii) Off-premises transportation equipment;

62 (viii) Leases of tangible personal property having a  
63 primary term of less than five years shall not qualify;

64 (ix) Property that is used outside this state; and

65 (x) Property that is acquired incident to the purchase of  
66 the stock or assets of an industrial taxpayer, which property  
67 was or had been used by the seller in his or her industrial  
68 business in this state, or in which investment was previously  
69 the basis of a credit against tax taken under any other article  
70 of this chapter.

71 (C) Acquisitions, including leases, of eligible safety  
72 property may constitute qualified purchases for purposes of  
73 this article only if:

74 (i) The property is not acquired from a person whose  
75 relationship to the person acquiring it would result in the  
76 disallowance of deductions under Section 267 or 707(b) of  
77 the United States Internal Revenue Code of 1986, as  
78 amended;

79 (ii) The property is not acquired from a related person or  
80 by one component member of a controlled group from  
81 another component member of the same controlled group.  
82 The Tax Commissioner may waive this requirement if the  
83 property was acquired from a related party for its then fair  
84 market value; and

85 (iii) The basis of the property for federal income tax  
86 purposes, in the hands of the person acquiring it, is not  
87 determined, in whole or in part, by reference to the federal  
88 adjusted basis of the property in the hands of the person from

89 whom it was acquired; or under Section 1014(e) of the  
90 United States Internal Revenue Code of 1986, as amended.

91 (11) "Safety technology" means depreciable tangible  
92 personal property and equipment, other than clothing,  
93 principally designed to directly minimize workplace injuries  
94 and fatalities in coal mines.

95 (12) "Taxpayer" means any person subject to any of the  
96 taxes imposed by article thirteen-a, twenty-three or twenty-  
97 four of this chapter.

**§11-13BB-4. List of approved innovative mine safety  
technology.**

1 (a) *List of approved innovative mine safety technology.* --  
2 The Mine Safety Technology Task Force, established in  
3 section two, article eleven, chapter twenty-two-a of this code,  
4 shall annually compile a proposed list of approved innovative  
5 mine safety technologies as required by subsection (g),  
6 section three, article eleven, chapter twenty-two-a of this  
7 code. The list shall be transmitted to the director for  
8 approval. The director has thirty days to approve or amend  
9 the list. At the expiration of thirty days, the director shall  
10 publish the list of approved innovative mine safety  
11 technologies. The list shall describe and specifically identify  
12 safety equipment for use in West Virginia coal mines which,  
13 in the fiscal year when the equipment is added to the list, is  
14 not required by the Mine Safety and Health Administration  
15 of the United States Department of Labor or the West  
16 Virginia Office Of Miners' Health, Safety And Training or  
17 any other state or federal agency, to be used in a coal mine or  
18 on a mine site or on any other industrial site. Safety  
19 equipment shall remain on the list from year to year until the  
20 director removes it from the list. The Office of Miners'  
21 Health, Safety and Training may establish by legislative rule  
22 or interpretive rule a shorter time period for issuance of and

23 updating of the list of approved innovative mine safety  
24 technologies.

25 (b) It is the intent of the Legislature that the list of  
26 approved innovative mine safety technologies include only  
27 safety equipment that is depreciable tangible personal  
28 property for federal income tax purposes, which is so new to  
29 the industry and so innovative in concept, design, operation  
30 or performance that, in the fiscal year when it is added to the  
31 list of approved innovative mine safety technologies, the  
32 equipment has not yet been adopted by the Federal Mine  
33 Safety and Health Administration or the West Virginia Office  
34 of Miners Health, Safety and Training or any other state or  
35 federal agency as required equipment to be used in a coal  
36 mine or on a mine site or on any other industrial site.

37 (c) *Delisting.* -- (1) If any item of equipment or any line  
38 of equipment or class of equipment is listed on the list of  
39 approved innovative mine safety technologies in any fiscal  
40 year, but then is subsequently adopted by the Federal Mine  
41 Safety and Health Administration or the West Virginia Office  
42 of Mine Safety or any other state or federal agency as  
43 required equipment to be used in a coal mine or on a mine  
44 site or on any other industrial site, the equipment shall be  
45 removed from the list of approved innovative mine safety  
46 technologies compiled and issued for the next succeeding  
47 periodic issuance thereafter of the list of approved innovative  
48 mine safety technologies.

49 (2) If it is determined by the director that any item of  
50 equipment or any line of equipment or class of equipment  
51 that is listed on the list of approved innovative mine safety  
52 technology has ceased to be innovative in concept, design,  
53 operation or performance, or is ineffective, or has failed to  
54 meet the expectations of the Mine Safety Technology Task  
55 Force, or has failed to prove its value in directly minimizing  
56 workplace injuries and fatalities in coal mines, the equipment

57 shall be removed from the list of approved innovative mine  
58 safety technologies that is compiled and issued for the next  
59 succeeding periodic issuance of the list of approved  
60 innovative mine safety technologies after the determination  
61 has been reached.

62 (3) However, any eligible taxpayer who invested in the  
63 equipment as certified eligible safety property during the time  
64 the equipment was lawfully listed on the list of approved  
65 innovative mine safety technologies, shall not forfeit the  
66 credit authorized by this article as a result of the delisting of  
67 the equipment under either subdivision (1) or subdivision (2)  
68 of this subsection, so long as the requirements of this article  
69 are otherwise fulfilled by the taxpayer for entitlement to the  
70 credit.

**§11-13BB-5. Amount of credit allowed.**

1 (a) *Credit allowed* -- For tax years beginning after  
2 December 31, 2011, there is allowed to eligible taxpayers a  
3 credit against the taxes imposed by articles twenty-three and  
4 twenty-four of this chapter. The amount of credit shall be  
5 determined as provided in this section.

6 (b) *Amount of credit allowable.* -- The amount of  
7 allowable credit under this article is equal to fifty percent of  
8 the qualified investment as determined in section six of this  
9 article, and shall reduce the business franchise tax imposed  
10 under article twenty-three of this chapter and the corporation  
11 net income tax imposed under article twenty-four of this  
12 chapter, in that order, subject to the following conditions and  
13 limitations:

14 (1) The amount of credit allowable is applied over a five-  
15 year period, at the rate of one-fifth thereof per taxable year,  
16 beginning with the taxable year in which the eligible safety  
17 property is first placed in service or use in this state.



18           (2) *Business franchise tax.* -- The credit is applied to  
19 reduce the business franchise tax imposed under article  
20 twenty-three of this chapter determined after application of  
21 the credits against tax provided in section seventeen, article  
22 twenty-three of this chapter, but before application of any  
23 other allowable credits against tax. The amount of annual  
24 credit allowed will not reduce the business franchise tax,  
25 imposed under article twenty-three of this chapter, below  
26 fifty percent of the amount which would be imposed for the  
27 taxable year in the absence of this credit against tax.

28           (3) *Corporation net income tax.* -- After application of  
29 subdivision (2) of this subsection, any unused credit is next  
30 applied to reduce the corporation net income tax imposed  
31 under article twenty-four of this chapter determined before  
32 application of any other allowable credits against tax. The  
33 amount of annual credit allowed will not reduce corporation  
34 net income tax, imposed under article twenty-four of this  
35 chapter, below fifty percent of the amount which would be  
36 imposed for the taxable year in the absence of this credit  
37 against tax.

38           (4) *Pass-through entities.* -- (A) If the eligible taxpayer  
39 is a limited liability company, small business corporation or  
40 a partnership, then any unused credit after application of  
41 subdivisions (2) and (3) of this subsection is allowed as a  
42 credit against the taxes imposed by article twenty-four of this  
43 chapter on owners of the eligible taxpayer on the conduit  
44 income directly derived from the eligible taxpayer by its  
45 owners. Only those portions of the tax imposed by article  
46 twenty-four of this chapter that are imposed on income  
47 directly derived by the owner from the eligible taxpayer are  
48 subject to offset by this credit.

49           (B) The amount of annual credit allowed will not reduce  
50 corporation net income tax, imposed under article twenty-  
51 four of this chapter, below fifty percent of the amount which

52 would be imposed on the conduit income directly derived  
53 from the eligible taxpayer by each owner for such taxable  
54 year in the absence of this credit against the taxes.

55 (5) Small business corporations, limited liability  
56 companies, partnerships and other unincorporated  
57 organizations shall allocate any unused credit after  
58 application of subdivisions (2) and (3) of this subsection)  
59 among their members in the same manner as profits and  
60 losses are allocated for the taxable year; and

61 (6) No credit is allowed under this article against any tax  
62 imposed by article twenty-one of this chapter.

63 (c) No carryover to a subsequent taxable year or  
64 carryback to a prior taxable year is allowed for the amount of  
65 any unused portion of any annual credit allowance. Any  
66 unused credit is forfeited.

67 (d) No tax credit is allowed or may be applied under this  
68 article until the taxpayer seeking to claim the tax credit has:

69 (1) Filed, with the Office of Miners' Health, Safety and  
70 Training, a written application for certification of the  
71 proposed tax credit; and

72 (2) Received, from the Office of Miners' Health, Safety  
73 and Training, certification of the amount of tax credit to be  
74 allocated to the eligible taxpayer.

75 (e) No more than \$2 million of the tax credits allowed  
76 under this article shall be allocated by the Office of Miners'  
77 Health, Safety and Training during any fiscal year. The  
78 Office of Miners' Health, Safety and Training shall allocate  
79 the tax credits in the order the applications therefor are  
80 received.

81           (f) The total amount of tax credit that may be used in any  
82 taxable year by any eligible taxpayer in combination with the  
83 owners of the eligible taxpayer under this article may not  
84 exceed \$100,000.

85           (g) Applications for certification of the proposed tax  
86 credit shall contain such information and be in such detail  
87 and in such form as required by the Office of Miners' Health,  
88 Safety and Training.

89           (h) The Tax Commissioner may prescribe the forms and  
90 schedules as necessary or appropriate for effective, efficient  
91 and lawful administration of this article.

92           (i) Notwithstanding the provisions of section five-d,  
93 article ten of this chapter, and notwithstanding any other  
94 provision of this code, the Tax Commissioner and Office of  
95 Miners' Health, Safety and Training may exchange tax  
96 information and other information as determined by the Tax  
97 Commissioner to be useful and necessary for the effective  
98 oversight and administration of the credit authorized pursuant  
99 to this article.

#### **§11-13BB-6. Qualified investment.**

1           (a) *General.* -- The qualified investment is one hundred  
2 percent of the cost for eligible safety property pursuant to a  
3 qualified purchase, which is placed in service or use in this  
4 state by the eligible taxpayer during the tax year.

5           (b) *Placed in service or use.*-- For purposes of the credit  
6 allowed by this article, property is considered placed in  
7 service or use in the earlier of the following taxable years:

8           (1) The taxable year in which, under the taxpayer's  
9 depreciation practice, the period for federal income tax  
10 depreciation with respect to the property begins; or

11 (2) The taxable year in which the property is placed in a  
12 condition or state of readiness and availability for a  
13 specifically assigned function.

14 (c) *Cost.* -- For purposes of this article, the cost for  
15 eligible safety property pursuant to a qualified purchase is  
16 determined under the following rules:

17 (1) *Trade-ins.* -- Cost for eligible safety property will not  
18 include the value of property given in trade or exchange for  
19 eligible safety property pursuant to a qualified purchase;

20 (2) *Damaged, destroyed or stolen property.* -- If eligible  
21 safety property is damaged or destroyed by fire, flood, storm  
22 or other casualty, or is stolen, then the cost for replacement  
23 of the eligible safety property, will not include any insurance  
24 proceeds received in compensation for the loss;

25 (3) *Rental property.* -- The cost for eligible safety  
26 property acquired by lease for a term of at least five years or  
27 longer is one hundred percent of the rent reserved for the  
28 primary term of the lease, not to exceed ten years; and

29 (4) *Property purchased for multiple use.* -- Any cost of  
30 acquisition of property that is not principally and directly  
31 used to minimize workplace injuries and fatalities in a coal  
32 mine does not qualify as qualified investment for purposes of  
33 this article.

#### **§11-13BB-7. Forfeiture of unused tax credits.**

1 *Disposition of property or cessation of use.* -- If during  
2 any taxable year, property with respect to which a tax credit  
3 has been allowed under this article:

4 (1) Is disposed of prior to the end of the fourth tax year  
5 subsequent to the end of the tax year in which the property  
6 was placed in service or use; or

7           (2) Ceases to be used in a coal mine of the eligible  
8 taxpayer in this state prior to the end of the fourth tax year  
9 subsequent to the end of the tax year in which the property  
10 was placed in service or use, then the unused portion of the  
11 credit allowed for such property is forfeited for the tax year  
12 in which the disposition or cessation of use occurred and all  
13 ensuing years.

**§11-13BB-8. Transfer of certified eligible safety property to successors.**

1           (a) *Mere change in form of business.* -- Certified eligible  
2 safety property may not be treated as disposed of under  
3 section seven of this article, by reason of a mere change in  
4 the form of conducting the business as long as the certified  
5 eligible safety property is retained in a business in this state  
6 for use in a coal mine in West Virginia, and the taxpayer  
7 retains a controlling interest in the successor business. In this  
8 event, the successor business is allowed to claim the amount  
9 of credit still available with respect to the certified eligible  
10 safety property transferred, and the taxpayer (transferor) may  
11 not be required to forfeit the credit for the years remaining at  
12 the time of transfer in the original five year credit period.

13           (b) *Transfer or sale to successor.* -- Certified eligible  
14 safety property will not be treated as disposed of under  
15 section seven of this article by reason of any transfer or sale  
16 to a successor business which continues to use the certified  
17 eligible safety property in a coal mine in West Virginia.  
18 Upon transfer or sale, the successor shall acquire the amount  
19 of credit that remains available under this article in the  
20 original five year credit period for each subsequent taxable  
21 year, and the transferor shall not be required to forfeit the  
22 credit for subsequent years. Upon transfer or sale, the  
23 successor shall acquire the amount of credit that remains  
24 available under this article for each taxable year subsequent  
25 to the taxable year of the transferor during which the transfer

26 occurred and, for the year of transfer, an amount of annual  
27 credit for the year in the same proportion as the number of  
28 days remaining in the transferor's taxable year bears to the  
29 total number of days in the taxable year and the transferor  
30 shall not be required to redetermine the amount of credit  
31 allowed in earlier years.

**§11-13BB-9. Identification of investment credit property.**

1 Every taxpayer who claims credit under this article shall  
2 maintain sufficient records to establish the following facts for  
3 each item of certified eligible safety property:

4 (1) Its identity;

5 (2) Its actual or reasonably determined cost;

6 (3) Its straight-line depreciation life;

7 (4) The month and taxable year in which it was placed in  
8 service;

9 (5) The amount of credit taken; and

10 (6) The date it was disposed of or otherwise ceased to be  
11 actively and directly used in a coal mine in this state.

**§11-13BB-10. Failure to keep records of certified eligible safety property.**

1 A taxpayer who does not keep the records required for  
2 certified eligible safety property and the credit authorized  
3 under this article, is subject to the following rules:

4 (1) A taxpayer is treated as having disposed of, during the  
5 taxable year, any certified eligible safety property which the

6 taxpayer cannot establish was still on hand and used in a coal  
7 mine in this state at the end of that year; and

8 (2) If a taxpayer cannot establish when certified eligible  
9 safety property reported for purposes of claiming this credit  
10 returned during the taxable year was placed in service, the  
11 taxpayer is treated as having placed it in service in the most  
12 recent prior year in which similar property was placed in  
13 service, unless the taxpayer can establish that the property  
14 placed in service in the most recent year is still on hand and  
15 used in a coal mine in this state at the end of that year. In  
16 that event, the taxpayer will be treated as having placed the  
17 returned property in service in the next most recent year.

#### **§11-13BB-11. Tax credit review and accountability.**

1 (a) Beginning on August 1, 2012, and August 1 of every  
2 year thereafter, the Tax Commissioner shall submit to the  
3 Governor, the President of the Senate and the Speaker of the  
4 House of Delegates a tax credit review and accountability  
5 report evaluating the cost of the credit allowed under this  
6 article during the most recent period for which information is  
7 available. The criteria to be evaluated includes, but is not  
8 limited to, for each year:

9 (1) The numbers of taxpayers claiming the credit; and

10 (2) The cost of the credit.

11 (b) Taxpayers claiming the credit shall provide whatever  
12 information the Tax Commissioner requires to prepare the  
13 report: *Provided*, That the information is subject to the  
14 confidentiality and disclosure provisions of sections five-d  
15 and five-s, article ten of this chapter. If, in any reporting  
16 period under this section, fewer than ten eligible taxpayers  
17 have taken or applied for the credit authorized under this  
18 article, then no report shall be filed for that reporting period  
19 under this section.

**§11-13BB-12. Disclosure of tax credits.**

1           Notwithstanding section five-d, article ten of this chapter  
2           or any other provision in this code to the contrary, the Tax  
3           Commissioner shall annually publish in the State Register the  
4           name and address of every eligible taxpayer and the amount  
5           of any tax credit asserted under this article.

**§11-13BB-13. Rules.**

1           The Tax Commissioner and the Office of Miners' Health,  
2           Safety and Training may each promulgate rules in accordance  
3           with article three, chapter twenty-nine-a of this code to carry  
4           out the policy and purposes of this article, to provide any  
5           necessary clarification of the provisions of this article and to  
6           efficiently provide for the general administration of this  
7           article.

**§11-13BB-14. Termination.**

1           The tax credit authorized in this article shall terminate  
2           December 31, 2014.

**CHAPTER 22. ENVIRONMENTAL RESOURCES.****ARTICLE 3. SURFACE COAL MINING AND RECLAMATION ACT.****§22-3-7. Notice of intention to prospect, requirements therefor;  
bonding; secretary's authority to deny or limit;  
postponement of reclamation; prohibited acts;  
exceptions.**

1           (a) Any person intending to prospect for coal in an area  
2           not covered by a surface-mining permit, in order to determine  
3           the location, quantity or quality of a natural coal deposit,  
4           making feasibility studies or for any other purpose, shall file



5 with the secretary, at least fifteen days prior to  
6 commencement of any disturbance associated with  
7 prospecting, a notice of intention to prospect, which notice  
8 shall include a description of the prospecting area, the period  
9 of supposed prospecting and any other information as  
10 required by rules promulgated pursuant to this section:  
11 *Provided*, That prior to the commencement of prospecting,  
12 the secretary may issue an order denying or limiting  
13 permission to prospect where the secretary finds that  
14 prospecting operations will damage or destroy a unique  
15 natural area, or will cause serious harm to water quality, or  
16 that the operator has failed to satisfactorily reclaim other  
17 prospecting sites, or that there has been an abuse of  
18 prospecting by previous prospecting operations in the area.

19 (b) Notice of intention to prospect shall be made in  
20 writing on forms prescribed by the secretary and shall be  
21 signed and verified by the applicant. The notice shall be  
22 accompanied by: (1) A United States Geological Survey  
23 topographic map showing by proper marking the crop line  
24 and the name, where known, of the seam or seams to be  
25 prospected; (2) a filing fee of \$2000; and (3) a bond, or cash,  
26 or collateral securities or certificates of the same type and  
27 form and in the same manner as provided in section eleven of  
28 this article, in the amount of five hundred dollars per acre or  
29 fraction thereof for the total estimated disturbed area. If a  
30 bond is used, it shall be payable to the State of West Virginia  
31 and conditioned that the operator faithfully perform the  
32 requirements of this article as they relate to backfilling and  
33 revegetation of the disturbed area.

34 (c) Any person prospecting under the provisions of this  
35 section shall ensure that the prospecting operation is  
36 conducted in accordance with the performance standards in  
37 section thirteen of this article for all lands disturbed in  
38 explorations, including excavations, roads, drill holes, and  
39 the removal of necessary facilities and equipment.

40 (d) Information submitted to the secretary pursuant to this  
41 section as confidential, concerning trade secrets or privileged  
42 commercial or financial information, which relates to the  
43 competitive rights of the person or entity intended to prospect  
44 the described area, is not available for public examination.

45 (e) Any person who conducts any prospecting activities  
46 which substantially disturb the natural land surface in  
47 violation of this section or rules issued pursuant thereto is  
48 subject to the provisions of sections sixteen and seventeen of  
49 this article.

50 (f) An operator may not remove more than two hundred  
51 fifty tons of coal without the specific written approval of the  
52 secretary. Such approval shall be requested by the operator  
53 on forms prescribed by the secretary. The secretary shall  
54 promulgate rules governing such operations and setting forth  
55 information required in the application for approval. Each  
56 such application shall be accompanied by a \$2000 filing fee.

57 (g) The bond accompanying said notice of intention to  
58 prospect shall be released by the secretary when the operator  
59 demonstrates that a permanent species of vegetative cover is  
60 established.

61 (h) If an operator desires to mine the area currently being  
62 prospected, and has requested and received an appropriate  
63 surface mine application (S.M.A.) number, the secretary may  
64 permit the postponement of the reclamation of the area  
65 prospected. Any part of a prospecting operation, where  
66 reclamation has not been postponed as provided above, shall  
67 be reclaimed within a period of three months from  
68 disturbance.

69 (i) For the purpose of this section, the word "prospect" or  
70 "prospecting" does not include core drilling related solely to  
71 taxation or highway construction.

**§22-3-8. Prohibition of surface mining without a permit; permit requirements; successor in interest; duration of permits; proof of insurance; termination of permits; permit fees.**

1           (a) No person may engage in surface mining operations  
2 unless he or she has first obtained a permit from the secretary  
3 in accordance with the following:

4           (1) All permits issued pursuant to the requirements of this  
5 article shall be issued for a term not to exceed five years:  
6 *Provided*, That if the applicant demonstrates that a specified  
7 longer term is reasonably needed to allow the applicant to  
8 obtain necessary financing for equipment and the opening of  
9 the operation, and if the application is full and complete for  
10 the specified longer term, the secretary may extend a permit  
11 for a longer term: *Provided, however*, That subject to the  
12 prior approval of the secretary, with the approval being  
13 subject to the provisions of subsection (c), section eighteen  
14 of this article, a successor in interest to a permittee who  
15 applies for a new permit, or transfer of a permit, within thirty  
16 days of succeeding to the interest and who is able to obtain  
17 the bond coverage of the original permittee, may continue  
18 surface mining and reclamation operations according to the  
19 approved mining and reclamation plan of the original  
20 permittee until the successor's permit application or  
21 application for transfer is granted or denied.

22           (2) Proof of insurance is required on an annual basis.

23           (3) A permit terminates if the permittee has not  
24 commenced the surface mining operations covered by the  
25 permit within three years of the date the permit was issued:  
26 *Provided*, That the secretary may grant reasonable extensions  
27 of time upon a timely showing that the extensions are  
28 necessary by reason of litigation precluding commencement,  
29 or threatening substantial economic loss to the permittee, or  
30 by reason of conditions beyond the control and without the

31 fault or negligence of the permittee: *Provided, however,* That  
32 with respect to coal to be mined for use in a synthetic fuel  
33 facility or specific major electric-generating facility, the  
34 permittee shall be considered to have commenced surface  
35 mining operations at the time the construction of the  
36 synthetic fuel or generating facility is initiated.

37 (4) Each application for a new surface mining permit  
38 filed pursuant to this article shall be accompanied by a fee of  
39 \$3,500. All permit fees and renewal fees provided in this  
40 section or elsewhere in this article shall be collected by the  
41 secretary and deposited with the Treasurer of the State of  
42 West Virginia to the credit of the Operating Permit Fees Fund  
43 and shall be used, upon requisition of the secretary, for the  
44 administration of this article.

45 (5) Prior to the issuance of any permit, the secretary shall  
46 ascertain from the Commissioner of the Division of Labor  
47 whether the applicant is in compliance with section fourteen,  
48 article five, chapter twenty-one of this code. Upon issuance  
49 of the permit, the secretary shall forward a copy to the  
50 Commissioner of the Division of Labor, who shall assure  
51 continued compliance under the permit.

52 (6) (A) Prior to the issuance of any permit the secretary  
53 shall ascertain from the Executive Director of Workforce  
54 West Virginia and the Insurance Commissioner whether the  
55 applicant is in compliance with the provisions of section six-  
56 c, article two, chapter twenty-one-a of this code and section  
57 five, article two, chapter twenty-three of this code with  
58 regard to any required subscription to the Unemployment  
59 Compensation Fund or to the Workers' Compensation Fund,  
60 the payment of premiums and other charges to the fund, the  
61 timely filing of payroll reports and the maintenance of  
62 adequate deposits. If the applicant is delinquent or defaulted,  
63 or has been terminated by the executive director or the  
64 Insurance Commissioner, the permit may not be issued until  
65 the applicant returns to compliance or is restored by the

66 executive director or the Insurance Commissioner under a  
67 reinstatement agreement: *Provided*, That in all inquiries the  
68 Executive Director of Workforce West Virginia and the  
69 Insurance Commissioner shall make response to the  
70 Department of Environmental Protection within fifteen  
71 calendar days; otherwise, failure to respond timely is  
72 considered to indicate the applicant is in compliance and the  
73 failure will not be used to preclude issuance of the permit.

74 (B) It is a requirement of this article that each operator  
75 maintain continued compliance with the provisions of section  
76 five, article two, chapter twenty-three of this code and section  
77 six-c, article two, chapter twenty-one-a of this code and  
78 provide proof of compliance to the secretary on a quarterly  
79 basis.

**§22-3-19. Permit revision and renewal requirements; incidental  
boundary revisions; requirements for transfer;  
assignment and sale of permit rights; operator  
reassignment; and procedures to obtain inactive  
status.**

1 (a) (1) Any valid permit issued pursuant to this article  
2 carries with it the right of successive renewal upon expiration  
3 with respect to areas within the boundaries of the existing  
4 permit. The holders of the permit may apply for renewal and  
5 the renewal shall be issued: *Provided*, That on application  
6 for renewal, the burden is on the opponents of renewal,  
7 unless it is established that and written findings by the  
8 secretary are made that: (A) The terms and conditions of the  
9 existing permit are not being satisfactorily met: *Provided*,  
10 *however*, That if the permittee is required to modify  
11 operations pursuant to mining or reclamation requirements  
12 which become applicable after the original date of permit  
13 issuance, the permittee shall be provided an opportunity to  
14 submit a schedule allowing a reasonable period to comply  
15 with such revised requirements; (B) the present surface-  
16 mining operation is not in compliance with the applicable

17 environmental protection standards of this article; (C) the  
18 renewal requested substantially jeopardizes the operator's  
19 continuing responsibility on existing permit areas; (D) the  
20 operator has not provided evidence that the bond in effect for  
21 said operation will continue in effect for any renewal  
22 requested as required pursuant to sections eleven or twelve of  
23 this article; or (E) any additional revised or updated  
24 information as required pursuant to rules promulgated by the  
25 secretary has not been provided.

26 (2) If an application for renewal of a valid permit  
27 includes a proposal to extend the surface-mining operation  
28 beyond the boundaries authorized in the existing permit, that  
29 portion of the application for renewal which addresses any  
30 new land area is subject to the full standards of this article,  
31 which includes, but is not limited to: (A) Adequate bond; (B)  
32 a map showing the disturbed area and facilities; and (C) a  
33 reclamation plan.

34 (3) Any permit renewal shall be for a term not to exceed  
35 the period of time for which the original permit was issued.  
36 Application for permit renewal shall be made at least one  
37 hundred twenty days prior to the expiration of the valid  
38 permit.

39 (4) Any renewal application for an active permit shall be  
40 on forms prescribed by the secretary and shall be  
41 accompanied by a filing fee of \$3,000. The application shall  
42 contain such information as the secretary requires pursuant to  
43 rule.

44 (b)(1) During the term of the permit, the permittee may  
45 submit to the secretary an application for a revision of the  
46 permit, together with a revised reclamation plan.

47 (2) An application for a significant revision of a permit is  
48 subject to all requirements of this article and rules

49 promulgated pursuant thereto and shall be accompanied by a  
50 filing fee of \$2000.

51 (3) Any extension to an area already covered by the  
52 permit, except incidental boundary revisions, shall be made  
53 by application for another permit. If the permittee desires to  
54 add the new area to his or her existing permit in order to have  
55 existing areas and new areas under one permit, the secretary  
56 may so amend the original permit: *Provided*, That the  
57 application for the new area is subject to all procedures and  
58 requirements applicable to applications for original permits  
59 under this article and a filing fee of \$550.

60 (c) The secretary shall review outstanding permits of a  
61 five-year term before the end of the third year of the permit.  
62 Other permits shall be reviewed within the time established  
63 by rules. The secretary may require reasonable revision or  
64 modification of the permit following review: *Provided*, That  
65 such revision or modification shall be based upon written  
66 findings and shall be preceded by notice to the permittee of  
67 an opportunity for hearing.

68 (d) No transfer, assignment or sale of the rights granted  
69 under any permit issued pursuant to this article may be made  
70 without the prior written approval of the secretary,  
71 application for which shall be accompanied by a filing fee of  
72 \$1,500 for transfer or \$1,500 for assignment.

73 (e) Each request for inactive status shall be submitted on  
74 forms prescribed by the secretary, shall be accompanied by  
75 a filing fee of \$2000, and shall be granted in accordance with  
76 the procedure established in the *Surface Mining and*  
77 *Reclamation Rule*.

**CHAPTER 22A. MINERS' HEALTH, SAFETY  
AND TRAINING.**

**ARTICLE 1. OFFICE OF MINERS' HEALTH, SAFETY  
AND TRAINING; ADMINISTRATION;  
ENFORCEMENT.**

**§22A-1-4. Powers and duties of the Director of the Office of  
Miners' Health, Safety and Training.**

1           (a) The Director of the Office of Miners' Health, Safety  
2 and Training is hereby empowered and it is his or her duty to  
3 administer and enforce such provisions of this chapter  
4 relating to health and safety inspections and enforcement and  
5 training in surface and underground coal mines, underground  
6 clay mines, open pit mines, cement manufacturing plants and  
7 underground limestone and sandstone mines.

8           (b) The Director of the Office of Miners' Health, Safety  
9 and Training has full charge of the division. The director has  
10 the power and duty to:

11           (1) Supervise and direct the execution and enforcement  
12 of the provisions of this article.

13           (2) Employ such assistants, clerks, stenographers and  
14 other employees as may be necessary to fully and effectively  
15 carry out his or her responsibilities and fix their  
16 compensation, except as otherwise provided in this article.

17           (3) Assign mine inspectors to divisions or districts in  
18 accordance with the provisions of section eight of this article  
19 as may be necessary to fully and effectively carry out the  
20 provisions of this law, including the training of inspectors for  
21 the specialized requirements of surface mining, shaft and  
22 slope sinking and surface installations and to supervise and  
23 direct such mine inspectors in the performance of their duties.



24           (4) Suspend, for good cause, any such mine inspector  
25 without compensation for a period not exceeding thirty days  
26 in any calendar year.

27           (5) Prepare report forms to be used by mine inspectors in  
28 making their findings, orders and notices, upon inspections  
29 made in accordance with this article.

30           (6) Hear and determine applications made by mine  
31 operators for the annulment or revision of orders made by  
32 mine inspectors, and to make inspections of mines, in  
33 accordance with the provisions of this article.

34           (7) Cause a properly indexed permanent and public  
35 record to be kept of all inspections made by himself or by  
36 mine inspectors.

37           (8) Make annually a full and complete written report of  
38 the administration of the office to the Governor and the  
39 Legislature of the state for the year ending June 30. The  
40 report shall include the number of visits and inspections of  
41 mines in the state by mine inspectors, the quantity of coal,  
42 coke and other minerals (excluding oil and gas) produced in  
43 the state, the number of individuals employed, number of  
44 mines in operation, statistics with regard to health and safety  
45 of persons working in the mines including the causes of  
46 injuries and deaths, improvements made, prosecutions, the  
47 total funds of the office from all sources identifying each  
48 source of such funds, the expenditures of the office, the  
49 surplus or deficit of the office at the beginning and end of the  
50 year, the amount of fines collected, the amount of fines  
51 imposed, the value of fines pending, the number and type of  
52 violations found, the amount of fines imposed, levied and  
53 turned over for collection, the total amount of fines levied but  
54 not paid during the prior year, the titles and salaries of all  
55 inspectors and other officials of the office, the number of  
56 inspections made by each inspector, the number and type of  
57 violations found by each inspector. However, no inspector  
58 may be identified by name in this report. Such reports shall  
59 be filed with the Governor and the Legislature on or before

60 December 31 of the same year for which it was made, and  
61 shall upon proper authority be printed and distributed to  
62 interested persons.

63 (9) Call or subpoena witnesses, for the purpose of  
64 conducting hearings into mine fires, mine explosions or any  
65 mine accident; to administer oaths and to require production  
66 of any books, papers, records or other documents relevant or  
67 material to any hearing, investigation or examination of any  
68 mine permitted by this chapter. Any witness so called or  
69 subpoenaed shall receive \$40 per diem and shall receive  
70 mileage at the rate of \$0.15 for each mile actually traveled,  
71 which shall be paid out of the State Treasury upon a  
72 requisition upon the State Auditor, properly certified by such  
73 witness.

74 (10) Institute civil actions for relief, including permanent  
75 or temporary injunctions, restraining orders, or any other  
76 appropriate action in the appropriate federal or state court  
77 whenever any operator or the operator's agent violates or  
78 fails or refuses to comply with any lawful order, notice or  
79 decision issued by the director or his or her representative.

80 (11) Perform all other duties which are expressly imposed  
81 upon him or her by the provisions of this chapter.

82 (12) Impose reasonable fees upon applicants taking tests  
83 administered pursuant to the requirements of this chapter.

84 (13) Impose reasonable fees for the issuance of  
85 certifications required under this chapter.

86 (14) Prepare study guides and other forms of publications  
87 relating to mine safety and charge a reasonable fee for the  
88 sale of the publications.

89 (15) Make all records of the office open for inspection of  
90 interested persons and the public.

91 (c) The Director of the Office of Miners' Health, Safety  
92 and Training, or his or her designee, upon receipt of the list  
93 of approved innovative mine safety technologies from the  
94 Mine Safety Technology Task force, has thirty days to  
95 approve or amend the list as provided in section four, article  
96 thirteen-bb, chapter eleven of this code. At the expiration of  
97 the time period, the director shall publish the list of approved  
98 innovative mine safety technologies as provided in section  
99 four, article thirteen-bb, chapter eleven of this code.

## ARTICLE 11. MINE SAFETY TECHNOLOGY.

### §22A-11-3. Task force powers and duties.

1 (a) The task force shall provide technical and other  
2 assistance to the office related to the implementation of the  
3 new technological requirements set forth in the provisions of  
4 section fifty-five, article two of this chapter, as amended and  
5 reenacted during the regular session of the Legislature in  
6 2006 and requirements for other mine safety technologies.

7 (b) The task force, working in conjunction with the  
8 director, shall continue to study issues regarding the  
9 commercial availability, the functional and operational  
10 capability and the implementation, compliance and  
11 enforcement of the following protective equipment:

12 (1) Self-contained self-rescue devices, as provided in  
13 subsection (f), section fifty-five, article two of this chapter;

14 (2) Wireless emergency communication devices, as  
15 provided in subsection (g), section fifty-five, article two of  
16 this chapter;

17 (3) Wireless emergency tracking devices, as provided in  
18 subsection (h), section fifty-five, article two of this chapter;  
19 and

20 (4) Any other protective equipment required by this  
21 chapter or rules promulgated in accordance with the law that  
22 the director determines would benefit from the expertise of  
23 the task force.

24 (c) The task force shall on a continuous basis study,  
25 monitor and evaluate:

26 (1) The potential for enhancing coal mine health and  
27 safety through the application of existing technologies and  
28 techniques;

29 (2) Opportunities for improving the integration of  
30 technologies and procedures to increase the performance and  
31 survivability of coal mine health and safety systems;

32 (3) Emerging technological advances in coal mine health  
33 and safety; and

34 (4) Market forces impacting the development of new  
35 technologies, including issues regarding the costs of research  
36 and development, regulatory certification and incentives  
37 designed to stimulate the marketplace.

38 (d) On or before July 1 of each year, the task force shall  
39 submit a report to the Governor and the Board of Coal Mine  
40 Health and Safety that shall include, but not be limited to:

41 (1) A comprehensive overview of issues regarding the  
42 implementation of the new technological requirements set  
43 forth in the provisions of section fifty-five, article two of this  
44 chapter, or rules promulgated in accordance with the law;

45 (2) A summary of any emerging technological advances  
46 that would improve coal mine health and safety;

47 (3) Recommendations, if any, for the enactment, repeal or  
48 amendment of any statute which would enhance technological  
49 advancement in coal mine health and safety; and

50 (4) Any other information the task force considers  
51 appropriate.

52 (e) In performing its duties, the task force shall, where  
53 possible, consult with, among others, mine engineering and  
54 mine safety experts, radiocommunication and telemetry  
55 experts and relevant state and federal regulatory personnel.

56 (f) Appropriations to the task force commission and to  
57 effectuate the purposes of this article shall be made to one or  
58 more budget accounts established for that purpose.

59 (g) The task force shall annually compile a proposed list  
60 of approved innovative mine safety technologies and transmit  
61 the list to the Director of the Office of Miners' Health, Safety  
62 and Training as provided in section four, article thirteen-BB,  
63 chapter eleven of this code. The list shall be approved by  
64 unanimous vote of the task force.

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## CHAPTER 167

**(H. B. 2971 - By Delegates White and T. Campbell)**

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[Passed March 9, 2011; in effect from passage.]  
[Approved by the Governor on March 21, 2011.]

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AN ACT to amend and reenact §11-15-3a and §11-15-9i of the Code of West Virginia, 1931, as amended, all relating to the consumers sales and service tax, generally; reducing the consumers sales and service tax on sales, purchases and uses of food and food ingredients intended for human consumption on a date certain; and defining the term “durable medical equipment”.

*Be it enacted by the Legislature of West Virginia:*

That §11-15-3a and §11-15-9i of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.**

**§11-15-3a. Rate of tax on food and food ingredients intended for human consumption; reductions of tax beginning July 1, 2008 and January 1, 2012.**

1       (a) *Rate of tax on food and food ingredients.* --  
2 Notwithstanding any provision of this article or article  
3 fifteen-a of this chapter to the contrary, the rate of tax on  
4 sales, purchases and uses of food and food ingredients  
5 intended for human consumption after June 30, 2008, shall be  
6 three percent of its sales price, as defined in section two,  
7 article fifteen-b of this chapter: *Provided*, That the rate of tax  
8 on sales, purchases and uses of food and food ingredients as  
9 defined in said section that is intended for human  
10 consumption after December 31, 2011, shall be two percent  
11 of its sales price, as defined in said section.

12       (b) *Calculation of tax on fractional parts of a dollar.* --  
13 The tax computation under this section shall be carried to the  
14 third decimal place and the tax rounded up to the next whole  
15 cent whenever the third decimal place is greater than four and  
16 rounded down to the lower whole cent whenever the third  
17 decimal place is four or less. The seller may elect to compute  
18 the tax due on a transaction on a per item basis or on an  
19 invoice basis provided the method used is consistently used  
20 during the reporting period.

21       (c) *Federal food stamp and women, infants and children*  
22 *programs, other exemptions.* -- Nothing in this section shall  
23 affect application of the exemption from tax provided in  
24 section nine of this article for food purchased by an eligible  
25 person using food stamps, electronic benefits transfer cards

26 or vouchers issued by or pursuant to authorization of the  
27 United States Department of Agriculture to individuals  
28 participating in the federal food stamp program, by whatever  
29 name called, or the women, infants and children (WIC)  
30 program, or application of any other exemption from tax set  
31 forth in this article or article fifteen-a of this chapter.

**§11-15-9i. Exempt drugs, durable medical equipment, mobility  
enhancing equipment and prosthetic devices.**

1 (a) Notwithstanding any provision of this article, article  
2 fifteen-a or article fifteen-b of this chapter, the purchase by  
3 a health care provider of drugs, durable medical equipment,  
4 mobility enhancing equipment and prosthetic devices, all as  
5 defined in section two, article fifteen-b of this chapter, to be  
6 dispensed upon prescription and intended for use in the  
7 diagnosis, cure, mitigation, treatment or prevention of injury  
8 or disease are exempt from the tax imposed by this article.

9 (b) For purposes of this exemption, “health care  
10 provider” means any person licensed to prescribe drugs,  
11 durable medical equipment, mobility enhancing equipment  
12 and prosthetic devices intended for use in the diagnosis, cure,  
13 mitigation, treatment or prevention of injury or disease. For  
14 purposes of this section, the term “health care provider”  
15 includes any hospital, medical clinic, nursing home or  
16 provider of inpatient hospital services and any provider of  
17 outpatient hospital services, physician services, nursing  
18 services, ambulance services, surgical services or veterinary  
19 services: *Provided*, That the amendment to this subsection  
20 enacted during the 2009 regular legislative session shall be  
21 effective on or after July 1, 2009.

22 (c) The term “durable medical goods” as used in this  
23 article means “durable medical equipment” as defined in  
24 section two, article fifteen-b of this chapter.

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## CHAPTER 168

**(Com. Sub. for S. B. 247 - By Senators  
Kessler (Acting President) and Hall)  
[By Request of the Executive]**

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[Passed March 12, 2011; in effect from passage.]  
[Approved by the Governor on March 24, 2011.]

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AN ACT to amend and reenact §11-15-8d of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-15-9n, all relating to consumers sales and service tax and use tax; specifying that restrictions on exemptions by a construction contractor do not apply for certain purchases of computers and computer software, primary material handling equipment, racking and racking systems and their components nor do these restrictions on exemptions apply to purchases of building materials and certain tangible personal property if the purchaser of computers and computer software and contracting services would be entitled to claim a newly created exemption; specifying exemption for certain purchases of computers and computer software, primary material handling equipment, racking and racking systems and their components, building materials and certain tangible personal property; specifying the application for certification of exemption and plan describing investment to be made; specifying application and plan filing date; specifying treatment of late filings and untimely filings of application and plan; specifying loss of exemption if investment is not made within the expansion period; defining terms; specifying exclusions and limitations for qualified warehouses and distribution facilities; specifying exclusions



and disqualifications for failure to meet statutory criteria and requirements; specifying over-the-counter sales restrictions; specifying manufacturing, fabrication and assembly restrictions; specifying statute of limitations; specifying issuance of assessments against the purchaser of contracting services entitled to the newly created exemption and not against a contractor who relied in good faith upon validity of an exemption; specifying that the taxpayer first pay to the vendor the tax and then apply to the State Tax Commissioner for a refund or credit; and alternative use of the direct pay permit number.

*Be it enacted by the Legislature of West Virginia:*

That §11-15-8d of the Code of West Virginia, 1931, as amended be amended and reenacted; and that said code be amended by adding thereto a new section, designated §11-15-9n, all to read as follows:

## **ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.**

### **\*§11-15-8d. Limitations on right to assert exemptions.**

1       (a) Persons who perform “contracting” as defined in  
2 section two of this article, or persons acting in an agency  
3 capacity, may not assert any exemption to which the  
4 purchaser of such contracting services or the principal is  
5 entitled. Any statutory exemption to which a taxpayer may  
6 be entitled shall be invalid unless the tangible personal  
7 property or taxable service is actually purchased by such  
8 taxpayer and is directly invoiced to and paid by such  
9 taxpayer. This section shall not apply to purchases by an  
10 employee for his or her employer; purchases by a partner for  
11 his or her partnership; or purchases by a duly authorized

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\*CLERK’S NOTE: This section was also amended by Com. Sub. for S.B. 465 (Chapter 161) which passed subsequent to this act.

12 officer of a corporation, or unincorporated organization, for  
13 his or her corporation or unincorporated organization so long  
14 as the purchase is invoiced to and paid by the employer,  
15 partnership, corporation or unincorporated organization.

16 (b) *Transition rule.* -- This section shall not apply to  
17 purchases of tangible personal property or taxable services in  
18 fulfillment of a purchasing agent or procurement agent  
19 contract executed and legally binding on the parties thereto  
20 prior to September 15, 1999: *Provided*, That this transition  
21 rule shall not apply to any purchases of tangible personal  
22 property or taxable services made under such a contract after  
23 August 31, 1991; and this transition rule shall not apply if the  
24 primary purpose of the purchasing agent or procurement  
25 agent contract was to avoid payment of consumers sales and  
26 use taxes. However, effective July 1, 2007, this section shall  
27 not apply to purchases of services, machinery, supplies or  
28 materials, except gasoline and special fuel, to be directly used  
29 or consumed in the construction, alteration, repair or  
30 improvement of a new or existing building or structure by a  
31 person performing “contracting”, as defined in section two of  
32 this article, if the purchaser of the “contracting” services  
33 would be entitled to claim the refundable exemption under  
34 subdivision (2), subsection (b), section nine of this article had  
35 it purchased the services, machinery, supplies or materials.  
36 Effective July 1, 2009, this section shall not apply to  
37 purchases of services, computers, servers, building materials  
38 and tangible personal property, except purchases of gasoline  
39 and special fuel, to be installed into a building or facility or  
40 directly used or consumed in the construction, alteration,  
41 repair or improvement of a new or existing building or  
42 structure by a person performing “contracting”, as defined in  
43 section two of this article, if the purchaser of the  
44 “contracting” services would be entitled to claim the  
45 exemption under subdivision (7), subsection (a), section  
46 nine-h of this article. This section shall not apply to qualified  
47 purchases of computers and computer software, primary

48 material handling equipment, racking and racking systems,  
49 and their components, or to qualified purchases of building  
50 materials and certain tangible personal property, as those  
51 terms are defined in section nine-n of this article, by a person  
52 performing “contracting,” as defined in section two of this  
53 article, if the purchaser of the “contracting” services would  
54 be entitled to claim the refundable exemption under section  
55 nine-n of this article. Purchases of gasoline and special fuel  
56 shall not be treated as exempt pursuant to this section.

**§11-15-9n. Exemption of qualified purchases of computers and  
computer software, primary material handling  
equipment, racking and racking systems, and  
components, building materials and certain  
tangible personal property.**

1 (a) *Definitions.* -- For purposes of this section:

2 (1) “Building materials” means all tangible personal  
3 property, including any device or appliance used by builders,  
4 contractors or landowners in making improvements,  
5 additions, or alterations to a building or other structure or to  
6 real property in such a way that such tangible personal  
7 property becomes a part of the building or other structure or  
8 the realty, which is installed into or directly used or  
9 consumed in the construction, addition, alteration, repair or  
10 improvement of a qualified, new or expanded warehouse or  
11 distribution facility. “Building materials” does not include  
12 tools, construction equipment or any property or device  
13 which does not become a permanent part of the realty when  
14 construction is completed. A device or appliance becomes a  
15 fixture and a part of the building or other structure or the real  
16 property to which it is connected when it is built into or is  
17 attached to the property in such a way that its removal would  
18 substantially damage or deface such property.

19           (2) “Computers and computer software” as defined in  
20 section two, article fifteen-b of this chapter means computer  
21 equipment and related software directly and primarily used  
22 to control automated machinery in the facility and the  
23 movement of goods within the facility, to facilitate customer  
24 delivery operations including shipment, preparation for  
25 shipment, order tracking and delivery inventory control,  
26 printing of packing lists and labels and any other customer  
27 order fulfillment functions.

28           (3) “Distribution facility” means a warehouse, facility,  
29 structure, or enclosed area which is used primarily for the  
30 storage, shipment, preparation for shipment, or any  
31 combination of such activities, of finished goods, consumer  
32 ready wares, and consumer ready merchandise.

33           (4) “Expansion period” means the period of time  
34 beginning one year prior to the start of the construction or  
35 expansion of the qualified, new or expanded warehouse or  
36 distribution facility, and ending one year after the substantial  
37 completion of the construction or expansion of the facility.  
38 In no event shall the expansion period exceed five years.

39           (5) “Full-time employment” for purposes of determining  
40 a full-time employee or a full-time equivalent employee,  
41 means employment for at least one hundred forty hours per  
42 month at a wage not less than the prevailing state or federal  
43 minimum wage, depending on which minimum wage  
44 provision is applicable to the business.

45           (A) For purposes of this definition, any employee paid  
46 less than state or federal minimum wage, depending on which  
47 minimum wage provision is applicable, shall be excluded  
48 from the count of employees for the purpose of determining  
49 the three hundred jobs requirement of this section.

50           (B) For purposes of this definition, seasonal employees  
51 and part-time employees may be converted into full-time

52 equivalent employees if the part-time or seasonal employee  
53 is customarily performing job duties not less than twenty  
54 hours per week for at least six months during the tax year.  
55 Persons who have worked less than twenty hours per week or  
56 who have worked less than six months during the tax year do  
57 not qualify as part-time employees or as seasonal employees.

58 (6) "Primary material handling equipment" means the  
59 principal machinery and equipment used directly and  
60 primarily for the handling and movement of tangible personal  
61 property in a qualified, new or expanded warehouse or  
62 distribution facility.

63 (A) The following items may be considered primary  
64 material handling equipment:

65 (i) Conveyers, carousels, lifts, positioners,  
66 pick-up-and-place units, cranes, hoists, mechanical arms and  
67 robots;

68 (ii) Mechanized systems, including containers which are  
69 an integral part thereof, whose purpose is to lift or move  
70 tangible personal property;

71 (iii) Automated storage and retrieval systems, including  
72 computers and software which control them, whose purpose  
73 is to lift or move tangible personal property; and

74 (iv) Forklifts and other off-the-road vehicles which are  
75 used to lift or move tangible personal property and which  
76 cannot be legally operated on roads and streets.

77 (B) "Primary material handling equipment" does not  
78 include:

79 (i) Motor vehicles licensed for operation on the roads and  
80 highways of this state or any other state of the United States  
81 or any other political jurisdiction;

82 (ii) Parts or equipment used to repair, refurbish, or  
83 recondition other equipment; or

84 (iii) Equipment which replaces, in whole or in part,  
85 primary material handling equipment.

86 (7) “Qualified, new or expanded warehouse or  
87 distribution facility” means a new or expanded facility,  
88 subject to the following:

89 (A) Qualification criteria. “Qualified, new or expanded  
90 warehouse or distribution facility” means a new or expanded  
91 facility located in this state, that is a warehouse or  
92 distribution facility that will employ three hundred or more  
93 West Virginia domiciled, West Virginia residents, as  
94 full-time employees in the warehouse or distribution facility  
95 once the expansion period is complete and which is either:

96 (i) An existing warehouse or distribution facility that will  
97 be expanded over the expansion period where the total value  
98 of all real and personal property purchased or acquired over  
99 the expansion period as direct investment in the facility is  
100 \$50 million or more; or

101 (ii) A new warehouse or distribution facility where the  
102 total value of all real and personal property purchased or  
103 acquired over the expansion period as direct investment in  
104 the facility is \$50 million or more.

105 (B) Exclusions and disqualifications.

106 (i) Subject to the limitations and restrictions set forth in  
107 this section, “qualified, new or expanded warehouse or

108 distribution facility” does not include a building or facility  
109 where tangible personal property is manufactured, fabricated  
110 or assembled.

111 (ii) Subject to the limitations and restrictions set forth in  
112 this section, “qualified, new or expanded warehouse or  
113 distribution facility” does not include a building or facility  
114 where annual calendar year retail sales of tangible personal  
115 property are made over-the-counter from such building or  
116 facility to the general public, if such sales exceed five percent  
117 of the total annual calendar year revenues of the warehouse  
118 or distribution facility during the same calendar year.

119 (iii) Subject to the limitations and restrictions set forth in  
120 this section, “qualified, new or expanded warehouse or  
121 distribution facility” does not include a building or facility  
122 where the average monthly full-time employment  
123 (determined by including full-time equivalent employees) for  
124 each calendar year at the facility is less than three hundred  
125 West Virginia domiciled, West Virginia residents. For  
126 purposes of determining average monthly employment for  
127 the calendar year, the taxpayer shall divide the sum of the  
128 twelve monthly averages of qualified full-time and full-time  
129 equivalent West Virginia employees at the qualified, new or  
130 expanded warehouse or distribution facility by twelve. Each  
131 monthly average is computed as the average of West Virginia  
132 employment at the beginning of each calendar month and at  
133 the end of each calendar month: *Provided*, That the State  
134 Tax Commissioner may specify a different method for  
135 computation of average monthly full-time employment, on a  
136 state-wide basis or on a case-by-case basis, or both, as the  
137 State Tax Commissioner may prescribe.

138 (8) “Qualified West Virginia employee” means a  
139 full-time employee or full-time equivalent employee who is  
140 a West Virginia domiciled West Virginia resident.

141 (9) “Racking and racking systems” means any system of  
142 machinery, equipment, fixtures, or portable devices whose  
143 function is to store, organize, or move tangible personal  
144 property within a warehouse or distribution facility,  
145 including, but not limited to, conveying systems, chutes,  
146 shelves, racks, bins, drawers, pallets, and other containers  
147 and storage devices which form a necessary part of the  
148 facility’s storage system, and which is used directly and  
149 primarily for the storage, handling and movement of tangible  
150 personal property in a qualified, new or expanded warehouse  
151 or distribution facility.

152 (10) “Tangible personal property” means tangible  
153 personal property as defined in section two, article fifteen-b  
154 of this chapter.

155 (11) “Warehouse” means a facility, structure, or enclosed  
156 area which is used primarily for the storage of finished  
157 goods, consumer ready wares, and consumer ready  
158 merchandise.

159 (b) *Exemption.* -- Qualified purchases of computers and  
160 computer software, primary material handling equipment,  
161 racking and racking systems, and components thereof,  
162 building materials and tangible personal property installed  
163 into or directly used or consumed in the construction,  
164 addition, alteration or improvement of a qualified, new or  
165 expanded warehouse or distribution facility, as such terms are  
166 defined in this section, purchased during the expansion  
167 period are exempt from the tax imposed by this article and  
168 article fifteen-a of this chapter. This exemption may apply  
169 either to qualified purchases made by a person or entity  
170 which will be the owner and operator of the qualified, new or  
171 expanded warehouse or distribution facility or to qualified  
172 purchases made by a lessor or lessee of the qualified, new or  
173 expanded warehouse or distribution facility. A purchase of  
174 computers and computer software, primary material handling



175 equipment, racking and racking systems, and components  
176 thereof, building materials and tangible personal property is  
177 a qualified purchase if all requirements for exemption set  
178 forth in this section are met with relation to the purchase.

179 (c) *Application for certification of exemption and plan*  
180 *describing investment to be made. --*

181 (1) In order to qualify for the exemption authorized by  
182 this section, a taxpayer must submit an application for  
183 certification of the exemption to the State Tax Commissioner,  
184 together with a plan describing the investment to be made in  
185 the qualified, new or expanded warehouse or distribution  
186 facility. The application and plan shall be submitted on forms  
187 prescribed by the State Tax Commissioner. The plan shall  
188 demonstrate that the requirements of the law will be met.

189 (2) Filing date. The application for certification of the  
190 exemption and plan describing the investment to be made  
191 must be filed on or before the start of the construction or  
192 expansion of the proposed qualified, new or expanded  
193 warehouse or distribution facility.

194 (3) Late filing. If the taxpayer fails to timely file the  
195 application for certification of the exemption with the State  
196 Tax Commissioner, together with a plan describing the  
197 investment to be made, on or before the start of the  
198 construction or expansion of the proposed qualified, new or  
199 expanded warehouse or distribution facility, the exemption  
200 allowed by this section shall not be available for any  
201 purchases of computer and computer software, primary  
202 material handling equipment, racking and racking systems,  
203 and components thereof, building materials and tangible  
204 personal property otherwise exempt under this section that  
205 were made prior to the filing date of the application for  
206 certification of the exemption, and no refund shall be issued  
207 for any such purchase.

208           (4) Exemption in cases of untimely filing.  
209   Notwithstanding the untimely filing of the application for  
210   certification of the exemption and plan describing the  
211   investment to be made, if certification of the exemption and  
212   plan is issued by the State Tax Commissioner of an untimely  
213   filed application and plan, the exemption shall be available  
214   for qualified purchases of computers and computer software,  
215   primary material handling equipment, racking and racking  
216   systems, and components thereof, building materials and  
217   tangible personal property made subsequent to the filing date  
218   of the application and plan and before the end of the  
219   expansion period.

220           (5) Exemption limited to expansion period purchases.

221           (A) Upon approval of the application and certification of  
222   the exemption, qualified purchases of computers and  
223   computer software, primary material handling equipment,  
224   racking and racking systems, and components thereof,  
225   building materials and tangible personal property shall be  
226   exempt from the tax imposed by this article and article  
227   fifteen-a of this chapter. However, if the requisite investment  
228   is not made within the expansion period, or if the terms and  
229   requirements of this section are not satisfied, the taxpayer  
230   shall be subject to assessment for any tax, penalty or interest  
231   that would otherwise have been due.

232           (B) Limitations. Any statute of limitations set forth in  
233   article ten of this chapter for assessment made under this  
234   subsection for any such tax, penalty or interest shall not close  
235   until five years subsequent to the end of the expansion  
236   period.

237           (d) Any person having a right or claim to any exemption  
238   set forth in this section shall first pay to the vendor the tax  
239   imposed by this article and then apply to the State Tax  
240   Commissioner for a refund or credit or, as provided in section

241 nine-d of this article, give to the vendor his or her West  
242 Virginia direct pay permit number.

243 (c) *Additional Restrictions, Assessments and Statutes of*  
244 *Limitations.* --

245 (1) Over-the-counter sales restrictions.

246 (A) If within ten years after the end of the expansion  
247 period, over-the-counter sales are made in any one calendar  
248 year, from a warehouse or distribution facility for which  
249 qualification for exemption under this section was originally  
250 established, which over-the-counter sales, in the aggregate,  
251 exceed five percent of the total revenues of the warehouse or  
252 distribution facility during the same calendar year, the  
253 taxpayer will be disqualified from receiving the exemption  
254 under this section as of the close of the calendar year in  
255 which over-the-counter sales first exceed five percent of the  
256 total revenues of the warehouse or distribution facility during  
257 the same calendar year; and the taxpayer shall be subject to  
258 assessment for any tax, penalty or interest that would  
259 otherwise have been due had the exemption set forth in this  
260 section never been applied. This over-the-counter sales  
261 restriction shall not apply to any year subsequent to the end  
262 of the tenth year after the end of the expansion period.

263 (B) Limitations. Notwithstanding any other provision of  
264 this code pertaining to statute of limitations to the contrary,  
265 any statute of limitations set forth in article ten of this chapter  
266 for assessment for any such tax, penalty or interest shall not  
267 close until five years subsequent to the end of the calendar  
268 year in which over-the-counter sales first exceed five percent  
269 of the total revenues of the warehouse or distribution facility  
270 during the same period.

271 (2) Fabrication and Assembly Restriction.

272 (A) Subject to the restriction and limitations set forth in  
273 this subsection, a qualified new or expanded warehouse or  
274 distribution facility does not include a building or facility  
275 where tangible personal property is manufactured, fabricated  
276 or assembled. If during any calendar year within ten years  
277 after the end of the expansion period, the building or facility  
278 for which qualification for exemption under this section was  
279 originally established, is used for manufacturing, fabrication  
280 or assembly of tangible personal property, the taxpayer will  
281 be disqualified from receiving the exemption set forth in this  
282 section as of the date such manufacturing, fabrication or  
283 assembly first occurs, and the taxpayer shall be subject to  
284 assessment for any tax, penalty or interest that would  
285 otherwise have been due had the exemption set forth in this  
286 section never been applied. This restriction against  
287 manufacturing, fabrication and assembly shall not apply to  
288 any year subsequent to the tenth year after the end of the  
289 expansion period.

290 (B) Limitations. Notwithstanding any other provision of  
291 this code pertaining to statute of limitations to the contrary,  
292 any statute of limitations set forth in article ten of this chapter  
293 for assessment for any such tax, penalty or interest shall not  
294 close until five years subsequent to the end of the calendar  
295 year during which such manufacturing, fabrication or  
296 assembly first occurs.

297 (3) Minimum employment restriction.

298 (A) Subject to the limitations and restrictions set forth in  
299 this section, "qualified, new or expanded warehouse or  
300 distribution facility" does not include a building or facility  
301 where the average monthly full-time employment  
302 (determined including full-time equivalent employees) for  
303 each calendar year at the facility is less than three hundred  
304 West Virginia domiciled, West Virginia residents. If during  
305 any calendar year within ten years after the end of the  
306 expansion period, the average monthly full-time employment

307 at the building or facility for which qualification for  
308 exemption under this section was originally established, is  
309 fewer than three hundred qualified West Virginia employees,  
310 then the taxpayer will be disqualified from receiving the  
311 exemption under this section as of the close of the first  
312 calendar year in which the average monthly full-time  
313 employment at the facility is less than three hundred West  
314 Virginia domiciled, West Virginia residents, and the taxpayer  
315 shall be subject to assessment for any tax, penalty or interest  
316 that would otherwise have been due had the exemption set  
317 forth in this section never been applied. This restriction  
318 against having fewer than three hundred qualified West  
319 Virginia employees shall not apply to any year subsequent to  
320 the tenth year after the end of the expansion period.

321 (B) Limitations. Notwithstanding any other provision of  
322 this code pertaining to statute of limitations to the contrary,  
323 any statute of limitations set forth in article ten of this chapter  
324 for assessment for any such tax, penalty or interest shall not  
325 close until five years subsequent to the end of the first  
326 calendar year in which the average monthly full-time  
327 employment at the facility is less than three hundred qualified  
328 West Virginia employees.

329 (f) *Assessments Against Taxpayer.* -- In circumstances  
330 where the exemption authorized under this section has been  
331 asserted by a contractor pursuant to the provisions of section  
332 eight-d of this article for purchases of computers and  
333 computer software, primary material handling equipment,  
334 racking and racking systems, and components thereof,  
335 building materials and tangible personal property, the  
336 assessment of such tax, interest and penalties shall issue  
337 against, and liability is hereby imposed upon, the purchaser  
338 of the contracting services, which is the taxpayer entitled to  
339 the exemption set forth in this section, and not against the  
340 contractor who relied in good faith upon the validity of the  
341 exemption available under this section to the purchaser of the  
342 contracting services.

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## CHAPTER 169

**(S. B. 215 - By Senators Kessler  
(Acting President) and Hall)  
[By Request of the Executive]**

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[Passed February 18, 2011; in effect from passage.]  
[Approved by the Governor on March 2, 2011.]

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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 providing effective dates.

*Be it enacted by the Legislature of West Virginia:*

That §11-21-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 21. PERSONAL INCOME TAX.**

#### **§11-21-9. Meaning of terms.**

- 1 (a) Any term used in this article has the same meaning as
- 2 when used in a comparable context in the laws of the United
- 3 States relating to income taxes, unless a different meaning is
- 4 clearly required. Any reference in this article to the laws of
- 5 the United States means the provisions of the Internal
- 6 Revenue Code of 1986, as amended, and any other provisions
- 7 of the laws of the United States that relate to the
- 8 determination of income for federal income tax purposes. All

9 amendments made to the laws of the United States after  
10 December 31, 2009, but prior to January 1, 2011, shall be  
11 given effect in determining the taxes imposed by this article  
12 to the same extent those changes are allowed for federal  
13 income tax purposes, whether the changes are retroactive or  
14 prospective, but no amendment to the laws of the United  
15 States made on or after January 1, 2011, shall be given any  
16 effect.

17 (b) *Medical savings accounts.* -- The term “taxable trust”  
18 does not include a medical savings account established  
19 pursuant to section twenty, article fifteen, chapter thirty-three  
20 of this code or section fifteen, article sixteen of said chapter.  
21 Employer contributions to a medical savings account  
22 established pursuant to said sections are not “wages” for  
23 purposes of withholding under section seventy-one of this  
24 article.

25 (c) *Surtax.* -- The term “surtax” means the twenty percent  
26 additional tax imposed on taxable withdrawals from a  
27 medical savings account under section twenty, article fifteen,  
28 chapter thirty-three of this code and the twenty percent  
29 additional tax imposed on taxable withdrawals from a  
30 medical savings account under section fifteen, article sixteen  
31 of said chapter which are collected by the Tax Commissioner  
32 as tax collected under this article.

33 (d) *Effective date.*-- The amendments to this section  
34 enacted in the year 2011 are retroactive to the extent  
35 allowable under federal income tax law. With respect to  
36 taxable years that began prior to January 1, 2012, the law in  
37 effect for each of those years shall be fully preserved as to  
38 that year, except as provided in this section.

39 (e) For purposes of the refundable credit allowed to a low  
40 income senior citizen for property tax paid on his or her

41 homestead in this state, the term “laws of the United States”  
42 as used in subsection (a) of this section means and includes  
43 the term “low income” as defined in subsection (b), section  
44 twenty-one of this article and as reflected in the poverty  
45 guidelines updated periodically in the federal register by the  
46 U.S. Department of Health and Human Services under the  
47 authority of 42 U.S.C. §9902(2).

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## CHAPTER 170

**(S. B. 35 - By Senators Snyder and Plymale)**

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[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 31, 2011.]

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AN ACT to amend and reenact §11-21-10a of the Code of West Virginia, 1931, as amended, relating to raising the tax credit for nonfamily adoptions to \$4,000.

*Be it enacted by the Legislature of West Virginia:*

That §11-21-10a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 21. PERSONAL INCOME TAX.**

#### **§11-21-10a. Credit for nonfamily adoption.**

1 A one time credit against the tax imposed by the  
2 provisions of this article shall be allowed as follows:



3        *Nonfamily adoptions.* -- For nonfamily adoptions, the  
4 credit is equal to \$4,000 which may be taken in the year of  
5 the adoption of each nonfamily child, whose age at adoption  
6 is under eighteen years. This credit may, at the option of the  
7 taxpayer, be taken over a period of three years.

8        For the purpose of this section and credit “nonfamily  
9 adoptions” means adoptions of a child or children by a  
10 taxpayer or taxpayers who are not the father, mother, or  
11 stepparent of the child.

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## CHAPTER 171

**(S. B. 436 - By Senators Yost,  
Klempa, Unger and Plymale)**

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[Passed March 12, 2011; in effect ninety days from passage.]

[Approved by the Governor on March 30, 2011.]

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AN ACT to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing the personal income tax adjustment to the gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee.

*Be it enacted by the Legislature of West Virginia:*

That §11-21-12d of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 21. PERSONAL INCOME TAX.****PART I. RESIDENTS.****§11-21-12d. Additional modification reducing federal adjusted gross income.**

1           In addition to amounts authorized to be subtracted from  
2 federal adjusted gross income pursuant to subsection (c),  
3 section twelve of this article, any person who retires under an  
4 employer-provided defined benefit pension plan that  
5 terminates prior to or after the retirement of that person and  
6 the pension plan is covered by a guarantor whose maximum  
7 benefit guarantee is less than the maximum benefit to which  
8 the retiree was entitled had the plan not terminated may  
9 subtract annually from his or her federal adjusted income a  
10 sum equal to the difference in the amount of the maximum  
11 annual pension benefit the person would have received for  
12 such tax year had the plan not terminated and the maximum  
13 annual pension benefit actually received from the guarantor  
14 under a benefit guarantee plan: *Provided*, That if the Tax  
15 Commissioner determines that this adjustment reduces the  
16 revenues of the state by \$2 million or more in any one year,  
17 then the Tax Commissioner shall reduce the percentage of the  
18 reduction to a level at which the commissioner believes will  
19 reduce the cost of the adjustment to \$2 million for the next  
20 year. This tax adjustment is effective for taxable years  
21 beginning on and after January 1, 2008: *Provided, however*,  
22 That for the taxable year 2007, the tax adjustment shall be  
23 effective and shall apply retroactively: *Provided further*, That  
24 the adjustment terminates for the tax years on and after  
25 January 1, 2015. This modification is available regardless of  
26 the type of return form filed.

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## CHAPTER 172

**(S. B. 205 - By Senators Kessler  
(Acting President) and Hall)  
[By Request of the Executive]**

[Passed February 18, 2011; in effect from passage.]  
[Approved by the Governor on March 2, 2011.]

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; and specifying effective dates.

*Be it enacted by the Legislature of West Virginia:*

That §11-24-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 24. CORPORATION NET INCOME TAX.**

#### **§11-24-3. Meaning of terms; general rule.**

- 1 (a) Any term used in this article has the same meaning as
- 2 when used in a comparable context in the laws of the United
- 3 States relating to federal income taxes, unless a different
- 4 meaning is clearly required by the context or by definition in
- 5 this article. Any reference in this article to the laws of the
- 6 United States means the provisions of the Internal Revenue
- 7 Code of 1986, as amended, and any other provisions of the
- 8 laws of the United States that relate to the determination of

9 income for federal income tax purposes. All amendments  
10 made to the laws of the United States after December 31,  
11 2009, but prior to January 1, 2011, shall be given effect in  
12 determining the taxes imposed by this article to the same  
13 extent those changes are allowed for federal income tax  
14 purposes, whether the changes are retroactive or prospective,  
15 but no amendment to the laws of the United States made on  
16 or after January 1, 2011, shall be given any effect.

17 (b) The term “Internal Revenue Code of 1986” means the  
18 Internal Revenue Code of the United States enacted by the  
19 federal Tax Reform Act of 1986 and includes the provisions  
20 of law formerly known as the Internal Revenue Code of  
21 1954, as amended, and in effect when the federal Tax Reform  
22 Act of 1986 was enacted that were not amended or repealed  
23 by the federal Tax Reform Act of 1986. Except when  
24 inappropriate, any reference in any law, executive order or  
25 other document:

26 (1) To the Internal Revenue Code of 1954 includes a  
27 reference to the Internal Revenue Code of 1986; and

28 (2) To the Internal Revenue Code of 1986 includes a  
29 reference to the provisions of law formerly known as the  
30 Internal Revenue Code of 1954.

31 (c) *Effective date.* -- The amendments to this section  
32 enacted in the year 2011 are retroactive to the extent  
33 allowable under federal income tax law. With respect to  
34 taxable years that began prior to January 1, 2012, the law in  
35 effect for each of those years shall be fully preserved as to  
36 that year, except as provided in this section.

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## CHAPTER 173

**(S. B. 371 - By Senators Prezioso and Facemire)**

[Passed March 10, 2011; in effect from passage.]

[Approved by the Governor on March 31, 2011.]

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AN ACT to amend and reenact §11-24-3b of the Code of West Virginia, 1931, as amended, relating to updating the list of jurisdictions identified as tax havens.

*Be it enacted by the Legislature of West Virginia:*

That §11-24-3b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 24. CORPORATION NET INCOME TAX.**

#### **§11-24-3b. General meaning of definition of the term tax haven for specified jurisdictions.**

1       (a) *General.* -- For purposes of this article and article  
2 twenty-three of this chapter, a jurisdiction that, for a  
3 particular tax year in question is identified by the  
4 Organization for Economic Cooperation and Development as  
5 a tax haven or as having a harmful preferential tax regime  
6 means and includes any and all jurisdictions so identified as  
7 of the most recent list or compilation of jurisdictions issued,  
8 published or adopted by the Organization for Economic  
9 Cooperation and Development on or before the effective date  
10 of this section: *Provided*, That all amendments made to the  
11 most recent list or compilation of jurisdictions identified as

12 a tax haven or as having a harmful preferential tax regime  
13 that were issued, published or adopted by the Organization  
14 for Economic Cooperation and Development after March 8,  
15 2008, but prior to January 1, 2011, shall be given effect in  
16 determining whether a jurisdiction is a tax haven as that term  
17 is defined in section three of this article.

18 (b) *Effective date.* -- This section as enacted in 2008 is  
19 effective on passage: *Provided*, That the amendment to this  
20 section enacted in 2011 applies retroactively to March 8,  
21 2008, and remains effective until this section is either  
22 amended or repealed.

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## CHAPTER 174

**(Com. Sub. for S. B. 492 - By Senators Kessler  
(Acting President), Stollings, McCabe,  
Foster, Hall, Jenkins, Prezioso, Unger,  
Plymale, Wells, Klempa, Yost and Minard)**

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[Passed March 10, 2011; in effect July 1, 2011.]  
[Approved by the Governor on April 5, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-27-38, relating to health care provider taxes; maximizing federal funding for the state Medicaid program; increasing the health care provider tax imposed on gross receipts of providers of certain eligible acute care hospitals contingent upon federal approval of a Medicaid state plan amendment; defining terms; providing for the collection and administration of the increased health care provider tax on certain eligible acute care hospitals; and providing effective date and expiration date.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §11-27-38, to read as follows:

## **ARTICLE 27. HEALTH CARE PROVIDER TAXES.**

### **§11-27-38. Contingent increase of tax rate on certain eligible acute care hospitals.**

1           (a) In addition to the rate of the tax imposed by sections  
2 nine and fifteen of this article on providers of inpatient and  
3 outpatient hospital services, there shall be imposed on certain  
4 eligible acute care hospitals an additional tax of eighty-eight  
5 one hundredths of one percent on the gross receipts received  
6 or receivable by eligible acute care hospitals that provide  
7 inpatient or outpatient hospital services in this state through  
8 a Medicaid upper payment limit program. For purposes of  
9 this section, the term "eligible acute care hospital" means any  
10 inpatient or outpatient hospital conducting business in this  
11 state that is not: (1) A state owned or designated facility; (2)  
12 a nonstate, but government owned facility such as a county  
13 or city hospital; (3) a critical access hospital, designated as a  
14 critical access hospital after meeting all federal eligibility  
15 criteria; (4) a licensed free-standing psychiatric or medical  
16 rehabilitation hospital; or (5) a licensed long-term acute care  
17 hospital.

18           (b) The provisions of this section are intended to  
19 maximize federal funding for the purpose of implementing a  
20 hospital Medicaid upper payment limit program as described  
21 in this section. The taxes imposed by this section may not be  
22 imposed or collected until all of the following have occurred:  
23 (1) A state plan amendment is developed by the bureau of  
24 medical services, as authorized by the Secretary of the  
25 Department of Health and Human Resources; (2) the state

26 plan amendment is reviewed by the Medical Fund Services  
27 Advisory Council; (3) a comment period of not less than  
28 thirty days for public comment on the state plan amendment  
29 shall have passed; and (4) the state plan amendment is  
30 approved by the Centers for Medicare and Medicaid  
31 Services. The state plan amendment shall include all of the  
32 following: (1) The provisions of the proposed upper payment  
33 limit program or programs; (2) a state maintenance of effort  
34 to maintain adequate Medicaid funding; and (3) a provision  
35 that any other state Medicaid program will not negatively  
36 impact the hospital upper payment limit payments. The taxes  
37 imposed and collected may be imposed and collected  
38 beginning on the earliest date permissible under applicable  
39 federal law under the upper payment limit program, as  
40 determined by the West Virginia Secretary of Health and  
41 Human Resources.

42 (c) There is hereby created a special revenue account in  
43 the State Treasury, designated the "Medicaid State Share  
44 Fund". The amount of taxes collected under this section,  
45 including any interest, additions to tax and penalties collected  
46 under article ten of this chapter, less the amount of allowable  
47 refunds, the amount of any interest payable with respect to  
48 such refunds, and costs of administration and collection, shall  
49 be deposited into the special revenue fund and shall not revert  
50 to general revenue. The Tax Commissioner shall establish  
51 and maintain a separate account and accounting for the funds  
52 collected under this section, in an account to be designated as  
53 the "Eligible Acute Care Provider Enhancement Account."  
54 The amounts collected shall be deposited, within fifteen days  
55 after receipt by the tax commissioner, into the Eligible Acute  
56 Care Provider Enhancement Account. Disbursements from  
57 the Eligible Acute Care Provider Enhancement Account  
58 within the Medicaid State Share Fund may be used only to  
59 support the hospital Medicaid upper payment limit program  
60 described in this section.



61           (d) The imposition and collection of taxes imposed by  
62 this section shall be suspended immediately upon the  
63 occurrence of any of the following: (1) The effective date of  
64 any action by Congress that would disqualify the taxes  
65 imposed by this section from counting towards state  
66 Medicaid funds available to be used to determine the federal  
67 financial participation; (2) the effective date of any decision,  
68 enactment or other determination by the Legislature or by  
69 any court, officer, department, agency or office of state or  
70 federal government that has the effect of disqualifying the tax  
71 from counting towards state Medicaid funds available to be  
72 used to determine federal financial participation for Medicaid  
73 matching funds, or creating for any reason a failure of the  
74 state to use the assessment of the Medicaid program as  
75 described in this section; and (3) the effective date of an  
76 appropriation for any state fiscal year for hospital payments  
77 under the state Medicaid program that is less than the amount  
78 appropriate for state fiscal year ending June 30, 2011. Any  
79 funds remaining in the eligible acute care provider  
80 enhancement fund upon the occurrence of any of the events  
81 described in this subsection that cannot be used to match  
82 eligible federal Medicaid funds, shall be refunded to eligible  
83 acute care providers in proportion to the amount paid by each  
84 eligible acute care provider into the fund.

85           (e) The provisions of this section are retroactive and shall  
86 become effective on the first day of the quarter in which the  
87 state plan amendment is submitted.

88           (f) The tax imposed by this section shall expire on and  
89 after June 30, 2013, unless otherwise extended by the  
90 Legislature.

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## CHAPTER 175

**(S. B. 366 - By Senators Green, Beach,  
Klempa, Palumbo, Chafin and Plymale)**

[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 30, 2011.]

AN ACT to amend and reenact §22-17-20 of the Code of West Virginia, 1931, as amended, relating to the Underground Storage Tank Administrative Fund; and raising from \$500,000 to \$1 million the balance allowed to be in this fund at the beginning of each year.

*Be it enacted by the Legislature of West Virginia:*

That §22-17-20 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 17. UNDERGROUND STORAGE TANK ACT.**

#### **§22-17-20. Appropriation of funds; Underground Storage Tank Administrative Fund.**

1           (a) The secretary shall collect annual registration fees  
2           from owners of underground storage tanks. The registration  
3           fee collected under this section may not exceed \$65 per tank  
4           per year. All such registration fees and the net proceeds of  
5           all fines, penalties and forfeitures collected under this article  
6           including accrued interest shall be paid into the State  
7           Treasury into a special revenue fund designated the  
8           “Underground Storage Tank Administrative Fund” to be used  
9           to defray the cost of administering this article in accordance with  
10          rules promulgated pursuant to section six of this article. The  
11          secretary shall promulgate an emergency rule in accordance with  
12          article three, chapter twenty-nine-a of this code, implementing

13 the increase in registration fees. This fee of up to \$65 is  
14 effective for the fiscal year ending June 30, 2004.

15 (b) The total fee assessed shall be sufficient to assure a  
16 balance in the fund not to exceed one million dollars at the  
17 beginning of each year.

18 (c) Any amount received pursuant to subsection (a) of  
19 this section which exceeds the annual balance required in  
20 subsection (b) of this section shall be deposited into the  
21 leaking Underground Storage Tank Response Fund  
22 established pursuant to this article to be used for the purposes  
23 set forth for expenditure of moneys in the fund.

24 (d) The net proceeds of all fines, penalties and forfeitures  
25 collected under this article shall be appropriated as directed  
26 by article XII, section 5 of the Constitution of West Virginia.  
27 For the purposes of this section, the net proceeds of such  
28 fines, penalties and forfeitures are the proceeds remaining  
29 after deducting from the proceeds those sums appropriated by  
30 the Legislature for defraying the cost of administering this  
31 article. In making the appropriation for defraying the cost of  
32 administering this article, the Legislature shall first take into  
33 account the sums included in the special fund prior to  
34 deducting additional sums as may be needed from the civil  
35 fines, civil penalties and forfeitures collected pursuant to this  
36 article. At the end of each fiscal year any unexpended  
37 balance of the collected civil fines, civil penalties, forfeitures  
38 and registration fees shall not be transferred to the General  
39 Revenue Fund but shall remain in the fund.

40 (e) The secretary shall submit an annual report to the  
41 Joint Committee on Government and Finance on or before  
42 January 1 each year providing information as to the status of  
43 the Underground Storage Tank Fund, the registration fees or  
44 forfeitures collected and any fines and penalties assessed  
45 pursuant to this article, the amount of net proceeds of fines,  
46 penalties and forfeitures paid into the fund and information  
47 as to the progress of the underground storage tank program  
48 in the protection of human health and the environment.

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## CHAPTER 176

**(H. B. 3137 - By Delegate Kominar)  
[By Request of the Department of Commerce]**

[Passed March 11, 2011; in effect from passage.]  
[Approved by the Governor on March 30, 2011.]

AN ACT to amend and reenact §21A-6A-1 of the Code of West Virginia, 1931, as amended, relating to extended unemployment benefits; adding additional circumstances giving rise to “state ‘on’ indicators” for purposes of extended unemployment compensation benefits; and providing for certain high unemployment periods.

*Be it enacted by the Legislature of West Virginia:*

That §21A-6A-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 6A. EXTENDED BENEFITS PROGRAM.**

#### **§21A-6A-1. Definitions.**

1       As used in this article, unless the context clearly requires  
2       otherwise:

3       (1) “Extended benefit period” means a period which:

4       (A) Begins with the third week after a week for which  
5       there is a state “on” indicator; and

6 (B) Ends with either of the following weeks, whichever  
7 occurs later:

8 (i) The third week after the first week for which there is  
9 a state "off" indicator; or

10 (ii) The thirteenth consecutive week of such period.  
11 However, for periods beginning in a "high unemployment  
12 period," as determined in accordance with subdivision (3),  
13 section five of this article, paragraph (B)(ii) of this  
14 subdivision shall be applied by substituting "twentieth" for  
15 "thirteenth."

16 Notwithstanding the foregoing provisions of this  
17 subdivision, no extended benefit period may begin by reason  
18 of a state "on" indicator before the fourteenth week following  
19 the end of a prior extended benefit period which was in effect  
20 with respect to this state.

21 (2) After September 25, 1982, there is a "state 'on'  
22 indicator" for this state for a week if the commissioner  
23 determines, in accordance with the regulations of the United  
24 States Secretary of Labor, that for the period consisting of  
25 such week and the immediately preceding twelve weeks, the  
26 rate of insured unemployment, not seasonally adjusted, under  
27 this article:

28 (A) Equaled or exceeded one hundred twenty percent of  
29 the average of such rates for the corresponding thirteen-week  
30 period ending in each of the preceding two calendar years;  
31 and

32 (B) Equaled or exceeded five percent.

33 (C) An extended benefit period shall be made hereunder  
34 as if subdivision (2) did not contain paragraph (A) thereof,  
35 but only if the commissioner determines that the rate of  
36 insured unemployment, not seasonally adjusted, equals or  
37 exceeds six percent.

38           (3) For weeks of unemployment beginning on or after  
39 February 1, 2009, and ending on or before December 5,  
40 2009, or, if the application of section 2005(a) of Title II of  
41 Division B of the American Recovery and Reinvestment Act  
42 of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009) (“ARRA”)  
43 is extended by Act of Congress, ending on or before a date to  
44 be determined by the commissioner not to exceed the  
45 extended application of section 2005(a) of the ARRA, there  
46 is a “state ‘on’ indicator” for this state for a week if the  
47 commissioner determines, in accordance with regulations of  
48 the United States Secretary of Labor, that:

49           (A) The average rate of total unemployment, seasonally  
50 adjusted, for the period consisting of the most recent three  
51 months for which data for all states are published before the  
52 close of such week equals or exceeds six and one-half  
53 percent; and

54           (B) The average rate of total unemployment in the state  
55 for the three-month period specified in paragraph (A) of this  
56 subdivision equals or exceeds one hundred ten percent of  
57 such average for either or both of the corresponding three-  
58 month periods ending in the two preceding calendar years.

59           (C) For weeks of unemployment beginning after  
60 December 17, 2010, through weeks of unemployment ending  
61 on or before December 31, 2011, or the date established by  
62 section 502 of the Tax Relief, Unemployment Insurance  
63 Reauthorization and Job Creation Act of 2010, P.L. 111-312,  
64 as amended, there is a “state ‘on’ indicator” for a week if the  
65 commissioner determines, in accordance with regulations of  
66 the United States Secretary of Labor, that:

67           (i) The average rate of total unemployment, seasonally  
68 adjusted, as determined by the United States Secretary of  
69 Labor, for the period consisting of the most recent three-  
70 months for which data for all states are published before the  
71 close of such week equals or exceeds six and one-half  
72 percent; and

73 (ii) The average rate of total unemployment in the state,  
74 seasonally adjusted, as determined by the United States  
75 Secretary of Labor, for the three-month period referred to in  
76 subparagraph (i) of this paragraph equals or exceeds one  
77 hundred ten percent of such average for any or all of the  
78 corresponding three-month periods ending in the three  
79 preceding calendar years.

80 (D) There is a “high unemployment period” as provided  
81 in subsection three, section five, article six-a, chapter twenty-  
82 one-a of this code if paragraph (A) or subparagraph (i),  
83 paragraph(C), or both, were applied by substituting “eight  
84 percent” for “six and one-half percent”.

85 (4) There is a “state ‘off’ indicator” for a week if, for the  
86 period consisting of such week and the immediately  
87 preceding twelve weeks, none of the options specified in  
88 either subdivision (2) or subdivision (3) result in a “state ‘on’  
89 indicator”.

90 (5) “Rate of insured unemployment” means the  
91 percentage derived by dividing:

92 (A) The average weekly number of individuals filing  
93 claims for regular compensation in this state for weeks of  
94 unemployment with respect to the most recent thirteen-  
95 consecutive-week period as determined by the commissioner  
96 on the basis of his or her reports to the United States  
97 Secretary of Labor; by

98 (B) The average monthly employment covered under this  
99 chapter for the first four of the most recent six completed  
100 calendar quarters ending before the end of such thirteen-week  
101 period.

102 (6) “Regular benefits” means benefits payable to an  
103 individual under this chapter or under any other state law  
104 (including benefits payable to federal civilian employees and

105 to ex-servicemen pursuant to 5 U.S.C., chapter 85) other than  
106 extended benefits.

107 (7) "Extended benefits" means benefits (including  
108 benefits payable to federal civilian employees and to ex-  
109 servicemen pursuant to 5 U.S.C., chapter 85) payable to an  
110 individual under the provisions of this article for weeks of  
111 unemployment in his or her eligibility period.

112 (8) "Eligibility period" of an individual means the period  
113 consisting of the weeks in his or her benefit year which begin  
114 in an extended benefit period and, if his or her benefit year  
115 ends within such extended benefit period, any weeks  
116 thereafter which begin in such period. Notwithstanding any  
117 provision of this code to the contrary, an individual's  
118 eligibility period shall include any eligibility period provided  
119 in section 2005(b) of the ARRA.

120 (9) "Exhaustee" means an individual who, with respect  
121 to any week of unemployment in his or her eligibility period:

122 (A) Has received, prior to such week, all of the regular  
123 benefits which were available to him or her under this chapter  
124 or any other state law (including dependents' allowances and  
125 benefits payable to federal civilian employees and ex-  
126 servicemen under 5 U.S.C., chapter 85) in his or her current  
127 benefit year that includes such week: *Provided*, That for the  
128 purposes of this subdivision, an individual is deemed to have  
129 received all of the regular benefits which were available to  
130 him or her although: (i) As a result of a pending appeal with  
131 respect to wages or employment which were not considered  
132 in the original monetary determination in his or her benefit  
133 year, he or she may subsequently be determined to be entitled  
134 to added regular benefits; or (ii) he or she may be entitled to  
135 regular benefits with respect to future weeks of  
136 unemployment but such benefits are not payable with respect  
137 to such week of unemployment by reason of the provisions  
138 of section one-a, article six of this chapter; or



139 (B) His or her benefit year having expired prior to such  
140 week has no, or insufficient, wages or employment on the  
141 basis of which he or she could establish a new benefit year  
142 which would include such week; and

143 (C) Has no right to unemployment benefits or  
144 allowances, as the case may be, under the Railroad  
145 Unemployment Insurance Act, 45 U.S.C., §361, *et seq.*, the  
146 Trade Expansion Act of 1962, 19 U.S.C., §1801, *et seq.*, the  
147 Automotive Products Trade Act of 1965, 19 U.S.C., §2001,  
148 *et seq.*, and such other federal laws as are specified in  
149 regulations issued by the United States Secretary of Labor  
150 and has not received and is not seeking unemployment  
151 benefits under the unemployment compensation law of the  
152 Virgin Islands or of Canada. If he or she is seeking such  
153 benefits and the appropriate agency finally determines that he  
154 or she is not entitled to benefits under law, then he or she is  
155 considered an exhaustee.

156 (10) "State law" means the unemployment insurance law  
157 of any state, approved by the United States Secretary of  
158 Labor under 26 U.S.C., §3304.

159 (11) No individual is entitled to extended benefits during  
160 a period of unemployment if he or she was disqualified under  
161 the provisions of subdivision (1), (2) or (3) of section three,  
162 article six of this chapter, which disqualification is not  
163 terminated until the individual has returned to covered  
164 employment and has been employed in covered employment  
165 for at least thirty working days.

166 (12)(A) Notwithstanding any other provisions of this  
167 section, an individual is ineligible for payment of extended  
168 benefits for any week of unemployment in his or her  
169 eligibility period if the commissioner finds that during such  
170 period:

171 (i) He or she failed to accept an offer of suitable work or  
172 failed to apply for suitable work, as defined under

173 subdivision (12)(C) of this section, to which he or she was  
174 referred by the commissioner; or

175 (ii) He or she failed to actively engage in seeking work as  
176 prescribed under subdivision (12)(E) of this section.

177 (B) An individual who has been found ineligible for  
178 extended benefits by reason of the provisions in subdivision  
179 (12)(A) of this section is also denied benefits beginning with  
180 the first day of the week following the week in which such  
181 failure occurred and until he or she has been employed in  
182 each of four subsequent weeks, whether or not consecutive,  
183 and has earned remuneration equal to not less than four times  
184 the extended weekly benefit amount;

185 (C) For purposes of this subdivision, the term “suitable  
186 work” means, with respect to any individual, any work which  
187 is within such individual's capabilities so long as the gross  
188 average weekly remuneration payable for the work must  
189 exceed the sum of:

190 (i) The individual's average weekly benefit amount as  
191 determined under subdivision (12)(D) of this section, plus;

192 (ii) The amount, if any, of supplemental unemployment  
193 benefits as defined in 26 U.S.C., §501(c)(17)(D)) payable to  
194 such individual for such week; and further,

195 (iii) Pays wages equal to the higher of:

196 (I) The minimum wages provided by 29 U.S.C.,  
197 §206(a)(1), without regard to any exemption; or

198 (II) The state or local minimum wage;

199 (iv) *Provided*, That no individual is denied extended  
200 benefits for failure to accept an offer or referral to a job  
201 which meets the definition of suitability as described above  
202 if:

203 (I) The position was not offered to the individual in  
204 writing and was not listed with the employment service; or

205 (II) Such failure could not result in a denial of benefits  
206 under the definition of suitable work for regular benefit  
207 claimants in section five, article six of this chapter, to the  
208 extent that the criteria of suitability in that section are not  
209 inconsistent with the provisions of this subdivision; or

210 (III) The individual furnishes satisfactory evidence to the  
211 commissioner that his or her prospects for obtaining work in  
212 his or her customary occupation within a reasonably short  
213 period are good. If such evidence is deemed satisfactory for  
214 this purpose, the determination of whether any work is  
215 suitable with respect to such individual is made in accordance  
216 with the definition of suitable work in section five, article six  
217 of this chapter, without regard to the definition specified in  
218 this subdivision.

219 (D) Notwithstanding the provisions of this section to the  
220 contrary, no work is suitable work for an individual which  
221 does not accord with the labor standard provisions required  
222 by 26 U.S.C., §3304(a)(5) and set forth herein under  
223 subdivision (12)(C)(iii)(I) of this section.

224 (E) For the purposes of subdivision (12)(A)(ii) of this  
225 section, an individual is treated as actively engaged in  
226 seeking work during any week if:

227 (i) The individual has engaged in a systematic and  
228 sustained effort to obtain work during such week; and

229 (ii) The individual furnishes tangible evidence that he or  
230 she has engaged in such effort during such week.

231 (F) The employment service shall refer any claimant  
232 entitled to extended benefits under this article to any suitable  
233 work which meets the criteria prescribed in subdivision  
234 (12)(C) of this section.

235 (G) An individual is not eligible to receive extended  
236 benefits with respect to any week of unemployment in his or  
237 her eligibility period if the individual has been disqualified  
238 for regular benefits under this chapter because he or she  
239 voluntarily left work, was discharged for misconduct or  
240 refused an offer of suitable work unless the disqualification  
241 imposed for such reasons has been terminated in accordance  
242 with specific conditions established under this subdivision  
243 requiring the individual to perform service for remuneration  
244 subsequent to the date of such disqualification.

245 (13) Notwithstanding any other provisions of this  
246 chapter, if the benefit year of any individual ends within an  
247 extended benefit period, the remaining balance of extended  
248 benefits that such individual would, but for this section, be  
249 entitled to receive in that extended benefit period with respect  
250 to weeks of unemployment beginning after the end of the  
251 benefit year, are reduced, but not below zero, by the product  
252 of the number of weeks for which the individual received any  
253 amounts as trade readjustment allowances within that benefit  
254 year, multiplied by the individual's weekly benefit amount for  
255 extended benefits.

256 (14) An unemployed individual is eligible to receive  
257 benefits with respect to any week only if it has been found  
258 that he or she has been paid wages by an employer who was  
259 subject to the provisions of this chapter during the base  
260 period of his or her current benefit year in an amount at least  
261 equal to forty times his or her benefit rate for total  
262 unemployment.

263 (15) The provisions of subdivisions (11) and (12) of this  
264 section shall not apply at any time if temporarily or  
265 permanently suspended by federal law. If these provisions  
266 are suspended by federal law, the provisions of state law  
267 which apply to claims for and the payment of regular benefits  
268 apply to claims for and the payment of extended benefits.

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## CHAPTER 177

(H. B. 2763 - By Delegates Boggs,  
Fragale and White)

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[Passed March 11, 2011; in effect from passage.]  
[Approved by the Governor on March 24, 2011.]

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AN ACT to amend and reenact §21A-7-11 of the Code of West Virginia, 1931, as amended, relating to prohibiting the Executive Director of Workforce West Virginia from billing a reimbursable employer under the unemployment compensation law for overpaid amounts of benefits paid to a claimant; and in cases where the employer has been billed and paid the bill for benefits which are subsequently determined to be an overpayment, requiring the executive director to reimburse the employer for the amount of the overpayment.

*Be it enacted by the Legislature of West Virginia:*

That §21A-7-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 7. CLAIM PROCEDURE.**

#### **§21A-7-11. Benefits pending appeal.**

- 1 (a) Benefits found payable by decision of a deputy,
- 2 appeal tribunal, the board or court shall be immediately paid
- 3 up to the week in which a subsequent appellate body renders

4 a decision, by order, finding that benefits were not or are not  
5 payable.

6 (b) If, at any appeal stage, benefits are found to be  
7 payable which were found before the appeal stage to be not  
8 payable, the commissioner shall immediately reinstate the  
9 payment benefits.

10 (c) If the final decision in any case determines that a  
11 claimant was not lawfully entitled to benefits paid to him or  
12 her pursuant to a prior decision, the amount of benefits paid  
13 are considered overpaid.

14 (1) The commissioner shall recover such amount by civil  
15 action or in any manner provided in this code for the  
16 collection of past-due payment and shall withhold, in whole  
17 or in part, as determined by the commissioner, any future  
18 benefits payable to the individual and credit the amount  
19 against the overpayment until it is repaid in full.

20 (2) The commissioner may not bill an employer under  
21 section three-a, article five of this chapter for overpaid  
22 amounts of benefits paid to a claimant. In any instance where  
23 the commissioner has billed an employer, the employer has  
24 paid the billed amount and the amount is determined under  
25 this section to be an overpayment, the commissioner shall  
26 reimburse the employer for the amount of the overpayment  
27 paid by the employer from the Unemployment Compensation  
28 Trust Fund, if allowed by federal law, and if not from the  
29 Administrative Fund: *Provided*, That no employer shall be  
30 entitled to any payment under this subdivision unless such  
31 employer has filed all requested adequate separation  
32 information within the required time frame.

33           (d) If the final decision in any case determines that the  
34 claimant was not lawfully entitled to the benefits paid to him  
35 or her pursuant to a prior order any benefits paid pursuant to  
36 the prior order, are not chargeable to the employer's account.

37           (e) Whenever the commissioner finds that a claimant has  
38 received back pay at his or her customary wage rate from his  
39 or her employer the employee is liable to repay the benefits,  
40 if any, paid to the individual for the time he or she was  
41 unemployed.

42           (f) In any case in which, under this section, an employee  
43 is liable to repay benefits to the commissioner, the amount is  
44 collectible by civil action in the name of the commissioner.

45           (g) Whenever an employer subject to this chapter is  
46 required to make a payment of back pay to an individual who  
47 has received unemployment compensation benefits during the  
48 same period covered by the back pay award, the employer  
49 shall withhold an amount equal to the unemployment  
50 compensation benefits and shall repay the amount withheld  
51 to the Unemployment Compensation Trust Fund. If an  
52 employer fails to comply with this section, the commissioner  
53 may recover from the employer the amount of unemployment  
54 compensation benefits which should have been withheld by  
55 a civil action.

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## CHAPTER 178

**(Com. Sub. for S. B. 219 - By Senators  
Kessler (Acting President) and Hall)  
[By Request of the Executive]**

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[Amended and again passed, in an effort to meet the objections  
of the Governor, March 18, 2011; in effect from passage.]

[Approved by the Governor on April 5, 2011.]

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AN ACT to amend and reenact §21A-8-1 and §21A-8-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-8-16, all relating to maintaining solvency of the Unemployment Compensation Fund; providing a mechanism for the Governor to borrow funds from the Revenue Center Construction Fund for a limited period of time and deposit those funds into the Unemployment Compensation Fund if the balance of the Unemployment Compensation Fund drops below \$20 million; providing that no amount borrowed shall exceed \$20 million; and providing for repayment of such borrowed amounts.

*Be it enacted by the Legislature of West Virginia:*

That §21A-8-1 and §21A-8-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and to amend said code by adding thereto a new section, designated §21A-8-16, all to read as follows:



**ARTICLE 8. UNEMPLOYMENT COMPENSATION FUND.**

**§21A-8-1. Establishment.**

1       There is hereby established as a special fund, separate  
2 and apart from all public moneys or funds of the state, an  
3 Unemployment Compensation Fund. The fund shall consist  
4 of:

5       (1) All payments collected under this chapter.

6       (2) Interest earned upon money in the fund.

7       (3) Property or securities acquired through the use of the  
8 fund.

9       (4) Earnings of such property or securities.

10       (5) Amounts transferred from the Employment Security  
11 Special Administration Fund.

12       (6) Any moneys loaned to the fund pursuant to section  
13 sixteen of this article.

14       (7) Any moneys received from the federal unemployment  
15 account in the Unemployment Trust Fund in accordance with  
16 Title XII of the Social Security Act, as amended.

17       All money in the funds shall be mingled and undivided.

18       Any interest required to be paid on advances under Title  
19 XII of the Social Security Act, as amended, shall be paid by  
20 the date on which such interest is due. No interest shall be  
21 paid directly or indirectly from amounts in the  
22 Unemployment Compensation Trust Fund.

**§21A-8-10. Withdrawals.**

1       Except as provided in section thirteen of this article,  
2 money shall be requisitioned from this state's account in the  
3 unemployment trust fund solely for the payment of benefits

4 and repayment of any loans outstanding from the Revenue  
5 Center Construction Fund as provided in section sixteen of  
6 this article. The commissioner may requisition from the  
7 unemployment trust fund such amounts, not exceeding the  
8 amount of the account, as the commissioner determines to be  
9 necessary for the payment of benefits for a reasonable future  
10 period or to repay a loan outstanding from the Revenue  
11 Center Construction Fund as provided in section sixteen of  
12 this article.

13 Upon receipt of the money the commissioner shall  
14 deposit it in the benefit account.

**§21A-8-16. Loans to Unemployment Compensation Fund from  
Revenue Center Construction Fund.**

1 (a) Notwithstanding any provision of this code to the  
2 contrary and subject to the provisions of this section, the  
3 Governor is hereby authorized, by executive order, after first  
4 notifying the presiding officers of both houses of the  
5 Legislature in writing, to borrow funds from the Revenue  
6 Center Construction Fund created by chapter nineteen, acts  
7 of the Legislature, first extraordinary session, two thousand  
8 six, for deposit into the Unemployment Compensation Fund,  
9 created in section one of this article, to be expended in  
10 accordance with this code. The amount of funds borrowed  
11 and outstanding under this section may not exceed \$20  
12 million at any one time, or the amount the Governor  
13 determines is necessary to adequately sustain the balance in  
14 the Unemployment Compensation Fund at a minimum of \$20  
15 million, whichever is less.

16 (b) Notwithstanding the provisions of subsection (a) of  
17 this section, the Governor may not borrow funds from the  
18 Revenue Center Construction Fund unless the Executive  
19 Director of Workforce West Virginia has projected that the  
20 balance in the state's Unemployment Compensation Fund

21 will be less than \$20 million at any time during the next thirty  
22 days.

23 (c) Any funds borrowed pursuant to this subsection shall  
24 be repaid from funds on deposit in the Unemployment Trust  
25 Fund in excess of \$20 million or from other funds legally  
26 available for such purpose, without interest, and redeposited  
27 to the credit of the Revenue Center Construction Fund within  
28 one-hundred-eighty days of their withdrawal.

29 (d) No amounts may be borrowed pursuant to the  
30 provisions of this section after September 1, 2011.

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## CHAPTER 179

**(Com. Sub. for S. B. 245 - By Senators Kessler  
(Acting President), Snyder, Browning, Foster,  
Laird, Yost, Stollings, Beach, Fanning, Unger,  
Wills, Barnes, Miller, Edgell, McCabe,  
Plymale, Klempa and Williams)**

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[Passed March 12, 2011; in effect ninety days from passage.]

[Approved by the Governor on March 30, 2011.]

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AN ACT to amend and reenact §22C-1-27 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29-22-18d; to amend and reenact §31-15A-9 of said code; and to amend said code by adding thereto a new section, designated §31-15A-17b, all relating to protection of the watersheds of the Chesapeake Bay and the Greenbrier River; increasing the bonding authority of the Water Development Authority for limited purposes; directing an annual amount of excess lottery revenue to newly

created debt service fund to pay costs of and debt service on bonds; providing for the issuance of bonds when watershed compliance projects have been approved; establishing deadline for certain publicly owned wastewater facilities to submit ten-year projected capital funding plan to the West Virginia Infrastructure and Jobs Development Council for review and approval; providing eligibility for funding; requiring Water Development Authority to report to Joint Committee on Government and Finance; establishing distribution guidelines for grants to eligible projects; making eligible projects with funding approved before a certain date eligible for grant funding to the extent permitted by law and bond covenants; and limiting eligibility of grant funding.

*Be it enacted by the Legislature of West Virginia:*

That §22C-1-27 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §29-22-18d; that §31-15A-9 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §31-15A-17b, all to read as follows:

**CHAPTER 22C. ENVIRONMENTAL RESOURCES;  
BOARDS, AUTHORITIES, COMMISSIONS AND  
COMPACTS.**

**ARTICLE 1. WATER DEVELOPMENT AUTHORITY.**

**§22C-1-27. Authorized limit on borrowing.**

- 1 (a) The aggregate principal amount of bonds and notes
- 2 issued by the authority may not exceed \$500 million
- 3 outstanding at any one time: *Provided*, That before the
- 4 authority issues bonds and notes in excess of \$400 million
- 5 the Legislature must pass a resolution authorizing this action:
- 6 *Provided, however*, That in computing the total amount of
- 7 bonds and notes which may at any one time be outstanding,
- 8 the principal amount of any outstanding bonds or notes

9 refunded or to be refunded either by application of the  
10 proceeds of the sale of any refunding bonds or notes of the  
11 authority or by exchange for any refunding bonds or notes,  
12 shall be excluded.

13 (b) In addition to the amounts authorized by subsection  
14 (a) of this section, the Water Development Authority may  
15 issue, pursuant to section seventeen-b, article fifteen-a,  
16 chapter thirty-one of this code, bonds or notes in the  
17 aggregate principal amount not to exceed \$180 million. This  
18 authorization is for the limited purpose of providing grants  
19 for capital improvements for publicly owned wastewater  
20 treatment facilities with an authorized permitted flow of four  
21 hundred thousand gallons per day or more which are required  
22 to maintain compliance with certain standards for discharges  
23 into watersheds in accordance with said section seventeen-b.

## **CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

### **ARTICLE 22. STATE LOTTERY ACT.**

#### **§29-22-18d. Allocation to West Virginia Infrastructure Lottery Revenue Debt Service Fund and West Virginia Infrastructure Fund from State Excess Lottery Revenue Fund beginning July 1, 2011.**

1 Notwithstanding any provision of subsection (d), section  
2 eighteen-a of this article to the contrary, the deposit of \$40  
3 million into the West Virginia Infrastructure Fund set forth  
4 above is for the fiscal year beginning July 1, 2010, only. For  
5 the fiscal year beginning July 1, 2011, and each fiscal year  
6 thereafter, in lieu of the deposits required under subdivision  
7 (5), subsection (d), section eighteen-a of this article, the  
8 commission shall, first, deposit \$6 million into the West  
9 Virginia Infrastructure Lottery Revenue Debt Service Fund  
10 created in subsection (h), section nine, article fifteen-a,  
11 chapter thirty-one of this code, to be spent in accordance with

12 the provisions of that subsection, and, second, deposit \$40  
13 million into the West Virginia Infrastructure Fund created in  
14 subsection (a), section nine, article fifteen-a, chapter thirty-  
15 one of this code, to be spent in accordance with the  
16 provisions of that article.

## CHAPTER 31. CORPORATIONS.

### ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.

**§31-15A-9. Infrastructure fund; deposits in fund; disbursements to provide loans, loan guarantees, grants and other assistance; loans, loan guarantees, grants and other assistance shall be subject to assistance agreements; West Virginia Infrastructure Lottery Revenue Debt Service Fund; use of funds for projects.**

1 (a) The Water Development Authority shall create and  
2 establish a special revolving fund of moneys made available  
3 by appropriation, grant, contribution or loan to be known as  
4 the "West Virginia Infrastructure Fund". This fund shall be  
5 governed, administered and accounted for by the directors,  
6 officers and managerial staff of the Water Development  
7 Authority as a special purpose account separate and distinct  
8 from any other moneys, funds or funds owned and managed  
9 by the Water Development Authority. The infrastructure  
10 fund shall consist of sub-accounts, as deemed necessary by  
11 the council or the Water Development Authority, for the  
12 deposit of: (1) Infrastructure revenues; (2) any  
13 appropriations, grants, gifts, contributions, loan proceeds or  
14 other revenues received by the infrastructure fund from any  
15 source, public or private; (3) amounts received as payments  
16 on any loans made by the Water Development Authority to  
17 pay for the cost of a project or infrastructure project; (4)  
18 insurance proceeds payable to the Water Development  
19 Authority or the infrastructure fund in connection with any

20 infrastructure project or project; (5) all income earned on  
21 moneys held in the infrastructure fund; (6) all funds  
22 deposited in accordance with section four of article fifteen-b;  
23 and (7) all proceeds derived from the sale of bonds issued  
24 pursuant to article fifteen-b of this chapter.

25 Any money collected pursuant to this section shall be  
26 paid into the West Virginia infrastructure fund by the state  
27 agent or entity charged with the collection of the same,  
28 credited to the infrastructure fund, and used only for purposes  
29 set forth in this article or article fifteen-b.

30 Amounts in the infrastructure fund shall be segregated  
31 and administered by the Water Development Authority  
32 separate and apart from its other assets and programs.  
33 Amounts in the infrastructure fund may not be transferred to  
34 any other fund or account or used, other than indirectly, for  
35 the purposes of any other program of the Water  
36 Development Authority, except that the Water Development  
37 Authority may use funds in the infrastructure fund to  
38 reimburse itself for any administrative costs incurred by it  
39 and approved by the council in connection with any loan,  
40 loan guarantee, grant or other funding assistance made by  
41 the Water Development Authority pursuant to this article.

42 (b) Notwithstanding any provision of this code to the  
43 contrary, amounts in the infrastructure fund shall be  
44 deposited by the Water Development Authority in one or  
45 more banking institutions: *Provided*, That any moneys so  
46 deposited shall be deposited in a banking institution located  
47 in this state. The banking institution shall be selected by the  
48 Water Development Authority by competitive bid. Pending  
49 the disbursement of any money from the infrastructure fund  
50 as authorized under this section, the Water Development  
51 Authority shall invest and reinvest the moneys subject to the  
52 limitations set forth in article eighteen, chapter thirty-one of  
53 this code.

54 (c) To further accomplish the purposes and intent of this  
55 article and article fifteen-b of this chapter, the Water  
56 Development Authority may pledge infrastructure revenues  
57 and from time to time establish one or more restricted  
58 accounts within the infrastructure fund for the purpose of  
59 providing funds to guarantee loans for infrastructure projects  
60 or projects: *Provided*, That for any fiscal year the Water  
61 Development Authority may not deposit into the restricted  
62 accounts more than twenty percent of the aggregate amount  
63 of infrastructure revenues deposited into the infrastructure  
64 fund during the fiscal year. No loan guarantee shall be  
65 made pursuant to this article unless recourse under the loan  
66 guarantee is limited solely to amounts in the restricted  
67 account or accounts. No person shall have any recourse to  
68 any restricted accounts established pursuant to this  
69 subsection other than those persons to whom the loan  
70 guarantee or guarantees have been made.

71 (d) Each loan, loan guarantee, grant or other assistance  
72 made or provided by the Water Development Authority  
73 shall be evidenced by a loan, loan guarantee, grant or  
74 assistance agreement between the Water Development  
75 Authority and the project sponsor to which the loan, loan  
76 guarantee, grant or assistance shall be made or provided,  
77 which agreement shall include, without limitation and to the  
78 extent applicable, the following provisions:

79 (1) The estimated cost of the infrastructure project or  
80 project, the amount of the loan, loan guarantee or grant or  
81 the nature of the assistance, and in the case of a loan or loan  
82 guarantee, the terms of repayment and the security therefor,  
83 if any;

84 (2) The specific purposes for which the loan or grant  
85 proceed shall be expended or the benefits to accrue from the  
86 loan guarantee or other assistance, and the conditions and  
87 procedure for disbursing loan or grant proceeds;



88           (3) The duties and obligations imposed regarding the  
89 acquisition, construction, improvement or operation of the  
90 project or infrastructure project; and

91           (4) The agreement of the governmental agency to comply  
92 with all applicable federal and state laws, and all rules and  
93 regulations issued or imposed by the Water Development  
94 Authority or other state, federal or local bodies regarding the  
95 acquisition, construction, improvement or operation of the  
96 infrastructure project or project and granting the Water  
97 Development Authority the right to appoint a receiver for  
98 the project or infrastructure if the project sponsor should  
99 default on any terms of the agreement.

100           (e) Any resolution of the Water Development Authority  
101 approving loan, loan guarantee, grant or other assistance  
102 shall include a finding and determination that the  
103 requirements of this section have been met.

104           (f) The interest rate on any loan to governmental, quasi-  
105 governmental, or not for profit project sponsors for projects  
106 made pursuant to this article shall not exceed three percent  
107 per annum. Due to the limited availability of funds  
108 available for loans for projects, it is the public policy of this  
109 state to prioritize funding needs to first meet the needs of  
110 governmental, quasi- governmental and not for profit project  
111 sponsors and to require that loans made to for-profit entities  
112 shall bear interest at the current market rates. Therefore, no  
113 loan may be made by the council to a for-profit entity at an  
114 interest rate which is less than the current market rate at the  
115 time of the loan agreement.

116           (g) The Water Development Authority shall cause an  
117 annual audit to be made by an independent certified public  
118 accountant of its books, accounts and records, with respect  
119 to the receipts, disbursements, contracts, leases, assignments,  
120 loans, grants and all other matters relating to the financial

121 operation of the infrastructure fund, including the operating  
122 of any sub-account within the infrastructure fund. The  
123 person performing such audit shall furnish copies of the  
124 audit report to the commissioner of finance and  
125 administration, where they shall be placed on file and made  
126 available for inspection by the general public. The person  
127 performing such audit shall also furnish copies of the audit  
128 report to the Legislature's Joint Committee on Government  
129 and Finance.

130 (h) There is hereby created in the Water Development  
131 Authority a separate, special account which shall be  
132 designated and known as the "West Virginia Infrastructure  
133 Lottery Revenue Debt Service Fund," into which shall be  
134 deposited annually for the fiscal year beginning July 1,  
135 2011, and each fiscal year thereafter, the first \$6 million  
136 transferred pursuant to section eighteen-d, article twenty-  
137 two, chapter twenty-nine of this code and any other funds  
138 provided therefor: *Provided*, That such deposits and  
139 transfers are not subject to the reservations of funds or  
140 requirements for distributions of funds established by  
141 sections ten and eleven of this article. Moneys in the West  
142 Virginia infrastructure lottery revenue debt service fund  
143 shall be used to pay debt service on bonds or notes issued by  
144 the Water Development Authority for watershed compliance  
145 projects as provided in section seventeen-b of this article,  
146 and to the extent not needed to pay debt service, for the  
147 design or construction of improvements for watershed  
148 compliance projects. Moneys in the West Virginia  
149 infrastructure lottery revenue debt service fund not  
150 expended at the close of the fiscal year do not lapse or revert  
151 to the General Fund but are carried forward to the next fiscal  
152 year.

**§31-15A-17b. Infrastructure lottery revenue bonds for  
watershed compliance projects.**

1 (a)(1) The Chesapeake Bay has been identified as an  
2 impaired water body due to excessive nutrients entering the

3 Bay from various sources in six states, including wastewater  
4 facilities in West Virginia. To restore the Chesapeake Bay,  
5 the states have agreed to reduce their respective nutrient  
6 contributions to the Chesapeake Bay.

7 (2) The Greenbrier River Watershed in southeastern West  
8 Virginia which encompasses approximately 1,646 square  
9 miles, the majority of which lies within Pocahontas,  
10 Greenbrier, Monroe and Summers counties, has been  
11 identified as an impaired water body due to excessive levels  
12 of fecal coliform and phosphorus entering the Watershed  
13 from various sources, including wastewater facilities in  
14 West Virginia. To restore the Greenbrier River Watershed,  
15 the state agrees to reduce the fecal coliform and phosphorus  
16 contributions to the Greenbrier River Watershed.

17 (b) Notwithstanding any other provision of this code to  
18 the contrary, the Water Development Authority may issue,  
19 in accordance with the provisions of section seventeen of  
20 this article, infrastructure lottery revenue bonds payable  
21 from the West Virginia infrastructure lottery revenue debt  
22 service fund created by section nine of this article and such  
23 other sources as may be legally pledged for such purposes  
24 other than the West Virginia infrastructure revenue debt  
25 service fund created by section seventeen of this article.

26 (c) The council shall direct the Water Development  
27 Authority to issue bonds in one or more series when it has  
28 approved Chesapeake Bay watershed compliance projects  
29 and Greenbrier River watershed compliance projects with an  
30 authorized permitted flow of four hundred thousand gallons  
31 per day or more. The proceeds of the bonds shall be used  
32 solely to pay costs of issuance, fund a debt service reserve  
33 account, capitalize interest, pay for security instruments  
34 necessary to market the bonds and to make grants to

35 governmental instrumentalities of the state for the  
36 construction of approved Chesapeake Bay watershed  
37 compliance projects and Greenbrier River watershed  
38 compliance projects. To the extent funds are available in the  
39 West Virginia Infrastructure Lottery Revenue Debt Service  
40 Fund that are not needed for debt service, the council may  
41 direct the Water Development Authority to make grants to  
42 project sponsors for the design or construction of approved  
43 Chesapeake Bay watershed compliance projects and  
44 Greenbrier River watershed compliance projects.

45 (d) No later than June 30, 2012, each publicly owned  
46 facility with an authorized permitted flow of 400,000  
47 gallons per day or more that is subject to meeting  
48 Chesapeake Bay compliance standards or Greenbrier River  
49 watershed compliance standards shall submit to the council  
50 a ten year projected capital funding plan for Chesapeake  
51 Bay watershed compliance projects or Greenbrier River  
52 watershed compliance projects, as the case may be,  
53 including a general project description, cost estimate and  
54 estimated or actual project start date and project completion  
55 date, if any. The council shall timely review the submitted  
56 capital funding plans and forward approved plans to the  
57 Water Development Authority for further processing and  
58 implementation pursuant to this article. If the council finds  
59 a plan to be incomplete, inadequate or otherwise  
60 problematic, it shall return the plan to the applicant with  
61 comment on the plan shortcomings. The applicant may then  
62 resubmit to council an amended capital funding plan for  
63 further consideration pursuant to the terms of this  
64 subsection.

65 (e) Upon approval, each proposed Chesapeake Bay  
66 watershed compliance project or Greenbrier River watershed  
67 compliance project, or portion of a larger project, which  
68 portion is dedicated to compliance with nutrient standards,  
69 or fecal coliform and phosphorus standards, established for

70 the protection and restoration of the Chesapeake Bay or the  
71 Greenbrier River Watershed, as the case may be, shall be  
72 eligible for grant funding by funds generated by the  
73 infrastructure lottery revenue bonds described in section (b)  
74 of this section. At the request of the applicant, the remaining  
75 percentage of project funding not otherwise funded by grant  
76 under the provisions of this article may be reviewed as a  
77 standard project funding application.

78 (f) No later than December 1, 2012, the Water  
79 Development Authority shall report to the Joint Committee  
80 on Government and Finance the total cost of Chesapeake  
81 Bay watershed compliance projects and the Greenbrier  
82 River watershed compliance projects and the proposed grant  
83 awards for each eligible project. Grant awards shall be of  
84 equal ratio among all applicants of the total cost of each  
85 eligible project.

86 (g) Eligible projects that have obtained project financing  
87 prior to December 31, 2011 may apply to the council for  
88 funding under the provisions of this section. These  
89 applications shall be processed and considered as all other  
90 eligible projects, and any grant funding awarded shall, to the  
91 extent allowed by law, be dedicated to prepay all or a  
92 portion of debt previously incurred by governmental  
93 instrumentalities of the state for required Chesapeake Bay  
94 nutrient removal projects or Greenbrier River watershed  
95 fecal coliform and phosphorus removal projects, subject to  
96 the bond covenants and contractual obligations of the  
97 borrowing governmental entity. However, any private  
98 portion of funding provided by agreement between a  
99 political subdivision and one or more private entities, either  
100 by direct capital investment or debt service obligation, shall  
101 not be eligible for grant funding under the provisions of this  
102 article.

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## CHAPTER 180

**(S. B. 358 - By Senators Laird and Miller)**

[Passed March 4, 2011; in effect ninety days from passage.]  
[Approved by the Governor on March 18, 2011.]

AN ACT to amend and reenact §20-2-4 of the Code of West Virginia, 1931, as amended, relating to electronic registration of wildlife.

*Be it enacted by the Legislature of West Virginia:*

That §20-2-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 2. WILDLIFE RESOURCES.**

#### **§20-2-4. Possession of wildlife.**

1        Except for wildlife, lawfully taken, killed or obtained, no  
2        person may have in his or her possession any wildlife, or  
3        parts thereof, during closed seasons. It is unlawful to  
4        possess any wildlife, or parts thereof, which have been  
5        illegally taken, killed or obtained. Any wildlife illegally  
6        taken, killed or possessed shall be forfeited to the state and  
7        shall be counted toward the daily, seasonal, bag, creel and  
8        possession limit of the person in possession of, or  
9        responsible for, the illegal taking or killing of any wildlife.

10 Wildlife lawfully taken outside of this state is subject to  
11 the same laws and rules as that taken within this state.

12 Migratory wild birds may be possessed only in  
13 accordance with the "Migratory Bird Treaty Act" and  
14 regulations thereunder.

15 The restrictions in this section do not apply to the director  
16 or duly authorized agents, who may, in any manner, take or  
17 maintain in captivity, at any time, any wildlife for the  
18 purpose of carrying out the provisions of this chapter.

19 Wildlife, except protected birds, spotted fawn, and bear  
20 cubs, killed or mortally wounded as a result of being  
21 accidentally or inadvertently struck by a motor vehicle may  
22 be lawfully possessed if the possessor of the wildlife  
23 provides notice of the claim within twelve hours to a  
24 relevant law-enforcement agency, and obtains a nonhunting  
25 game tag within twenty-four hours of possession. The  
26 director shall propose administrative policy which addresses  
27 the means, methods and administrative procedures for  
28 implementing the provisions of this section.

29 Persons required to deliver wildlife to an official  
30 checking station may, in accordance with rules promulgated  
31 by the director, electronically register the wildlife in lieu of  
32 the delivery to an official checking station. "Electronically  
33 register" means submission of all necessary and relevant  
34 information to the division, in the manner designated by  
35 rule, in lieu of delivery of the wildlife to an official checking  
36 station. The director may promulgate rules, pursuant to  
37 article three, chapter twenty-nine-a of this code, governing  
38 the electronic registration of wildlife.

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## CHAPTER 181

**(H. B. 3271 - By Delegates White,  
Campbell, M. Poling, Kominar,  
Marshall, Iaquina, D. Poling, Stowers,  
Anderson, Border and Cowles)**

[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on April 4, 2011.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-4-14a, relating to creating a workers' compensation insurance subsidy program for volunteer fire departments; defining terms; establishing a special program within the Auditor's Office; granting authority to the Auditor to administer the program; designating a funding formula for distribution of moneys allocated; granting rule-making authority to administer this section; and requiring report to the Legislature.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §12-4-14a, to read as follows:

### **ARTICLE 4. ACCOUNTS, REPORTS AND GENERAL PROVISIONS.**

**§12-4-14a. Workers' Compensation Subsidy for Volunteer Fire Departments; creation of program; Auditor to administer.**

1 (a) For the purposes of this section:



2           (1) "Fiscal year" means the fiscal year of the state.

3           (2) "Individual base year premium" means the workers'  
4 compensation insurance premium that became due and  
5 payable by a volunteer fire department after June 30, 2010  
6 but before July 1, 2011.

7           (3) "Individual premium" means the workers'  
8 compensation premium due and payable by a volunteer fire  
9 department in each twelve month period beginning on or  
10 after July 1, 2011.

11           (4) "Total base year premium" means the aggregate  
12 workers' compensation insurance premium due and payable  
13 by all volunteer fire departments as determined by the  
14 Insurance Commissioner after June 30, 2010 but before July  
15 1, 2011.

16           (5) "Total premium" means the aggregate workers'  
17 compensation insurance premium due and payable by all  
18 volunteer fire departments in each twelve month period  
19 beginning on or after July 1, 2011.

20           (b) In recognition of the burden of increasing workers'  
21 compensation insurance premiums on volunteer fire  
22 departments, the Legislature has determined that additional  
23 funding assistance should be made available to eligible  
24 departments to pay a portion of those premium increases  
25 beginning with invoices due and payable on or after July 1,  
26 2011.

27           (c) There is hereby established a special program which  
28 shall be known as the "Volunteer Fire Department Workers'  
29 Compensation Subsidy Program." The program shall be  
30 administered by the State Auditor from moneys that may be

31 appropriated and designated for the program by the  
32 Legislature.

33 (d) The State Auditor shall administer the distribution of  
34 moneys appropriated for Volunteer Fire Department  
35 Workers' Compensation Subsidy Program to volunteer fire  
36 departments to help defray workers' compensation  
37 insurance premium increases.

38 (1) Volunteer fire departments shall request  
39 supplemental funds by submitting to the Auditor the  
40 following information:

41 (A) The previous fiscal year's workers' compensation  
42 premium invoices with paid receipts;

43 (B) The current fiscal year's workers' compensation  
44 premium invoices showing the amount due and due date and  
45 any applicable paid receipts; and

46 (C) Any other information the Auditor deems necessary  
47 for administering the subsidy on forms and schedules as the  
48 Auditor directs. The Auditor is authorized to set up an  
49 electronic filing system at his or her discretion for filing of  
50 the aforementioned information.

51 (2) After determining that there is a premium increase  
52 and the amount of the premium increase for the volunteer  
53 fire department requesting the subsidy, the Auditor shall  
54 make disbursements in the manner set forth in subsection (e)  
55 of this section subject to the following requirements:

56 (A) The volunteer fire department must be in good  
57 standing with the State Fire Marshal;

58           (B) The volunteer fire department must be registered  
59       with the Auditor's Office in a form and manner prescribed  
60       by the Auditor prior to being eligible for consideration of  
61       any subsidy, which registration must be completed no fewer  
62       than thirty days prior to the due date of the workers'  
63       compensation premium;

64           (C) The volunteer fire department must agree that the  
65       subsidy for its workers' compensation insurance premium  
66       increase will be paid directly to its insurance carrier by the  
67       Auditor and that it will timely pay the balance of the  
68       premium due; and

69           (D) Should a volunteer fire department fail to pay the  
70       balance of its workers' compensation insurance premium  
71       after a disbursement by the auditor and that insurance policy  
72       is subsequently cancelled, the premium paid by the Auditor  
73       shall be returned directly to him or her. If the Auditor does  
74       not receive a reimbursement for a cancelled policy, he or she  
75       shall seek reimbursement for the subsidy portion of the  
76       insurance premium from the State Treasurer when the  
77       treasurer makes the next quarterly payment to the volunteer  
78       fire department pursuant to sections thirty-three and  
79       fourteen-d, article three, chapter thirty-three of this code.

80           (e) Beginning with the fiscal year that starts July 1,  
81       2011, and continuing in each fiscal year thereafter, after the  
82       Auditor has verified that a volunteer fire department is  
83       eligible for a subsidy pursuant to this section, he or she shall  
84       pay on behalf of a volunteer fire department its subsidy,  
85       which is calculated by:

86           (1) Dividing the total amount of premium subsidy  
87       allocated by the Legislature to the Volunteer Fire  
88       Department Workers' Compensation Subsidy Program by

89 the total premium minus the total base year premium, which  
90 calculation produces the "total shortfall multiplier"; and

91 (2) Multiplying the total shortfall multiplier determined  
92 in subdivision (1) of this subsection by the individual  
93 premium less the individual base year premium.

94 (3) In no event shall a volunteer fire department receive  
95 a workers' compensation premium subsidy greater than one  
96 hundred percent of its premium increase.

97 (f) For fiscal years after July 1, 2011, the Auditor shall  
98 consult with the Insurance Commissioner to determine the  
99 total amount of workers' compensation premium due by  
100 volunteer fire departments for any subsequent fiscal year.  
101 The Auditor may determine payment dates based upon  
102 information reasonably available for such a determination.

103 (g) The Auditor may promulgate emergency rules and  
104 may propose for promulgation legislative rules, in  
105 accordance with the provisions of article three, chapter  
106 twenty-nine-a of this code, as are necessary to provide for  
107 implementation and enforcement of the provisions of this  
108 section.

109 (h) The volunteer fire departments' workers'  
110 compensation premium subsidy program shall undergo a  
111 review to assess its effectiveness after three years of  
112 operation. The Auditor shall submit a report to the Joint  
113 Committee on Government and Finance not later than  
114 February 1, 2015, and provide details of the program  
115 operation including funds distributed and departments  
116 taking advantage of the subsidy.

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## CHAPTER 182

**(Com. Sub. for H. B. 2517 - By Delegates  
Perry, Boggs and Ellem)**

[Passed March 11, 2011; in effect ninety days from passage.]

[Approved by the Governor on March 24, 2011.]

AN ACT to amend and reenact §23-4-1e of the Code of West Virginia, 1931, as amended; and to amend and reenact §25-7-14 and §25-7-16 of said code, all relating to providing workers compensation benefits for persons participating in the prison industry enhancement certification program; creating exception for prohibition of purchase of temporary total disability benefits coverage for persons participating in the program; authorizing purchase of workers compensation insurance by commissioner of the division of corrections for prison and jail inmates participating in the prison certification program; and authorizing purchase of workers compensation insurance by the director of juvenile services for persons under his or her supervision that are participating in the prison certification program for incurred while confined.

*Be it enacted by the Legislature of West Virginia:*

That §23-4-1e of the Code of West Virginia, 1931, as amended, be amended and reenacted, and that §25-7-14 and §25-7-16 of said code be amended and reenacted, all to read as follows:

**CHAPTER 23. WORKERS' COMPENSATION.****ARTICLE 4. DISABILITY AND DEATH BENEFITS.****§23-4-1e. Temporary total disability benefits not to be paid for periods of correctional center or jail confinement; denial of workers' compensation benefits for injuries or disease incurred while confined.**

1           (a) Notwithstanding any provision of this code to the  
2 contrary, no person shall be jurisdictionally entitled to  
3 temporary total disability benefits for that period of time in  
4 excess of three days during which that person is confined in  
5 a state correctional facility or jail: *Provided*, That  
6 confinement shall not affect the claimant's eligibility for  
7 payment of expenses: *Provided, however*, That this  
8 subsection is applicable only to injuries and diseases  
9 incurred prior to any period of confinement. Upon release  
10 from confinement, the payment of benefits for the remaining  
11 period of temporary total disability shall be made if justified  
12 by the evidence and authorized by order of the commission,  
13 successor to the commission, other private carrier or self-  
14 insured employer, whichever is applicable.

15           (b) Notwithstanding any provision of this code to the  
16 contrary, no person confined in a state correctional facility  
17 or jail who suffers injury or a disease in the course of and  
18 resulting from his or her work during the period of  
19 confinement which work is imposed by the administration  
20 of the state correctional facility or jail and is not suffered  
21 during the person's usual employment with his or her usual  
22 employer when not confined shall receive benefits under the  
23 provisions of this chapter for the injury or disease: *Provided*,  
24 That individuals otherwise confined in a state correctional  
25 facility or jail, or at a juvenile services facility, and working  
26 in a program authorized by sections fourteen or sixteen of

27 article seven, chapter twenty-five of this code, shall be  
28 eligible to receive benefits under the provisions of this  
29 chapter while working in an authorized program. The  
30 coverage for benefits may be obtained either by the private  
31 entity or by agreement with the state agency as specified in  
32 subsection (5), subsection (a) of sections fourteen and  
33 sixteen of article seven, chapter twenty-five of this code.

## CHAPTER 25. DIVISION OF CORRECTIONS.

### ARTICLE 7. CORRECTIONAL INDUSTRIES ACT OF 2009.

#### **§25-7-14. Agreement between commissioner and private person for manufacturing pursuant to Prison Industry Enhancement (PIE) Certification Program; wages; inmate participation on voluntary basis; and workers' compensation.**

1 (a) The Commissioner of the Division of Corrections  
2 and a private person or entity may enter into an agreement  
3 to establish a program for inmates to manufacture articles  
4 and products pursuant to the federal Prison Industry  
5 Enhancement (PIE) Certification Program. The agreement  
6 shall include the following:

7 (1) That a participating inmate be paid at a rate not less  
8 than that paid for similar work in the same locality's private  
9 sector, including applicable wage increases for overtime  
10 work;

11 (2) That an inmate's work or participation in a PIE  
12 certification program shall be only on a voluntary basis and  
13 only after the inmate has been informed of the conditions of  
14 participation;

15 (3) That, in the discretion of the commissioner or the  
16 commissioner's designee, any inmate may be removed from  
17 or refused participation in the PIE certification program;

18           (4) That the agreement will not result in the  
19           displacement of civilian workers; and

20           (5) That the private person or entity shall provide for  
21           workers' compensation insurance, or equivalent coverage,  
22           to inmates participating in the PIE certification program:  
23           *Provided*, That the commissioner of the division of  
24           corrections may provide workers compensation or  
25           equivalent insurance coverage for persons participating in  
26           the PIE certification program, if reimbursement is made to  
27           the division by the private person or entity for all costs of  
28           the workers' compensation insurance or equivalent  
29           coverage, as a condition of the agreement.

30           (b) The provisions of this section shall not apply to  
31           correctional industry service contracts under section four of  
32           this article or to operations authorized in section three of this  
33           article that are restricted from sale in the open market.

34           (c) A commercial or agricultural enterprise established  
35           under this chapter is a private enterprise subject to federal  
36           and state laws governing the operation of similar enterprises.

37           (d) The earnings of an inmate participating in a PIE  
38           certification program under this article shall be deposited in  
39           the Inmate Trust Account with the Division of Corrections.  
40           The earnings shall be paid to the inmate after withholding of  
41           state, federal and local taxes, and after other deductions  
42           provided for in this chapter, including expenses for room and  
43           board: *Provided*, That the commissioner shall adopt policies  
44           and procedures for the additional deduction from an inmate's  
45           earnings of not less than five percent nor more than twenty  
46           percent, to be paid into the Crime Victims Compensation  
47           Fund created by article two-a, chapter fourteen of this code.  
48           Total deductions shall not exceed eighty percent of the  
49           inmate's gross earnings. Earnings deposited by the



50 commissioner, with accrued interest, shall be paid to the  
51 inmate no later than at the inmate's discharge or release on  
52 parole.

53 (e) Spousal support or child support shall be deducted  
54 from an inmate's earnings as directed by the inmate or by  
55 court order. If the inmate's dependents are receiving  
56 Temporary Assistance for Needy Families (TANF), the  
57 disbursements shall be made to the Bureau for Child  
58 Support Enforcement or any other state's public assistance  
59 agency.

**§25-7-16. Agreement between director and private person for  
manufacturing pursuant to Prison Industry  
Enhancement (PIE) Certification Program;  
wages; resident participation on voluntary basis;  
workers' compensation and unemployment  
compensation.**

1 (a) The Director of the Division of Juvenile Services and  
2 a private person or entity may enter into an agreement to  
3 establish a program for residents to manufacture articles and  
4 products pursuant to the federal Prison Industry  
5 Enhancement (PIE) Certification Program. The agreement  
6 shall include the following:

7 (1) That a participating resident be paid at a rate not less  
8 than that paid for similar work in the same locality's private  
9 sector, including applicable wage increases for overtime  
10 work;

11 (2) That a resident's work or participation in a PIE  
12 certification program shall be only on a voluntary basis and  
13 only after the resident has been informed of the conditions  
14 of participation;

15           (3) That, in the discretion of the director or the director's  
16           designee, any resident may be removed from or refused  
17           participation in the PIE certification program;

18           (4) That the agreement will not result in the  
19           displacement of civilian workers; and

20           (5) That the private person or entity shall provide for  
21           workers' compensation insurance, or equivalent coverage,  
22           to residents participating in the PIE certification program:  
23           *Provided*, That, the director of the division of juvenile  
24           services may provide workers compensation or equivalent  
25           insurance coverage for persons participating in the PIE  
26           certification program, if reimbursement is made to the  
27           division by the private person or entity for all costs of the  
28           workers' compensation insurance or equivalent coverage, as  
29           a condition of the agreement.

30           (b) The provisions of this section shall not apply to  
31           correctional industry service contracts provided for in  
32           section four of this article or to operations authorized by  
33           section three of this article that are restricted from sale in the  
34           open market.

35           (c) A commercial or agricultural enterprise established  
36           under this chapter is a private enterprise subject to federal  
37           and state laws governing the operation of similar enterprises.

38           (d) The earnings of a resident participating in a PIE  
39           certification program under this article shall be deposited in  
40           the Resident Trust Account with the Division of Juvenile  
41           Services. The earnings shall be paid to the resident after  
42           withholding of state, federal and local taxes, and after other  
43           deductions provided for in this chapter. The expenses of  
44           room and board, as fixed by the director and the budget  
45           agency for facilities operated by the director or, if the

46 resident is housed in a facility not operated by the director,  
47 the amount paid by the Division of Juvenile Services to the  
48 operator of the facility or other appropriate authority for  
49 room and board, and other incidentals as established by  
50 agreement between the Division of Juvenile Services and the  
51 appropriate authority, shall be deducted: *Provided*, That the  
52 director shall adopt policies and procedures for the  
53 additional deduction from a resident's earnings of not less  
54 than five percent nor more than twenty percent, to be paid  
55 into the Crime Victims Compensation Fund created by  
56 article two-a, chapter fourteen of this code. Total  
57 deductions shall not exceed eighty percent of the resident's  
58 gross earnings. Earnings deposited by the director, with  
59 accrued interest, shall be paid to the resident no later than at  
60 the resident's discharge or release on parole.

61 When special circumstances warrant, or for just cause,  
62 the director may waive room and board charges by a facility  
63 operated by the Division of Juvenile Services or, if the  
64 resident is housed in a facility not operated by the Division  
65 of Juvenile Services, authorize payment of room and board  
66 charges from other available funds.

67 (e) Spousal support or child support shall be deducted  
68 from a resident's earnings as directed by the resident or by  
69 court order. If the resident's dependents are receiving  
70 Temporary Assistance for Needy Families (TANF), the  
71 disbursements shall be made to the Bureau for Child  
72 Support Enforcement or any other state's public assistance  
73 agency.

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## CHAPTER 183

**(Com. Sub. for H. B. 3163 - By Delegate Perry)  
[By Request of the Insurance Commissioner]**

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[Passed March 12, 2011; in effect from passage.]  
[Approved by the Governor on April 5, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-2-21a, relating to establishing a program to provide workers' compensation coverage of state government entities and their employees; defining participants and exceptions thereto; designating the insurance commissioner to manage workers' compensation risks of state entities; creating a purchasing exemption for the program; authorizing commissioner to assess fees, surcharges and premiums; creating fund in state treasury; authorizing investment of funds; permitting the Insurance Commissioner to borrow funds from the Insurance Commissioner fund for the initial operation of the program; authorizing insurance commissioner to propose legislative rules and to adopt emergency rules; requiring reports to the Joint Committee on Government and Finance on the status of the program; and requiring consultation by the Insurance Commissioner with the State Board of Risk and Insurance Management.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §33-2-21a, to read as follows:

**ARTICLE 2. INSURANCE COMMISSIONER.****§33-2-21a. State agency workers' compensation programs.**

1           (a) The intent of this section is to provide a means of  
2     managing workers' compensation coverage for persons  
3     directly employed by the State of West Virginia. For the  
4     purposes of this section:

5           (1) "Discretionary participant" means the Parkways  
6     Authority, offices of the State Auditor, the State Treasurer,  
7     the Secretary of State, the Attorney General, the Department  
8     of Agriculture, the State Senate and House of Delegates or  
9     their related entities, the Supreme Court of Appeals, the  
10    State Police and any other spending unit of the state that is  
11    required by section twelve, article two, chapter eleven-b of  
12    this code to provide a detailed expenditure schedule to the  
13    Secretary of Revenue in his or her capacity as Director of  
14    the Budget: *Provided*, That the term "discretionary  
15    participant" does not include any executive state entity other  
16    than the State Police and the Parkways Authority, any  
17    county board of education, any other county entity or its  
18    instrumentality or any municipality or its instrumentality.

19           (2) "Executive state entity" means the Governor's Office  
20    and its affiliated entities, Bureau of Senior Services, or any  
21    state department, division, fund, office, position, system,  
22    survey or other entity of state government, however  
23    designated, transferred to and incorporated in one of the  
24    executive departments created in section two, article one,  
25    chapter five-f of this code, except the State Police, and that  
26    is required by section twelve, article two, chapter eleven-b  
27    of this code to provide a detailed expenditure schedule to the  
28    Secretary of Revenue in his or her capacity as Director of  
29    the Budget.

30           (b) Notwithstanding any provision of this code to the  
31    contrary, the commissioner has sole responsibility for

32 managing the workers' compensation risks of all executive  
33 state entities and for supervising and controlling the  
34 workers' compensation programs for such entities:  
35 *Provided*, That any discretionary participant may participate  
36 in the program upon application to the commissioner under  
37 the same terms and conditions as are applicable to executive  
38 state entities: *Provided however*, That a discretionary  
39 participant is, in accordance with rules governing the  
40 program, permitted to withdraw from continued  
41 participation in the program.

42 (c) The commissioner may assess such fees or  
43 surcharges on participants in the program necessary to  
44 manage the workers' compensation risks of those  
45 participants. All premiums, fees and surcharges shall be  
46 established in accordance with generally acceptable actuarial  
47 standards applicable to workers compensation coverage as  
48 to each participant and as to all participants in the aggregate.  
49 The commissioner shall establish criteria for assessments of  
50 premiums, fees and surcharges designed to provide the most  
51 cost efficient coverage for all participants.

52 (d) The provisions of article three, chapter five-a of this  
53 code relating to the Purchasing Division of the Department  
54 of Administration do not apply to any contract entered into  
55 by the commissioner in furtherance of the requirements of  
56 this section: *Provided*, That those contracts shall be awarded  
57 on a competitive basis.

58 (e) (1) There is hereby established the "State Entities  
59 Workers' Compensation Program Fund." All premiums,  
60 surcharges, assessments, deposits or any other moneys or  
61 funds deposited or otherwise designated or accruing to the  
62 fund as well as all earnings payable to it, shall be deposited  
63 in the State Treasury to the credit of the fund. Expenditures  
64 from the fund shall be for the purposes set forth in this  
65 section, are authorized from collections, and shall not revert  
66 to the General Fund. The fund shall be a separate and

67 distinct fund upon the books and records of the Auditor and  
68 Treasurer, and disbursements therefrom shall be made upon  
69 requisitions signed by the Insurance Commissioner.

70 (2) Any premiums, assessments or deposits or any other  
71 moneys or funds received for the purposes of this section  
72 shall be invested by the State Treasurer at the request of the  
73 commissioner.

74 (3) The Insurance Commissioner may borrow funds as  
75 is determined necessary from the Insurance Commission  
76 Fund, created in section thirteen-b, article three, chapter  
77 thirty-three of this code, for the initial operations of the  
78 workers' compensation program for state entities: *Provided,*  
79 That any borrowed funds shall be deposited to the credit of  
80 the State Entities Workers' Compensation Program Fund:  
81 *Provided, however,* That these borrowed funds shall be  
82 repaid, without interest, and redeposited to the credit of the  
83 Insurance Commission Fund as determined by the Insurance  
84 Commissioner.

85 (f) The commissioner may promulgate emergency rules  
86 and shall propose for legislative approval legislative rules,  
87 in accordance with the provisions of article three, chapter  
88 twenty-nine-a of this code, as are necessary to provide for  
89 implementation and enforcement of the provisions of this  
90 section.

91 (g) The commissioner shall submit reports on the status  
92 and progress of the program established in this section to the  
93 Joint Committee on Government and Finance monthly and  
94 upon request, together with any other specific information  
95 on the program requested by the committee.

96 (h) The commissioner shall consult with the State Board  
97 of Risk and Insurance Management to solicit any applicable  
98 experience and expertise in establishing and managing a  
99 program to provide insurance coverage to state agencies.

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## CHAPTER 184

(Com. Sub. for H. B. 2520 - By Delegates  
Perry, Boggs and Ellem)

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[Passed March 12, 2011; in effect from passage.]  
[Approved by the Governor on April 5, 2011.]

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AN ACT to amend and reenact §25-4-6 of the Code of West Virginia, 1931, as amended, relating to assignment of youthful offenders to correctional facilities; specifying circuit court jurisdiction; modifying age criteria for eligibility for commitment to youthful offender center; and providing maximum age for center commitment.

*Be it enacted by the Legislature of West Virginia:*

That §25-4-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 4. CENTERS FOR HOUSING YOUNG ADULT OFFENDERS.**

#### **§25-4-6. Assignment of offenders to center; period of center confinement; return to court; sentence or probation; revocation of probation.**

1       The circuit court may suspend the imposition of  
2       sentence of any young adult, as defined in this section,  
3       convicted of or pleading guilty to a felony offense, other  
4       than an offense punishable by life imprisonment, including,  
5       but not limited to, felony violations of the provisions of  
6       chapter seventeen-c of this code, who had attained his or her



7 eighteenth birthday but had not reached his or her twenty-  
8 fourth birthday at the time the offense was committed for  
9 which the offender is being sentenced and commit the young  
10 adult to the custody of the West Virginia Commissioner of  
11 Corrections to be assigned to a center: *Provided*, That no  
12 person over the age of twenty-five may be committed  
13 pursuant to this section. Young adult offenders who have  
14 previously been committed to a young adult offender center  
15 are not eligible for commitment to this program. The period  
16 of confinement in the center shall be for a period of not less  
17 than six months but not more than two years to successfully  
18 complete the program requirements set by the warden. The  
19 court shall order a presentence investigation to be conducted  
20 and provide the warden with a copy of the presentence  
21 investigation report, along with the commitment order.

22 If, in the opinion of the warden, the young adult  
23 offender is an unfit person to remain in the center, the  
24 offender shall be returned to the committing court to be  
25 dealt with further according to law. The offender is entitled  
26 to a hearing before the committing court to review the  
27 warden's determination. The standard for review is whether  
28 the warden, considering the offender's overall record at the  
29 center and the offender's compliance with the center's rules,  
30 policies, procedures, programs and services, abused his or  
31 her discretion in determining that the offender is an unfit  
32 person to remain in the center. At the hearing before the  
33 committing court, the state need not offer independent proof  
34 of the offender's disciplinary infractions contained in the  
35 record of the center when opportunity for an administrative  
36 hearing on those infractions was previously made available  
37 at the institution. If the court upholds the warden's  
38 determination, the court may sentence the offender for the  
39 crime for which the offender was convicted. In his or her  
40 discretion, the judge may allow the defendant credit on the  
41 sentence for time the offender spent in the center.

42 A young adult offender shall be returned to the  
43 jurisdiction of the court which originally committed the

44 offender when, in the opinion of the warden, the young adult  
45 offender has satisfactorily completed the center training  
46 program. The offender is then eligible for probation for the  
47 offense the offender was convicted of or plead guilty to and  
48 the judge of the court shall immediately place the offender  
49 on probation. If the court finds there is reasonable cause to  
50 believe that the offender has engaged in new criminal  
51 conduct between his or her release from the center and the  
52 sentencing hearing for the crime for which the offender was  
53 ordered to the center, the judge may sentence the offender  
54 for the crime for which the offender was first convicted,  
55 with credit for the time spent at the center. In the event the  
56 offender's probation is subsequently revoked, the judge  
57 shall impose the sentence the young adult offender would  
58 have originally received had the offender not been  
59 committed to the center and subsequently placed on  
60 probation. The court shall, however, give the offender  
61 credit on his or her sentence for the time spent in the center.



## CHAPTER 185

**(Com. Sub. for H. B. 2532 - By Delegates Staggers,  
L. Phillips, Hall, Martin, Perry, Moore,  
Morgan, Mahan, Moye, Pino and Williams)**

[Passed March 12, 2011; in effect ninety days from passage.]  
[Approved by the Governor on April 1, 2011.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-15-1, §21-15-2, §21-15-3, §21-15-4, §21-15-5, §21-15-6, §21-15-7, §21-15-8, §21-15-9, §21-15-10, §21-15-11, §21-15-12, §21-15-13 and §21-15-14, all relating to zipline and canopy tour regulation; establishing legislative purpose; defining terms; setting forth

duties of zipline and canopy tour operators; requiring liability insurance; establishing responsibilities of participants; defining liability of zipline and canopy tour operators; authorizing the Division of Labor to regulate ziplines and canopy tours; authorizing the Division of Labor to propose rules for Legislative approval; requiring permits and inspections; authorizing the Division of Labor to charge inspection and permit fees; authorizing the Division of Labor to hire or contract with inspectors; authorizing the Division of Labor to certify professional inspectors; requiring notice of serious physical injury or fatality; requiring investigations of serious physical injuries or fatalities; providing for service of process; authorizing the temporary cessation of operations; providing for insurance or bond requirements; and providing for regulation of ziplines and canopy tours by cities and counties.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §21-15-1, §21-15-2, §21-15-3, §21-15-4, §21-15-5, §21-15-6, §21-15-7, §21-15-8, §21-15-9, §21-15-10, §21-15-11, §21-15-12, §21-15-13 and §21-15-14 to read as follows:

## **ARTICLE 15. ZIPLINE AND CANOPY TOUR RESPONSIBILITY ACT.**

### **§21-15-1. Legislative purpose.**

1           The Legislature finds that:

2           (1) The sport of ziplining and canopy touring is  
3           practiced by a large number of citizens of West Virginia and  
4           also attracts to West Virginia a large number of  
5           nonresidents, significantly contributing to the economy of  
6           West Virginia; and

7           (2) There are inherent risks in the sport of ziplining and  
8 canopy touring which should be understood by each  
9 participant and which are essentially impossible to eliminate  
10 by the zipline or canopy tour operator.

**§21-15-2. Definitions.**

1           As used in this article:

2           (1) “ACCT” means the Association for Challenge  
3 Course Technology;

4           (2) “Canopy tours” means a facility not located in an  
5 amusement park or carnival which is a supervised or guided  
6 educational or recreational activity including, but not limited  
7 to, beams, bridges, cable traverses, climbing walls, nets,  
8 platforms, ropes, swings, towers and ziplines, which may be  
9 installed on or in trees, poles, portable structures or  
10 buildings, or be part of self-supporting structures.

11           (3) “Challenge course standards” means the Challenge  
12 Course Standards: Association for Challenge Course  
13 Technology, Seventh Edition (2008), or substantially  
14 equivalent standards.

15           (4) “Division” means the West Virginia Division of  
16 Labor.

17           (5) “Employee” means an officer, agent, employee,  
18 servant, or volunteer, whether compensated or not, whether  
19 full time or not, who is authorized to act and is acting within  
20 the scope of his or her employment or duties with the zipline  
21 operator.

22           (6) “Operator” means any person, partnership,  
23 corporation or other commercial entity and their agents,  
24 officers, employees or representatives, who has operational  
25 responsibility for any zipline or canopy tour.

26           (7) “Participant” means any person who engages in  
27 activities on a zipline or canopy tour individually or in a  
28 group activity supervised by a zipline or canopy tour  
29 operator.

30           (8) “Special inspector” means a professional inspector  
31 who meets the qualifications set forth in ACCT or  
32 substantially equivalent standards and is certified by the  
33 division pursuant to section eight;

34           (9) “Zipline” means a commercial recreational activity  
35 where participants, by the use of a permanent cable or rope  
36 line suspended between support structures, enables a  
37 participant attached to a pulley to traverse from one point to  
38 another, for the purpose of giving the participants  
39 amusement, pleasure, thrills or excitement.

### **§21-15-3. Duties of a zipline or canopy tour operators.**

1           Every operator shall:

2           (1) Construct, install, maintain and operate all ziplines  
3 and canopy tours in accordance with ACCT challenge  
4 course standards or substantially equivalent standards;

5           (2) Ensure that ziplines and canopy tours are inspected  
6 at least annually by the Division or a special inspector;

7           (3) Train employees operating ziplines and canopy tours  
8 in accordance with national standards associated with their  
9 profession;

10           (4) Procure and maintain commercial general liability  
11 insurance against claims for personal injury, death and  
12 property damages occurring upon, in or about the zipline or  
13 canopy tour which affords protection to the limit of not less  
14 than \$1 million for injury or death of a single person, to the

15 limit of \$2 million in the aggregate, and to the limit of not  
16 less than \$50,000 for property damage; and

17 (5) Maintain records for a period of at least three years  
18 from the date of the creation of the record of:

19 (A) Proof of insurance;

20 (B) Inspection reports;

21 (C) Maintenance records; and

22 (D) Participant acknowledgment of risks and duties.

**§21-15-4. Responsibilities of participants; prohibited acts.**

1 (a) It is the duty of each participant to participate as  
2 instructed by the operator.

3 (b) Participants have a duty to act as would a reasonably  
4 prudent person when engaging in the sport of ziplining or  
5 canopy touring offered by a operator.

6 (c) No participant may:

7 (1) Use a zipline or canopy tour without the authority,  
8 supervision and guidance of the zipline operator;

9 (2) Drop, throw or expel any object from a zipline or  
10 canopy tour except as authorized by the operator;

11 (3) Perform any act which interferes with the running or  
12 operation of a zipline or canopy tour; or

13 (4) Engage in any harmful conduct, or willfully or  
14 negligently engage in any type of conduct which contributes  
15 to cause injury to any person.

**§21-15-5. Liability of zipline operators.**

1           (a) A zipline operator shall be liable for injury, loss or  
2 damage caused by failure to follow the duties and standard  
3 of care set forth in section three of this article where the  
4 violation of duty is causally related to the injury, loss or  
5 damage suffered.

6           (b) A zipline operator is not liable for any injury, loss or  
7 damage caused by the negligence of any person who is not  
8 an agent or employee of the operator.

**§21-15-6. Rules.**

1           The division shall promulgate rules for the safe  
2 installation, repair, maintenance, use, operation and  
3 inspection of all ziplines and canopy tours consistent with  
4 ACCT Challenge Course Standards. The rules shall be in  
5 addition to any existing applicable safety orders and shall be  
6 concerned with the installation, repair, maintenance, use,  
7 operation and inspection of ziplines and canopy tours  
8 consistent with ACCT Challenge Course Standards. The  
9 rules shall be promulgated and designed for the purpose of  
10 developing ziplines and canopy tours as a recreational  
11 activity and additional tourist attraction in West Virginia.  
12 All rules shall be promulgated in accordance with the  
13 provisions of article three, chapter twenty-nine-a of this  
14 code.

**§21-15-7. Inspection and permit fees.**

1           (a) The division shall charge inspection and permit fees.  
2 The annual permit fee is \$100.00 for each zipline or canopy  
3 tour.

4           (1) The annual inspection fee, if an inspection is to be  
5 done by the division, is \$100.00 for each zipline or canopy  
6 tour.

7           (2) The annual inspection fee, if an inspection is to be  
8           done by the division, is due at the time of application for the  
9           annual permit.

10           (3) The division shall waive the inspection fee for a  
11           zipline or canopy tour whose operator provides proof of  
12           nonprofit business status or for any zipline or canopy tour  
13           whose operator provides proof that an inspection has been  
14           completed within the last year by a certified special  
15           inspector as provided in section nine of this article.

16           (b) The division may charge additional inspection fees  
17           equal to the annual inspection fee for additional inspections  
18           required as the result of the condemnation of a device for  
19           safety standards violations and for inspections required as a  
20           result of accidents involving serious or fatal injury. If any  
21           operator requires an inspection as the result of a violation of  
22           the permitting requirements of section nine of this article, the  
23           Division shall charge the operator \$75.00 per hour in addition  
24           to the established inspection fee, including travel time.

25           (c) All fees received shall be deposited in a special  
26           revenue account in the State Treasury known as the  
27           “Amusement Rides and Amusement Attractions Safety  
28           Fund”. The division may use moneys from the fund for the  
29           purpose of enforcement of the provisions of this article.  
30           Expenditures are not authorized from collections, but are to  
31           be made only in accordance with appropriation by the  
32           Legislature and in accordance with the provisions of article  
33           three, chapter twelve of this code and upon fulfillment of the  
34           provisions of article two, chapter eleven-b of this code.

35           (d) No inspection fee may be charged public agencies.

#### **§21-15-8. Inspectors.**

1           (a) The division may hire or contract with inspectors to  
2           inspect zipline or canopy tours. The division is responsible



3 for oversight and review of the activities of special  
4 inspectors and may hire or contract with inspectors to  
5 review the activities of special inspectors.

6 (b) The division shall certify all special inspectors. The  
7 division may suspend or revoke any certification of a special  
8 inspector upon a showing of good cause. The division shall  
9 propose rules for legislative approval in accordance with the  
10 provisions of article three, chapter twenty-nine-a of this  
11 code providing an application process and minimum  
12 qualifications for certification of special inspectors. The  
13 division may charge an annual certification fee not to exceed  
14 \$50.00.

**§21-15-9. Permits; application; annual inspection.**

1 (a) No operator may knowingly permit the operation of  
2 a zipline or canopy tour without a permit issued by the  
3 division.

4 (b) Each year and at least fifteen days before the first  
5 time the zipline or canopy tour is made available in this state  
6 for public use, an operator shall apply for a permit to the  
7 division on a form furnished by the division and containing  
8 any information the division may require.

9 (c) The division shall, upon application and within ten  
10 days of the first time the zipline or canopy tour is made  
11 available in this state for public use, inspect the zipline or  
12 canopy tour.

13 (d) The division shall inspect all zipline or canopy tours  
14 at least once every year.

15 (e) The division may conduct inspections at any  
16 reasonable time without prior notice: *Provided*, That in lieu  
17 of performing its own inspection, the division shall accept  
18 inspection reports from special inspectors certified by the  
19 division.

**§21-15-10. Issuance of permit; certificate of inspection; availability to public.**

1           If, after inspection, a zipline or canopy tour, is found to  
2           comply with the rules of the division, the division shall issue  
3           a permit to operate. The permit shall be in the form of a  
4           certificate of inspection and shall be kept in the records of  
5           any operator for a three-year period and shall be readily  
6           accessible to the public for inspection at any reasonable time  
7           at the zipline location. A copy of the certificate, showing  
8           the last date of inspection, shall be affixed to the zipline  
9           upon issuance, or at any other location designated by the  
10          commissioner of the division.

**§21-15-11. Notice of serious physical injury or fatality; investigations; records available to public.**

1           An operator of a zipline or canopy tour shall notify the  
2           division not later than twenty-four hours after any fatality or  
3           accident occurring as a result of the operation of the zipline  
4           or canopy tour that results in a serious physical injury to any  
5           person requiring medical treatment or results in a loss of  
6           consciousness to any person. Notice to the division may be  
7           oral, written or by electronic means, but this notice  
8           requirement in no way limits the an operators responsibility  
9           to notify emergency or law enforcement personnel of the  
10          incident as soon as is reasonably practicable. The division  
11          shall investigate each fatality or accident and any  
12          safety-related complaint involving a zipline or canopy tour  
13          in this state about which the division receives notice. Every  
14          operator of a zipline or canopy tour shall keep a record of  
15          each accident or fatality and the record shall be kept with the  
16          certificate of inspection required by this article and shall be  
17          readily accessible to the public for inspection at any  
18          reasonable time at the place where the zipline or canopy tour  
19          is located.

**§21-15-12. Service of process.**

1 Any person, firm or corporation operating a zipline may  
2 be served with civil process in the same manner as if the  
3 owner or operator was a domestic or foreign corporation.

**§21-15-13. Temporary cessation of the operation of a zipline or canopy tour determined to be unsafe.**

1 The division may order, in writing, a temporary  
2 cessation of operation of a zipline if it has been determined  
3 after inspection to be hazardous or unsafe. Operation may  
4 not resume until the conditions are corrected to the  
5 satisfaction of the division.

**§21-15-14. Regulation of ziplines by cities and counties.**

1 Nothing contained in this article prevents cities and  
2 counties from regulating a zipline or canopy tour with  
3 regard to any aspect not relating to installation, repair,  
4 maintenance, use, operation and inspection of a zipline or  
5 canopy tour.

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**CHAPTER 186****(Com. Sub. for H. B. 2696 - By Delegate Barker)**

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[Passed February 17, 2011; in effect from passage.]

[Approved by the Governor on March 2, 2011.]

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AN ACT authorizing the county commission of Boone County to transfer its title and interests in the Boone Memorial Hospital, also known as the Boone County Memorial Hospital, to the Boone Memorial Hospital, Incorporated, a West Virginia

private, nonprofit corporation for the continued public use of providing needed health care in a cost-effective manner.

*Be it enacted by the Legislature of West Virginia:*

## **BOONE COUNTY COMMISSION.**

### **§1. Boone County Commission authorized to transfer its title and interests in the Boone Memorial Hospital.**

1           (a) The Boone County Commission holds title to the  
2 assets of the Boone County public hospital doing business  
3 as the Boone Memorial Hospital, also known as the Boone  
4 County Memorial Hospital, pursuant to section fourteen,  
5 article three, chapter seven of the code of West Virginia.

6           (b) The Boone Memorial Hospital, Incorporated, is a  
7 private, nonprofit corporation formed by the board of  
8 trustees of Boone Memorial Hospital.

9           (c) The Boone County Commission may transfer its title  
10 to Boone County Memorial Hospital to the private,  
11 nonprofit corporation, the Boone Memorial Hospital,  
12 Incorporated, so that the hospital may continue to provide  
13 medical care and emergency medical services to the  
14 hospital's service area in a cost-effective and efficient  
15 manner and to more fully serve the health care needs of the  
16 county.

17           (d) Notwithstanding the provisions of section three,  
18 article three, chapter seven of said code, the disposition of  
19 the assets of Boone Memorial Hospital by public auction  
20 would be impractical, potentially adverse to the interests of  
21 the hospital's service area and the objectives of the county  
22 might not be accomplished by the sale at public auction.

23           (e) The Boone County Commission is hereby authorized  
24 to transfer to the private, nonprofit corporation, the Boone  
25 Memorial Hospital, Incorporated, all of its right, title and

26 interest to all of the assets of Boone Memorial Hospital,  
27 both tangible and intangible, real, personal and mixed,  
28 wheresoever located, that are necessary to operate the  
29 hospital, for a fair and adequate consideration, either  
30 monetary or non-monetary, that may include public benefits  
31 that may accrue, without considering, by itself alone, the fair  
32 market value of the property, those certain parcels or tracts  
33 of land and buildings, situate in the city of Madison, Boone  
34 County, West Virginia, conveyed unto the County  
35 Commission of Boone County, also known as the County  
36 Court of Boone County, by deed dated January 26, 1963,  
37 from Tracy S. McNeely and Wilma McNeely, recorded in  
38 Deed Book 104 at page 471 (designated Tax Map 15 Parcel  
39 57); by deed dated May 4, 1965, from Tracy S. McNeely  
40 and Wilma McNeely, recorded in Deed Book 110 at page  
41 265 (designated Tax Map 15 Parcel 78); by deed dated  
42 September 10, 1966, from Arthur R. Robertson and Myrtle  
43 Robertson, recorded in Deed Book 114 at page 129  
44 (designated Tax Map 15 Parcel 60); by deed dated January  
45 24, 2000, from Wilma McNeely widow, Barbara Ann  
46 McNeely Gregory and Arlen Wayne Gregory, Linda Kay  
47 McNeely Holstein and Jack G. Holstein, and Jerry Ken  
48 Mullins, recorded in Deed Book 227 at page 73 (designated  
49 Tax Map 15 Parcel 62); and by deed dated May 16, 2005,  
50 from the Boone Medical Clinic, Incorporated, recorded in  
51 Deed Book 247 at page 410 (designated Tax Map 15 parcel  
52 35).

53 (f) The deed of conveyance from the Boone County  
54 Commission to the private, nonprofit corporation, the Boone  
55 Memorial Hospital, Incorporated, shall contain a provision  
56 that the ownership shall revert to the Boone County  
57 Commission should the property cease to be used as a  
58 hospital for a period of twelve months: *Provided*, That this  
59 reversionary interest may be modified at any time to the  
60 extent necessary to allow for future financing of a new  
61 hospital in Boone County.

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## CHAPTER 187

**(Com. Sub. for H. B. 3004 - By Delegates  
Morgan, Reynolds, Craig, Sobonya,  
C. Miller, Perdue and Stephens)**

[Passed March 11, 2011; in effect from passage.]  
[Approved by the Governor on April 5, 2011.]

AN ACT to repeal sections 2a, 11, 12 and 13 of chapter 26 of the Acts of the Legislature, regular session, 1925 (municipal charters), section 12 of which was amended by chapter 132, Acts of the Legislature, regular session, 1972; to repeal section 6a of chapter 194, Acts of the Legislature, regular session, 1983, as amended by chapter 110 of the Acts of the Legislature, regular session, 2003; and to amend and reenact sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of chapter 26 of the Acts of the Legislature, regular session, 1925 (municipal charters), section 10 of which was amended by chapter 122 of the Acts of the Legislature, regular session, 1933, sections 1, 5, 6 and 9 of which were amended by chapter 194, Acts of the Legislature, regular session, 1983, section 8 of which was amended by chapter 175, Acts of the Legislature, regular session, 1991, sections 2, 3, and 4 of which were amended by chapter 110, Acts of the Legislature, regular session, 2003, and section 7 of which was amended by chapter 131, Acts of the Legislature, regular session, 2005, all relating to the Greater Huntington Park and Recreation District; requiring a public hearing when the comprehensive plan is updated; requiring that persons employed as park rangers meet certain law-enforcement qualifications; and making technical corrections.

*Be it enacted by the Legislature of West Virginia:*

That sections 2a, 11, 12 and 13 of chapter 26 of the Acts of the Legislature, regular session, 1925 (municipal charters), section 12 of which was amended by chapter 132, Acts of the Legislature, regular session, 1972, be repealed; that section 6a of chapter 194, Acts of the Legislature, regular session, 1983, as amended by chapter 110 of the Acts of the Legislature, regular session, 2003, be repealed; that sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of chapter 26 of the Acts of the Legislature, regular session, 1925 (municipal charters), section 10 of which was amended by chapter 122 of the Acts of the Legislature, regular session, 1933, sections 1, 5, 6 and 9 of which were amended by chapter 194, Acts of the Legislature, regular session, 1983, section 8 of which was amended by chapter 175, Acts of the Legislature, regular session, 1991, sections 2, 3, and 4 of which were amended by chapter 110, Acts of the Legislature, regular session, 2003, and section 7 of which was amended by chapter 131, Acts of the Legislature, regular session, 2005, be amended and reenacted, all to read as follows:

## **GREATER HUNTINGTON PARK AND RECREATION DISTRICT**

### **§1. Definitions.**

1           The following terms have the following meanings:

2           (a) “Commissioners” or “Park Board” means the  
3 members of the Greater Huntington Park and Recreation  
4 District Board as set forth in section two of this act.

5           (b) “Control” means the right and authority to manage,  
6 direct, order and otherwise exercise dominion over.

7           (c) “Greater Huntington Park and Recreation District” or  
8 “Park District” means the geographical area within the  
9 boundaries of the county of Cabell and Westmoreland tax

10 district in the county of Wayne established on the effective  
11 date of the initial enactment of this act.

12 (d) "Park system" means any and all indoor and outdoor  
13 park, recreation, and conservation areas and facilities which  
14 are or in the future may be owned, operated or leased in the  
15 Park District. The areas and facilities may include, by way  
16 of illustration and not as a limitation: Regional, community,  
17 and neighborhood parks and playgrounds; athletic facilities  
18 and play fields such as sports centers, stadiums, arenas,  
19 gymnasiums and physical fitness centers; aquatic facilities  
20 such as swimming pools, lakes, ponds, water parks, water  
21 amusements, beaches, waterfronts, boat docks, boat houses,  
22 and boat launching ramps, court areas for net games such as  
23 basketball, volleyball, badminton, tennis, handball,  
24 racquetball, squash and platform tennis; picnic facilities  
25 such as groves, shelters and lodges; golf courses, skating  
26 rinks; stables and riding paths; gardens, botanic gardens,  
27 arboretums, nature centers, zoos, aviaries and environmental  
28 interpretive centers; museums, historic landmarks and  
29 historic districts; snack bars, restaurants, lounges and gift  
30 shops, camps and overnight lodges; theaters; performing arts  
31 and crafts centers; recreation centers; mechanical and  
32 electronic games centers; dance halls, amusements;  
33 parkways and boulevards; and cemeteries, and other public  
34 parks and recreational areas and facilities.

35 (e) "Public office" means any elective office, whether  
36 federal, state or municipal, where the office holder is elected  
37 by the public at large and is obligated to perform duties as  
38 an office holder.

§2. **Greater Huntington Park and Recreation District;  
composition; terms of office; political affiliation;  
compensation; expenses; prohibition against  
commissioners holding other elected offices or being  
personally interested in contracts or property  
controlled by board.**



1           (a) The purpose of the Greater Huntington Park and  
2 Recreation District Board is to establish, own, develop and  
3 operate a park system for the benefit, health, safety, welfare,  
4 pleasure and relaxation of the inhabitants of the Greater  
5 Huntington Park and Recreation District.

6           (b) The Park Board shall consist of eleven  
7 commissioners, ten of whom shall be elected from Cabell  
8 County, but no more than two of whom shall be elected  
9 from any one magisterial district, and one of whom shall be  
10 elected from Westmoreland magisterial district in the county  
11 of Wayne. The commissioners shall be elected pursuant to  
12 subdivision (1) of this subsection.

13           (1) Commissioners of the Park District shall be  
14 nominated and elected in the general election for state  
15 officers on the first Tuesday after the first Monday in  
16 November and in the manner prescribed by law for the  
17 nomination and election of district officers, except as  
18 provided in this section.

19           (A) At the general election in the year 1984, there shall  
20 be elected six commissioners. One commissioner shall be  
21 elected from the Westmoreland Magisterial District in the  
22 County of Wayne. Five commissioners shall be elected from  
23 the County of Cabell. In Westmoreland District of Wayne  
24 County, the person receiving the highest number of votes  
25 shall be elected for a term of six years. In Cabell County, the  
26 three persons receiving the highest number of votes shall be  
27 elected for a term of six years, the person receiving the next  
28 highest number of votes shall be elected for a term of four  
29 years, and the remaining elected commissioner shall be  
30 elected for a term of two years.

31           (B) Beginning at the general election in the year 1986  
32 and every sixth year thereafter, there shall be elected three  
33 commissioners who shall be elected for a term of six years.

34 (C) Beginning at the general election in the year 1988  
35 and every sixth year thereafter, there shall be elected three  
36 commissioners who shall be elected for a term of six years.

37 (D) Beginning at the general election in the year 1990  
38 and every sixth year thereafter, there shall be elected four  
39 commissioners who shall be elected for a term of six years.

40 (E) Beginning at the general election in the year, 2004,  
41 and every sixth year thereafter, there shall be elected four  
42 commissioners from the county of Cabell who shall be  
43 elected for a term of six years.

44 (F) Beginning at the general election in the year, 2006,  
45 and every sixth year thereafter, there shall be elected three  
46 commissioners from the county of Cabell who shall be  
47 elected for a term of six years.

48 (G) Beginning at the general election in the year, 2008,  
49 and every sixth year thereafter, there shall be elected four  
50 commissioners who shall be elected for a term of six years.  
51 One commissioner shall be elected from the Westmoreland  
52 magisterial district in the county of Wayne. Three  
53 commissioners shall be elected from the county of Cabell.

54 (2) The commissioners in office upon the effective date  
55 of this act under the authority of the acts hereby amended  
56 and reenacted, shall continue in office for the term for which  
57 they were elected.

58 (c) No elected commissioner shall hold any other  
59 elected or appointed public office.

60 (d) Commissioners shall receive no compensation for  
61 their services as commissioners, but they shall be entitled to  
62 reimbursement for all reasonable and necessary expenses  
63 actually incurred in the performance of their duties as  
64 commissioners.

65           (e) Commissioners may not have any personal financial  
 66 interest, directly or indirectly, in any contract entered into by  
 67 the Park District, or hold any remunerative position in  
 68 connection with the establishment, construction,  
 69 improvement, extension, development, maintenance or  
 70 operation of any of the property under their control as  
 71 commissioners.

**§3. Vacancies in office of park commissioners.**

1           Any vacancy which may occur in the office of an  
 2 elected commissioner, by death, resignation, refusal to  
 3 serve, or otherwise, shall be filled by the Park Board at its  
 4 first regular meeting within sixty days after the vacancy, by  
 5 appointment of a qualified person, and the person appointed  
 6 shall hold office until the next election for commissioners,  
 7 when a person shall be elected for the remainder of the  
 8 unexpired term of commissioner.

**§4. Oath of commissioners; election of officers; election of other officers; duties of officers; bond required of secretary and treasurer; secretary pro tempore.**

1           (a) After appointment or election, and before entering  
 2 upon his or her duties as commissioner, each new  
 3 commissioner shall take the following oath as administered  
 4 by the county clerk of Cabell or Wayne County as  
 5 appropriate and convenient:

6           "I ..... do solemnly swear that I will  
 7 faithfully perform the duties as a member of the Greater  
 8 Huntington Park and Recreation District Board during the  
 9 term for which I was elected, to the best of my ability  
 10 according to law."

11           (b) At the Park Board's first meeting and every year  
 12 thereafter, it shall elect one of its members as president, and

13 another member as vice-president. The Park Board shall  
14 elect a secretary who need not be a member of the Park  
15 Board, as well as elect a member of the Park Board who  
16 shall serve as treasurer. The Park Board shall have the  
17 power to appoint from among its members such other  
18 officers as it considers necessary and to delegate duties and  
19 authority to the officers consistent with the purposes of this  
20 act. Any officer may be removed from office, upon adequate  
21 notice and hearing, although not relieved of his or her duties  
22 as a commissioner, by a vote of the majority of  
23 commissioners present and voting.

24 (c) The officers of the Park Board shall have the  
25 following specified duties and any duty which is reasonably  
26 inferred therefrom and which is consistent with carrying out  
27 the purposes of this act.

28 (1) The President shall perform the duties that ordinarily  
29 devolve upon the presiding officer of a deliberative body,  
30 and shall have one vote upon each question, as every other  
31 commissioner, and shall:

32 (A) Act as chief administrative officer and legal  
33 representative of the Park Board;

34 (B) Represent and speak for the Park Board to other  
35 organizations and to the public;

36 (C) Appoint committees and delegate duties; and

37 (D) Sign letters or documents necessary to carry out the  
38 will of the Park Board.

39 (2) The Vice-President shall assume the duties of the  
40 President in case of the absence or incapacity of the  
41 President and shall become President on the death,

42 resignation or permanent incapacity of the President as  
43 determined by the Park Board.

44 (3) The Secretary shall be the chief recording and  
45 corresponding officer and the custodian of the records of the  
46 Park Board, and shall:

47 (A) Take notes of the proceedings of the meetings;

48 (B) Prepare and certify the correctness of the minutes  
49 and enter them in the official minute book;

50 (C) Read or circulate the minutes to the commissioners  
51 for correction and approval;

52 (D) Enter any corrections approved by the  
53 commissioners in the minute book and initial them;

54 (E) Record and attest by his or her signature the  
55 approved minutes as the official minutes of the Park Board,  
56 with the date of approval;

57 (F) Provide the presiding officer of the assembly with  
58 the exact wording of a pending motion or of one previously  
59 acted on when directed by the presiding officer;

60 (G) Prepare a list of members and call the roll when  
61 directed by the presiding officer;

62 (H) Read all papers, documents or communications as  
63 directed by the presiding officer;

64 (I) Bring to each meeting the minute book or its  
65 electronic equivalent, a copy of ordinances, rules and  
66 policies, a list of the members, a list of standing and special  
67 committees, and a copy of the parliamentary authority  
68 adopted by the organization;

69 (J) Search the minutes for information requested by  
70 officers or members;

71 (K) Assist the presiding officer before each meeting in  
72 preparing a detailed agenda;

73 (L) Preserve all records, reports and official documents  
74 of the Park Board except those specifically assigned to the  
75 custody of others as well as preserve all papers containing  
76 evidence of title, contracts and obligations;

77 (M) Prepare and send required notices of meetings and  
78 proposals;

79 (N) Provide the chairman of each special committee  
80 with a list of his or her committee members, a copy of the  
81 motion referring the subject to the committee, and  
82 instructions and other documents that may be useful;

83 (O) Provide the chairman of each standing committee  
84 with a copy of all proposals referred to it, instructions, or  
85 material that may be useful;

86 (P) Authenticate official documents by his or her  
87 signature;

88 (Q) Carry on the official correspondence of the Park  
89 Board as directed, except correspondence assigned to other  
90 officers;

91 (R) Make available the minute book or its electronic  
92 equivalent for public inspection as a public record; and

93 (S) Codify and preserve all ordinances enacted by the  
94 Park Board.

95 For this service the secretary, who is not a  
96 commissioner, may receive such compensation as the Park

97 Board may allow. Before entering upon the duties of his or  
98 her office, the secretary shall enter into a bond with one or  
99 more sureties considered sufficient by the Park Board and  
100 approved by the Park Board, conditioned upon the faithful  
101 performance of his or her duties. The bond shall be payable  
102 to the Greater Huntington Park and Recreation District  
103 Board in such sum as the Park Board determines, and shall  
104 be filed with the Park Board for safekeeping. In the  
105 secretary's absence, the Park Board may appoint a secretary  
106 pro tempore.

107 (4) The treasurer shall be responsible for the collection,  
108 safekeeping, investing and expenditure of all funds and  
109 assets of the Park Board, and for keeping an accurate  
110 financial record which shall be available for public  
111 inspection. Before entering upon the duties of his or her  
112 office, the treasurer shall enter into a bond with one or more  
113 sureties considered sufficient by the Park Board, and  
114 approved by the Park Board, conditioned upon the faithful  
115 discharge of his or her duties and the accounting for and  
116 paying over, as may be required, all moneys which may  
117 come into his or her possession by virtue of his or her office.  
118 The bond shall be in such sum as the Park Board may  
119 require, payable to the Greater Huntington Park and  
120 Recreation District Board and filed with the Park Board for  
121 safekeeping.

**§5. Meetings; quorum; parliamentary authority; office.**

1 (a) The commissioners shall select a regular time and  
2 place for meetings of the Park Board which shall be open to  
3 the public. Minutes of commission meetings shall be open  
4 to the public upon request. Six members constitute a  
5 quorum to transact business. Additional or special  
6 meetings, also open to the public, may be called by the  
7 president, or at the request of four members, by the  
8 secretary. The concurrence of six members of the Park

9 Board is required to decide all questions involving the  
10 expenditure of money.

11 (b) All meetings of the Park Board shall be conducted  
12 under the rules of parliamentary procedure as established by  
13 the Sturgis Standard Code of Parliamentary Procedure.

14 (c) The Park Board shall maintain an office in a location  
15 of its choosing which shall be open to the public during  
16 normal business hours.

**§6. Park Board established as a public corporate body;  
perpetual existence; seal; powers.**

1 (a) The Greater Huntington Park and Recreation Park  
2 District Board is a public corporate body, although not a  
3 municipal corporation, and shall have perpetual existence  
4 and a common seal.

5 (b) In addition to the powers set forth in section seven of  
6 this act, the Park Board may:

7 (1) Appropriate and expend funds from the sources of  
8 income derived from the enactment of this act for the  
9 purposes of establishing, constructing, improving,  
10 extending, developing, maintaining and operating, or any  
11 combination of the foregoing, a public park system for the  
12 Park District: *Provided*, That it may not expend funds on or  
13 appropriate funds to external agencies, public or private, for  
14 any purpose whatsoever: *Provided, however*, That in  
15 accordance with this section, the Park Board may contract  
16 with other agencies for direct services received or for joint  
17 endeavors in which the Park Board is an active participant;

18 (2) Purchase, hold, own, sell, convey or lease or take  
19 lease of real or personal property;



20           (3) Receive any gift, grant, donation, bequest, devise or  
21 trust funds;

22           (4) Sue and be sued;

23           (5) Contract and be contracted with;

24           (6) Do any and all things and acts which may be  
25 necessary, appropriate, convenient or incidental to carry out  
26 and effectuate the purposes and provisions of this act;

27           (7) Retain complete and exclusive control and management  
28 of all of the properties owned by the Park Board and dispose of  
29 the same as in the Park Board's opinion will best serve the  
30 purposes of this act and the interests of the public;

31           (8) Acquire in the Park Board's name by purchase,  
32 lease, or by exercise of the power of eminent domain, or  
33 otherwise, such lands, structures or bodies of water, located  
34 anywhere within the Park District as the Park Board shall  
35 determine to be necessary, appropriate, convenient or  
36 incidental to the establishment, construction, improvement,  
37 extension, development, maintenance or operation of a park  
38 system;

39           (9) Establish, construct, improve, extend, develop,  
40 maintain and operate a park system;

41           (10) Employ persons as, in its opinion, may be  
42 necessary for the establishment, construction, improvement,  
43 extension, development, maintenance, operation or  
44 management of the property under its control, at wages,  
45 salaries or fees as it considers proper, and the Park Board  
46 shall have full control of all employees;

47           (11) Promulgate ordinances, rules and regulations  
48 necessary to maintain the property belonging to the Park

49 Board as places of beauty, education and recreation or  
50 necessary to promote the health, property, lives, decency,  
51 morality and good order of the Park District, its inhabitants  
52 and members of the general public making use of property  
53 owned or controlled by the Park Board, or necessary to  
54 regulate the use of or driving upon the property owned or  
55 controlled by the Park Board;

56 (12) Abate, or cause to be abated, all nuisances affecting  
57 the Park Board's property or persons on the property;

58 (13) Regulate or prohibit the placing of signs, billboards,  
59 posters and advertisements upon the Park Board's property;

60 (14) Keep the Park Board's property in good order and  
61 free from obstruction for the use and benefit of the public;

62 (15) Construct, improve, maintain, repair, operate, curb  
63 or recurb, pave or repave, grade or regrade, surface or  
64 resurface roads, bridges, sewers, culverts, sidewalks, public  
65 ways, easements and other public works upon lands  
66 controlled or owned by the Park Board;

67 (16) Enter into contracts, agreements, leases and other  
68 legal obligations extending beyond a period of one fiscal  
69 year: *Provided*, That the contract, agreement, lease or other  
70 legal obligation does not require the expenditure of tax  
71 revenues;

72 (17) Enter into intergovernmental agreements as any  
73 municipal corporation would be entitled to enter into  
74 according to law and under conditions as are required by  
75 law of municipal corporations before they enter  
76 intergovernmental agreements: *Provided*, That every  
77 intergovernmental agreement shall, prior to and as a  
78 condition precedent to its becoming effective, be submitted  
79 to the Attorney General of the state of West Virginia who

80 shall determine whether the agreement is in proper form and  
81 is compatible with the laws of this state;

82 (18) Provide by contract with the City of Huntington,  
83 Town of Milton, Village of Barboursville, and the counties  
84 of Cabell and Wayne for the joint construction of sewers  
85 and other public works upon property owned or controlled  
86 by the board, to be paid for by joint funds;

87 (19) Spend moneys of the Park Board to effectuate the  
88 purposes set forth in this act; and

89 (20) Prepare, update at least every five years, and make  
90 public a comprehensive plan as to the ongoing development  
91 of the Park District: *Provided*, That the Park Board shall  
92 conduct at least one public hearing in the Park District for  
93 the purpose of obtaining citizen input prior to developing or  
94 updating the comprehensive plan.

**§7. Charges, revenues, fees, levies, assessments and bonds for  
the support, maintenance and operation of parks.**

1 (a) The Park Board may:

2 (1) Charge the public for services offered or goods sold  
3 by the Park Board, as follows:

4 (A) Charges for services may be in the form of, but not  
5 limited to, admission and entrance fees, exclusive use and  
6 rental fees, user fees, license and permit fees, equipment  
7 rental, program maintenance fees, instructor fees, special  
8 accommodation fees, amusement fees, restricted  
9 membership fees, and cemetery service fees;

10 (B) Charges for goods sold may be in the forms of, but  
11 not limited to, beverages and foods, novelties and gifts,  
12 clothing, athletic equipment and supplies, cemetery plots,

13 crypts, monuments, memorials, markers, vaults and any  
14 other forms of merchandise sold in connection with the  
15 burial of the dead, and other items that may pertain to the  
16 operation and maintenance of the Park District.

17 (2) Impose upon the users of the park system reasonable  
18 service fees in addition to the service fees authorized by  
19 paragraph (A) , subdivision (1) of this subsection. As used  
20 in this section, “users” means any persons to whom the park  
21 system is made available.

22 (A) The board of directors of the Park District may  
23 adopt one or more resolutions establishing the amount and  
24 manner of collection of the fees and providing for  
25 reasonable penalties for failure to pay service fees. No  
26 resolution imposing a service fee is effective until it is  
27 ratified by a majority of the legal votes cast by the qualified  
28 voters of the district at a primary or general election.

29 (B) In addition to meeting the ballot and election  
30 requirements set forth in subdivision (3) of this subsection,  
31 the ballot question must set forth the service fee, the manner  
32 in which it will be imposed and the general use to which the  
33 proceeds of the service fee shall be put. From time to time,  
34 the board may submit additional resolutions imposing  
35 additional service fees to the district’s electors for approval  
36 pursuant to this section.

37 (3) Issue revenue bonds or refunding revenue bonds for  
38 the district, in the manner prescribed by sections seven, ten,  
39 twelve and sixteen, article sixteen, chapter eight of this code.  
40 No revenue bonds, except for refunding revenue bonds, may  
41 be issued under this section until all questions connected  
42 with the bonds are first submitted to a vote of the qualified  
43 electors of the district for which the bonds are to be issued,  
44 and receive a majority of all the votes cast for and against  
45 the issuance. The ballot question must set forth:

- 46           (A) The necessity for issuing the bonds;
- 47           (B) Purpose or purposes for which the proceeds of  
48 bonds are to be expended;
- 49           (C) Total indebtedness, bonded or otherwise;
- 50           (D) Amount of the proposed bond issue;
- 51           (E) Maximum term of bonds and series;
- 52           (F) Maximum rate of interest;
- 53           (G) Date of election; and
- 54           (H) That the Park District is authorized to collect fees to  
55 provide funds for the payment of the interest upon the bonds  
56 and the principal at maturity, and the approximate amount  
57 of fees necessary for this purpose.
- 58           (4) Notice of any election shall be given by publication,  
59 within fourteen consecutive days next preceding the date of  
60 the election, of the resolution imposing the service fee as a  
61 Class II legal advertisement in compliance with the  
62 provisions of article three, chapter fifty-nine of this code and  
63 the publication area for publication shall be the district. All  
64 of the provisions of the general election laws of this State  
65 concerning primary or general elections, when not in  
66 conflict with the provisions of this section, shall apply to  
67 elections hereunder, insofar as practicable.
- 68           (5) Annually levy on each \$100 of the assessed  
69 valuation of the property taxable in the Park District, within  
70 the corporate boundaries of the City of Huntington  
71 according to the last assessment for state and county  
72 purposes, as follows:

73 (A) On Class I property, 1.5¢; on Class II property, 3¢;  
74 on Class IV property, 6¢. The Park Board may levy a lesser  
75 amount, in which case the above levies shall be reduced  
76 proportionately. The levies shall be made at the time and in  
77 the manner provided by article eight, chapter eleven of this  
78 code, except that the levies shall be included in the  
79 maximum rates for the City of Huntington as established by  
80 law.

81 (B) After the Park Board has made the levy, it shall  
82 certify to the Finance Director of the City of Huntington the  
83 amount of the levy, and the Finance Director shall extend  
84 the levy upon the tax tickets. All levies made by the Park  
85 Board shall be collected by the Finance Director who shall  
86 occupy a fiduciary relationship with the Park Board. Levy  
87 funds shall be paid to the Park Board upon written order of  
88 the Park Board, signed by the President of the Park Board  
89 and countersigned by the Secretary of the Park Board.

90 (6) Assess the cost of improvements to or construction  
91 of streets, sidewalks, sewers, curbs, alleys, public ways or  
92 easements, or portions thereof, upon the abutting property  
93 owners whose property lies within the Park District. The  
94 assessments require approval of a majority of the  
95 commissioners present and voting, and shall be commenced  
96 and conducted in the manner prescribed by article eighteen,  
97 chapter eight of this code.

98 (7) Sue and be sued; make contracts and guarantees;  
99 incur liabilities; borrow or lend money for any time period  
100 considered advisable by the commission; sell, mortgage,  
101 lease, exchange, transfer or otherwise dispose of its  
102 property; or pledge its property as collateral or security for  
103 any time period considered advisable by the commission.

104 (8) Create trusts as will expedite the efficient  
105 management of the property and other assets owned or

106 controlled by the Park Board. The trustee, whether  
107 individual or corporate, has a fiduciary relationship with the  
108 Park Board and may be removed by the Park Board for good  
109 cause shown or for a breach of the fiduciary relationship  
110 with the Park Board.

111 (b) In order to ensure adequate support for the  
112 maintenance and operation of the Park District, the  
113 following governing authorities shall, upon written request  
114 by the Park Board, levy annually as follows within the  
115 respective taxing districts of the governing authorities, on  
116 each \$100 of assessed valuation of the property taxable in  
117 the area served by it according to the last assessment for  
118 state and county purposes, amounts not exceeding the  
119 following amounts for fiscal year beginning July 1, 1983:

120 (1) The county commission of Cabell County, for the  
121 first year of the act and annually thereafter: Class I, 0.433¢;  
122 Class II, 0.866¢; Class III and Class IV, 1.73¢.

123 (2) The county commission of Wayne County, for the  
124 first year of the act and annually thereafter; Class I, 0.0066¢;  
125 Class II, 0.0132¢; Class III and Class IV, 0.0266¢.

126 (3) The board of education of the county of Cabell shall  
127 provide funds available to the board through special and  
128 excess levies for the first year of the act and annually  
129 thereafter: Class I, 0.433¢; Class II, 0.866¢; Class III and  
130 Class IV, 1.73¢.

131 (4) The city of Huntington, for the first year of the act  
132 and annually thereafter: Class I, 1.3¢; Class II, 2.6 cents;  
133 Class III and Class IV, 5.2¢.

134 (5) The town of Milton, for the first year of the act and  
135 annually thereafter: Class I, 1.3¢; Class II, 2.6¢; Class III  
136 and Class IV, 5.2¢.

137 (c) In addition to the amounts set forth in subsection (b)  
138 of this section, which, upon written request by the board, the  
139 governing authorities shall levy, each governing authority  
140 may support the Park District with any other general or  
141 special revenues or excess levies.

142 (1) All income realized by the operation of the Park  
143 Board from any sources other than the levies shall be used  
144 by the board of directors for support of the Park District.

145 (2) All money collected or appropriated by the foregoing  
146 governing authorities for Park District purposes shall be  
147 deposited in a special account of the Park Board and shall be  
148 disbursed by that board for the purpose of operating Park  
149 Board.

150 (d) The municipalities of Huntington and Milton and the  
151 counties of Cabell and Wayne may issue, in the manner  
152 prescribed by law, revenue bonds or general obligation  
153 bonds, for the purpose of raising funds to establish,  
154 construct, improve, extend, develop, maintain or operate, a  
155 system of public parks and recreational facilities for the city  
156 or counties, or to refund any bonds of the city or counties,  
157 the proceeds of which were expended in the establishing,  
158 constructing, improving, extending, developing, maintaining  
159 or operating of any part of all of the public park and  
160 recreation system.

161 (1) Any bonds issued pursuant to this subsection shall  
162 contain in the title or subtitle the words "public park and  
163 recreation bonds," in order to identify the same, and shall be  
164 of the form, denomination and maturity and shall bear the  
165 rate of interest as fixed by ordinance of the governing body  
166 of the city or counties.

167 (2) The governing body may provide for the issuance of  
168 bonds for other lawful purposes of the city or counties in the



169 same ordinance in which provision shall be made for the  
170 issuance of bonds under the provisions of this section.

171 (3) The Park Board shall pay all of the costs and  
172 expenses of any election which shall be held to authorize the  
173 issuance of public park and recreation bonds only.

174 (4) The costs and expenses of holding an election to  
175 authorize the issuance of public park and recreation bonds  
176 and bonds for other city or county purposes shall be paid by  
177 the Park Board and the city or counties respectively, in the  
178 proportion that the public park and recreation bonds bear to  
179 the total amount of bonds authorized.

180 (5) The bonds issued pursuant to this subsection shall be  
181 delivered to the Park Board to be sold in the manner  
182 prescribed by law, and the proceeds shall be paid into the  
183 treasury of the Park Board, and shall be applied and utilized  
184 by the Park Board for the purposes prescribed by the  
185 ordinance authorizing the issuance of such bonds.

186 (6) In any ordinance for the issuance of bonds pursuant  
187 to this subsection, it shall be a sufficient statement of the  
188 purposes for creating the debt to specify that the same is for  
189 the purpose of establishing, constructing, improving,  
190 extending, developing, maintaining or operating, or any  
191 combination of the foregoing, a public park and recreation  
192 system for the city or counties, without specifying the  
193 particular establishment, construction, improvement,  
194 extension, development, maintenance or operation  
195 contemplated; but an ordinance for refunding bonds shall  
196 designate the issue and the number of bonds which it is  
197 proposed to refund.

#### **§8. Law enforcement.**

1 (a) The Park District may employ park rangers to make  
2 arrests for violations of ordinances promulgated by the Park

3 District upon the property under the jurisdiction of the Park  
4 District: *Provided*, That any person so employed as a park  
5 ranger must be certified or certifiable as having met the  
6 minimum entry level law enforcement qualification and  
7 training program requirements pursuant to the provisions of  
8 article twenty-nine, chapter thirty of this code. Park rangers  
9 may not carry a gun without obtaining a license as required  
10 by law.

11 (b) Police officers employed by the city of Huntington,  
12 town of Milton, members of the West Virginia State Police  
13 and sheriff's deputies in Cabell and Wayne counties or other  
14 law-enforcement agency authorized by law may make  
15 arrests for violations of ordinances promulgated by the Park  
16 Board on property within the Park District which is under  
17 the jurisdiction of the Park Board. All of the foregoing  
18 officers of the law, except members of the Huntington  
19 police department, may make arrests for violations of  
20 ordinances promulgated by the Park Board on property  
21 under the jurisdiction of the Park District which is outside of  
22 the Park Board.

23 (c) For violations of Park District ordinances,  
24 jurisdiction of all warrants is granted to the courts which  
25 have criminal jurisdiction of misdemeanors committed on  
26 property which is owned or controlled by the Park Board.

**§9. Title to property.**

1 (a) The title of all parks, parkways, playgrounds, athletic  
2 fields, cemeteries, boulevards and other property, real,  
3 personal and mixed, vested in the board of park  
4 commissioners under the powers and authority of the acts  
5 hereby amended and reenacted shall be and remain vested  
6 in the Greater Huntington Park and Recreation District  
7 Board as herein defined.

8 (b) Notwithstanding any provisions of this act to the  
 9 contrary, the Park Board may grant and convey to any  
 10 municipality, town, village, county or to the State of West  
 11 Virginia, all right, title, control and interest, jurisdiction and  
 12 maintenance of any streets or boulevards owned by the Park  
 13 Board, whenever the Park Board considers such action to be  
 14 necessary or convenient and proper and in the best interests  
 15 of the inhabitants of the Park District.



## CHAPTER 188

**(H. B. 2557 - By Delegates M. Poling,  
 Hamilton and Smith)**

[Passed February 14, 2011; in effect from passage.]  
 [Approved by the Governor on February 23, 2011.]

AN ACT to extend the time for the Board of Education of Upshur County, West Virginia, to meet as a levying body for the purpose of submitting to the voters of that county an election on the question of the approval of a special levy for the payment of principal and interest on bond indebtedness authorized pursuant to Section 10, Article X of the West Virginia Constitution until the last day in May, 2011, that is not a Saturday, Sunday or legal holiday.

*Be it enacted by the Legislature of West Virginia:*

**§1. Extending the time for the Board of Education of Upshur County to meet as levying body for election to consider the question of a bond levy.**

1 Notwithstanding the provisions of article eight, chapter  
 2 eleven of the Code of West Virginia, 1931, as amended, to

3 the contrary, the Board of Education of Upshur County,  
4 West Virginia, is authorized to extend the time for its  
5 meeting as a levying body, setting the levying rate and  
6 certifying its actions to the Auditor until the last day in May,  
7 2011, that is not a Saturday, Sunday or legal holiday, for the  
8 purpose of submitting to the voters of that county an  
9 election on the question of the approval of a special levy for  
10 the payment of principal and interest on bond indebtedness  
11 authorized pursuant to Section 10, Article X of the West  
12 Virginia Constitution.

**LEGISLATURE OF WEST VIRGINIA**

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**CONSTITUTIONAL  
AMENDMENT**

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**REGULAR SESSION, 2011**

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**SENATE JOINT RESOLUTION 10****(SJR 10 - By Senators Laird, Unger, Miller, D. Facemire,  
Yost, Williams and Kessler (Acting President))**

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[Adopted by the Legislature March 10, 2011.]

Proposing an amendment to the Constitution of the State of West Virginia, repealing section three, article IX thereof, relating to sheriffs serving more than two consecutive terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

*Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:*

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year

2012, which proposed amendment is that section three, article IX thereof be repealed.

*Resolved further,* That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered “Amendment No. 1” and designated as the “Repeal The Two Consecutive Term Limitation for Sheriffs Amendment” and the purpose of the proposed amendment is summarized as follows: “To repeal section three, article IX of the State Constitution which provides that a person who has been elected or who has served as a sheriff during all or any part of two consecutive terms shall be ineligible for the office of sheriff during any part of the term immediately following the second of the two consecutive terms, and that the person holding the office of sheriff when this section is ratified shall not be prevented from holding the office of sheriff during the term immediately following the term he is serving.”

# LEGISLATURE OF WEST VIRGINIA

# ACTS

FIRST EXTRAORDINARY SESSION, 2011

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## CHAPTER 1

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**(S. B. 1004 - By Senators Kessler  
(Acting President), and Hall  
[By Request of the Executive]**

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[Passed August 5, 2011; in effect from passage.]  
[Approved by the Governor on August 10, 2011.]

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AN ACT making 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 Education, State Department of Education, fund 0313, fiscal year 2012, organization 0402, to the Department of Education and the Arts, Department of Education and the Arts - Office of the Secretary, fund 0294, fiscal year 2012, organization 0431, 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, and to the Department of Military Affairs and Public Safety, West Virginia State Police, fund 0453, fiscal year 2012, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2012.

WHEREAS, The Governor submitted to the Legislature, a statement of the State Fund, General Revenue, dated August 1, 2011, containing a statement of the State Fund, General Revenue, setting forth therein the cash balance as of July 1, 2011, and further included the estimate of revenues for the fiscal year 2012, less net appropriation balances forwarded and regular appropriations for the fiscal year 2012; and

WHEREAS, It appears from the Statement of the State Fund, General Revenue, there now remains an unappropriated surplus balance in the State Treasury which is available for appropriation during the fiscal year ending June 30, 2012; therefore

*Be it enacted by the Legislature of West Virginia:*

That the total appropriation for the fiscal year ending June 30, 2012, to fund 0131, fiscal year 2012, organization 1400, be supplemented and amended by increasing existing items of appropriation as follows:

## TITLE II--APPROPRIATIONS.

### **Section 1. Appropriations from General Revenue.**

#### **EXECUTIVE**

*10--Department of Agriculture*

(WV Code Chapter 19)

Fund 0131 FY 2012 Org 1400



			<b>General Revenue Funds</b>
		<b>Activity</b>	
1	7	Unclassified - Surplus. . . . .	097 \$ 100,000
2	12	Predator Control - Surplus . . . . .	924 \$ 200,000

3 The above appropriation for Unclassified - Surplus  
4 (activity 097), shall be used for the Mountaineer Food Bank.

5 And, That the total appropriation for the fiscal year ending  
6 June 30, 2012, to fund 0313, fiscal year 2012, organization  
7 0402, be supplemented and amended by adding a new item  
8 of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF EDUCATION**

*48-State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2012 Org 0402

			<b>General Revenue Funds</b>
		<b>Activity</b>	
1	14a	Unclassified - Transfer -Surplus. . .	382 \$ 500,000

2 The above appropriation for Unclassified - Transfer -  
3 Surplus(activity 382), shall be transferred to the School  
4 Construction Fund, fund 3951, for emergency trailers at  
5 Kenova Elementary School.

6 And, That the total appropriation for the fiscal year  
 7 ending June 30, 2012, to fund 0294, fiscal year 2012,  
 8 organization 0431, be supplemented and amended by adding  
 9 a new item of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF EDUCATION AND THE ARTS**

*54-Department of Education and the Arts -  
 Office of the Secretary*

(WV Code Chapter 5F)

Fund 0294 FY 2012 Org 0431

	<b>Activity</b>	<b>General Revenue Funds</b>
1 10a Educational Enhancements -		
2 Surplus. . . . .	927	\$ 1,000,000

3 And, That the total appropriation for the fiscal year ending  
 4 June 30, 2012, to fund 0273, fiscal year 2012, organization  
 5 0313, be supplemented and amended by adding a new item  
 6 of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

Ch. 1]

APPROPRIATIONS

1923

*60--Division of Environmental Protection*

(WV Code Chapter 22)

Fund 0273 FY 2012 Org 0313

		<b>General Revenue Funds</b>
	<b>Activity</b>	
1	6a Meth Lab Cleanup - Surplus. . . . . 474	\$ 227,000

2       And, That the total appropriation for the fiscal year  
3 ending June 30, 2012, to fund 0407, fiscal year 2012,  
4 organization 0506, be supplemented and amended by  
5 increasing an existing item of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES**

*63--Division of Health -  
Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2012 Org 0506

		<b>General Revenue Funds</b>
	<b>Activity</b>	
1	20 Center for End of Life - Surplus. . . . . 496	\$ 216,886

2 And, That the total appropriation for the fiscal year  
 3 ending June 30, 2012, to fund 0525, fiscal year 2012,  
 4 organization 0506, be supplemented and amended by  
 5 increasing an existing item of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES**

*64--Consolidated Medical Service Fund*

(WV Code Chapter 16)

Fund 0525 FY 2012 Org 0506

	<b>Activity</b>	<b>General Revenue Funds</b>
1 9 Institutional Facilities Operations		
2 - Surplus.....	632	\$ 22,750,000

3 And, That the total appropriation for the fiscal year  
 4 ending June 30, 2012, to fund 0403, fiscal year 2012,  
 5 organization 0511, be supplemented and amended by  
 6 increasing existing items of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES**

*67--Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2012 Org 0511

		<b>Activity</b>	<b>General Revenue Funds</b>
1	8 Medical Services - Surplus. . . . .	633	\$ 2,009,222
2	20 Title XIX Waiver for		
3	20a Seniors - Surplus. . . . .	526	2,500,000

4 And, That the total appropriation for the fiscal year  
5 ending June 30, 2012, to fund 0453, fiscal year 2012,  
6 organization 0612, be supplemented and amended by adding  
7 a new item of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY**

*75-West Virginia State Police*

(WV Code Chapter 15)

Fund 0453 FY 2012 Org 0612

		<b>Activity</b>	<b>General Revenue Funds</b>
1	10a Capital Outlay, Repairs and		
2	10b Equipment - Surplus.....	677	\$ 3,500,000

3 The purpose of this supplemental appropriation bill is to  
4 supplement, amend, increase and add items of appropriations  
5 in the aforesaid accounts for the designated spending units  
6 for expenditure during the fiscal year 2012.

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## CHAPTER 2

**(S. B. 1005 - By Senators Kessler  
(Acting President) and Hall)  
[By Request of the Executive]**

[Passed August 5, 2011; in effect from passage.]  
[Approved by the Governor on August 10, 2011.]

AN ACT supplementing, amending 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.

WHEREAS, The Governor submitted to the Legislature a statement of the State Road Fund, dated August 1, 2011, setting forth therein the cash balances and investments as of July 1, 2011, and further included the estimate of revenues for the fiscal year 2012, less net appropriation balances forwarded and regular appropriations for the fiscal year 2012; and

WHEREAS, It appears from the Statement of the State Road Fund there now remains an unappropriated balance in the State Treasury which is available for appropriation during the fiscal year ending June 30, 2012; therefore

*Be it enacted by the Legislature of West Virginia:*

That the items of the total appropriations from the State Road Fund to the Department of Transportation - Division of Highways, fund 9017, fiscal year 2012, organization 0803, be supplemented and amended by increasing existing items of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Sec. 2. Appropriations from State Road Fund.**

**DEPARTMENT OF TRANSPORTATION**

*98-Division of Highways*

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2012 Org 0803

		<b>Activity</b>	<b>State Road Fund</b>
1	2	Maintenance..... 237	\$26,000,000
2	3	Maintenance, Contract Paving and	
3	4	Secondary Road Maintenance. . . 272	15,000,000
4	5	Bridge Repair and Replacement. . . 273	8,000,000
5	7	Equipment Revolving. . . . . 276	2,500,000
6	8	General Operations. . . . . 277	3,000,000
7	10	Other Federal Aid Programs. . . . . 279	8,000,000

8       The purpose of this supplemental appropriation bill is to  
9 supplement, amend and increase items of appropriation in the  
10 aforesaid account for the designated spending unit for  
11 expenditure during the fiscal year ending June 30, 2012.

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**CHAPTER 3**

**(S. B. 1007 - By Senators Kessler  
(Acting President) and Hall)  
[By Request of the Executive]**

[Passed August 5, 2011; in effect from passage.  
Approved by the Governor on August 10, 2011.]

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 Secretary of State, fund 0155, fiscal year 2012, organization 1600, by supplementing and amending the appropriations for the fiscal year ending June 30, 2012.

WHEREAS, The Governor submitted to the Legislature, a statement of the State Fund, General Revenue, dated August 1, 2011, setting forth therein the cash balance as of July 1, 2011, and further included the estimate of revenues for the fiscal year 2012, less net appropriation balances forwarded and regular appropriations for the fiscal year 2012; and

WHEREAS, It appears from the Statement of the State Fund, General Revenue, there now remains an unappropriated surplus balance in the State Treasury which is available for appropriation during the fiscal year ending June 30, 2012; therefore

*Be it enacted by the Legislature of West Virginia:*

That the total appropriation for the fiscal year ending June 30, 2012, to fund 0155, fiscal year 2012, organization 1600, be supplemented and amended by adding a new item of appropriation as follows:



TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**EXECUTIVE**

*16--Secretary of State*

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2012 Org 1600

		<b>Activity</b>	<b>State Road Fund</b>
1	5a Technology Improvements		
2	- Surplus .....	725	\$ 310,000

3       The purpose of this supplemental appropriation bill is to  
 4 supplement, amend and add an item of appropriation in the  
 5 aforesaid account for the designated spending unit for  
 6 expenditure during the fiscal year 2012.



**CHAPTER 4**

**(S. B. 1003 - By Senators Kessler  
 (Acting President) and Hall)  
 [By Request of the Executive]**

\_\_\_\_\_  
 [Passed August 5, 2011; in effect from passage.]  
 [Approved by the Governor on August 23, 2011.]  
 \_\_\_\_\_

AN ACT to amend and reenact §18B-19-10 of the Code of West Virginia, 1931, as amended, relating to proceeds from the sale, lease, conveyance or other disposal of real property that is used jointly by state institutions of higher education or for statewide

programs under the jurisdiction of the Higher Education Policy Commission or the Council for Community and Technical College Education.

*Be it enacted by the Legislature of West Virginia:*

That §18B-19-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 19. CAPITAL PROJECTS AND FACILITIES NEEDS.**

**§18B-19-10. Authorization to sell property; use of proceeds.**

1 (a) Notwithstanding any other provision of law or this code  
2 to the contrary, the commission, council and governing boards  
3 each may sell, lease, convey or otherwise dispose of all or part  
4 of any real property that it owns, either by contract or at public  
5 auction, and retain the proceeds of the transaction.

6 The commission, council and governing boards may not  
7 sell, lease, convey or otherwise dispose of any real property  
8 without first performing the following steps:

9 (1) Providing for property appraisal by two independent  
10 licensed appraisers. The property may not be sold for less  
11 than the average of the two appraisals;

12 (2) Providing notice to the public in the county in which the  
13 real property is located by a Class II legal advertisement  
14 pursuant to section two, article three, chapter fifty-nine of this  
15 code;

16 (3) Holding a public hearing on the issue in the county in  
17 which the real property is located; and

18 (4) In the case of the commission, notifying the Joint  
19 Committee on Government and Finance.

20 (b) The commission, council or a governing board shall  
21 deposit the net proceeds from the sale, lease, conveyance or

22 other disposal of real property into a special revenue account in  
23 the State Treasury to be appropriated by the Legislature in the  
24 annual budget bill for the purchase of additional real property,  
25 equipment or technology, or for capital improvements or  
26 maintenance at the institution that sold the surplus real property.

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## CHAPTER 5

**(S. B. 1008 - By Senators Stollings,  
Browning, Edgell, D. Facemire, Foster,  
Klempa, Laird, Palumbo, Prezioso,  
Williams, Barnes, Boley and Hall)**

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[Passed August 5, 2011; in effect from passage.]  
[Approved by the Governor on August 18, 2011.]

---

AN ACT to amend and reenact §1-2-2b and §1-2-3 of the Code of West Virginia, 1931, as amended, all relating to the composition of congressional districts; providing for congressional districts; and requiring incidental precinct boundary changes.

*Be it enacted by the Legislature of West Virginia:*

That §1-2-2b and §1-2-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

### **ARTICLE 2. APPORTIONMENT OF REPRESENTATION.**

#### **\*§1-2-2b. Precinct boundary changes.**

1 If an election precinct of this state includes territory  
2 contained in more than one senatorial or delegate district, as

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\***CLERK'S NOTE:** This section was also amended by S. B. 1006 (Chapter 6), which passed prior to this act.

3 such senatorial districts are established by section one of this  
4 article and as such delegate districts are established by  
5 section two of this article, the county commission of the  
6 county in which the precinct is located shall, prior to January  
7 21, 2012, alter the boundary lines of its election precincts so  
8 that no precinct contains territory included in more than one  
9 senatorial or delegate district.

**§1-2-3. Congressional districts.**

1 The number of members to which the state is entitled in the  
2 House of Representatives of the Congress of the United States  
3 are apportioned among the counties of the state, arranged into  
4 three congressional districts, numbered as follows:

5 First District: Barbour, Brooke, Doddridge, Gilmer,  
6 Grant, Hancock, Harrison, Marion, Marshall, Mineral,  
7 Monongalia, Ohio, Pleasants, Preston, Ritchie, Taylor,  
8 Tucker, Tyler, Wetzel and Wood.

9 Second District: Berkeley, Braxton, Calhoun, Clay,  
10 Hampshire, Hardy, Jackson, Jefferson, Kanawha, Lewis, Morgan,  
11 Pendleton, Putnam, Randolph, Roane, Upshur and Wirt.

12 Third District: Boone, Cabell, Fayette, Greenbrier,  
13 Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe,  
14 Nicholas, Pocahontas, Raleigh, Summers, Wayne, Webster  
15 and Wyoming.



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**CHAPTER 6**

**(S. B. 1006 - By Senators Unger, Stollings,  
Browning, Edgell, D. Facemire, Foster, Klempa,  
Laird, Miller, Palumbo, Plymale, Prezioso,  
Williams, Barnes, Boley and Hall)**

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[Passed August 5, 2011; in effect from passage.]  
[Approved by the Governor on August 18, 2011.]

---

AN ACT to amend and reenact §1-2-1 and §1-2-2b of the Code of West Virginia, 1931, as amended, all relating to dividing and altering the state into senatorial districts; defining terms; setting forth legislative findings; providing for senatorial districts; and requiring incidental precinct boundary changes.

*Be it enacted by the Legislature of West Virginia:*

That §1-2-1 and §1-2-2b of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 2. APPORTIONMENT OF REPRESENTATION.**

**§1-2-1. Senatorial districts.**

1       (a) This section shall be known and may be cited as the  
2 Senate Redistricting Act of 2011.

3       (b) As used in this section:

4       (1) "County" means the territory comprising a county of  
5 this state as such county existed on January 1, 2010,

6 notwithstanding any boundary changes thereof made  
7 subsequent thereto;

8 (2) “Block” and “voting district” mean those geographic  
9 areas as defined by the Bureau of the Census of the United  
10 States Department of Commerce for the taking of the 2010  
11 census of population and described on census maps prepared  
12 by the Bureau of the Census. Such maps are, at the time of  
13 this enactment, maintained by the Bureau of the Census and  
14 filed in the Redistricting Office of the Joint Committee on  
15 Government and Finance;

16 (3) “Incumbent senator” means a senator elected at the  
17 general election held in the year 2010 or at any general  
18 election thereafter, with an unexpired term of at least two  
19 years in duration.

20 (c) The Legislature recognizes that in dividing the state  
21 into senatorial districts, the Legislature is bound not only by  
22 the United States Constitution but also by the West Virginia  
23 Constitution; that in any instance where the West Virginia  
24 Constitution conflicts with the United States Constitution, the  
25 United States Constitution must govern and control, as  
26 recognized in section one, article I of the West Virginia  
27 Constitution; that the United States Constitution, as  
28 interpreted by the United States Supreme Court and other  
29 federal courts, requires state legislatures to be apportioned so  
30 as to achieve equality of population as near as is practicable,  
31 population disparities being permissible where justified by  
32 rational state policies; and that the West Virginia  
33 Constitution requires two senators to be elected from each  
34 senatorial district for terms of four years each, one such  
35 senator being elected every two years, with one half of the  
36 senators being elected biennially, and requires senatorial  
37 districts to be compact, formed of contiguous territory and  
38 bounded by county lines. The Legislature finds and declares  
39 that it is not possible to divide the state into senatorial  
40 districts so as to achieve equality of population as near as is

41 practicable as required by the United States Supreme Court  
42 and other federal courts and at the same time adhere to all of  
43 these provisions of the West Virginia Constitution; but that,  
44 in an effort to adhere as closely as possible to all of these  
45 provisions of the West Virginia Constitution, the Legislature,  
46 in dividing the state into senatorial districts, as described and  
47 constituted in subsection (d) of this section, has:

48 (1) Adhered to the equality of population concept, while  
49 at the same time recognizing that from the formation of this  
50 state in the year 1863, each Constitution of West Virginia and  
51 the statutes enacted by the Legislature have recognized  
52 political subdivision lines and many functions, policies and  
53 programs of government have been implemented along  
54 political subdivision lines;

55 (2) Made the senatorial districts as compact as possible,  
56 consistent with the equality of population concept;

57 (3) Formed the senatorial districts of “contiguous  
58 territory” as that term has been construed and applied by the  
59 West Virginia Supreme Court of Appeals;

60 (4) Deviated from the long-established state policy,  
61 recognized in subdivision (1) above, by crossing county lines  
62 only when necessary to ensure that all senatorial districts  
63 were formed of contiguous territory or when adherence to  
64 county lines produced unacceptable population inequalities  
65 and only to the extent necessary in order to maintain  
66 contiguity of territory and to achieve acceptable equality of  
67 population; and

68 (5) Also taken into account in crossing county lines, to  
69 the extent feasible, the community of interests of the people  
70 involved.

71 (d) The Senate shall be composed of thirty-four senators,  
72 one senator to be elected at the general election to be held in

73 the year 2012, and biennially thereafter for a four-year term  
74 from each of the senatorial districts hereinafter in this  
75 subsection described and constituted as follows:

76 (1) The first senatorial district consists of:

77 Brooke County

78 Hancock County

79 The following areas of Marshall County:

80 Voting district: 35

81 Voting district: 36

82 Voting district: 38

83 Voting district: 39

84 The following blocks of voting district 48:

85 Block: 540510208005028

86 Block: 540510208005032

87 Block: 540510208005033

88 Block: 540510208005034

89 Block: 540510208005036

90 Block: 540510208005037

91 Block: 540510208005038

92 Block: 540510208005039

93 Block: 540510208005040

94 Block: 540510208005041

95 Block: 540510208005044

96 Block: 540510208005052

97 Voting district: 56

98 Voting district: 58

99 Voting district: 61

100 Ohio County

101 (2) The second senatorial district consists of:

102 Calhoun County

103 Doddridge County

104 The following areas of Gilmer County:

105 Voting district: 1

106 Voting district: 12



107	Voting district: 13
108	The following blocks of voting district 24:
109	Block: 540219677002112
110	Block: 540219677002113
111	Block: 540219677002114
112	Block: 540219677002115
113	Block: 540219677002116
114	Block: 540219677002117
115	Block: 540219677002118
116	Block: 540219677002120
117	Block: 540219677002131
118	Block: 540219677002147
119	Block: 540219677002148
120	Block: 540219677002149
121	Block: 540219677002150
122	Block: 540219677002151
123	Block: 540219677002152
124	Block: 540219677002155
125	Block: 540219677002156
126	Block: 540219677002157
127	Block: 540219677002202
128	Block: 540219677002203
129	Block: 540219677002204
130	Block: 540219677002205
131	Block: 540219677002206
132	Block: 540219677004019
133	Block: 540219677004032
134	Block: 540219678001011
135	Block: 540219678001012
136	Block: 540219678001016
137	Block: 540219678001017
138	Block: 540219678001018
139	Block: 540219678001019
140	Block: 540219678001020
141	Block: 540219678001021
142	Block: 540219678001022
143	Block: 540219678001023
144	Block: 540219678001024

145	Block: 540219678001025
146	Block: 540219678001026
147	Block: 540219678001027
148	Block: 540219678001028
149	Block: 540219678001029
150	Block: 540219678001055
151	Block: 540219678002008
152	Block: 540219678002015
153	Block: 540219678002016
154	Block: 540219678002018
155	Block: 540219678002019
156	Block: 540219678002020
157	Block: 540219678002021
158	Block: 540219678002022
159	Block: 540219678002023
160	Block: 540219678002024
161	Block: 540219678002029
162	Block: 540219678002030
163	Block: 540219678002031
164	Block: 540219678002034
165	Block: 540219678002035
166	Block: 540219678002037
167	Block: 540219678002038
168	Block: 540219678002039
169	Block: 540219678002086
170	Block: 540219678003000
171	Block: 540219678003022
172	Block: 540219678003036
173	Block: 540219678003041
174	Block: 540219678003042
175	Block: 540219678003043
176	Block: 540219678003049
177	Block: 540219678003050
178	Block: 540219678003051
179	Voting district: 27
180	Voting district: 31
181	Voting district: 5
182	Voting district: 6

- 183 The following areas of Marion County:
- 184 Voting district: 53
- 185 The following blocks of voting district 56:
- 186 Block: 540490213002007
- 187 Block: 540490213002008
- 188 Block: 540490213002079
- 189 Block: 540490213002080
- 190 Block: 540490216001070
- 191 Block: 540490216001071
- 192 Block: 540490216001073
- 193 Block: 540490216001074
- 194 Block: 540490216001079
- 195 Block: 540490216003073
- 196 Block: 540490216003078
- 197 Block: 540490216003079
- 198 Block: 540490216003080
- 199 Block: 540490216004009
- 200 Block: 540490216004010
- 201 Block: 540490216004011
- 202 Block: 540490216004018
- 203 Block: 540490216004019
- 204 Block: 540490216004050
- 205 Block: 540490216004051
- 206 Block: 540490216004052
- 207 Block: 540490216004053
- 208 Voting district: 58
- 209 Voting district: 59
- 210 Voting district: 61
- 211 Voting district: 62
- 212 Voting district: 66
- 213 Voting district: 67
- 214 Voting district: 68
- 215 Voting district: 69
- 216 Voting district: 70
- 217 Voting district: 72
- 218 Voting district: 74
- 219 Voting district: 78
- 220 Voting district: 86

- 221 Voting district: 87
- 222 Voting district: 88
- 223 Voting district: 89
- 224 Voting district: 90
- 225 The following areas of Marshall County:
- 226 Voting district: 1
- 227 Voting district: 10
- 228 Voting district: 11
- 229 Voting district: 12
- 230 Voting district: 13
- 231 Voting district: 14
- 232 Voting district: 15A
- 233 Voting district: 16
- 234 Voting district: 17
- 235 Voting district: 17A
- 236 Voting district: 18
- 237 Voting district: 19
- 238 Voting district: 20
- 239 Voting district: 21
- 240 Voting district: 23
- 241 Voting district: 24
- 242 Voting district: 25
- 243 Voting district: 26
- 244 Voting district: 28
- 245 Voting district: 29
- 246 Voting district: 30
- 247 Voting district: 33
- 248 Voting district: 34
- 249 Voting district: 4
- 250 Voting district: 40
- 251 Voting district: 41
- 252 Voting district: 43
- 253 Voting district: 44
- 254 Voting district: 45
- 255 Voting district: 46
- 256 The following blocks of voting district 48:
- 257 Block: 540510208003094
- 258 Block: 540510208003100

259 Block: 540510208003101  
260 Block: 540510208003102  
261 Block: 540510208003103  
262 Block: 540510208005042  
263 Block: 540510208005043  
264 Block: 540510208005045  
265 Block: 540510208005046  
266 Block: 540510208005047  
267 Block: 540510208005048  
268 Block: 540510208005049  
269 Block: 540510208005050  
270 Block: 540510208005051  
271 Block: 540510208005053  
272 Block: 540510208005054  
273 Block: 540510208005055  
274 Block: 540510208005056  
275 Block: 540510208005057  
276 Block: 540510208005058  
277 Block: 540510208005059  
278 Block: 540510208005060  
279 Block: 540510208005061  
280 Block: 540510208005062  
281 Block: 540510208005063  
282 Block: 540510208005064  
283 Block: 540510208005067  
284 Block: 540510208005068  
285 Block: 540510208005069  
286 Block: 540510208005072  
287 Block: 540510208005073  
288 Block: 540510208005074  
289 Block: 540510208005075  
290 Block: 540510208005076  
291 Block: 540510208006042  
292 Block: 540510208006044  
293 Block: 540510208006046  
294 Block: 540510208006047  
295 Block: 540510208006048  
296 Block: 540510208006049

297	Block: 540510208006050
298	Block: 540510208006051
299	Block: 540510208006052
300	Block: 540510208006053
301	Block: 540510208006054
302	Block: 540510208006055
303	Block: 540510208006056
304	Block: 540510208006057
305	Block: 540510208006058
306	Block: 540510208006059
307	Block: 540510208006060
308	Block: 540510208006061
309	Block: 540510208006062
310	Block: 540510208006065
311	Block: 540510208006066
312	Block: 540510208006067
313	Block: 540510208006068
314	Block: 540510208006069
315	Block: 540510208006070
316	Block: 540510208006073
317	Block: 540510208006074
318	Block: 540510208006075
319	Block: 540510208006084
320	Voting district: 52
321	Voting district: 6
322	Voting district: 60
323	Voting district: 7
324	Voting district: 9
325	Voting district: 9A
326	The following areas of Monongalia County:
327	Voting district: 40
328	Voting district: 41
329	Voting district: 42
330	Voting district: 44
331	Voting district: 46
332	Voting district: 47
333	Voting district: 49
334	Voting district: 51

- 335 Voting district: 52
- 336 Voting district: 53
- 337 Voting district: 54
- 338 Voting district: 55
- 339 Voting district: 56
- 340 Voting district: 58
- 341 The following blocks of voting district 79:
- 342 Block: 540610117001000
- 343 Block: 540610117001001
- 344 Block: 540610117001002
- 345 Block: 540610117001003
- 346 Block: 540610117001004
- 347 Block: 540610117001005
- 348 Block: 540610117001006
- 349 Block: 540610117001007
- 350 Block: 540610117001008
- 351 Block: 540610117001009
- 352 Block: 540610117001010
- 353 Block: 540610117001012
- 354 Block: 540610117001027
- 355 Block: 540610117002001
- 356 Block: 540610117002004
- 357 Block: 540610117002005
- 358 Block: 540610117002006
- 359 Block: 540610117002007
- 360 Block: 540610117002008
- 361 Block: 540610117002009
- 362 Block: 540610117002011
- 363 Block: 540610117002016
- 364 Block: 540610117002017
- 365 Block: 540610117002018
- 366 Block: 540610117002019
- 367 Block: 540610117002020
- 368 Block: 540610117002021
- 369 Block: 540610117002022
- 370 Block: 540610117002024
- 371 Block: 540610117003003
- 372 Block: 540610117004057

373	Block: 540610117004058
374	Block: 540610117004059
375	Voting district: 81
376	The following blocks of voting district 82:
377	Block: 540610117002000
378	Block: 540610117004005
379	Block: 540610117004006
380	Block: 540610117004007
381	Block: 540610117004008
382	Block: 540610117004009
383	Block: 540610117004010
384	Block: 540610117004011
385	Block: 540610117004012
386	Block: 540610117004013
387	Block: 540610117004014
388	Block: 540610117004015
389	Block: 540610117004016
390	Block: 540610117004017
391	Block: 540610117004018
392	Block: 540610117004019
393	Block: 540610117004020
394	Block: 540610117004021
395	Block: 540610117004022
396	Block: 540610117004023
397	Block: 540610117004028
398	Block: 540610117004029
399	Block: 540610117004030
400	Block: 540610117004031
401	Block: 540610117004032
402	Block: 540610117004033
403	Block: 540610117004034
404	Block: 540610117004035
405	Block: 540610117004036
406	Block: 540610117004037
407	Block: 540610117004038
408	Block: 540610117004039
409	Block: 540610117004047
410	Block: 540610117004048



- 411 Block: 540610117004049
- 412 Block: 540610117004050
- 413 Block: 540610117004051
- 414 Block: 540610117004052
- 415 Block: 540610117004053
- 416 Block: 540610117004054
- 417 Block: 540610117004055
- 418 Block: 540610117004056
- 419 Block: 540610117004060
- 420 Block: 540610117004085
- 421 Block: 540610117004097
- 422 The following blocks of voting district 84:
- 423 Block: 540610106003003
- 424 Block: 540610116002015
- 425 Block: 540610116002025
- 426 Block: 540610116002033
- 427 Block: 540610116002035
- 428 Block: 540610116002036
- 429 Block: 540610116002037
- 430 Block: 540610116002038
- 431 Block: 540610116002039
- 432 Block: 540610116003010
- 433 Block: 540610116003014
- 434 Block: 540610116003015
- 435 Block: 540610116003016
- 436 Block: 540610116003017
- 437 Block: 540610116003019
- 438 Block: 540610116003020
- 439 Block: 540610120003000
- 440 Voting district: 91
- 441 Ritchie County
- 442 Tyler County
- 443 Wetzel County
  
- 444 (3) The third senatorial district consists of:
  
- 445 Pleasants County
- 446 The following areas of Roane County:

- 447 Voting district: 15
- 448 Voting district: 16
- 449 The following blocks of voting district 25:
- 450 Block: 540879628002000
- 451 Block: 540879628002001
- 452 Block: 540879628002002
- 453 Block: 540879628002003
- 454 Block: 540879628002004
- 455 Block: 540879628002005
- 456 Block: 540879628002006
- 457 Block: 540879628002007
- 458 Block: 540879628002008
- 459 Block: 540879628002009
- 460 Block: 540879628002010
- 461 Block: 540879628002011
- 462 Block: 540879628002012
- 463 Block: 540879628002013
- 464 Block: 540879628002014
- 465 Block: 540879628002015
- 466 Block: 540879628002016
- 467 Block: 540879628002017
- 468 Block: 540879628002018
- 469 Block: 540879628002019
- 470 Block: 540879628002020
- 471 Block: 540879628002021
- 472 Block: 540879628002022
- 473 Block: 540879628002023
- 474 Block: 540879628002024
- 475 Block: 540879628002025
- 476 Block: 540879628002026
- 477 Block: 540879628002027
- 478 Block: 540879628002028
- 479 Block: 540879628002029
- 480 Block: 540879628002036
- 481 Block: 540879628002037
- 482 Block: 540879628002038
- 483 Block: 540879628002039
- 484 Block: 540879628002040

485 Block: 540879628002041  
486 Block: 540879628002042  
487 Block: 540879628002043  
488 Block: 540879628002047  
489 Block: 540879628002048  
490 Block: 540879628002049  
491 Block: 540879628002050  
492 Block: 540879628002051  
493 Block: 540879628002052  
494 Block: 540879628002055  
495 Block: 540879628002056  
496 Block: 540879628002057  
497 Block: 540879628002059  
498 Block: 540879628002060  
499 Block: 540879628002061  
500 Block: 540879628002062  
501 Block: 540879628002063  
502 Block: 540879628002064  
503 Block: 540879628002065  
504 Block: 540879628002066  
505 Block: 540879628002067  
506 Block: 540879628002068  
507 Block: 540879628002069  
508 Block: 540879628002070  
509 Block: 540879628002071  
510 Block: 540879628002072  
511 Block: 540879628002073  
512 Block: 540879628002075  
513 Block: 540879628003000  
514 Block: 540879628003001  
515 Block: 540879628003014  
516 Block: 540879628003015  
517 Block: 540879628003030  
518 Block: 540879628003031  
519 Block: 540879628003032  
520 Block: 540879628003033  
521 Block: 540879628003034  
522 Block: 540879628003035

- 523 Block: 540879628003036
- 524 Block: 540879628003037
- 525 Block: 540879628003038
- 526 Block: 540879628003039
- 527 Block: 540879628003040
- 528 Block: 540879628003041
- 529 Block: 540879628003051
- 530 Block: 540879628003052
- 531 Block: 540879628003054
- 532 Block: 540879628003055
- 533 Block: 540879630001005
- 534 Block: 540879630001011
- 535 Block: 540879630001012
- 536 Block: 540879630001013
- 537 Block: 540879630001014
- 538 Block: 540879630001015
- 539 Block: 540879630001016
- 540 Block: 540879630001017
- 541 Block: 540879630001018
- 542 Block: 540879630001040
- 543 Block: 540879630001041
- 544 Block: 540879630002000
- 545 Block: 540879630002001
- 546 Block: 540879630002002
- 547 Block: 540879630004009
- 548 Voting district: 28
- 549 Voting district: 4
- 550 Voting district: 5
- 551 Voting district: 7
- 552 Wirt County
- 553 Wood County
  
- 554 (4) The fourth senatorial district consists of:
  - 555 Jackson County
  - 556 Mason County
  - 557 The following areas of Putnam County:
  - 558 Voting district: 10

- 559 Voting district: 13
- 560 Voting district: 24
- 561 Voting district: 25
- 562 Voting district: 26
- 563 Voting district: 27
- 564 Voting district: 28
- 565 Voting district: 29
- 566 Voting district: 30
- 567 Voting district: 31
- 568 Voting district: 32
- 569 Voting district: 33
- 570 Voting district: 41
- 571 Voting district: 42
- 572 Voting district: 43
- 573 Voting district: 47
- 574 Voting district: 48
- 575 Voting district: 6
- 576 Voting district: 7
- 577 Voting district: 8
- 578 Voting district: 9
- 579 The following areas of Roane County:
- 580 Voting district: 1
- 581 Voting district: 10
- 582 Voting district: 11
- 583 Voting district: 12
- 584 Voting district: 18
- 585 Voting district: 19
- 586 Voting district: 20
- 587 Voting district: 21
- 588 Voting district: 22
- 589 Voting district: 23
- 590 The following blocks of voting district 25:
- 591 Block: 540879628002053
- 592 Block: 540879628002054
- 593 Block: 540879628002058
- 594 Block: 540879630001000
- 595 Block: 540879630001001
- 596 Block: 540879630001002

597 Block: 540879630001009  
598 Block: 540879630001023  
599 Block: 540879630002014  
600 Block: 540879630002028  
601 Voting district: 29  
602 Voting district: 30  
603 Voting district: 32

604 (5) The fifth senatorial district consists of:

605 Cabell County  
606 The following areas of Wayne County:  
607 Voting district: 11  
608 Voting district: 12  
609 Voting district: 13  
610 Voting district: 14  
611 Voting district: 16  
612 Voting district: 17  
613 Voting district: 20  
614 Voting district: 21  
615 Voting district: 56  
616 Voting district: 57  
617 Voting district: 59  
618 Voting district: 60  
619 Voting district: 61  
620 Voting district: 62  
621 Voting district: 63

622 (6) The sixth senatorial district consists of:

623 The following areas of McDowell County:  
624 Voting district: 1  
625 Voting district: 100  
626 Voting district: 102  
627 Voting district: 103  
628 Voting district: 104  
629 Voting district: 105  
630 Voting district: 106

631	Voting district: 107
632	Voting district: 109
633	Voting district: 11
634	Voting district: 111
635	Voting district: 112
636	Voting district: 113
637	Voting district: 114
638	Voting district: 116
639	Voting district: 14
640	Voting district: 17
641	Voting district: 20
642	Voting district: 21
643	Voting district: 28
644	The following blocks of voting district 32:
645	Block: 540479538004093
646	Block: 540479538004096
647	Block: 540479538004098
648	Block: 540479545041002
649	Block: 540479545041003
650	Block: 540479545041004
651	Block: 540479545041005
652	Block: 540479545041006
653	Block: 540479545041007
654	Block: 540479545041008
655	Block: 540479545041009
656	Block: 540479545041010
657	Block: 540479545041011
658	Block: 540479545041012
659	Block: 540479545041013
660	Block: 540479545041034
661	Block: 540479545041037
662	Block: 540479545041039
663	Block: 540479545041040
664	Block: 540479545041041
665	Block: 540479545041149
666	Block: 540479545045007
667	Block: 540479545045008
668	Block: 540479545045010

669 Voting district: 34  
670 Voting district: 50  
671 The following blocks of voting district 58:  
672 Block: 540479545031063  
673 Block: 540479545031066  
674 Block: 540479545031067  
675 Block: 540479545031077  
676 Block: 540479545031078  
677 Block: 540479545031079  
678 Block: 540479545031081  
679 Block: 540479545031082  
680 Block: 540479545031083  
681 Block: 540479545031086  
682 Block: 540479545031089  
683 Block: 540479545031090  
684 Block: 540479545031091  
685 Block: 540479545031092  
686 Block: 540479545031101  
687 Block: 540479545031102  
688 Block: 540479545032039  
689 Block: 540479545032040  
690 Block: 540479545032063  
691 Block: 540479545045013  
692 Block: 540479545045016  
693 Block: 540479545045023  
694 Block: 540479545045026  
695 Block: 540479545045027  
696 Block: 540479545045034  
697 Block: 540479545045035  
698 Block: 540479545045036  
699 Block: 540479545045037  
700 Block: 540479545045040  
701 Block: 540479545045056  
702 Voting district: 6  
703 Voting district: 60  
704 The following blocks of voting district 63:  
705 Block: 540479545011021  
706 Block: 540479545011022



707	Block: 540479545011023
708	Block: 540479545011024
709	Block: 540479545011025
710	Block: 540479545011026
711	Block: 540479545011027
712	Block: 540479545011028
713	Block: 540479545011029
714	Block: 540479545011039
715	Block: 540479545011047
716	Block: 540479545011048
717	Block: 540479545011082
718	Block: 540479545011083
719	Block: 540479545011084
720	Block: 540479545011112
721	Block: 540479545011113
722	Block: 540479545011114
723	Block: 540479545011119
724	Block: 540479545011134
725	Block: 540479545011135
726	Block: 540479545031062
727	Block: 540479545031065
728	Block: 540479545031080
729	Block: 540479545031116
730	Block: 540479545031129
731	Block: 540479545032002
732	Block: 540479545032003
733	Block: 540479545032004
734	Block: 540479545032005
735	Block: 540479545032006
736	Block: 540479545032007
737	Block: 540479545032008
738	Block: 540479545032010
739	Block: 540479545032012
740	Block: 540479545032013
741	Block: 540479545032014
742	Block: 540479545032015
743	Block: 540479545032017
744	Block: 540479545032018

745	Block: 540479545032019
746	Block: 540479545032020
747	Block: 540479545032073
748	Block: 540479545032074
749	Block: 540479545032075
750	Block: 540479545032076
751	Block: 540479545032078
752	Block: 540479545032079
753	Block: 540479545032080
754	Block: 540479545032081
755	Block: 540479545032082
756	Block: 540479545032084
757	Block: 540479545032085
758	Block: 540479545032086
759	Block: 540479545032087
760	Block: 540479545032088
761	Block: 540479545032089
762	Block: 540479545032090
763	Block: 540479545032091
764	Block: 540479545032092
765	Block: 540479545032099
766	Block: 540479545032100
767	Block: 540479545032103
768	Block: 540479545032112
769	Block: 540479545032113
770	Voting district: 66
771	Voting district: 72
772	Voting district: 73
773	Voting district: 76
774	Voting district: 78
775	Voting district: 81
776	Voting district: 84
777	Voting district: 85
778	Voting district: 86
779	Voting district: 87
780	Voting district: 91
781	Voting district: 93
782	Voting district: 98

- 783 Mercer County
- 784 The following areas of Mingo County:
- 785 Voting district: 1
- 786 Voting district: 22
- 787 Voting district: 23
- 788 Voting district: 26
- 789 Voting district: 27
- 790 The following blocks of voting district 28:
- 791 Block: 540599572003043
- 792 Block: 540599572003046
- 793 Block: 540599572003048
- 794 Block: 540599572003049
- 795 Block: 540599572003051
- 796 Block: 540599572003052
- 797 Block: 540599572003054
- 798 Block: 540599572003056
- 799 Block: 540599572003057
- 800 Block: 540599572003058
- 801 Block: 540599572003059
- 802 Block: 540599572003071
- 803 Block: 540599573001004
- 804 Block: 540599573001007
- 805 Block: 540599573001016
- 806 Block: 540599573001075
- 807 Block: 540599573001076
- 808 Block: 540599573001077
- 809 Block: 540599573001078
- 810 Block: 540599573001079
- 811 Block: 540599573002021
- 812 Block: 540599573002023
- 813 Block: 540599573002025
- 814 Block: 540599573002026
- 815 Block: 540599573002027
- 816 Block: 540599573002030
- 817 Block: 540599573002031
- 818 Block: 540599573002034
- 819 Block: 540599573002041
- 820 Block: 540599573002042

821	Block: 540599573002043
822	Block: 540599573002044
823	Block: 540599573002045
824	Block: 540599573002046
825	Block: 540599573002047
826	Block: 540599573002048
827	Block: 540599573002055
828	Block: 540599573002056
829	Block: 540599573002057
830	Block: 540599573002058
831	Block: 540599573002059
832	Voting district: 3
833	The following blocks of voting district 30:
834	Block: 540599573003000
835	Block: 540599573003001
836	Block: 540599573003002
837	Block: 540599573003003
838	Block: 540599573003004
839	Block: 540599573003008
840	Block: 540599573003009
841	Block: 540599573003010
842	Block: 540599573003011
843	Block: 540599573003012
844	Block: 540599573003013
845	Block: 540599573003014
846	Block: 540599573003015
847	Block: 540599573003016
848	Block: 540599573003017
849	Block: 540599573003018
850	Block: 540599573003019
851	Block: 540599573003020
852	Block: 540599573003021
853	Block: 540599573003022
854	Block: 540599573003023
855	Block: 540599573003024
856	Block: 540599573003025
857	Block: 540599573003026
858	Block: 540599573003027

859 Block: 540599573003028  
860 Block: 540599573003029  
861 Block: 540599573003030  
862 Block: 540599573003031  
863 Block: 540599573003032  
864 Block: 540599573003033  
865 Block: 540599573003048  
866 Block: 540599573003049  
867 Block: 540599573003050  
868 Block: 540599573003051  
869 Block: 540599575003001  
870 Block: 540599575003002  
871 Block: 540599575003003  
872 Block: 540599575003004  
873 Block: 540599575003005  
874 Block: 540599575003006  
875 Block: 540599575003007  
876 Block: 540599575003024  
877 Block: 540599575003025  
878 Voting district: 41  
879 Voting district: 43  
880 Voting district: 44  
881 The following blocks of voting district 45:  
882 Block: 540599571001008  
883 Block: 540599571001009  
884 Block: 540599571001011  
885 Block: 540599571001013  
886 Block: 540599571001014  
887 Block: 540599571001015  
888 Block: 540599571001016  
889 Block: 540599571001020  
890 Block: 540599571001022  
891 Block: 540599571001023  
892 Block: 540599571001024  
893 Block: 540599571002000  
894 Block: 540599571002001  
895 Block: 540599571002002  
896 Block: 540599571002003

897	Block: 540599571002004
898	Block: 540599571002005
899	Block: 540599571002006
900	Block: 540599571002007
901	Block: 540599571002008
902	Block: 540599571002009
903	Block: 540599571002010
904	Block: 540599571002011
905	Block: 540599571002012
906	Block: 540599571002019
907	Block: 540599571002020
908	Block: 540599571002021
909	Block: 540599571002022
910	The following blocks of voting district 46:
911	Block: 540599571002028
912	Block: 540599571002054
913	Block: 540599571002055
914	Block: 540599571002056
915	Block: 540599571002057
916	Block: 540599572001020
917	Block: 540599572001021
918	Block: 540599572001026
919	Block: 540599572001027
920	Block: 540599572001036
921	Block: 540599572001037
922	Block: 540599572001038
923	Block: 540599572001039
924	Block: 540599572001040
925	Block: 540599572001041
926	Block: 540599572001042
927	Block: 540599572001043
928	Block: 540599572001044
929	Block: 540599572001045
930	Block: 540599572001046
931	Block: 540599572001048
932	Block: 540599572001049
933	Block: 540599572001051
934	Block: 540599572001052

- 935 Block: 540599572001053
- 936 Block: 540599572001080
- 937 Block: 540599572001112
- 938 Voting district: 47
- 939 Voting district: 5
- 940 Voting district: 50
- 941 Voting district: 51
- 942 Voting district: 54
- 943 Voting district: 55
- 944 Voting district: 56
- 945 Voting district: 57
- 946 The following blocks of voting district 59:
- 947 Block: 540599573003039
- 948 Block: 540599573003040
- 949 Block: 540599573003041
- 950 Block: 540599573003042
- 951 Block: 540599573003043
- 952 Block: 540599573003044
- 953 Block: 540599573003045
- 954 Block: 540599573003046
- 955 Block: 540599573003047
- 956 Block: 540599573003052
- 957 Block: 540599575001048
- 958 Block: 540599575001064
- 959 Block: 540599575001065
- 960 Block: 540599575002028
- 961 Block: 540599575002029
- 962 Block: 540599575002038
- 963 Block: 540599575002039
- 964 Block: 540599575002040
- 965 Block: 540599575002041
- 966 Block: 540599575002042
- 967 Block: 540599575002043
- 968 Block: 540599575002094
- 969 Voting district: 6
- 970 Voting district: 7
- 971 Voting district: 72
- 972 Voting district: 73

- 973 Voting district: 74
- 974 Voting district: 9
- 975 The following areas of Wayne County:
- 976 Voting district: 1
- 977 Voting district: 18
- 978 Voting district: 3
- 979 Voting district: 30
- 980 Voting district: 31
- 981 Voting district: 34
- 982 Voting district: 36
- 983 Voting district: 37
- 984 Voting district: 38
- 985 Voting district: 5
- 986 Voting district: 6
  
- 987 (7) The seventh senatorial district consists of:
  - 988 Boone County
  - 989 Lincoln County
  - 990 Logan County
  - 991 The following areas of Mingo County:
  - 992 The following blocks of voting district 28:
  - 993 Block: 540599572003017
  - 994 Block: 540599572003018
  - 995 Block: 540599572003019
  - 996 Block: 540599572003020
  - 997 Block: 540599572003021
  - 998 Block: 540599572003042
  - 999 Block: 540599572003044
  - 1000 Block: 540599572003045
  - 1001 Block: 540599572003047
  - 1002 Block: 540599572003050
  - 1003 Block: 540599572003053
  - 1004 Block: 540599573002000
  - 1005 Block: 540599573002001
  - 1006 Block: 540599573002002
  - 1007 Block: 540599573002010
  - 1008 Block: 540599573002011



1009 Block: 540599573002012  
1010 Block: 540599573002013  
1011 Block: 540599573002014  
1012 Block: 540599573002015  
1013 Block: 540599573002016  
1014 Block: 540599573002017  
1015 Block: 540599573002018  
1016 Block: 540599573002019  
1017 Block: 540599573002020  
1018 Block: 540599573002022  
1019 Block: 540599573002028  
1020 Block: 540599573002029  
1021 Block: 540599573002032  
1022 Block: 540599573002033  
1023 Block: 540599573002035  
1024 Block: 540599573002036  
1025 Block: 540599573002037  
1026 Block: 540599573002038  
1027 The following blocks of voting district 30:  
1028 Block: 540599573002003  
1029 Block: 540599573002004  
1030 Block: 540599573002005  
1031 Block: 540599573002006  
1032 Block: 540599573002007  
1033 Block: 540599573002008  
1034 Block: 540599573002009  
1035 Block: 540599573002039  
1036 Block: 540599573002049  
1037 Block: 540599573003005  
1038 Block: 540599573003006  
1039 Block: 540599573003007  
1040 Block: 540599575001000  
1041 Block: 540599575001001  
1042 Block: 540599575001002  
1043 Block: 540599575001003  
1044 Block: 540599575001004  
1045 Block: 540599575001005  
1046 Block: 540599575001006

1047	Block: 540599575001007
1048	Block: 540599575001008
1049	Block: 540599575001009
1050	Block: 540599575001010
1051	Block: 540599575001011
1052	Block: 540599575001013
1053	Block: 540599575001014
1054	Block: 540599575001015
1055	Block: 540599575001017
1056	Block: 540599575001025
1057	Block: 540599575001067
1058	Block: 540599575001068
1059	The following blocks of voting district 45:
1060	Block: 540599571001000
1061	Block: 540599571001001
1062	Block: 540599571001002
1063	Block: 540599571001003
1064	Block: 540599571001004
1065	Block: 540599571001005
1066	Block: 540599571001006
1067	Block: 540599571001007
1068	Block: 540599571001010
1069	Block: 540599571001012
1070	Block: 540599571001017
1071	Block: 540599571001018
1072	Block: 540599571001019
1073	Block: 540599571001021
1074	Block: 540599571001025
1075	Block: 540599571001026
1076	Block: 540599571001027
1077	Block: 540599571001028
1078	Block: 540599571001029
1079	Block: 540599571001030
1080	Block: 540599571001031
1081	Block: 540599571001032
1082	Block: 540599571001033
1083	Block: 540599571001035
1084	Block: 540599571001037

1085 Block: 540599571001038  
1086 Block: 540599571001054  
1087 The following blocks of voting district 46:  
1088 Block: 540599571001034  
1089 Block: 540599571001036  
1090 Block: 540599571001039  
1091 Block: 540599571001040  
1092 Block: 540599571001041  
1093 Block: 540599571001042  
1094 Block: 540599571001043  
1095 Block: 540599571001044  
1096 Block: 540599571001045  
1097 Block: 540599571001046  
1098 Block: 540599571001047  
1099 Block: 540599571001048  
1100 Block: 540599571001049  
1101 Block: 540599571001050  
1102 Block: 540599571001051  
1103 Block: 540599571001052  
1104 Block: 540599571001053  
1105 Block: 540599571001055  
1106 Block: 540599571001056  
1107 Block: 540599571002023  
1108 Block: 540599571002024  
1109 Block: 540599571002025  
1110 Block: 540599571002026  
1111 Block: 540599571002027  
1112 Block: 540599571002029  
1113 Block: 540599571002030  
1114 Block: 540599571002031  
1115 Block: 540599571002032  
1116 Block: 540599572001000  
1117 Block: 540599572001001  
1118 Block: 540599572001002  
1119 Block: 540599572001003  
1120 Block: 540599572001004  
1121 Block: 540599572001005  
1122 Block: 540599572001006

1123	Block: 540599572001007
1124	Block: 540599572001008
1125	Block: 540599572001009
1126	Block: 540599572001010
1127	Block: 540599572001011
1128	Block: 540599572001012
1129	Block: 540599572001013
1130	Block: 540599572001014
1131	Block: 540599572001015
1132	Block: 540599572001016
1133	Block: 540599572001017
1134	Block: 540599572001018
1135	Block: 540599572001019
1136	Block: 540599572001022
1137	Block: 540599572001023
1138	Block: 540599572001024
1139	Block: 540599572001025
1140	Block: 540599572001028
1141	Block: 540599572001029
1142	Block: 540599572001030
1143	Block: 540599572001031
1144	Block: 540599572001032
1145	Block: 540599572001033
1146	Block: 540599572001034
1147	Block: 540599572001054
1148	Block: 540599572001057
1149	Block: 540599572001064
1150	Block: 540599572001068
1151	Block: 540599572001075
1152	Block: 540599572001107
1153	Voting district: 48
1154	The following blocks of voting district 59:
1155	Block: 540599575001012
1156	Block: 540599575001016
1157	Block: 540599575001018
1158	Block: 540599575001036
1159	Block: 540599575001053
1160	Block: 540599575001058

- 1161 Block: 540599575001063
- 1162 Voting district: 75
- 1163 Voting district: 76
- 1164 Voting district: 77
- 1165 The following areas of Wayne County:
- 1166 Voting district: 19
- 1167 Voting district: 22
- 1168 Voting district: 41
- 1169 Voting district: 42
- 1170 Voting district: 45
- 1171 Voting district: 48
- 1172 Voting district: 49
- 1173 Voting district: 50
- 1174 Voting district: 51
- 1175 Voting district: 52
- 1176 Voting district: 53
- 1177 Voting district: 54
  
- 1178 (8) The eighth senatorial district consists of:
  - 1179 The following areas of Kanawha County:
  - 1180 Voting district: 115
  - 1181 Voting district: 116
  - 1182 Voting district: 123
  - 1183 The following blocks of voting district 160:
  - 1184 Block: 540390114013043
  - 1185 Block: 540390114013045
  - 1186 Block: 540390114013047
  - 1187 Block: 540390114013048
  - 1188 Block: 540390114013049
  - 1189 The following blocks of voting district 163:
  - 1190 Block: 540390114013052
  - 1191 Block: 540390114013053
  - 1192 Block: 540390114013054
  - 1193 Block: 540390114013055
  - 1194 Block: 540390114013056
  - 1195 Block: 540390114013058
  - 1196 Block: 540390114013071

1197	Block: 540390115002007
1198	Block: 540390115002008
1199	Block: 540390115002009
1200	Voting district: 166
1201	Voting district: 167
1202	Voting district: 168
1203	Voting district: 169
1204	Voting district: 170
1205	Voting district: 172
1206	Voting district: 174
1207	Voting district: 175
1208	Voting district: 177
1209	Voting district: 178
1210	Voting district: 179
1211	Voting district: 289
1212	Voting district: 290
1213	Voting district: 291
1214	Voting district: 292
1215	Voting district: 293
1216	Voting district: 294
1217	Voting district: 295
1218	Voting district: 296
1219	Voting district: 297
1220	Voting district: 298
1221	Voting district: 349
1222	Voting district: 350
1223	Voting district: 351
1224	Voting district: 352
1225	Voting district: 353
1226	Voting district: 354
1227	Voting district: 355
1228	Voting district: 357
1229	Voting district: 358
1230	Voting district: 359
1231	Voting district: 360
1232	Voting district: 361
1233	Voting district: 362
1234	Voting district: 364

1235	Voting district: 365
1236	Voting district: 366
1237	Voting district: 368
1238	Voting district: 370
1239	Voting district: 371
1240	Voting district: 373
1241	Voting district: 374
1242	Voting district: 401
1243	Voting district: 402
1244	Voting district: 403
1245	Voting district: 404
1246	Voting district: 406
1247	Voting district: 407
1248	Voting district: 408
1249	Voting district: 410
1250	Voting district: 411
1251	Voting district: 412
1252	Voting district: 413
1253	Voting district: 414
1254	Voting district: 415
1255	Voting district: 416
1256	Voting district: 417
1257	The following blocks of voting district 418:
1258	Block: 540390112002000
1259	Block: 540390112002001
1260	Block: 540390112002002
1261	Block: 540390112002003
1262	Block: 540390112002004
1263	Block: 540390112002005
1264	Block: 540390112002006
1265	Block: 540390112002081
1266	Block: 540390112002082
1267	Block: 540390112002084
1268	Block: 540390112002087
1269	Block: 540390112002088
1270	Block: 540390112002089
1271	Block: 540390112002234
1272	Block: 540390112002235

1273 Block: 540390112002236  
1274 Block: 540390112002237  
1275 Block: 540390112002241  
1276 Block: 540390112002242  
1277 Block: 540390112003000  
1278 Block: 540390112003001  
1279 Block: 540390112003002  
1280 Block: 540390112003003  
1281 Block: 540390112003004  
1282 Block: 540390112003005  
1283 Block: 540390112003006  
1284 Block: 540390112003007  
1285 Block: 540390112003008  
1286 Block: 540390112003009  
1287 Block: 540390112003010  
1288 Block: 540390112003011  
1289 Block: 540390112003012  
1290 Block: 540390112003013  
1291 Block: 540390112003014  
1292 Block: 540390112003015  
1293 Block: 540390112003016  
1294 Block: 540390112003017  
1295 Block: 540390112003018  
1296 Block: 540390112003019  
1297 Block: 540390112003020  
1298 Block: 540390112003021  
1299 Block: 540390112003022  
1300 Block: 540390112003023  
1301 Block: 540390112003024  
1302 Block: 540390112003025  
1303 Block: 540390112003026  
1304 Block: 540390112003027  
1305 Block: 540390112003028  
1306 Block: 540390112003029  
1307 Block: 540390112003030  
1308 Block: 540390112003031  
1309 Block: 540390112003032  
1310 Block: 540390112003033



1311	Block: 540390112003034
1312	Block: 540390112003054
1313	Block: 540390112003064
1314	Block: 540390112003065
1315	Block: 540390112003066
1316	Block: 540390112003067
1317	Block: 540390112003068
1318	Block: 540390112003069
1319	Block: 540390112003070
1320	Block: 540390112003071
1321	Block: 540390112003072
1322	Block: 540390112003073
1323	Block: 540390112003074
1324	Block: 540390112003075
1325	Block: 540390112003076
1326	Block: 540390112003077
1327	Block: 540390112003078
1328	Block: 540390112003079
1329	Block: 540390112003080
1330	Block: 540390112003081
1331	Block: 540390112003082
1332	Block: 540390112003083
1333	Block: 540390112003084
1334	Block: 540390112003085
1335	Block: 540390112003086
1336	Block: 540390112003087
1337	Block: 540390112003088
1338	Block: 540390112003089
1339	Block: 540390112003090
1340	Block: 540390112003091
1341	Block: 540390112003092
1342	Block: 540390112003093
1343	Block: 540390112003094
1344	Block: 540390112003095
1345	Block: 540390112003096
1346	Block: 540390112003097
1347	Block: 540390112003098
1348	Block: 540390112003099

1349	Block: 540390112003100
1350	Block: 540390112003101
1351	Block: 540390112003104
1352	Block: 540390112003105
1353	Block: 540390112003106
1354	Block: 540390112003107
1355	Block: 540390112003108
1356	Block: 540390112003109
1357	Block: 540390112003110
1358	Block: 540390112003111
1359	Block: 540390112003112
1360	Block: 540390112003113
1361	Block: 540390112003114
1362	Voting district: 419
1363	Voting district: 420
1364	Voting district: 421
1365	Voting district: 422
1366	Voting district: 423
1367	Voting district: 424
1368	Voting district: 425
1369	Voting district: 426
1370	Voting district: 427
1371	Voting district: 428
1372	Voting district: 429
1373	Voting district: 431
1374	Voting district: 432
1375	Voting district: 433
1376	Voting district: 434
1377	Voting district: 435
1378	The following areas of Putnam County:
1379	Voting district: 1
1380	Voting district: 15
1381	Voting district: 16
1382	Voting district: 17
1383	Voting district: 18
1384	Voting district: 19
1385	Voting district: 2
1386	Voting district: 21

- 1387 Voting district: 22
- 1388 Voting district: 23
- 1389 Voting district: 34
- 1390 Voting district: 35
- 1391 Voting district: 36
- 1392 Voting district: 37
- 1393 Voting district: 38
- 1394 Voting district: 4
- 1395 Voting district: 40
  
- 1396 (9) The ninth senatorial district consists of:
  - 1397 The following areas of McDowell County:
  - 1398 Voting district: 23
  - 1399 Voting district: 26
  - 1400 The following blocks of voting district 32:
    - 1401 Block: 540479538004072
    - 1402 Block: 540479538004086
    - 1403 Block: 540479538004087
    - 1404 Block: 540479538004089
    - 1405 Block: 540479538004090
    - 1406 Block: 540479538004092
    - 1407 Block: 540479545031085
    - 1408 Block: 540479545031088
    - 1409 Block: 540479545041000
    - 1410 Block: 540479545041001
    - 1411 Block: 540479545045001
    - 1412 Block: 540479545045002
    - 1413 Block: 540479545045003
    - 1414 Block: 540479545045004
    - 1415 Block: 540479545045005
    - 1416 Block: 540479545045006
    - 1417 Voting district: 40
    - 1418 The following block of voting district 58:
      - 1419 Block: 540479545045017
    - 1420 The following blocks of voting district 63:
      - 1421 Block: 540479545031015
      - 1422 Block: 540479545031093

1972

REDISTRICTING

[Ch. 6

1423 Block: 540479545031095

1424 Block: 540479545031098

1425 Block: 540479545031099

1426 Raleigh County

1427 Wyoming County

1428 (10) The tenth senatorial district consists of:

1429 Fayette County

1430 Greenbrier County

1431 Monroe County

1432 Summers County

1433 (11) The eleventh senatorial district consists of:

1434 The following areas of Grant County:

1435 Voting district: 1

1436 The following blocks of voting district 11:

1437 Block: 540239695001005

1438 Block: 540239695001006

1439 Block: 540239695001010

1440 Block: 540239695001011

1441 Block: 540239695001012

1442 Block: 540239695001013

1443 Block: 540239695001014

1444 Block: 540239695001015

1445 Block: 540239695001016

1446 Block: 540239695001017

1447 Block: 540239695001018

1448 Block: 540239695001019

1449 Block: 540239695001020

1450 Block: 540239695001026

1451 Block: 540239695001027

1452 Block: 540239695001028

1453 Block: 540239695001029

1454 Block: 540239695001030

1455 Block: 540239695001031

1456 Block: 540239695001032

1457 Block: 540239695001033  
1458 Block: 540239695001034  
1459 Block: 540239695001041  
1460 Block: 540239695001045  
1461 Block: 540239695001060  
1462 Block: 540239695001061  
1463 Block: 540239695001062  
1464 Block: 540239695001068  
1465 Block: 540239695001070  
1466 Block: 540239695001071  
1467 Block: 540239695001072  
1468 Block: 540239695001073  
1469 Block: 540239695001074  
1470 Block: 540239695001075  
1471 Block: 540239695001076  
1472 Block: 540239695001077  
1473 Block: 540239695001078  
1474 Block: 540239695001079  
1475 Block: 540239695001080  
1476 Block: 540239695001081  
1477 Block: 540239695001082  
1478 Block: 540239695001083  
1479 Block: 540239695001084  
1480 Block: 540239695001085  
1481 Block: 540239695001086  
1482 Block: 540239695001087  
1483 Block: 540239695001088  
1484 Block: 540239695001089  
1485 Block: 540239695001090  
1486 Block: 540239695001091  
1487 Block: 540239695001092  
1488 Block: 540239695001094  
1489 Block: 540239695001109  
1490 Block: 540239695001110  
1491 Block: 540239695001113  
1492 Block: 540239695001114  
1493 Block: 540239695001115  
1494 Voting district: 12

1974

REDISTRICTING

[Ch. 6

1495 Voting district: 2  
1496 Voting district: 3  
1497 Voting district: 4  
1498 Voting district: 5  
1499 Voting district: 6  
1500 Voting district: 7  
1501 Voting district: 8  
1502 Nicholas County  
1503 Pendleton County  
1504 Pocahontas County  
1505 Randolph County  
1506 Upshur County  
1507 Webster County

1508 (12) The twelfth senatorial district consists of:

1509 Braxton County  
1510 Clay County  
1511 The following areas of Gilmer County:  
1512 Voting district: 16  
1513 Voting district: 17  
1514 Voting district: 18  
1515 Voting district: 20  
1516 The following blocks of voting district 24:  
1517 Block: 540219678002017  
1518 Block: 540219678002025  
1519 Block: 540219678002026  
1520 Block: 540219678002027  
1521 Block: 540219678002028  
1522 Block: 540219678002032  
1523 Block: 540219678002040  
1524 Block: 540219678002041  
1525 Block: 540219678002042  
1526 Block: 540219678002043  
1527 Block: 540219678002045  
1528 Harrison County  
1529 Lewis County

1530 (13) The thirteenth senatorial district consists of:

1531 The following areas of Marion County:

- 1532 Voting district: 1
- 1533 Voting district: 100
- 1534 Voting district: 101
- 1535 Voting district: 102
- 1536 Voting district: 104
- 1537 Voting district: 111
- 1538 Voting district: 112
- 1539 Voting district: 113
- 1540 Voting district: 114
- 1541 Voting district: 115
- 1542 Voting district: 116
- 1543 Voting district: 117
- 1544 Voting district: 118
- 1545 Voting district: 119
- 1546 Voting district: 120
- 1547 Voting district: 121
- 1548 Voting district: 122
- 1549 Voting district: 123
- 1550 Voting district: 124
- 1551 Voting district: 125
- 1552 Voting district: 13
- 1553 Voting district: 16
- 1554 Voting district: 18
- 1555 Voting district: 2
- 1556 Voting district: 20
- 1557 Voting district: 27
- 1558 Voting district: 28
- 1559 Voting district: 29
- 1560 Voting district: 30
- 1561 Voting district: 31
- 1562 Voting district: 32
- 1563 Voting district: 33
- 1564 Voting district: 34
- 1565 Voting district: 35
- 1566 Voting district: 36

1567	Voting district: 38
1568	Voting district: 39
1569	Voting district: 40
1570	Voting district: 41
1571	Voting district: 42
1572	Voting district: 43
1573	Voting district: 44
1574	Voting district: 45
1575	Voting district: 47
1576	Voting district: 48
1577	Voting district: 5
1578	Voting district: 50
1579	Voting district: 51
1580	Voting district: 52
1581	Voting district: 55
1582	The following blocks of voting district 56:
1583	Block: 540490204001017
1584	Block: 540490204001018
1585	Block: 540490204001019
1586	Block: 540490204001051
1587	Block: 540490213002000
1588	Block: 540490213002002
1589	Block: 540490213002003
1590	Block: 540490213002004
1591	Block: 540490213002005
1592	Block: 540490213002006
1593	Block: 540490213002009
1594	Block: 540490213002010
1595	Block: 540490213002023
1596	Block: 540490214002002
1597	Block: 540490214002003
1598	Block: 540490214002004
1599	Block: 540490214002008
1600	Block: 540490214002009
1601	Block: 540490214002010
1602	Block: 540490214002012
1603	Block: 540490214002030
1604	Block: 540490214002031



1605	Block: 540490214002035
1606	Block: 540490214002036
1607	Block: 540490214002038
1608	Block: 540490214002041
1609	Block: 540490214002042
1610	Block: 540490214002043
1611	Block: 540490214002044
1612	Block: 540490214002045
1613	Block: 540490214002046
1614	Block: 540490214002047
1615	Block: 540490216001069
1616	Block: 540490216001072
1617	Block: 540490216004026
1618	Block: 540490216004027
1619	Block: 540490216004028
1620	Block: 540490216004036
1621	Block: 540490216004049
1622	Block: 540490216004054
1623	Block: 540490216004055
1624	Voting district: 57
1625	Voting district: 6
1626	Voting district: 7
1627	Voting district: 82
1628	Voting district: 83
1629	Voting district: 92
1630	Voting district: 96
1631	Voting district: 98
1632	The following areas of Monongalia County:
1633	Voting district: 1
1634	Voting district: 10
1635	Voting district: 12
1636	Voting district: 13
1637	Voting district: 14
1638	Voting district: 15
1639	Voting district: 16
1640	Voting district: 17
1641	Voting district: 18
1642	Voting district: 2

1643	Voting district: 20
1644	Voting district: 21
1645	Voting district: 22
1646	Voting district: 23
1647	Voting district: 24
1648	Voting district: 25
1649	Voting district: 26
1650	Voting district: 27
1651	Voting district: 28
1652	Voting district: 29
1653	Voting district: 3
1654	Voting district: 30
1655	Voting district: 31
1656	Voting district: 32
1657	Voting district: 35
1658	Voting district: 36A
1659	Voting district: 36B
1660	The following block of voting district 38:
1661	Block: 540610118062023
1662	Voting district: 39
1663	Voting district: 4
1664	Voting district: 48
1665	Voting district: 5
1666	Voting district: 59
1667	Voting district: 6
1668	The following blocks of voting district 60:
1669	Block: 540610110003031
1670	Block: 540610110003114
1671	Block: 540610110003115
1672	Block: 540610110003116
1673	Block: 540610110003121
1674	Block: 540610110003122
1675	Block: 540610111001089
1676	Block: 540610113001062
1677	Block: 540610113001063
1678	Block: 540610113002014
1679	Block: 540610113002026
1680	Block: 540610113002035

1681 Block: 540610119003000  
1682 Block: 540610119003001  
1683 Block: 540610119003002  
1684 Block: 540610119003003  
1685 Block: 540610119003004  
1686 Block: 540610119003005  
1687 Block: 540610119003006  
1688 Block: 540610119003007  
1689 Block: 540610119003008  
1690 Block: 540610119003010  
1691 Block: 540610119003012  
1692 Block: 540610119003013  
1693 Block: 540610119003070  
1694 Block: 540610119003071  
1695 Block: 540610119003072  
1696 Block: 540610119003073  
1697 Block: 540610119003074  
1698 Block: 540610119003075  
1699 Block: 540610119003078  
1700 Block: 540610119003085  
1701 Block: 540610119003086  
1702 Block: 540610119003087  
1703 The following blocks of voting district 63:  
1704 Block: 540610110003117  
1705 Block: 540610110003118  
1706 Block: 540610118042000  
1707 Block: 540610118042001  
1708 Block: 540610118042029  
1709 Block: 540610118042030  
1710 Block: 540610118042031  
1711 Voting district: 64  
1712 Voting district: 67  
1713 Voting district: 68  
1714 Voting district: 69  
1715 Voting district: 7  
1716 Voting district: 70  
1717 Voting district: 71  
1718 Voting district: 72

1719	Voting district: 73
1720	Voting district: 74
1721	Voting district: 75
1722	Voting district: 76
1723	Voting district: 77
1724	Voting district: 78
1725	The following blocks of voting district 79:
1726	Block: 540610117001011
1727	Block: 540610117001013
1728	Block: 540610117001014
1729	Block: 540610117001015
1730	Block: 540610117001016
1731	Block: 540610117001017
1732	Block: 540610117001018
1733	Block: 540610117001019
1734	Block: 540610117001021
1735	Block: 540610117001022
1736	Block: 540610117001023
1737	Block: 540610117003000
1738	Block: 540610117003001
1739	Block: 540610117003002
1740	Block: 540610117003004
1741	Block: 540610117003005
1742	Block: 540610117003006
1743	Block: 540610117003007
1744	Block: 540610117003008
1745	Block: 540610117003009
1746	Block: 540610117003010
1747	Block: 540610117003011
1748	Block: 540610117003012
1749	Block: 540610117003013
1750	Block: 540610117003014
1751	Block: 540610117003015
1752	Block: 540610117003016
1753	Block: 540610117003017
1754	Block: 540610117003018
1755	Block: 540610117003019
1756	Block: 540610117003020

1757 Block: 540610117003021  
1758 Block: 540610117003022  
1759 Block: 540610117003023  
1760 Block: 540610117003024  
1761 Block: 540610117003025  
1762 Block: 540610117003026  
1763 Block: 540610117003027  
1764 Block: 540610117003028  
1765 Block: 540610117003029  
1766 Block: 540610117003030  
1767 Block: 540610117003031  
1768 Block: 540610117004067  
1769 Block: 540610117004068  
1770 Block: 540610117004069  
1771 Block: 540610117004070  
1772 Block: 540610117004071  
1773 Block: 540610117004072  
1774 Block: 540610117004073  
1775 Block: 540610117004074  
1776 Block: 540610117004075  
1777 Block: 540610117004076  
1778 Block: 540610117004077  
1779 Block: 540610117004078  
1780 Block: 540610117004079  
1781 Block: 540610117004080  
1782 Block: 540610117004081  
1783 Block: 540610117004086  
1784 Block: 540610117004087  
1785 Block: 540610117004088  
1786 Block: 540610117004089  
1787 Block: 540610117004090  
1788 Block: 540610117004094  
1789 Block: 540610117004095  
1790 Block: 540610117004096  
1791 Block: 540610117004098  
1792 Voting district: 8  
1793 Voting district: 80  
1794 The following blocks of voting district 82:

1795	Block: 540610117004000
1796	Block: 540610117004001
1797	Block: 540610117004002
1798	Block: 540610117004003
1799	Block: 540610117004004
1800	Block: 540610117004040
1801	Block: 540610117004041
1802	Block: 540610117004042
1803	Block: 540610117004043
1804	Block: 540610117004044
1805	Block: 540610117004045
1806	Block: 540610117004046
1807	Block: 540610117004061
1808	Block: 540610117004062
1809	Block: 540610117004063
1810	Block: 540610117004064
1811	Block: 540610117004065
1812	Block: 540610117004066
1813	Voting district: 83
1814	The following blocks of voting district 84:
1815	Block: 540610106003000
1816	Block: 540610106003001
1817	Block: 540610106003002
1818	Block: 540610106003006
1819	Block: 540610106004003
1820	Block: 540610106004004
1821	Block: 540610106004005
1822	Block: 540610106004007
1823	Block: 540610106004020
1824	Block: 540610106004042
1825	Block: 540610116002017
1826	Block: 540610116002018
1827	Block: 540610116002019
1828	Block: 540610116002020
1829	Block: 540610116002021
1830	Block: 540610116002022
1831	Block: 540610116002023
1832	Block: 540610116002024

- 1833 Block: 540610116002026
- 1834 Block: 540610116002027
- 1835 Block: 540610116002028
- 1836 Block: 540610116002029
- 1837 Block: 540610116002030
- 1838 Block: 540610116002031
- 1839 Block: 540610116002032
- 1840 Block: 540610116002040
- 1841 Block: 540610116002041
- 1842 Block: 540610116002042
- 1843 Block: 540610116002043
- 1844 Block: 540610116002044
- 1845 Block: 540610116002045
- 1846 Block: 540610116002046
- 1847 Block: 540610116002047
- 1848 Block: 540610116002048
- 1849 Block: 540610116002049
- 1850 Voting district: 85
- 1851 Voting district: 86
- 1852 Voting district: 87
- 1853 Voting district: 88
- 1854 Voting district: 9
- 1855 Voting district: 90
- 1856 Voting district: 92
  
- 1857 (14) The fourteenth senatorial district consists of:
  - 1858 Barbour County
  - 1859 The following areas of Grant County:
    - 1860 Voting district: 10
    - 1861 The following blocks of voting district 11:
      - 1862 Block: 540239694001064
      - 1863 Block: 540239694001067
      - 1864 Block: 540239694001068
      - 1865 Block: 540239694001072
      - 1866 Block: 540239694001073
      - 1867 Block: 540239694001074
      - 1868 Block: 540239694001075

1869	Block: 540239694001076
1870	Block: 540239694001077
1871	Block: 540239694001078
1872	Block: 540239694001095
1873	Block: 540239694001108
1874	Block: 540239694001109
1875	Block: 540239694001110
1876	Block: 540239694001111
1877	Block: 540239694001114
1878	Block: 540239694001115
1879	Block: 540239694001116
1880	Block: 540239694001117
1881	Block: 540239694001118
1882	Block: 540239694001119
1883	Block: 540239694001120
1884	Block: 540239694001121
1885	Block: 540239694001126
1886	Block: 540239694001127
1887	Block: 540239694001128
1888	Block: 540239694001129
1889	Block: 540239694001130
1890	Block: 540239694001131
1891	Block: 540239694001133
1892	Block: 540239694001135
1893	Block: 540239695001000
1894	Block: 540239695001001
1895	Block: 540239695001002
1896	Block: 540239695001003
1897	Block: 540239695001004
1898	Block: 540239695001007
1899	Block: 540239695001035
1900	Block: 540239695001036
1901	Block: 540239695001037
1902	Block: 540239695001038
1903	Block: 540239695001039
1904	Block: 540239695001040
1905	Voting district: 13
1906	Voting district: 14



- 1907 Voting district: 15
- 1908 Voting district: 9
- 1909 Hardy County
- 1910 The following areas of Mineral County:
- 1911 Voting district: 16
- 1912 Voting district: 17
- 1913 Voting district: 18
- 1914 Voting district: 19
- 1915 Voting district: 20
- 1916 Voting district: 21
- 1917 Voting district: 22
- 1918 Voting district: 23
- 1919 Voting district: 24
- 1920 Voting district: 25
- 1921 The following blocks of voting district 26:
- 1922 Block: 540570105001015
- 1923 Block: 540570105001019
- 1924 Block: 540570105002075
- 1925 Block: 540570105003000
- 1926 Block: 540570105003007
- 1927 Block: 540570105003008
- 1928 Block: 540570105003009
- 1929 Block: 540570105003010
- 1930 Block: 540570105003011
- 1931 Block: 540570105003012
- 1932 Block: 540570105003013
- 1933 Block: 540570105003014
- 1934 Block: 540570105003015
- 1935 Block: 540570105003016
- 1936 Block: 540570105003041
- 1937 Block: 540570105003043
- 1938 Block: 540570105003090
- 1939 Block: 540570105003092
- 1940 The following block of voting district 27:
- 1941 Block: 540570105004006
- 1942 The following blocks of voting district 28:
- 1943 Block: 540570105004015
- 1944 Block: 540570105004048

1986

REDISTRICTING

[Ch. 6

1945 Block: 540570105004077  
1946 Block: 540570105004078  
1947 Block: 540570105004081  
1948 Voting district: 29  
1949 Voting district: 3  
1950 Voting district: 30  
1951 Voting district: 33  
1952 Voting district: 6  
1953 Voting district: 8  
1954 The following areas of Monongalia County:  
1955 Voting district: 33  
1956 Voting district: 34  
1957 Voting district: 37  
1958 The following blocks of voting district 38:  
1959 Block: 540610118033011  
1960 Block: 540610118033012  
1961 Block: 540610118052000  
1962 Block: 540610118052001  
1963 Block: 540610118052002  
1964 Block: 540610118052003  
1965 Block: 540610118052004  
1966 Block: 540610118052005  
1967 Block: 540610118052006  
1968 Block: 540610118052007  
1969 Block: 540610118052008  
1970 Block: 540610118052009  
1971 Block: 540610118052010  
1972 Block: 540610118052011  
1973 Block: 540610118052012  
1974 Block: 540610118052018  
1975 Block: 540610118052019  
1976 Block: 540610118052020  
1977 Block: 540610118052021  
1978 Block: 540610118052022  
1979 Block: 540610118052023  
1980 Block: 540610118052024  
1981 Block: 540610118052025  
1982 Block: 540610118052026

1983	Block: 540610118052027
1984	Block: 540610118052028
1985	Block: 540610118052029
1986	Block: 540610118052030
1987	Block: 540610118052031
1988	Block: 540610118052032
1989	Block: 540610118052033
1990	Block: 540610118052034
1991	Block: 540610118052035
1992	Block: 540610118052036
1993	Block: 540610118052037
1994	Block: 540610118052038
1995	Block: 540610118052039
1996	Block: 540610118052040
1997	Block: 540610118052041
1998	Block: 540610118052042
1999	Block: 540610118052043
2000	Block: 540610118052044
2001	Block: 540610118052045
2002	Block: 540610118052046
2003	Block: 540610118052048
2004	Block: 540610118053000
2005	Block: 540610118053001
2006	Block: 540610118053002
2007	Block: 540610118053003
2008	Block: 540610118053004
2009	Block: 540610118053005
2010	Block: 540610118053006
2011	Block: 540610118053007
2012	Block: 540610118054000
2013	Block: 540610118054001
2014	Block: 540610118054002
2015	Block: 540610118054003
2016	Block: 540610118054004
2017	Block: 540610118054005
2018	Block: 540610118054006
2019	Block: 540610118054007
2020	Block: 540610118054008

2021	Block: 540610118054011
2022	Block: 540610118054015
2023	Block: 540610118054016
2024	Block: 540610118054017
2025	Block: 540610118054018
2026	Block: 540610118054019
2027	Block: 540610118054020
2028	Block: 540610118054027
2029	Block: 540610118054028
2030	Block: 540610118054029
2031	Block: 540610118054030
2032	Block: 540610118054031
2033	The following blocks of voting district 60:
2034	Block: 540610110003032
2035	Block: 540610110003033
2036	Block: 540610110003094
2037	Block: 540610110003095
2038	Block: 540610110003096
2039	Block: 540610110003097
2040	Block: 540610110003098
2041	Block: 540610110003099
2042	Block: 540610110003100
2043	Block: 540610110003101
2044	Block: 540610110003102
2045	Block: 540610110003108
2046	Block: 540610110003109
2047	Block: 540610110003111
2048	Block: 540610110003112
2049	Block: 540610110003113
2050	Block: 540610110003124
2051	Block: 540610110003125
2052	Block: 540610118041008
2053	Block: 540610118041009
2054	Block: 540610118041010
2055	Block: 540610118041015
2056	Block: 540610118041019
2057	Block: 540610118041021
2058	Block: 540610118041022

2059	Block: 540610118041023
2060	Block: 540610118042007
2061	Block: 540610118042008
2062	Block: 540610118042009
2063	Block: 540610118042011
2064	Block: 540610119003009
2065	Block: 540610119003068
2066	Block: 540610119003069
2067	Block: 540610119003076
2068	Block: 540610119003077
2069	Block: 540610119003079
2070	Voting district: 61
2071	Voting district: 62
2072	The following blocks of voting district 63:
2073	Block: 540610118042032
2074	Block: 540610118042033
2075	Block: 540610118042034
2076	Block: 540610118042035
2077	Block: 540610118042036
2078	Block: 540610118042037
2079	Block: 540610118042038
2080	Block: 540610118042039
2081	Block: 540610118042040
2082	Block: 540610118042041
2083	Block: 540610118044000
2084	Block: 540610118044001
2085	Block: 540610118044002
2086	Block: 540610118044003
2087	Block: 540610118044004
2088	Block: 540610118044005
2089	Block: 540610118044007
2090	Block: 540610118044008
2091	Block: 540610118044009
2092	Block: 540610118044012
2093	Block: 540610118044015
2094	Block: 540610118044016
2095	Block: 540610118044017
2096	Block: 540610118044018

1990

REDISTRICTING

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2097 Block: 540610118044019

2098 Block: 540610118044020

2099 Block: 540610118044021

2100 Block: 540610118044022

2101 Block: 540610118044023

2102 Preston County

2103 Taylor County

2104 Tucker County

2105 (15) The fifteenth senatorial district consists of:

2106 The following areas of Berkeley County:

2107 Voting district: 19

2108 Voting district: 20

2109 The following blocks of voting district 21:

2110 Block: 540039711023000

2111 Block: 540039711023001

2112 Block: 540039711023002

2113 Block: 540039711023003

2114 Block: 540039711023004

2115 Block: 540039711023005

2116 Block: 540039711023006

2117 Block: 540039711023007

2118 Block: 540039711023008

2119 Block: 540039711023009

2120 Block: 540039711023010

2121 Block: 540039711023011

2122 Block: 540039711023012

2123 Block: 540039711023013

2124 Block: 540039711023014

2125 Block: 540039711023015

2126 Block: 540039711023016

2127 Block: 540039711023017

2128 Block: 540039711023018

2129 Block: 540039711023019

2130 Block: 540039711023020

2131 Block: 540039711023021

2132 Block: 540039711023022

2133 Block: 540039711023024  
2134 Block: 540039711024000  
2135 Block: 540039711024001  
2136 Block: 540039711024002  
2137 Block: 540039711024003  
2138 Block: 540039711024004  
2139 Block: 540039711024005  
2140 Block: 540039711024006  
2141 Block: 540039711024007  
2142 Block: 540039711024008  
2143 Block: 540039711024009  
2144 Block: 540039711024010  
2145 Block: 540039711024011  
2146 Block: 540039711024012  
2147 Block: 540039711024013  
2148 Block: 540039711024014  
2149 Block: 540039711024015  
2150 Block: 540039711024016  
2151 Block: 540039711024017  
2152 Block: 540039711024018  
2153 Block: 540039711024019  
2154 Block: 540039711024020  
2155 Block: 540039711024021  
2156 Block: 540039711024022  
2157 Block: 540039711024023  
2158 Block: 540039711024024  
2159 Block: 540039711025000  
2160 Block: 540039711025001  
2161 Block: 540039711025002  
2162 Block: 540039711025003  
2163 Block: 540039711025004  
2164 Block: 540039711025005  
2165 Block: 540039711025006  
2166 Block: 540039711025007  
2167 Block: 540039711025008  
2168 Block: 540039711025009  
2169 Block: 540039711025010  
2170 Block: 540039711025011

2171	Block: 540039711025012
2172	Block: 540039711025013
2173	Block: 540039711025014
2174	Block: 540039711025015
2175	Block: 540039711025016
2176	Block: 540039711025017
2177	Block: 540039711025018
2178	Block: 540039711025019
2179	Block: 540039711025020
2180	Block: 540039711025021
2181	Block: 540039711025023
2182	Block: 540039711025024
2183	The following blocks of voting district 22:
2184	Block: 540039712015016
2185	Block: 540039712015018
2186	Block: 540039712015025
2187	Block: 540039719002036
2188	Block: 540039719002037
2189	Block: 540039719002038
2190	The following blocks of voting district 23:
2191	Block: 540039711011018
2192	Block: 540039711011019
2193	Block: 540039711011020
2194	Block: 540039711011021
2195	Block: 540039711011022
2196	Block: 540039711011023
2197	Block: 540039711011024
2198	Block: 540039711011025
2199	Block: 540039711011026
2200	Block: 540039711011027
2201	Block: 540039711011028
2202	Block: 540039711011029
2203	Block: 540039711011030
2204	Block: 540039711011038
2205	Block: 540039711011039
2206	Block: 540039711011040
2207	Block: 540039711011041
2208	Block: 540039711011050



2209 Block: 540039711011051  
2210 Block: 540039711011052  
2211 Block: 540039711011053  
2212 Block: 540039711011054  
2213 Block: 540039711011055  
2214 Block: 540039711011056  
2215 Block: 540039711011057  
2216 Block: 540039711011058  
2217 Block: 540039711011059  
2218 Block: 540039711011060  
2219 Block: 540039711012000  
2220 Block: 540039711012001  
2221 Block: 540039711012002  
2222 Block: 540039711012003  
2223 Block: 540039711012004  
2224 Block: 540039711012005  
2225 Block: 540039711012006  
2226 Block: 540039711012007  
2227 Block: 540039711012008  
2228 Block: 540039711012009  
2229 Block: 540039711012010  
2230 Block: 540039711012011  
2231 Block: 540039711012012  
2232 Block: 540039711012013  
2233 Block: 540039711012014  
2234 Block: 540039711012015  
2235 Block: 540039711012016  
2236 Block: 540039711012017  
2237 Block: 540039711012018  
2238 Block: 540039711012019  
2239 Block: 540039711012020  
2240 Block: 540039711012021  
2241 Block: 540039711012022  
2242 Block: 540039711012023  
2243 Block: 540039711012024  
2244 Block: 540039711012025  
2245 Block: 540039711012026  
2246 Block: 540039711012027

2247 Block: 540039711012028  
2248 Block: 540039711012029  
2249 Block: 540039711012030  
2250 Block: 540039711012031  
2251 Block: 540039711012032  
2252 Block: 540039711012033  
2253 Block: 540039711012034  
2254 Block: 540039711012035  
2255 Block: 540039711012036  
2256 Block: 540039711012037  
2257 Block: 540039711012038  
2258 Block: 540039711012039  
2259 Block: 540039711012040  
2260 Block: 540039711012041  
2261 Block: 540039711012042  
2262 Block: 540039711012043  
2263 Block: 540039711012044  
2264 Block: 540039711012045  
2265 Block: 540039711012046  
2266 Block: 540039711012047  
2267 Block: 540039711012048  
2268 Block: 540039711012049  
2269 Block: 540039711012050  
2270 Block: 540039711012051  
2271 Block: 540039711012052  
2272 Block: 540039711012053  
2273 Block: 540039711012054  
2274 Block: 540039711012055  
2275 Block: 540039711012056  
2276 Block: 540039711012057  
2277 Block: 540039711012058  
2278 Block: 540039711012059  
2279 Block: 540039711012060  
2280 Block: 540039711012061  
2281 Block: 540039711012062  
2282 Block: 540039711012063  
2283 Block: 540039711012064  
2284 Block: 540039711012065

2285 Block: 540039711012066  
2286 Block: 540039711012067  
2287 Block: 540039711012068  
2288 Block: 540039711012069  
2289 Block: 540039711012070  
2290 Block: 540039711012071  
2291 Block: 540039711012072  
2292 Block: 540039711012073  
2293 Block: 540039711012074  
2294 Block: 540039711012075  
2295 Block: 540039711012076  
2296 Block: 540039711012077  
2297 Block: 540039711012078  
2298 Block: 540039711012079  
2299 Block: 540039711012080  
2300 Block: 540039711012081  
2301 Block: 540039711012082  
2302 Block: 540039711012083  
2303 Block: 540039713002001  
2304 Block: 540039713002002  
2305 The following blocks of voting district 26:  
2306 Block: 540039713002000  
2307 Block: 540039713002003  
2308 Block: 540039713002004  
2309 Block: 540039713002005  
2310 Block: 540039713002032  
2311 Block: 540039713002033  
2312 The following blocks of voting district 31:  
2313 Block: 540039719001000  
2314 Block: 540039719001001  
2315 Block: 540039719001002  
2316 Block: 540039719001003  
2317 Block: 540039719001004  
2318 Block: 540039719001005  
2319 Block: 540039719001007  
2320 Block: 540039719001008  
2321 Block: 540039719001009  
2322 Block: 540039719001021

2323	Block: 540039719001022
2324	Block: 540039719001023
2325	Block: 540039719001026
2326	Block: 540039719001027
2327	Block: 540039719001028
2328	Block: 540039719001030
2329	Block: 540039719004006
2330	Block: 540039719004011
2331	Block: 540039719004012
2332	Block: 540039719004013
2333	Block: 540039719004014
2334	Block: 540039719004015
2335	Block: 540039719004016
2336	Block: 540039719004017
2337	Block: 540039720002016
2338	Block: 540039720002018
2339	Block: 540039720002019
2340	Block: 540039720002021
2341	Block: 540039720002022
2342	Block: 540039720002036
2343	Voting district: 32
2344	Voting district: 33
2345	Voting district: 34
2346	The following blocks of voting district 35:
2347	Block: 540039720002017
2348	Block: 540039720002033
2349	Block: 540039720002039
2350	Block: 540039720002040
2351	Block: 540039720002041
2352	Block: 540039720002042
2353	Block: 540039720002043
2354	Block: 540039720002044
2355	Block: 540039720002045
2356	Block: 540039720002046
2357	Block: 540039720002047
2358	The following blocks of voting district 36:
2359	Block: 540039721012000
2360	Block: 540039721012001

2361	Block: 540039721012014
2362	Block: 540039721012016
2363	Block: 540039721012017
2364	Block: 540039721012018
2365	Block: 540039721012019
2366	Block: 540039721012020
2367	Block: 540039721012021
2368	Block: 540039721012022
2369	Block: 540039721012023
2370	Block: 540039721012024
2371	Block: 540039721012025
2372	Block: 540039721012028
2373	Block: 540039721012029
2374	Block: 540039721012030
2375	Block: 540039721012032
2376	Block: 540039721012037
2377	Block: 540039721012038
2378	Block: 540039721021000
2379	Block: 540039721021001
2380	Block: 540039721021002
2381	Block: 540039721021003
2382	Block: 540039721021004
2383	Block: 540039721021005
2384	Block: 540039721021006
2385	Block: 540039721021007
2386	Block: 540039721021008
2387	Block: 540039721021009
2388	Block: 540039721021010
2389	Block: 540039721021011
2390	Block: 540039721021012
2391	Block: 540039721021013
2392	Block: 540039721021014
2393	Block: 540039721021015
2394	Block: 540039721021016
2395	Block: 540039721021017
2396	Block: 540039721021018
2397	Block: 540039721021019
2398	Block: 540039721021020

2399	Block: 540039721021021
2400	Block: 540039721021022
2401	Block: 540039721023000
2402	Block: 540039721023003
2403	Block: 540039721023004
2404	Block: 540039721023006
2405	Block: 540039721023007
2406	Block: 540039721023008
2407	Block: 540039721023023
2408	Block: 540039721023026
2409	Block: 540039721023031
2410	Block: 540039721023032
2411	Block: 540039721023035
2412	Block: 540039721023037
2413	Block: 540039721023038
2414	Block: 540039721026009
2415	Block: 540039721026016
2416	Block: 540039721026042
2417	Block: 540039721026043
2418	Block: 540039721026044
2419	Block: 540039721026045
2420	Block: 540039721026046
2421	Block: 540039721026047
2422	Block: 540039721026048
2423	Block: 540039721026049
2424	Block: 540039721026050
2425	Block: 540039721026051
2426	Block: 540039721026052
2427	Block: 540039721026053
2428	Block: 540039721026054
2429	Block: 540039721026057
2430	The following blocks of voting district 37:
2431	Block: 540039719004007
2432	Block: 540039719004010
2433	Block: 540039721022010
2434	Block: 540039721022011
2435	Block: 540039721022012
2436	Block: 540039721022013

2437 Block: 540039721022014  
2438 Block: 540039721022015  
2439 Block: 540039721022016  
2440 Block: 540039721022017  
2441 Block: 540039721022018  
2442 Block: 540039721022019  
2443 Block: 540039721022020  
2444 Block: 540039721022021  
2445 Block: 540039721022022  
2446 Block: 540039721022023  
2447 Block: 540039721022024  
2448 Block: 540039721022025  
2449 Block: 540039721022033  
2450 Block: 540039721022034  
2451 Block: 540039721022035  
2452 Block: 540039721022036  
2453 Block: 540039721025005  
2454 Block: 540039721026001  
2455 Block: 540039721026002  
2456 Block: 540039721026003  
2457 Block: 540039721026004  
2458 Block: 540039721026005  
2459 Block: 540039721026006  
2460 Block: 540039721026007  
2461 Block: 540039721026008  
2462 Block: 540039721026010  
2463 Block: 540039721026011  
2464 Block: 540039721026012  
2465 Block: 540039721026013  
2466 Block: 540039721026014  
2467 Block: 540039721026015  
2468 Block: 540039721026017  
2469 Block: 540039721026018  
2470 Block: 540039721026019  
2471 Block: 540039721026020  
2472 Block: 540039721026021  
2473 Block: 540039721026022  
2474 Block: 540039721026023

2475 Block: 540039721026024  
2476 Block: 540039721026025  
2477 Block: 540039721026026  
2478 Block: 540039721026027  
2479 Block: 540039721026028  
2480 Block: 540039721026029  
2481 Block: 540039721026030  
2482 Block: 540039721026031  
2483 Block: 540039721026032  
2484 Block: 540039721026033  
2485 Block: 540039721026041  
2486 The following blocks of voting district 38:  
2487 Block: 540039712013016  
2488 Block: 540039712015000  
2489 Block: 540039712015001  
2490 Block: 540039712015002  
2491 Block: 540039712015003  
2492 Block: 540039712015004  
2493 Block: 540039712015008  
2494 Block: 540039712015015  
2495 Block: 540039712015019  
2496 Block: 540039712015020  
2497 Block: 540039712015021  
2498 Block: 540039712015028  
2499 Block: 540039718001042  
2500 Block: 540039718001057  
2501 Block: 540039718001066  
2502 Block: 540039718001068  
2503 Block: 540039719002013  
2504 The following blocks of voting district 39:  
2505 Block: 540039712012003  
2506 Block: 540039712012004  
2507 Block: 540039712012005  
2508 Block: 540039712012006  
2509 Block: 540039712012008  
2510 Block: 540039712012009  
2511 Block: 540039712012010  
2512 Block: 540039712012011



2513 Block: 540039712012012  
2514 Block: 540039712012013  
2515 Block: 540039712012014  
2516 Block: 540039712012015  
2517 Block: 540039712012016  
2518 Block: 540039712012017  
2519 Block: 540039712012018  
2520 Block: 540039712012021  
2521 Block: 540039712012022  
2522 Block: 540039712012025  
2523 Block: 540039712012030  
2524 Block: 540039712012031  
2525 Block: 540039712012037  
2526 Block: 540039712013000  
2527 Block: 540039712013001  
2528 Block: 540039712013002  
2529 Block: 540039712013003  
2530 Block: 540039712013004  
2531 Block: 540039712013005  
2532 Block: 540039712013006  
2533 Block: 540039712013007  
2534 Block: 540039712013008  
2535 Block: 540039712013012  
2536 Block: 540039712013013  
2537 Block: 540039712013014  
2538 Block: 540039712013015  
2539 Block: 540039712013017  
2540 Block: 540039712013018  
2541 Block: 540039712013019  
2542 Block: 540039712013020  
2543 Block: 540039712013022  
2544 Block: 540039712013023  
2545 Block: 540039712013024  
2546 Block: 540039712013025  
2547 Block: 540039712013045  
2548 Block: 540039712013046  
2549 Block: 540039712013047  
2550 Voting district: 40

2551	Voting district: 41
2552	Voting district: 42
2553	Voting district: 43
2554	Voting district: 44
2555	Voting district: 45
2556	The following blocks of voting district 46:
2557	Block: 540039712015007
2558	Block: 540039712015026
2559	Block: 540039712015027
2560	Block: 540039718001043
2561	Block: 540039718001044
2562	Block: 540039718001045
2563	Block: 540039718001046
2564	Block: 540039718001047
2565	Block: 540039718001048
2566	Block: 540039718001049
2567	Block: 540039718001050
2568	Block: 540039718001051
2569	Block: 540039718001052
2570	Block: 540039718001053
2571	Block: 540039718001054
2572	Block: 540039718001055
2573	Block: 540039718001056
2574	Block: 540039718001060
2575	Block: 540039718001061
2576	Block: 540039718001062
2577	Block: 540039718001063
2578	Block: 540039718001064
2579	Block: 540039718001067
2580	Block: 540039718001069
2581	Block: 540039718001070
2582	Block: 540039718001071
2583	Block: 540039718001072
2584	Block: 540039718001073
2585	Block: 540039718001074
2586	Block: 540039718001075
2587	Block: 540039718001076
2588	Block: 540039718001077

2589 Block: 540039718001078  
2590 Block: 540039718001079  
2591 Block: 540039718001080  
2592 Block: 540039718001081  
2593 Block: 540039718001087  
2594 Block: 540039718001088  
2595 Block: 540039718001089  
2596 Block: 540039718001090  
2597 Block: 540039718001091  
2598 Block: 540039718001092  
2599 Block: 540039718001093  
2600 Block: 540039718003001  
2601 Block: 540039718003002  
2602 Block: 540039718003003  
2603 Block: 540039718003005  
2604 Block: 540039718003007  
2605 Block: 540039718003015  
2606 Block: 540039718003044  
2607 Block: 540039718003045  
2608 Block: 540039718003046  
2609 Voting district: 47  
2610 Voting district: 48  
2611 The following blocks of voting district 49:  
2612 Block: 540039714001000  
2613 Block: 540039714001001  
2614 Block: 540039714001002  
2615 Block: 540039714001003  
2616 Block: 540039714001004  
2617 Block: 540039714001005  
2618 Block: 540039714001006  
2619 Block: 540039714001007  
2620 Block: 540039714001008  
2621 Block: 540039714001009  
2622 Block: 540039714001010  
2623 Block: 540039714001011  
2624 Block: 540039714001012  
2625 Block: 540039714001013  
2626 Block: 540039714001026

2627 Block: 540039714001027  
2628 Block: 540039714001028  
2629 Block: 540039714001029  
2630 Block: 540039714001030  
2631 Block: 540039714001031  
2632 Block: 540039714001032  
2633 Voting district: 51  
2634 Hampshire County  
2635 The following areas of Mineral County:  
2636 Voting district: 1  
2637 Voting district: 10  
2638 Voting district: 11  
2639 Voting district: 12  
2640 Voting district: 13  
2641 Voting district: 14  
2642 Voting district: 15  
2643 Voting district: 2  
2644 The following blocks of voting district 26:  
2645 Block: 540570105001001  
2646 Block: 540570105001002  
2647 Block: 540570105001003  
2648 Block: 540570105001004  
2649 Block: 540570105001005  
2650 Block: 540570105001006  
2651 Block: 540570105001007  
2652 Block: 540570105001008  
2653 Block: 540570105001009  
2654 Block: 540570105001010  
2655 Block: 540570105001011  
2656 Block: 540570105001012  
2657 Block: 540570105001013  
2658 Block: 540570105001014  
2659 Block: 540570105001016  
2660 Block: 540570105001017  
2661 Block: 540570105001018  
2662 Block: 540570105001021  
2663 Block: 540570105001048  
2664 Block: 540570105001049

2665 Block: 540570105001050  
2666 Block: 540570105001051  
2667 Block: 540570105003001  
2668 Block: 540570105003006  
2669 Block: 540570105003023  
2670 Block: 540570105003024  
2671 Block: 540570105003025  
2672 Block: 540570105003026  
2673 Block: 540570105003027  
2674 Block: 540570105003028  
2675 Block: 540570105003029  
2676 Block: 540570105003030  
2677 Block: 540570105003031  
2678 Block: 540570105003032  
2679 Block: 540570105003033  
2680 Block: 540570105003034  
2681 Block: 540570105003035  
2682 Block: 540570105003036  
2683 Block: 540570105003037  
2684 Block: 540570105003038  
2685 Block: 540570105003039  
2686 Block: 540570105003040  
2687 Block: 540570105003042  
2688 Block: 540570105003044  
2689 Block: 540570105003045  
2690 Block: 540570105003046  
2691 Block: 540570105003047  
2692 Block: 540570105003048  
2693 Block: 540570105003049  
2694 Block: 540570105003050  
2695 Block: 540570105003051  
2696 Block: 540570105003052  
2697 Block: 540570105003053  
2698 Block: 540570105003054  
2699 Block: 540570105003055  
2700 Block: 540570105003056  
2701 Block: 540570105003057  
2702 Block: 540570105003058

2703	Block: 540570105003059
2704	Block: 540570105003060
2705	Block: 540570105003061
2706	Block: 540570105003062
2707	Block: 540570105003063
2708	Block: 540570105003064
2709	Block: 540570105003065
2710	Block: 540570105003066
2711	Block: 540570105003067
2712	Block: 540570105003084
2713	Block: 540570105003085
2714	Block: 540570105003086
2715	Block: 540570105003089
2716	Block: 540570106001010
2717	The following blocks of voting district 27:
2718	Block: 540570105003068
2719	Block: 540570105003069
2720	Block: 540570105003070
2721	Block: 540570105003071
2722	Block: 540570105003072
2723	Block: 540570105003073
2724	Block: 540570105003074
2725	Block: 540570105003075
2726	Block: 540570105003076
2727	Block: 540570105003077
2728	Block: 540570105003078
2729	Block: 540570105003079
2730	Block: 540570105003080
2731	Block: 540570105003081
2732	Block: 540570105003082
2733	Block: 540570105003083
2734	Block: 540570105003088
2735	Block: 540570105003091
2736	Block: 540570105004000
2737	Block: 540570105004001
2738	Block: 540570105004002
2739	Block: 540570105004003
2740	Block: 540570105004004

2741 Block: 540570105004005  
2742 Block: 540570105004007  
2743 Block: 540570105004008  
2744 Block: 540570105004009  
2745 Block: 540570105004010  
2746 Block: 540570105004011  
2747 Block: 540570105004012  
2748 Block: 540570105004013  
2749 Block: 540570105004014  
2750 Block: 540570105004016  
2751 Block: 540570105004017  
2752 Block: 540570105004018  
2753 Block: 540570105004019  
2754 Block: 540570105004020  
2755 Block: 540570105004021  
2756 Block: 540570105004022  
2757 Block: 540570105004023  
2758 Block: 540570105004024  
2759 Block: 540570105004025  
2760 Block: 540570105004026  
2761 Block: 540570105004027  
2762 Block: 540570105004028  
2763 Block: 540570105004029  
2764 Block: 540570105004030  
2765 Block: 540570105004031  
2766 Block: 540570105004032  
2767 Block: 540570105004033  
2768 Block: 540570105004034  
2769 Block: 540570105004035  
2770 Block: 540570105004036  
2771 Block: 540570105004037  
2772 Block: 540570105004038  
2773 Block: 540570105004039  
2774 Block: 540570105004040  
2775 Block: 540570105004042  
2776 Block: 540570105004045  
2777 Block: 540570105004049  
2778 Block: 540570105004050

2779	The following blocks of voting district 28:
2780	Block: 540570105004041
2781	Block: 540570105004043
2782	Block: 540570105004044
2783	Block: 540570105004046
2784	Block: 540570105004047
2785	Block: 540570105004051
2786	Block: 540570105004052
2787	Block: 540570105004053
2788	Block: 540570105004054
2789	Block: 540570105004055
2790	Block: 540570105004056
2791	Block: 540570105004057
2792	Block: 540570105004058
2793	Block: 540570105004059
2794	Block: 540570105004060
2795	Block: 540570105004061
2796	Block: 540570105004062
2797	Block: 540570105004063
2798	Block: 540570105004064
2799	Block: 540570105004065
2800	Block: 540570105004066
2801	Block: 540570105004067
2802	Block: 540570105004068
2803	Block: 540570105004069
2804	Block: 540570105004070
2805	Block: 540570105004071
2806	Block: 540570105004072
2807	Block: 540570105004073
2808	Block: 540570105004074
2809	Block: 540570105004075
2810	Block: 540570105004076
2811	Block: 540570105004079
2812	Block: 540570105004080
2813	Block: 540570105004082
2814	Block: 540570105004083
2815	Block: 540570105004084
2816	Block: 540570105004085



- 2817 Block: 540570105004086
- 2818 Block: 540570105004087
- 2819 Block: 540570105004088
- 2820 Block: 540570105004089
- 2821 Block: 540570105004090
- 2822 Block: 540570105004091
- 2823 Block: 540570105004092
- 2824 Block: 540570105004093
- 2825 Block: 540570105004094
- 2826 Block: 540570105004095
- 2827 Block: 540570105004096
- 2828 Block: 540570105004097
- 2829 Block: 540570105004098
- 2830 Block: 540570105004099
- 2831 Block: 540570105004100
- 2832 Block: 540570105004101
- 2833 Block: 540570105004102
- 2834 Block: 540570105004103
- 2835 Block: 540570105004104
- 2836 Block: 540570105004106
- 2837 Block: 540570105004107
- 2838 Block: 540570105004111
- 2839 Block: 540570105004112
- 2840 Voting district: 31
- 2841 Voting district: 32
- 2842 Voting district: 34
- 2843 Voting district: 35
- 2844 Voting district: 4
- 2845 Voting district: 5
- 2846 Voting district: 7
- 2847 Voting district: 9
- 2848 Morgan County

2849 (16) The sixteenth senatorial district consists of:

- 2850 The following areas of Berkeley County:
- 2851 Voting district: 1
- 2852 Voting district: 10

2853	Voting district: 11
2854	Voting district: 14
2855	Voting district: 15
2856	Voting district: 15A
2857	Voting district: 16
2858	Voting district: 17
2859	Voting district: 18
2860	Voting district: 2
2861	The following blocks of voting district 21:
2862	Block: 540039711025022
2863	Block: 540039713004000
2864	Block: 540039713004001
2865	Block: 540039713004024
2866	Block: 540039713004025
2867	The following blocks of voting district 22:
2868	Block: 540039712015017
2869	Block: 540039712015023
2870	Block: 540039712015024
2871	Block: 540039716003009
2872	Block: 540039716003010
2873	Block: 540039717004000
2874	Block: 540039717004004
2875	Block: 540039717004006
2876	Block: 540039719002000
2877	Block: 540039719002001
2878	Block: 540039719002002
2879	Block: 540039719002003
2880	Block: 540039719002004
2881	Block: 540039719002005
2882	Block: 540039719002006
2883	Block: 540039719002007
2884	Block: 540039719002008
2885	Block: 540039719002009
2886	Block: 540039719002010
2887	Block: 540039719002011
2888	Block: 540039719002012
2889	Block: 540039719002014
2890	Block: 540039719002015

2891	Block: 540039719002016
2892	Block: 540039719002017
2893	Block: 540039719002018
2894	Block: 540039719002019
2895	Block: 540039719002020
2896	Block: 540039719002021
2897	Block: 540039719002023
2898	Block: 540039719002024
2899	Block: 540039719002025
2900	Block: 540039719002026
2901	Block: 540039719002027
2902	Block: 540039719002028
2903	Block: 540039719002029
2904	Block: 540039719002030
2905	Block: 540039719002031
2906	Block: 540039719002032
2907	Block: 540039719002033
2908	Block: 540039719002034
2909	Block: 540039719002035
2910	Block: 540039719002039
2911	Block: 540039719002040
2912	Block: 540039719002041
2913	Block: 540039719002042
2914	Block: 540039719002043
2915	Block: 540039719002044
2916	Block: 540039719002045
2917	Block: 540039719002047
2918	Block: 540039719002048
2919	Block: 540039719002049
2920	Block: 540039719002050
2921	Block: 540039719002051
2922	Block: 540039719002052
2923	Block: 540039719003000
2924	Block: 540039719003001
2925	Block: 540039719003002
2926	Block: 540039719005019
2927	Block: 540039719005021
2928	Block: 540039719005022

2929	Block: 540039719005023
2930	Block: 540039719005024
2931	Block: 540039719005025
2932	Block: 540039719005026
2933	Block: 540039719005027
2934	Block: 540039719005028
2935	Block: 540039719005031
2936	Block: 540039719005032
2937	Block: 540039719005033
2938	Block: 540039719005034
2939	Block: 540039719005036
2940	The following blocks of voting district 23:
2941	Block: 540039713002010
2942	Block: 540039713002011
2943	Block: 540039713002012
2944	Voting district: 24
2945	Voting district: 25
2946	Voting district: 25A
2947	The following blocks of voting district 26:
2948	Block: 540039713001000
2949	Block: 540039713001001
2950	Block: 540039713001002
2951	Block: 540039713001003
2952	Block: 540039713001004
2953	Block: 540039713001005
2954	Block: 540039713001006
2955	Block: 540039713001007
2956	Block: 540039713001008
2957	Block: 540039713001009
2958	Block: 540039713001010
2959	Block: 540039713001013
2960	Block: 540039713001035
2961	Block: 540039713001036
2962	Block: 540039713001037
2963	Block: 540039713002006
2964	Block: 540039713002018
2965	Block: 540039713002019
2966	Block: 540039713002020

2967 Block: 540039713002021  
2968 Block: 540039713002022  
2969 Block: 540039713002023  
2970 Block: 540039713002024  
2971 Block: 540039713002025  
2972 Block: 540039713002026  
2973 Block: 540039713002027  
2974 Block: 540039713002028  
2975 Block: 540039713002029  
2976 Block: 540039713002030  
2977 Block: 540039713002031  
2978 Block: 540039713002034  
2979 Block: 540039713002035  
2980 Block: 540039713002036  
2981 Block: 540039713002037  
2982 Voting district: 27  
2983 Voting district: 28  
2984 Voting district: 29  
2985 The following blocks of voting district 31:  
2986 Block: 540039719001024  
2987 Block: 540039719001025  
2988 Block: 540039719001029  
2989 Block: 540039719004018  
2990 Block: 540039719004019  
2991 Block: 540039719004020  
2992 Block: 540039719004021  
2993 Block: 540039720002005  
2994 Block: 540039720002006  
2995 Block: 540039720002007  
2996 Block: 540039720002008  
2997 Block: 540039720002009  
2998 Block: 540039720002010  
2999 Block: 540039720002011  
3000 Block: 540039720002012  
3001 Block: 540039720002013  
3002 Block: 540039720002014  
3003 Block: 540039720002015  
3004 Block: 540039720002020

3005	Block: 540039720002023
3006	Block: 540039720002024
3007	Block: 540039720002028
3008	Block: 540039720002029
3009	Block: 540039720002030
3010	Block: 540039720002031
3011	Block: 540039720002048
3012	The following blocks of voting district 35:
3013	Block: 540039720002000
3014	Block: 540039720002001
3015	Block: 540039720002002
3016	Block: 540039720002003
3017	Block: 540039720002004
3018	Block: 540039720002025
3019	Block: 540039720002026
3020	Block: 540039720002027
3021	Block: 540039720002032
3022	Block: 540039720002034
3023	Block: 540039720002035
3024	Block: 540039720002037
3025	Block: 540039720002038
3026	Block: 540039720004000
3027	Block: 540039720004001
3028	Block: 540039720004002
3029	Block: 540039720004003
3030	Block: 540039720004004
3031	Block: 540039720004005
3032	Block: 540039720004006
3033	Block: 540039720004007
3034	Block: 540039720004008
3035	Block: 540039720004009
3036	Block: 540039720004010
3037	Block: 540039720004011
3038	Block: 540039720004012
3039	Block: 540039720004013
3040	Block: 540039720004014
3041	Block: 540039720004015
3042	Block: 540039720004016

3043 Block: 540039720004017  
3044 Block: 540039720004018  
3045 Block: 540039720004019  
3046 Block: 540039720004020  
3047 Block: 540039720004021  
3048 Block: 540039720004022  
3049 Block: 540039720004023  
3050 Block: 540039720004024  
3051 Block: 540039720004025  
3052 The following blocks of voting district 36:  
3053 Block: 540039721026037  
3054 Block: 540039721026038  
3055 Block: 540039721026055  
3056 The following blocks of voting district 37:  
3057 Block: 540039721025000  
3058 Block: 540039721025001  
3059 Block: 540039721025002  
3060 Block: 540039721025003  
3061 Block: 540039721025004  
3062 Block: 540039721025006  
3063 Block: 540039721025007  
3064 Block: 540039721025008  
3065 Block: 540039721025009  
3066 Block: 540039721025010  
3067 Block: 540039721025011  
3068 Block: 540039721025012  
3069 Block: 540039721025013  
3070 Block: 540039721025014  
3071 Block: 540039721025015  
3072 Block: 540039721025016  
3073 Block: 540039721025017  
3074 Block: 540039721025018  
3075 Block: 540039721026000  
3076 Block: 540039721026034  
3077 Block: 540039721026035  
3078 Block: 540039721026036  
3079 Block: 540039721026039  
3080 Block: 540039721026040

3081	Block: 540039721026056
3082	The following blocks of voting district 38:
3083	Block: 540039712015009
3084	Block: 540039712015010
3085	Block: 540039712015011
3086	Block: 540039712015012
3087	Block: 540039712015013
3088	Block: 540039712015014
3089	Block: 540039712015022
3090	Block: 540039713003001
3091	Block: 540039713003002
3092	Block: 540039713003003
3093	Block: 540039713003004
3094	Block: 540039713003005
3095	Block: 540039713003006
3096	Block: 540039713003010
3097	Block: 540039713003011
3098	Block: 540039713003012
3099	Block: 540039713003014
3100	Block: 540039713003019
3101	Block: 540039713003027
3102	Block: 540039713003029
3103	Block: 540039713003030
3104	Block: 540039713003050
3105	Block: 540039713003051
3106	Block: 540039713003052
3107	Block: 540039713003057
3108	Block: 540039716002000
3109	Block: 540039716002001
3110	Block: 540039716002002
3111	The following blocks of voting district 39:
3112	Block: 540039712013009
3113	Block: 540039712013010
3114	Block: 540039712013011
3115	Block: 540039712013021
3116	Block: 540039712013026
3117	Block: 540039712013027
3118	Block: 540039712013028



3119 Block: 540039712013029  
3120 Block: 540039712013030  
3121 Block: 540039712013031  
3122 Block: 540039712013032  
3123 Block: 540039712013033  
3124 Block: 540039712013034  
3125 Block: 540039712013035  
3126 Block: 540039712013036  
3127 Block: 540039712013037  
3128 Block: 540039712013038  
3129 Block: 540039712013039  
3130 Block: 540039712013040  
3131 Block: 540039712013041  
3132 Block: 540039712013042  
3133 Block: 540039712013043  
3134 Block: 540039712013044  
3135 Block: 540039712013048  
3136 Block: 540039712013049  
3137 Block: 540039712013050  
3138 Block: 540039712013051  
3139 Block: 540039712013052  
3140 Block: 540039713004020  
3141 Block: 540039713004071  
3142 Block: 540039713004072  
3143 The following blocks of voting district 46:  
3144 Block: 540039718001082  
3145 Block: 540039718001083  
3146 The following blocks of voting district 49:  
3147 Block: 540039714001014  
3148 Block: 540039714001015  
3149 Block: 540039714001016  
3150 Block: 540039714001017  
3151 Block: 540039714001018  
3152 Block: 540039714001019  
3153 Block: 540039714001020  
3154 Block: 540039714001021  
3155 Block: 540039714001022  
3156 Block: 540039714001023

- 3157 Block: 540039714001024
- 3158 Block: 540039714001025
- 3159 Block: 540039714001033
- 3160 Block: 540039714001034
- 3161 Block: 540039714001035
- 3162 Block: 540039714001036
- 3163 Block: 540039714001037
- 3164 Block: 540039714001038
- 3165 Block: 540039714001039
- 3166 Block: 540039714001040
- 3167 Block: 540039714001041
- 3168 Block: 540039714001042
- 3169 Block: 540039714001043
- 3170 Block: 540039714001044
- 3171 Block: 540039714001045
- 3172 Block: 540039714001046
- 3173 Voting district: 5
- 3174 Voting district: 50
- 3175 Voting district: 6
- 3176 Voting district: 7
- 3177 Voting district: 8
- 3178 Voting district: 9
- 3179 Jefferson County
  
- 3180 (17) The seventeenth senatorial district consists of:
  - 3181 The following areas of Kanawha County:
  - 3182 Voting district: 103
  - 3183 Voting district: 105
  - 3184 Voting district: 106
  - 3185 Voting district: 108
  - 3186 Voting district: 110
  - 3187 Voting district: 111
  - 3188 Voting district: 112
  - 3189 Voting district: 113
  - 3190 Voting district: 114
  - 3191 Voting district: 117
  - 3192 Voting district: 118

3193	Voting district: 119
3194	Voting district: 120
3195	Voting district: 131
3196	Voting district: 133
3197	Voting district: 134
3198	Voting district: 136
3199	Voting district: 138
3200	Voting district: 140
3201	Voting district: 142
3202	Voting district: 145
3203	Voting district: 147
3204	Voting district: 148
3205	Voting district: 149
3206	Voting district: 150
3207	Voting district: 151
3208	Voting district: 152
3209	Voting district: 153
3210	Voting district: 154
3211	Voting district: 158
3212	The following blocks of voting district 160:
3213	Block: 540390015001000
3214	Block: 540390015001001
3215	Block: 540390015001002
3216	Block: 540390015001003
3217	Block: 540390015001004
3218	Block: 540390015001005
3219	Block: 540390015001006
3220	Block: 540390015001007
3221	Block: 540390015001008
3222	Block: 540390015001009
3223	Block: 540390015001010
3224	Block: 540390015001011
3225	Block: 540390015001012
3226	Block: 540390015001013
3227	Block: 540390015001014
3228	Block: 540390015001015
3229	Block: 540390015001016
3230	Block: 540390015001017

3231 Block: 540390015001018  
3232 Block: 540390015001019  
3233 Block: 540390015001020  
3234 Block: 540390015001021  
3235 Block: 540390015001022  
3236 Block: 540390015001023  
3237 Block: 540390015001024  
3238 Block: 540390015001025  
3239 Block: 540390015001026  
3240 Block: 540390015001027  
3241 Block: 540390015001028  
3242 Block: 540390015001029  
3243 Block: 540390015001030  
3244 Block: 540390015001031  
3245 Block: 540390015001032  
3246 Block: 540390015001033  
3247 Block: 540390015001034  
3248 Block: 540390015001036  
3249 Block: 540390015001037  
3250 Block: 540390015001038  
3251 Block: 540390015001041  
3252 Block: 540390015001042  
3253 Block: 540390015001043  
3254 Block: 540390015001044  
3255 Block: 540390015001045  
3256 Block: 540390015001046  
3257 Block: 540390015001047  
3258 Block: 540390015001048  
3259 Block: 540390015001049  
3260 Block: 540390015001050  
3261 Block: 540390015001058  
3262 Block: 540390015001059  
3263 Block: 540390015002002  
3264 Block: 540390015002004  
3265 Block: 540390015002005  
3266 Block: 540390015002006  
3267 Block: 540390015002007  
3268 Block: 540390015002008

3269 Block: 540390015002014  
3270 Block: 540390015002027  
3271 Block: 540390015002028  
3272 Block: 540390015002029  
3273 Block: 540390015002030  
3274 Block: 540390015002031  
3275 Block: 540390015002032  
3276 Block: 540390015004001  
3277 Block: 540390015004011  
3278 Block: 540390015004012  
3279 Block: 540390015004028  
3280 Block: 540390015004029  
3281 Block: 540390015004030  
3282 Block: 540390015004034  
3283 Block: 540390015004035  
3284 Block: 540390015004036  
3285 Block: 540390015004037  
3286 Block: 540390015004038  
3287 Block: 540390015004039  
3288 Block: 540390015004040  
3289 Block: 540390015004041  
3290 Block: 540390015004042  
3291 Block: 540390015004043  
3292 Block: 540390015004044  
3293 Block: 540390015004045  
3294 Block: 540390015004046  
3295 Block: 540390015004047  
3296 Block: 540390015004048  
3297 Block: 540390015004049  
3298 Block: 540390015004050  
3299 Block: 540390015004051  
3300 Block: 540390015004052  
3301 Block: 540390015004053  
3302 Block: 540390015004054  
3303 Block: 540390015004055  
3304 Block: 540390015004056  
3305 Block: 540390015004057  
3306 Block: 540390015004058

3307	Block: 540390015004059
3308	Block: 540390015004060
3309	Block: 540390015004061
3310	Block: 540390015004062
3311	Block: 540390015004063
3312	Block: 540390015004064
3313	Block: 540390015004065
3314	Block: 540390015004081
3315	Block: 540390015004082
3316	Block: 540390015004083
3317	Block: 540390015004084
3318	Block: 540390015004085
3319	Block: 540390015004086
3320	Block: 540390015004087
3321	Block: 540390015004090
3322	Block: 540390015004095
3323	Block: 540390015004096
3324	Block: 540390015004097
3325	Block: 540390015004099
3326	Block: 540390015004100
3327	Voting district: 161
3328	The following blocks of voting district 163:
3329	Block: 540390015002000
3330	Block: 540390015002001
3331	Block: 540390015002003
3332	Block: 540390015002009
3333	Block: 540390015002010
3334	Block: 540390015002011
3335	Block: 540390015002012
3336	Block: 540390015002013
3337	Block: 540390015002015
3338	Block: 540390015002016
3339	Block: 540390015002017
3340	Block: 540390015002018
3341	Block: 540390015002019
3342	Block: 540390015002020
3343	Block: 540390015002021
3344	Block: 540390015002022

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3354 Block: 540390015002038  
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3357 Block: 540390015002041  
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3362 Block: 540390015002046  
3363 Block: 540390015002047  
3364 Block: 540390015002048  
3365 Block: 540390015002049  
3366 Block: 540390015002050  
3367 Block: 540390015002051  
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3376 Block: 540390015002060  
3377 Block: 540390015002061  
3378 Block: 540390015002062  
3379 Block: 540390015003000  
3380 Block: 540390015003001  
3381 Block: 540390015003002  
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3383 Block: 540390015003004  
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3386 Block: 540390015003007  
3387 Block: 540390015003008  
3388 Block: 540390015003009  
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3390 Block: 540390015003011  
3391 Block: 540390015003012  
3392 Block: 540390015003013  
3393 Block: 540390015003014  
3394 Block: 540390015003015  
3395 Block: 540390015003016  
3396 Block: 540390015003017  
3397 Block: 540390015003018  
3398 Block: 540390015003019  
3399 Block: 540390015003020  
3400 Block: 540390015003021  
3401 Block: 540390015003022  
3402 Block: 540390015003023  
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3423 Block: 540390017001002  
3424 Block: 540390017001003  
3425 Block: 540390017001004  
3426 Block: 540390017001005  
3427 Block: 540390017001006  
3428 Block: 540390017001037  
3429 Block: 540390017001038  
3430 Voting district: 164  
3431 Voting district: 165  
3432 Voting district: 202  
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3478	Voting district: 311
3479	Voting district: 317
3480	Voting district: 321
3481	Voting district: 326
3482	Voting district: 329
3483	Voting district: 332
3484	Voting district: 333
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3488	Voting district: 375
3489	Voting district: 376
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3491	Voting district: 379
3492	The following blocks of voting district 418:
3493	Block: 540390112002055
3494	Block: 540390112002056
3495	Block: 540390112002057
3496	Block: 540390112002059

3497 Block: 540390112002060  
3498 Block: 540390112002061  
3499 Block: 540390112002063  
3500 Block: 540390112002066  
3501 Block: 540390112002067  
3502 Block: 540390112002068  
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3509 Block: 540390112002076  
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3511 Block: 540390112002080  
3512 Block: 540390112002085  
3513 Block: 540390112002090  
3514 Block: 540390112002091  
3515 Block: 540390112002092  
3516 Block: 540390112002093  
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3520 Block: 540390112002097  
3521 Block: 540390112002098  
3522 Block: 540390112002099  
3523 Block: 540390112002100  
3524 Block: 540390112002101  
3525 Block: 540390112002102  
3526 Block: 540390112002103  
3527 Block: 540390112002104  
3528 Block: 540390112002109  
3529 Block: 540390112002110  
3530 Block: 540390112002123  
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3591 Block: 540390112002195  
3592 Block: 540390112002196  
3593 Block: 540390112002197  
3594 Block: 540390112002200  
3595 Block: 540390112002201  
3596 Block: 540390112002202  
3597 Block: 540390112002203  
3598 Block: 540390112002204  
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3600 Block: 540390112002206  
3601 Block: 540390112002207  
3602 Block: 540390112002212  
3603 Block: 540390112002213  
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3622 Block: 540390113021007  
3623 Block: 540390113021008  
3624 Block: 540390113021009  
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3627 Block: 540390113021026  
3628 Block: 540390113021027  
3629 Block: 540390113021028  
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3631 Block: 540390113021093  
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3634 Block: 540390113021096  
3635 Block: 540390113021097  
3636 Block: 540390113021098  
3637 Block: 540390113021099  
3638 Block: 540390113021100  
3639 Block: 540390113021139  
3640 Block: 540390113021140  
3641 Voting district: 436  
3642 Voting district: 437  
3643 Voting district: 438  
3644 Voting district: 439  
3645 Voting district: 440  
3646 Voting district: 441

3647 (e) The West Virginia Constitution further provides, in  
3648 section four, article VI thereof, that where a senatorial district  
3649 is composed of more than one county, both senators for such  
3650 district shall not be chosen from the same county, a residency  
3651 dispersal provision which is clear with respect to senatorial  
3652 districts which follow county lines, as required by such  
3653 Constitution, but which is not clear in application with  
3654 respect to senatorial districts which cross county lines.  
3655 However, in an effort to adhere as closely as possible to the  
3656 West Virginia Constitution in this regard, the following  
3657 additional provisions, in furtherance of the rationale of such  
3658 residency dispersal provision and to give meaning and effect  
3659 thereto, are hereby established:

3660 (1) With respect to a senatorial district which is  
3661 composed of one or more whole counties and one or more  
3662 parts of another county or counties, no more than one senator  
3663 shall be chosen from the same county or part of a county to  
3664 represent such senatorial district;

3665 (2) With respect to a senatorial district which does not  
3666 contain any whole county but only parts of two or more  
3667 counties, no more than one senator shall be chosen from the  
3668 same part to represent such senatorial district; and

3669 (3) With respect to superimposed senatorial districts  
3670 which contain only one whole county, all senators shall be  
3671 chosen from such county to represent such senatorial  
3672 districts.

3673 (f) Candidates for the Senate shall be nominated as  
3674 provided in section four, article five, chapter three of this  
3675 code, except that such candidates shall be nominated in  
3676 accordance with the residency dispersal provisions specified  
3677 in section four, article VI of the West Virginia Constitution  
3678 and the additional residency dispersal provisions specified in  
3679 subsection (e) of this section. Candidates for the Senate shall  
3680 also be elected in accordance with the residency dispersal

3681 provisions specified in said section and the additional  
3682 residency dispersal provisions specified in subsection (e) of  
3683 this section. In furtherance of the foregoing provisions of  
3684 this subsection, no person may file a certificate of candidacy  
3685 for election from a senatorial district described and  
3686 constituted in subsection (d) of this section if he or she  
3687 resides in the same county and the same such senatorial  
3688 district wherein also resides an incumbent senator, whether  
3689 the senatorial district wherein such incumbent senator resides  
3690 was described and constituted by chapter ten, Acts of the  
3691 Legislature, Fifth Extraordinary Session 2001, or was  
3692 described and constituted in subsection (d) of this section or  
3693 its immediately prior enactment. Any vacancy in a  
3694 nomination shall be filled, any appointment to fill a vacancy  
3695 in the Senate shall be made and any candidates in an election  
3696 to fill a vacancy in the Senate shall be chosen so as to be  
3697 consistent with the residency dispersal provisions specified  
3698 in section four, article VI of the West Virginia Constitution  
3699 and the additional residency dispersal provisions specified in  
3700 subsection (e) of this section.

3701 (g) Regardless of the changes in senatorial district  
3702 boundaries made by the provisions of subsection (d) of this  
3703 section, all senators elected at the general election held in the  
3704 year 2008 and at the general election held in the year 2010  
3705 shall continue to hold their seats as members of the Senate  
3706 for the term, and as representatives of the senatorial district,  
3707 for which each thereof, respectively, was elected. Any  
3708 appointment made or election held to fill a vacancy in the  
3709 Senate shall be for the remainder of the term and as a  
3710 representative of the senatorial district, for which the  
3711 vacating senator was elected or appointed, and any such  
3712 election shall be held in the district as the same was described  
3713 and constituted at the time the vacating senator was elected  
3714 or appointed.

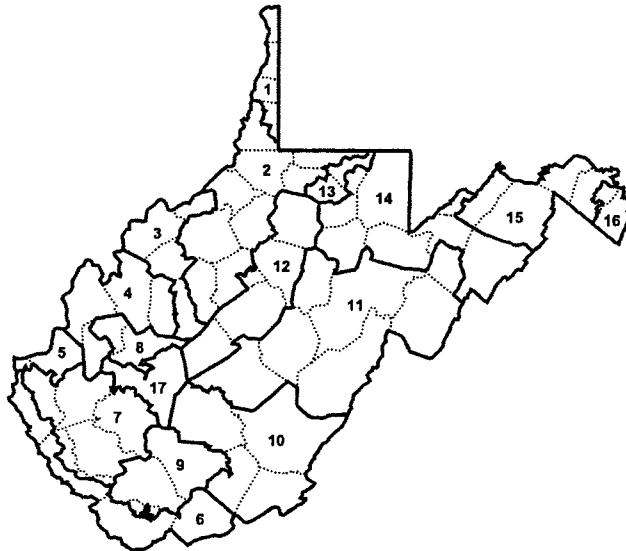
3715 (h) The Secretary of State may promulgate rules and  
3716 regulations to implement the provisions of this section,



3717 including emergency rules and regulations promulgated  
3718 pursuant to the provisions of section five, article three,  
3719 chapter twenty-nine-a of this code.

**\*§1-2-2b. Precinct boundary changes.**

1       If an election precinct of this state includes territory  
2       contained in more than one congressional, senatorial or  
3       delegate district, as the congressional districts are established  
4       by section three of this article, the senatorial districts are  
5       established by section one of this article, and as the delegate  
6       districts are established by section two of this article, the  
7       county commission of the county in which the precinct is  
8       located shall, prior to January 21, 2012, alter the boundary  
9       lines of its election precincts so that no precinct contains  
10       territory included in more than one congressional, senatorial  
11       or delegate district.



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\*CLERK'S NOTE: This section was also amended by S. B. 1008 (Chapter 5),  
which passed subsequent to this act.

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## CHAPTER 7

**(Com. Sub. for S. B. 1001 - By Senators  
Kessler (Acting President) and Hall)  
[By Request of the Executive]**

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[Passed August 5, 2011; in effect from passage.]  
[Approved by the Governor on August 23, 2011.]

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AN ACT to amend and reenact §11-15-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11B-2-20 of said code, all relating generally to the consumers sales and service tax and the Revenue Shortfall Reserve Fund; specifying reduction in consumers sales and service tax on sales, purchases and uses of food and food ingredients intended for human consumption; specifying contingent elimination of the consumers sales and service tax on sales, purchases and uses of food and food ingredients intended for human consumption bases on specified levels of funding in the Revenue Shortfall Reserve Fund; and specifying maximum aggregate funding amount for the Revenue Shortfall Reserve Fund.

*Be it enacted by the Legislature of West Virginia:*

That §11-15-3a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §11B-2-20 of said code be amended and reenacted, all to read as follows:

**CHAPTER 11. TAXATION.****ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.****§11-15-3a. Rate of tax on food and food ingredients intended for human consumption; reductions and cessations of tax.**

1       (a) *Rate of tax on food and food ingredients.* --  
2 Notwithstanding any provision of this article or article  
3 fifteen-a of this chapter to the contrary:

4       (1) *Rate reduction.* -- The rate of tax on sales, purchases  
5 and uses of food and food ingredients intended for human  
6 consumption after June 30, 2008, shall be three percent of its  
7 sales price, as defined in section two, article fifteen-b of this  
8 chapter.

9       (2) *Additional rate reduction.* -- The rate of tax on sales,  
10 purchases and uses of food and food ingredients as defined  
11 in that section that is intended for human consumption after  
12 December 31, 2011, shall be two percent of its sales price, as  
13 defined in that section. After June 30, 2012, the rate of tax  
14 on sales, purchases and uses of food and food ingredients as  
15 defined in that section that is intended for human  
16 consumption shall be one percent of its sales price, as defined  
17 in that section.

18       (3) *Contingent termination of tax on food.* -- The tax on  
19 sales, purchases and uses of food and food ingredients as  
20 defined in section two, article fifteen-b of this chapter that is  
21 intended for human consumption shall cease after June 30,  
22 2013, and no such tax shall be imposed on sales, purchases  
23 and uses of food and food ingredients so defined: *Provided,*  
24 That the cessation of tax after June 30, 2013, authorized by  
25 this subsection shall be suspended if the balance of funds as

26 of December 31, 2012, in the Revenue Shortfall Reserve  
27 Fund established in section twenty, article two, chapter  
28 eleven-b of this code does not equal or exceed twelve and  
29 one-half percent of the General Revenue Fund budgeted for  
30 the fiscal year commencing July 1, 2012. Such suspension  
31 shall terminate, and the cessation of tax shall proceed,  
32 beginning on July 1 of any calendar year beginning after  
33 December 31, 2013, in which the balance of funds as of  
34 December 31 of the preceding fiscal year in said Revenue  
35 Shortfall Reserve Fund equals or exceeds twelve and one-  
36 half percent of the General Revenue Fund budgeted for the  
37 immediately succeeding fiscal year.

38       (b) *Calculation of tax on fractional parts of a dollar.* --  
39 The tax computation under this section shall be carried to the  
40 third decimal place and the tax rounded up to the next whole  
41 cent whenever the third decimal place is greater than four and  
42 rounded down to the lower whole cent whenever the third  
43 decimal place is four or less. The seller may elect to compute  
44 the tax due on a transaction on a per item basis or on an  
45 invoice basis provided the method used is consistently used  
46 during the reporting period.

47       (c) *Federal Food Stamp and Women, Infants and*  
48 *Children programs, other exemptions.* -- Nothing in this  
49 section affects application of the exemption from tax  
50 provided in section nine of this article for food purchased by  
51 an eligible person using food stamps, electronic benefits  
52 transfer cards or vouchers issued by or pursuant to  
53 authorization of the United States Department of Agriculture  
54 to individuals participating in the Federal Food Stamp  
55 Program, by whatever name called, or the Women, Infants  
56 and Children (WIC) program, or application of any other  
57 exemption from tax set forth in this article or article fifteen-a  
58 of this chapter.

**CHAPTER 11B. DEPARTMENT OF REVENUE.****ARTICLE 2. STATE BUDGET OFFICE.****§11B-2-20. Reduction of appropriations; powers of Governor;  
Revenue Shortfall Reserve Fund and permissible  
expenditures therefrom.**

1 (a) Notwithstanding any provision of this section, the  
2 Governor may reduce appropriations according to any of the  
3 methods set forth in sections twenty-one and twenty-two of  
4 this article. The Governor may, in lieu of imposing a  
5 reduction in appropriations, request an appropriation by the  
6 Legislature from the Revenue Shortfall Reserve Fund  
7 established in this section.

8 (b) A Revenue Shortfall Reserve Fund is hereby  
9 continued within the State Treasury. The Revenue Shortfall  
10 Reserve Fund shall be funded continuously and on a  
11 revolving basis in accordance with this subsection up to an  
12 aggregate amount not to exceed thirteen percent of the total  
13 appropriations from the State Fund, General Revenue, for the  
14 fiscal year just ended. The Revenue Shortfall Reserve Fund  
15 shall be funded as set forth in this subsection from surplus  
16 revenues, if any, in the State Fund, General Revenue, as the  
17 surplus revenues may accrue from time to time. Within sixty  
18 days of the end of each fiscal year, the secretary shall cause  
19 to be deposited into the Revenue Shortfall Reserve Fund such  
20 amount of the first fifty percent of all surplus revenues, if  
21 any, determined to have accrued during the fiscal year just  
22 ended, as may be necessary to bring the balance of the  
23 Revenue Shortfall Reserve Fund to thirteen percent of the  
24 total appropriations from the State Fund, General Revenue,  
25 for the fiscal year just ended. If at the end of any fiscal year  
26 the Revenue Shortfall Reserve Fund is funded at an amount  
27 equal to or exceeding thirteen percent of the State's General  
28 Revenue Fund budget for the fiscal year just ended, then

29 there shall be no further deposit by the secretary under the  
30 provisions of this section of any surplus revenues as set forth  
31 in this subsection until that time the Revenue Shortfall  
32 Reserve Fund balance is less than thirteen percent of the total  
33 appropriations from the State Fund, General Revenue.

34 (c) Not earlier than November 1 of each calendar year, if  
35 the state's fiscal circumstances are such as to otherwise  
36 trigger the authority of the Governor to reduce appropriations  
37 under this section or section twenty-one or twenty-two of this  
38 article, then in that event the Governor may notify the  
39 presiding officers of both houses of the Legislature in writing  
40 of his or her intention to convene the Legislature pursuant to  
41 section nineteen, article VI of the Constitution of West  
42 Virginia for the purpose of requesting the introduction of a  
43 supplementary appropriation bill or to request a  
44 supplementary appropriation bill at the next preceding  
45 regular session of the Legislature to draw money from the  
46 surplus Revenue Shortfall Reserve Fund to meet any  
47 anticipated revenue shortfall. If the Legislature fails to enact  
48 a supplementary appropriation from the Revenue Shortfall  
49 Reserve Fund during any special legislative session called for  
50 the purposes set forth in this section or during the next  
51 preceding regular session of the Legislature, then the  
52 Governor may proceed with a reduction of appropriations  
53 pursuant to sections twenty-one and twenty-two of this  
54 article. Should any amount drawn from the Revenue  
55 Shortfall Reserve Fund pursuant to an appropriation made by  
56 the Legislature prove insufficient to address any anticipated  
57 shortfall, then the Governor may also proceed with a  
58 reduction of appropriations pursuant to sections twenty-one  
59 and twenty-two of this article.

60 (d) Upon the creation of the fund, the Legislature is  
61 authorized and may make an appropriation from the Revenue  
62 Shortfall Reserve Fund for revenue shortfalls, for emergency  
63 revenue needs caused by acts of God or natural disasters or  
64 for other fiscal needs as determined solely by the Legislature.

65 (e) Prior to the thirty-first day of October in any fiscal  
66 year in which revenues are inadequate to make timely  
67 payments of the state's obligations, the Governor may by  
68 executive order, after first notifying the presiding officers of  
69 both houses of the Legislature in writing, borrow funds from  
70 the Revenue Shortfall Reserve Fund. The amount of funds  
71 borrowed under this subsection shall not exceed one and one-  
72 half percent of the general revenue estimate for the fiscal  
73 year in which the funds are to be borrowed, or the amount the  
74 Governor determines is necessary to make timely payment of  
75 the state's obligations, whichever is less. Any funds  
76 borrowed pursuant to this subsection shall be repaid, without  
77 interest, and redeposited to the credit of the Revenue  
78 Shortfall Reserve Fund within ninety days of their  
79 withdrawal.

80 (f) There is hereby created in the State Treasury the  
81 Revenue Shortfall Reserve Fund – Part B. The Revenue  
82 Shortfall Reserve Fund – Part B shall consist of moneys  
83 transferred from the West Virginia Tobacco Settlement  
84 Medical Trust Fund pursuant to the provisions of section two,  
85 article eleven-a, chapter four of this code, repayments made  
86 of the loan from the West Virginia Tobacco Settlement  
87 Medical Trust Fund to the Physician's Mutual Insurance  
88 Company pursuant to the provisions of article twenty-f,  
89 chapter thirty-three of this code, and all interest and other  
90 return earned on the moneys in the Revenue Shortfall  
91 Reserve Fund – Part B. Moneys in the Revenue Shortfall  
92 Reserve Fund – Part B may be expended solely for the  
93 purposes set forth in subsection (d) of this section, subject to  
94 the following conditions:

95 (1) No moneys in the Revenue Shortfall Reserve Fund –  
96 Part B nor any interest or other return earned thereon may be  
97 expended for any purpose unless all moneys in the Revenue  
98 Shortfall Reserve Fund described in subsection (b) of this  
99 section have first been expended, except that the interest or

100 other return earned on moneys in the Revenue Shortfall  
101 Reserve Fund – Part B may be expended as provided in  
102 subdivision (2) of this subsection; and

103 (2) Notwithstanding any other provision of this section to  
104 the contrary, the Legislature may appropriate any interest and  
105 other return earned thereon that may accrue on the moneys in  
106 the Revenue Shortfall Reserve Fund – Part B after June 30,  
107 2025, for expenditure for the purposes set forth in section  
108 three, article eleven-a, chapter four of this code; and

109 (3) Any appropriation made from Revenue Shortfall  
110 Reserve Fund – Part B shall be made only in instances of  
111 revenue shortfalls or fiscal emergencies of an extraordinary  
112 nature.

113 (g) Subject to the conditions upon expenditures from the  
114 Revenue Shortfall Reserve Fund – Part B prescribed in  
115 subsection (f) of this section, in appropriating moneys  
116 pursuant to the provisions of this section, the Legislature may  
117 in any fiscal year appropriate from the Revenue Shortfall  
118 Reserve Fund and the Revenue Shortfall Reserve Fund – Part  
119 B a total amount up to, but not exceeding, ten percent of the  
120 total appropriations from the State Fund, General Revenue,  
121 for the fiscal year just ended.

122 (h)(1) Of the moneys in the Revenue Shortfall Reserve  
123 Fund, \$100 million, or such greater amount as may be  
124 certified as necessary by the director of the budget for the  
125 purposes of subsection (e) of this section, shall be made  
126 available to the West Virginia Board of Treasury Investments  
127 for management and investment of the moneys in accordance  
128 with the provisions of article six-c, chapter twelve of this  
129 code. All other moneys in the Revenue Shortfall Reserve  
130 Fund shall be made available to the West Virginia Investment  
131 Management Board for management and investment of the  
132 moneys in accordance with the provisions of article six,  
133 chapter twelve of this code. Any balance of the Revenue  
134 Shortfall Reserve Fund including accrued interest and other



135 return earned thereon at the end of any fiscal year shall not  
136 revert to the General Fund but shall remain in the Revenue  
137 Shortfall Reserve Fund for the purposes set forth in this  
138 section.

139 (2) All of the moneys in the Revenue Shortfall Reserve  
140 Fund – Part B shall be made available to the West Virginia  
141 Investment Management Board for management and  
142 investment of the moneys in accordance with the provisions  
143 of article six, chapter twelve of this code. Any balance of the  
144 Revenue Shortfall Reserve Fund – Part B, including accrued  
145 interest and other return earned thereon at the end of any  
146 fiscal year, shall not revert to the General Fund but shall  
147 remain in the Revenue Shortfall Reserve Fund – Part B for  
148 the purposes set forth in this section.

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## CHAPTER 8

**(Com. Sub. for S. B. 1002 - By Senators Kessler  
(Acting President) and Hall)  
[By Request of the Executive]**

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[Passed August 5, 2011; in effect ninety days from passage.]  
[Approved by the Governor on August 23, 2011.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-6a, relating to reallocating and dedicating five percent of coal severance tax revenues up to \$20 million annually to the coal-producing counties of origin to be phased in over a five-year period after accounting for the revenues dedicated to other funds; establishing state and local coal county reallocated severance tax funds and providing for distribution of the

moneys to the county commissions by the State Treasurer; establishing amounts each coal-producing county to receive; requiring the creation of local funds into which moneys to be deposited; requiring moneys be expended solely for economic development projects and infrastructure projects; providing definitions; providing restrictions on the expenditure of moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §11-13A-6a, to read as follows:

**ARTICLE 13A. SEVERANCE AND BUSINESS PRIVILEGE  
TAX ACT.**

**§11-13A-6a. Reallocation and dedication of percentage of severance tax for benefit of coal-producing counties; phase-in period; permissible uses of distributed revenues; duties of State Treasurer and State Tax Commissioner; audits; rulemaking.**

- 1 (a) The purpose of this section is to provide for the
- 2 reallocation and dedication of a portion of the tax attributable
- 3 to the severance of coal imposed by section three of this
- 4 article for the use and benefit of the various counties of this
- 5 state in which the coal upon which that tax is imposed was
- 6 located at the time it was severed from the ground. Those
- 7 counties are referred to in this section as the coal-producing
- 8 counties or, in the singular, as a coal-producing county.

9 (b)(1) Effective July 1, 2012, one percent of the tax  
10 attributable to the severance of coal imposed by section three  
11 of this article is dedicated and shall be distributed for the use  
12 and benefit of the coal-producing counties as provided in this  
13 section. Effective July 1, 2013, two percent of the tax  
14 attributable to the severance of coal imposed by section three  
15 of this article is dedicated and shall be distributed for the use  
16 and benefit of the coal-producing counties as provided in this  
17 section. Effective July 1, 2014, three percent of the tax  
18 attributable to the severance of coal imposed by section three  
19 of this article is dedicated and shall be distributed for the use  
20 and benefit of the coal-producing counties as provided in this  
21 section. Effective July 1, 2015, four percent of the tax  
22 attributable to the severance of coal imposed by section three  
23 of this article is dedicated and shall be distributed for the use  
24 and benefit of the coal-producing counties as provided in this  
25 section. Effective July 1, 2016, and thereafter, five percent  
26 of the tax attributable to the severance of coal imposed by  
27 section three of this article is dedicated and shall be  
28 distributed for the use and benefit of the coal-producing  
29 counties as provided in this section.

30 (2) In no fiscal year may the proceeds dedicated in  
31 subdivision (1) of this subsection exceed the sum of \$20  
32 million.

33 (3) For purposes of this subsection, the tax attributable to  
34 the severance of coal imposed by section three of this article  
35 does not include the thirty-five one hundredths of one percent  
36 additional severance tax on coal imposed by the state for the  
37 benefit of counties and municipalities as provided in section  
38 six of this article.

39 (c) The amounts of the tax dedicated in subsection (b) of  
40 this section shall be deposited, from time to time, into a  
41 special fund known as the Coal County Reallocated  
42 Severance Tax Fund, which is hereby established in the State

43 Treasury, as the proceeds are received by the State Tax  
44 Commissioner.

45 (d) The net proceeds of the deposits made into the Coal  
46 County Reallocated Severance Tax Fund shall be allocated  
47 among and distributed quarterly to the coal-producing  
48 counties by the State Treasurer in the manner specified in this  
49 section. On or before each distribution date, the State  
50 Treasurer shall determine the total amount of moneys that  
51 will be available for distribution to the respective counties  
52 entitled to the moneys on that distribution date. The amount  
53 to which a coal-producing county is entitled from the Coal  
54 County Reallocated Severance Tax Fund shall be determined  
55 in accordance with subsection (e) of this section. After  
56 determining as set forth in subsection (e) of this section the  
57 amount each coal-producing county is entitled to receive  
58 from the fund, a warrant of the State Auditor for the sum due  
59 to each coal-producing county shall be issued and a check  
60 drawn thereon making payment of that amount shall  
61 thereafter be distributed to each such coal-producing county  
62 by hand, mail commercial delivery or electronic  
63 transmission.

64 (e) The amount to which a coal-producing county is  
65 entitled from the Coal County Reallocated Severance Tax  
66 Fund shall be determined by:

67 (1) Dividing the total amount of moneys in the fund then  
68 available for distribution by the total number of tons of coal  
69 mined in this state during the preceding quarter; and

70 (2) Multiplying the quotient thus obtained by the number  
71 of tons of coal removed from the ground in the county during  
72 the preceding quarter.

73 (f)(1) No distribution made to a county under this section  
74 may be deposited into the county's general revenue fund.

75 The county commission of each county receiving a  
76 distribution under this section shall establish a special  
77 account to be known as the “(Name of County) Coal County  
78 Reallocated Severance Tax Fund” into which all distributions  
79 made to that county under this section shall be deposited.

80 (2) Moneys in the county’s coal county reallocated  
81 severance tax fund shall be expended by the county  
82 commission solely for economic development projects and  
83 infrastructure projects.

84 (3) For purposes of this section:

85 (A) “Economic development project” means a project in  
86 the state which is likely to foster economic growth and  
87 development in the area in which the project is developed for  
88 commercial, industrial, community improvement or  
89 preservation or other proper purposes.

90 (B) “Infrastructure project” means a project in the state  
91 which is likely to foster infrastructure improvements  
92 including, but not limited to, post-mining land use, any water  
93 or wastewater facilities or any part thereof, storm water  
94 systems, steam, gas, telephone and telecommunications,  
95 broadband development, electric lines and installations,  
96 roads, bridges, railroad spurs, drainage and flood control  
97 facilities, industrial park development or buildings that  
98 promote job creation and retention.

99 (4) A county commission may not expend any of the  
100 funds available in its coal county reallocated severance tax  
101 fund for personal services, for the costs of issuing bonds, or  
102 for the payment of bond debt service, and shall direct the  
103 total funds available in its coal county reallocated severance  
104 tax fund to project development, which may include the costs  
105 of architectural and engineering plans, site assessments, site  
106 remediation, specifications and surveys, and any other

107 expenses necessary or incidental to determining the  
108 feasibility or practicability of any economic development  
109 project or infrastructure project.

110 (g) On or before December 31, 2013, and December 1 of  
111 each year thereafter, the county commission of each county  
112 receiving a distribution of funds under this section shall  
113 deliver to the Joint Committee on Government and Finance  
114 a written report setting forth the specific projects for which  
115 those funds were expended during the next preceding fiscal  
116 year, a detailed account of those expenditures, and a showing  
117 that the expenditures were made for the purposes required by  
118 this section.

119 (h) An audit of any funds distributed under this section  
120 may be authorized at any time by the Joint Committee on  
121 Government and Finance to be conducted by the Legislative  
122 Auditor at no cost to the county commission or county  
123 commissions audited.

124 (i) The State Tax Commissioner shall propose for  
125 promulgation legislative rules pursuant to article three,  
126 chapter twenty-nine-a of this code for the administration of  
127 the provisions of this section, and is authorized to promulgate  
128 emergency rules for those purposes pursuant to that article.

# LEGISLATURE OF WEST VIRGINIA

# ACTS

SECOND EXTRAORDINARY SESSION, 2011

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## CHAPTER 1

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**(S. B. 2001 - By Senators Kessler  
(Acting President), and Hall  
[By Request of the Executive]**

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[Passed August 20, 2011; in effect from passage.]  
[Approved by the Governor on August 26, 2011.]

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AN ACT expiring funds to the balance of the Department of Transportation, Division of Highways, fund 9017, fiscal year 2012, organization 0803, for the fiscal year ending June 30, 2012, in the amount of \$15,000,000 from the Department of Revenue, Lottery Commission - Revenue Center Construction Fund, fund 7209, fiscal year 2012, organization 0705.

WHEREAS, The Governor finds that the account balance in the Department of Revenue, Lottery Commission - Revenue Center Construction Fund, fund 7209, fiscal year 2012, organization 0705, will exceed that which is necessary for the purpose for which the account was established; therefore

*Be it enacted by the Legislature of West Virginia:*

That the balance of the Department of Transportation, Division of Highways, fund 9017, fiscal year 2012, organization 0803, be

increased by expiring to that fund \$15,000,000 from the Department of Revenue, Lottery Commission - Revenue Center Construction Fund, fund 7209, fiscal year 2012, organization 0705.

The purpose of this bill is to expire \$15,000,000 from the Department of Revenue, Lottery Commission - Revenue Center Construction Fund, fund 7209, fiscal year 2012, organization 0705, to the balance of the Department of Transportation, Division of Highways, fund 9017, fiscal year 2012, organization 0803, for the fiscal year ending June 30, 2012.

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## CHAPTER 2

**(Com. Sub. for S. B. 2002 - By Senators Kessler  
(Acting President) and Hall)  
[By Request of the Executive]**

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[Passed August 20, 2011; in effect from passage.]  
[Approved by the Governor on August 26, 2011.]

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AN ACT supplementing, amending and increasing an item of the existing appropriation 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.

WHEREAS, The Governor submitted to the Legislature a statement of the State Road Fund, dated August 18, 2011, setting forth therein the cash balances and investments as of July 1, 2011, and further included the estimate of revenues for the fiscal year 2012, less net appropriation balances forwarded, regular appropriations and supplementary appropriations for the fiscal year 2012; and



WHEREAS, It appears from the Statement of the State Road Fund there now remains an unappropriated balance in the State Treasury which is available for appropriation during the fiscal year ending June 30, 2012; therefore

*Be it enacted by the Legislature of West Virginia:*

That the item of the total appropriation from the State Road Fund to the Department of Transportation - Division of Highways, fund 9017, fiscal year 2012, organization 0803, be supplemented and amended by increasing an existing item of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Sec. 2. Appropriations from State Road Fund.**

**DEPARTMENT OF TRANSPORTATION**

*98-Division of Highways*

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2012 Org 0803

			<b>State Road Fund</b>
		<b>Activity</b>	
1	2	Maintenance..... 237	\$ 15,000,000

2       The purpose of this supplemental appropriation bill is to  
3 supplement, amend and increase an item of appropriation in  
4 the aforesaid account for the designated spending unit for  
5 expenditure during the fiscal year ending June 30, 2012.

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**CHAPTER 3**

**(H. B. 201 - By Delegates Boggs,  
Caputo, White, Swartzmiller,  
Fragale, Staggers and Reynolds)**

[Passed August 21, 2011; in effect from passage.  
Approved by the Governor on September 2, 2011.]

AN ACT to amend and reenact §1-2-2 of the Code of West Virginia, 1931, as amended, relating to the apportionment of membership of the House of Delegates; and defining terms.

*Be it enacted by the Legislature of West Virginia:*

That §1-2-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. APPORTIONMENT OF REPRESENTATION.**

**§1-2-2. Apportionment of membership of House of Delegates.**

1 (a) As used in this section:

2 (1) "County" means the territory comprising a county of  
3 this state as it existed on January 1, 2010, notwithstanding  
4 any boundary changes made subsequent thereto;

5 (2) "Block" and "VTD" (voting district) mean those  
6 geographic areas as defined by the Bureau of the Census of  
7 the United States Department of Commerce for the taking of  
8 the 2010 census of population and described on census maps

9 prepared by the Bureau of the Census. The maps are, at the  
10 time of the reenactment of this section in the year 2011,  
11 maintained by the Bureau of the Census and filed in  
12 Redistricting Office of the Joint Committee on Government  
13 and Finance.

14 (b) The House of Delegates is composed of one hundred  
15 members elected from the delegate districts as described in  
16 subsection (c) of this section. Each delegate district is entitled  
17 to representation as described in this subsection:

18 (1) District one is entitled to two delegates;

19 (2) District two is entitled to one delegate;

20 (3) District three is entitled to two delegates;

21 (4) District four is entitled to two delegates;

22 (5) District five is entitled to one delegate;

23 (6) District six is entitled to one delegate;

24 (7) District seven is entitled to one delegate;

25 (8) District eight is entitled to one delegate;

26 (9) District nine is entitled to one delegate;

27 (10) District ten is entitled to three delegates;

28 (11) District eleven is entitled to one delegate;

29 (12) District twelve is entitled to one delegate;

30 (13) District thirteen is entitled to two delegates;

- 31 (14) District fourteen is entitled to one delegate;
- 32 (15) District fifteen is entitled to one delegate;
- 33 (16) District sixteen is entitled to three delegates;
- 34 (17) District seventeen is entitled to two delegates;
- 35 (18) District eighteen is entitled to one delegate;
- 36 (19) District nineteen is entitled to two delegates;
- 37 (20) District twenty is entitled to one delegate;
- 38 (21) District twenty-one is entitled to one delegate;
- 39 (22) District twenty-two is entitled to two delegates;
- 40 (23) District twenty-three is entitled to one delegate;
- 41 (24) District twenty-four is entitled to two delegates;
- 42 (25) District twenty-five is entitled to one delegate;
- 43 (26) District twenty-six is entitled to one delegate;
- 44 (27) District twenty-seven is entitled to three delegates;
- 45 (28) District twenty-eight is entitled to two delegates; not  
46 more than one delegate may be nominated, elected or  
47 appointed who is a resident of any single county within the  
48 district;
- 49 (29) District twenty-nine is entitled to one delegate;
- 50 (30) District thirty is entitled to one delegate;

- 51 (31) District thirty-one is entitled to one delegate;
- 52 (32) District thirty-two is entitled to three delegates;
- 53 (33) District thirty-three is entitled to one delegate;
- 54 (34) District thirty-four is entitled to one delegate;
- 55 (35) District thirty-five is entitled to four delegates;
- 56 (36) District thirty-six is entitled to three delegates;
- 57 (37) District thirty-seven is entitled to one delegate;
- 58 (38) District thirty-eight is entitled to one delegate;
- 59 (39) District thirty-nine is entitled to one delegate;
- 60 (40) District forty is entitled to one delegate;
- 61 (41) District forty-one is entitled to one delegate;
- 62 (42) District forty-two is entitled to two delegates;
- 63 (43) District forty-three is entitled to two delegates;
- 64 (44) District forty-four is entitled to one delegate;
- 65 (45) District forty-five is entitled to one delegate;
- 66 (46) District forty-six is entitled to one delegate;
- 67 (47) District forty-seven is entitled to one delegate;
- 68 (48) District forty-eight is entitled to four delegates;
- 69 (49) District forty-nine is entitled to one delegate;

- 70 (50) District fifty is entitled to three delegates;
- 71 (51) District fifty-one is entitled to five delegates;
- 72 (52) District fifty-two is entitled to one delegate;
- 73 (53) District fifty-three is entitled to one delegate;
- 74 (54) District fifty-four is entitled to one delegate;
- 75 (55) District fifty-five is entitled to one delegate;
- 76 (56) District fifty-six is entitled to one delegate;
- 77 (57) District fifty-seven is entitled to one delegate;
- 78 (58) District fifty-eight is entitled to one delegate;
- 79 (59) District fifty-nine is entitled to one delegate;
- 80 (60) District sixty is entitled to one delegate;
- 81 (61) District sixty-one is entitled to one delegate;
- 82 (62) District sixty-two is entitled to one delegate;
- 83 (63) District sixty-three is entitled to one delegate;
- 84 (64) District sixty-four is entitled to one delegate;
- 85 (65) District sixty-five is entitled to one delegate;
- 86 (66) District sixty-six is entitled to one delegate; and
- 87 (67) District sixty-seven is entitled to one delegate.
- 88 (c) The delegate districts consist of the following areas:

2010 CENSUS  
POPULATION

89	District 1	
90	Brooke WV County	
91	VTD: 24	1,568
92	VTD: 25	570
93	VTD: 26	1,020
94	VTD: 32B	412
95	VTD: 33	834
96	VTD: 34	1,091
97	VTD: 35A	663
98	VTD: 36	768
99	Brooke WV County Subtotal	6,926
100	Hancock WV County	30,676
101	District 1 Subtotal	37,602
102	District 2	
103	Brooke WV County	
104	VTD: 1	608
105	VTD: 11	456
106	VTD: 13	478
107	VTD: 14	1,398
108	VTD: 15	1,173
109	VTD: 16	618
110	VTD: 17	1,165
111	VTD: 20A	184
112	VTD: 20B	1,158
113	VTD: 21A	429
114	VTD: 21B	1,376
115	VTD: 23A	523
116	VTD: 23B	381
117	VTD: 23C	701
118	VTD: 23D	1,150

2056	REDISTRICTING	[Ch. 3
119	VTD: 28	456
120	VTD: 31	715
121	VTD: 32A	1,027
122	VTD: 35B	950
123	VTD: 4	660
124	VTD: 5	583
125	VTD: 6	954
126	Brooke WV County Subtotal	17,143
127	Ohio WV County	
128	VTD: 12	
129	Block: 540690020002000	0
130	Block: 540690020002001	95
131	Block: 540690020002002	0
132	Block: 540690020002003	0
133	Block: 540690020002004	0
134	Block: 540690020002005	2
135	Block: 540690020002006	3
136	Block: 540690020002007	0
137	Block: 540690020002009	0
138	Block: 540690020002010	0
139	Block: 540690020002011	3
140	Block: 540690020002014	0
141	Block: 540690020002015	8
142	Block: 540690020002022	0
143	Block: 540690020002079	49
144	Block: 540690020002080	10
145	Block: 540690020002081	0
146	Block: 540690020002085	0
147	Block: 540690020004002	8
148	Block: 540690020004009	7
149	Block: 540690021002017	0



Ch. 3]	REDISTRICTING	2057
150	Block: 540690021002018	44
151	Block: 540690021002020	0
152	Block: 540690021002021	0
153	Block: 540690021002022	0
154	VTD 12 Subtotal	229
155	VTD: 158	
156	Block: 540690020004000	6
157	Block: 540690020004001	12
158	Block: 540690021001019	6
159	Block: 540690021002007	0
160	Block: 540690021002008	1
161	Block: 540690021002009	5
162	Block: 540690021002010	9
163	Block: 540690021002011	2
164	Block: 540690021002012	26
165	Block: 540690021002013	31
166	Block: 540690021002014	2
167	Block: 540690021002015	9
168	Block: 540690021002016	0
169	Block: 540690021002019	1
170	Block: 540690021002023	5
171	Block: 540690021002024	0
172	Block: 540690021002025	0
173	Block: 540690021002026	113
174	Block: 540690021002027	0
175	Block: 540690021002028	0
176	Block: 540690021002029	0
177	Block: 540690021002030	273
178	Block: 540690021002031	7
179	Block: 540690021002032	90
180	Block: 540690021002033	44

2058

REDISTRICTING

[Ch. 3

181	Block: 540690021002034	15
182	Block: 540690021002035	145
183	Block: 540690021002036	192
184	Block: 540690021002037	0
185	Block: 540690021002038	4
186	Block: 540690021002039	0
187	Block: 540690021002040	8
188	Block: 540690021002041	0
189	Block: 540690021002042	0
190	Block: 540690021002043	0
191	Block: 540690021002044	23
192	Block: 540690021002045	488
193	Block: 540690021002046	0
194	Block: 540690021002047	4
195	Block: 540690021002048	14
196	Block: 540690021002049	0
197	Block: 540690021002050	49
198	Block: 540690021002051	0
199	Block: 540690021002052	5
200	Block: 540690021002053	24
201	Block: 540690021002054	11
202	Block: 540690021002055	3
203	Block: 540690021002056	0
204	Block: 540690021002057	200
205	Block: 540690021002058	0
206	Block: 540690021002059	3
207	Block: 540690021002060	43
208	Block: 540690021002061	15
209	Block: 540690021002062	27
210	Block: 540690021002063	0
211	Block: 540690021002064	0

Ch. 3]	REDISTRICTING	2059
212	Block: 540690021002071	0
213	Block: 540690021002072	2
214	Block: 540690021002073	0
215	Block: 540690021002074	0
216	Block: 540690021002089	0
217	VTD 158 Subtotal	1,917
218	Ohio WV County Subtotal	2,146
219	District 2 Subtotal	19,289
220	District 3	
221	Ohio WV County	
222	VTD: 1	1,045
223	VTD: 10	629
224	VTD: 100	
225	Block: 540690006001051	0
226	Block: 540690026001008	11
227	Block: 540690026001017	0
228	Block: 540690026001018	0
229	Block: 540690026001019	2
230	Block: 540690026001046	6
231	Block: 540690026001047	16
232	Block: 540690026001048	10
233	Block: 540690026001050	14
234	Block: 540690026001051	14
235	Block: 540690026001052	24
236	Block: 540690026001053	15
237	Block: 540690026001054	0
238	Block: 540690026001055	2
239	Block: 540690026001056	13
240	Block: 540690026001057	5
241	Block: 540690026001061	5
242	Block: 540690026002021	0

2060	REDISTRICTING	[Ch. 3
243	Block: 540690026002022	0
244	Block: 540690026002023	0
245	Block: 540690026002024	0
246	Block: 540690026002046	0
247	Block: 540690026002047	5
248	Block: 540690026002052	0
249	Block: 540690026002053	24
250	Block: 540690026002054	4
251	Block: 540690026002055	6
252	Block: 540690026002056	10
253	Block: 540690026002057	6
254	Block: 540690026002058	13
255	Block: 540690026002059	0
256	Block: 540690026002060	0
257	Block: 540690026002068	0
258	Block: 540690026004064	0
259	Block: 540690026004065	0
260	VTD 100 Subtotal	205
261	VTD: 104	1,696
262	VTD: 107	1,087
263	VTD: 108	1,387
264	VTD: 11	1,243
265	VTD: 113	600
266	VTD: 115	665
267	VTD: 116	705
268	VTD: 119	624
269	VTD: 12	
270	Block: 540690020004003	207
271	Block: 540690020004004	19
272	Block: 540690020004005	1
273	Block: 540690020004006	0

Ch. 3]	REDISTRICTING	2061
274	Block: 540690020004007	8
275	Block: 540690020004008	159
276	Block: 540690020004010	0
277	Block: 540690020004011	0
278	Block: 540690020004012	2
279	Block: 540690020004013	2
280	Block: 540690020004014	1
281	Block: 540690020004015	0
282	Block: 540690020004017	2
283	Block: 540690020004022	25
284	VTD 12 Subtotal	426
285	VTD: 120	891
286	VTD: 122	411
287	VTD: 124	772
288	VTD: 125	1,384
289	VTD: 127	1,625
290	VTD: 128	513
291	VTD: 129	1,025
292	VTD: 13	1,035
293	VTD: 130	942
294	VTD: 131	837
295	VTD: 135	1,469
296	VTD: 137	
297	Block: 540690018002005	0
298	Block: 540690018002021	0
299	Block: 540690018002022	80
300	Block: 540690018002023	1
301	Block: 540690018003004	8
302	Block: 540690018003010	48
303	Block: 540690018003014	6
304	Block: 540690018005022	67

2062	REDISTRICTING	[Ch. 3
305	Block: 540690018005039	20
306	Block: 540690018006012	0
307	Block: 540690018006013	4
308	Block: 540690018006014	43
309	Block: 540690018006015	9
310	Block: 540690018006016	56
311	Block: 540690018006017	0
312	Block: 540690018006018	4
313	Block: 540690018006019	0
314	Block: 540690018006025	28
315	Block: 540690018006026	28
316	Block: 540690018006027	0
317	VTD 137 Subtotal	402
318	VTD: 14	306
319	VTD: 141	617
320	VTD: 143	696
321	VTD: 146	
322	Block: 540690018001063	0
323	Block: 540690018001064	0
324	Block: 540690018001068	0
325	Block: 540690018001069	0
326	Block: 540690018001070	48
327	Block: 540690018001071	0
328	Block: 540690018001072	2
329	Block: 540690018001079	0
330	Block: 540690018001080	13
331	Block: 540690018001081	0
332	Block: 540690018001082	1
333	Block: 540690018002000	0
334	Block: 540690022001018	108
335	Block: 540690022001019	10

336	Block: 540690022001020	0
337	Block: 540690022001021	66
338	Block: 540690022001031	40
339	Block: 540690022001032	69
340	Block: 540690022001033	2
341	Block: 540690022001034	0
342	Block: 540690022001035	19
343	Block: 540690022001036	46
344	Block: 540690022001037	15
345	Block: 540690022001038	0
346	Block: 540690022001039	0
347	Block: 540690022001040	0
348	Block: 540690022001041	0
349	Block: 540690022001042	41
350	Block: 540690022001043	6
351	Block: 540690022001044	0
352	Block: 540690022001045	36
353	Block: 540690022001046	14
354	Block: 540690022001047	36
355	Block: 540690022001048	2
356	Block: 540690022001049	75
357	Block: 540690022001050	16
358	Block: 540690022001051	2
359	Block: 540690022001052	0
360	Block: 540690022001053	33
361	Block: 540690022001054	9
362	Block: 540690022001055	0
363	Block: 540690022001056	12
364	Block: 540690022001057	26
365	Block: 540690022001060	0
366	Block: 540690022001061	0

2064	REDISTRICTING	[Ch. 3
367	Block: 540690022001062	67
368	Block: 540690022001063	4
369	Block: 540690022001064	0
370	Block: 540690022001065	0
371	Block: 540690022001067	17
372	Block: 540690022001068	10
373	Block: 540690022002075	0
374	Block: 540690022002076	0
375	Block: 540690022002077	0
376	VTD 146 Subtotal	845
377	VTD: 148	904
378	VTD: 158	
379	Block: 540690021001015	91
380	Block: 540690021001016	13
381	Block: 540690021001017	14
382	Block: 540690021001028	0
383	Block: 540690021001044	4
384	Block: 540690021001045	14
385	Block: 540690021002078	110
386	Block: 540690021002079	0
387	VTD 158 Subtotal	246
388	VTD: 16	1,087
389	VTD: 161	2,194
390	VTD: 20	981
391	VTD: 23	370
392	VTD: 24	570
393	VTD: 28	210
394	VTD: 29	1,047
395	VTD: 31	527
396	VTD: 36	585
397	VTD: 4	1,106



Ch. 3]	REDISTRICTING	2065
398	VTD: 49	587
399	VTD: 5	1,268
400	VTD: 60	1,113
401	VTD: 64	559
402	VTD: 69	844
403	VTD: 77	602
404	Ohio WV County Subtotal	38,882
405	District 3 Subtotal	38,882
406	District 4	
407	Marshall WV County	33,107
408	Ohio WV County	
409	VTD: 100	
410	Block: 540690026001016	0
411	Block: 540690026001058	0
412	Block: 540690026001059	0
413	Block: 540690026001060	0
414	Block: 540690026002061	0
415	Block: 540690026003000	5
416	Block: 540690026003001	7
417	Block: 540690026003002	11
418	Block: 540690026003003	22
419	Block: 540690026003004	14
420	Block: 540690026003005	2
421	Block: 540690026003006	23
422	Block: 540690026003007	8
423	Block: 540690026003008	0
424	Block: 540690026003009	0
425	Block: 540690026003013	9
426	Block: 540690026003014	20
427	Block: 540690026003015	0
428	Block: 540690026003016	21

2066	REDISTRICTING	[Ch. 3
429	Block: 540690026003017	11
430	Block: 540690026003018	1
431	Block: 540690026003019	37
432	Block: 540690026003020	5
433	Block: 540690026003021	10
434	Block: 540690026003022	10
435	Block: 540690026003023	2
436	Block: 540690026003024	17
437	Block: 540690026003025	5
438	Block: 540690026003026	22
439	Block: 540690026003027	20
440	Block: 540690026003046	0
441	VTD 100 Subtotal	282
442	VTD: 102	210
443	VTD: 103	650
444	VTD: 137	
445	Block: 540690018003000	91
446	Block: 540690018003001	290
447	Block: 540690018003002	45
448	Block: 540690018003003	17
449	Block: 540690018003012	46
450	Block: 540690018006000	99
451	Block: 540690018006001	5
452	Block: 540690018006009	22
453	Block: 540690018006010	11
454	Block: 540690018006011	0
455	Block: 540690018006020	0
456	Block: 540690018006021	22
457	Block: 540690018006022	21
458	Block: 540690018006023	27
459	Block: 540690018006024	39

Ch. 3]

REDISTRICTING

2067

460	VTD 137 Subtotal	735
461	VTD: 146	
462	Block: 540690018002001	0
463	Block: 540690018002003	0
464	Block: 540690018002024	38
465	Block: 540690018002025	0
466	Block: 540690018002026	5
467	Block: 540690022002000	0
468	Block: 540690022002001	21
469	Block: 540690022002002	30
470	Block: 540690022002003	0
471	Block: 540690022002004	6
472	Block: 540690022002005	0
473	Block: 540690022002006	46
474	Block: 540690022002007	0
475	Block: 540690022002008	15
476	Block: 540690022002009	0
477	Block: 540690022002010	0
478	Block: 540690022002011	7
479	Block: 540690022002012	59
480	Block: 540690022002013	0
481	Block: 540690022002014	0
482	Block: 540690022002015	0
483	Block: 540690022002016	1
484	Block: 540690022002017	0
485	Block: 540690022002018	7
486	Block: 540690022002019	0
487	Block: 540690022002020	0
488	Block: 540690022002021	0
489	Block: 540690022002022	12
490	Block: 540690022002023	0

2068	REDISTRICTING	[Ch. 3
491	Block: 540690022002024	0
492	Block: 540690022002025	0
493	Block: 540690022002026	239
494	Block: 540690022002027	0
495	Block: 540690022002028	0
496	Block: 540690022002029	18
497	Block: 540690022002030	3
498	Block: 540690022002031	0
499	Block: 540690022002032	0
500	Block: 540690022002033	0
501	Block: 540690022002034	0
502	Block: 540690022002035	4
503	Block: 540690022002036	0
504	Block: 540690022002037	45
505	Block: 540690022002038	0
506	Block: 540690022002039	169
507	Block: 540690022002040	6
508	Block: 540690022002041	3
509	Block: 540690022002042	0
510	Block: 540690022002043	0
511	Block: 540690022002044	59
512	Block: 540690022002045	1
513	Block: 540690022002046	0
514	Block: 540690022002047	20
515	Block: 540690022002048	0
516	Block: 540690022002049	0
517	Block: 540690022002050	8
518	Block: 540690022002051	0
519	Block: 540690022002052	83
520	Block: 540690022002053	11
521	Block: 540690022002054	0

522	Block: 540690022002055	7
523	Block: 540690022002056	4
524	Block: 540690022002057	0
525	Block: 540690022002058	3
526	Block: 540690022002059	2
527	Block: 540690022002060	43
528	Block: 540690022002061	0
529	Block: 540690022002062	8
530	Block: 540690022002063	0
531	Block: 540690022002064	6
532	Block: 540690022002065	86
533	Block: 540690022002066	44
534	Block: 540690022002067	18
535	Block: 540690022002068	0
536	Block: 540690022002069	12
537	Block: 540690022002070	0
538	Block: 540690022002071	58
539	Block: 540690022002072	0
540	Block: 540690022002073	0
541	Block: 540690022002074	23
542	Block: 540690022002078	0
543	Block: 540690022002079	0
544	Block: 540690022002080	0
545	Block: 540690022002081	51
546	Block: 540690022002082	2
547	Block: 540690022002083	8
548	Block: 540690022002084	38
549	Block: 540690022002085	16
550	Block: 540690022002086	21
551	Block: 540690022002087	8
552	Block: 540690022002088	10

2070	REDISTRICTING	[Ch. 3
553	Block: 540690022002089	20
554	Block: 540690022002090	0
555	Block: 540690022002091	89
556	Block: 540690022002092	0
557	Block: 540690022002093	1
558	Block: 540690022002094	2
559	Block: 540690022002095	22
560	Block: 540690022002096	0
561	Block: 540690022002097	4
562	Block: 540690022002098	0
563	Block: 540690022002099	16
564	VTD 146 Subtotal	1,538
565	Ohio WV County Subtotal	3,415
566	District 4 Subtotal	36,522
567	District 5	
568	Monongalia WV County	
569	VTD: 40	466
570	VTD: 42	567
571	Monongalia WV County	1,033
572	Wetzel WV County	16,583
573	District 5 Subtotal	17,616
574	District 6	
575	Doddridge WV County	8,202
576	Pleasants WV County	
577	VTD: 7 Arvilla	318
578	Pleasants WV County	318
579	Tyler WV County	9,208
580	District 6 Subtotal	17,728
581	District 7	
582	Pleasants WV County	
583	VTD: 1 Eureka	827

Ch. 3]	REDISTRICTING	2071
584	VTD: 10 High School	548
585	VTD: 11 Pioneer	525
586	VTD: 2 Belmont	903
587	VTD: 3 Schultz	328
588	VTD: 4 Hebron	435
589	VTD: 5 Ninemile	655
590	VTD: 6 PRT	1,589
591	VTD: 8 Calcutta	374
592	VTD: 9 Grade School	1,103
593	Pleasants WV County	7,287
594	Ritchie WV County	10,449
595	District 7 Subtotal	17,736
596	District 8	
597	Wood WV County	
598	VTD: 34A	
599	Block: 541070001001029	2
600	Block: 541070105022030	0
601	Block: 541070105022032	0
602	Block: 541070105022035	0
603	Block: 541070105022073	0
604	Block: 541070105022074	0
605	Block: 541070105022075	0
606	Block: 541070105022076	0
607	Block: 541070105022077	0
608	Block: 541070105022078	0
609	Block: 541070105023035	0
610	Block: 541070105023036	0
611	Block: 541070105023043	0
612	Block: 541070105023046	2
613	VTD 34A Subtotal	4
614	VTD: 36B	

2072	REDISTRICTING	[Ch. 3
615	Block: 541070001002009	0
616	Block: 541070001002013	0
617	VTD 36B Subtotal	0
618	VTD: 38	
619	Block: 541070106021070	0
620	VTD 38 Subtotal	0
621	VTD: 40	936
622	VTD: 40A	
623	Block: 541070001001000	4
624	Block: 541070001001001	30
625	Block: 541070001001002	3
626	Block: 541070001001003	0
627	Block: 541070001001005	0
628	Block: 541070001001006	0
629	Block: 541070001001007	4
630	Block: 541070001001008	22
631	Block: 541070001001027	97
632	Block: 541070001001028	0
633	Block: 541070001001030	11
634	Block: 541070001001031	112
635	Block: 541070001001032	0
636	Block: 541070001001033	0
637	Block: 541070001001035	0
638	Block: 541070001001036	26
639	Block: 541070001001038	40
640	Block: 541070001001039	14
641	Block: 541070001001040	5
642	Block: 541070001001041	5
643	Block: 541070001001047	11
644	Block: 541070001001048	13
645	Block: 541070001001081	0



646	Block: 541070101021020	0
647	Block: 541070101022016	315
648	Block: 541070101022020	3
649	Block: 541070101022021	3
650	Block: 541070101022022	0
651	Block: 541070101022023	4
652	Block: 541070101022024	17
653	Block: 541070101022025	0
654	Block: 541070101022026	0
655	Block: 541070101022027	0
656	Block: 541070101022034	8
657	Block: 541070101022035	0
658	Block: 541070101022036	44
659	Block: 541070101022037	48
660	Block: 541070101022038	228
661	Block: 541070101022041	13
662	Block: 541070101022044	0
663	Block: 541070101022045	30
664	Block: 541070105021009	0
665	Block: 541070105021012	0
666	Block: 541070105021045	3
667	Block: 541070105022021	29
668	Block: 541070105022023	32
669	Block: 541070105022025	27
670	Block: 541070105022033	0
671	Block: 541070105022034	15
672	Block: 541070105022036	79
673	Block: 541070105022068	21
674	Block: 541070105022069	51
675	Block: 541070105022070	4
676	Block: 541070105022071	78

2074	REDISTRICTING	[Ch. 3
677	Block: 541070105022079	0
678	Block: 541070105022083	0
679	Block: 541070105022084	3
680	Block: 541070105023004	2
681	Block: 541070105023007	10
682	Block: 541070105023027	47
683	Block: 541070105023028	0
684	Block: 541070105023044	81
685	Block: 541070105023045	53
686	Block: 541070105023047	10
687	VTD 40A Subtotal	1,655
688	VTD: 46B	
689	Block: 541070101011065	6
690	VTD 46B Subtotal	6
691	VTD: 47	
692	Block: 541070101011022	0
693	Block: 541070101011040	6
694	Block: 541070101011041	0
695	Block: 541070101011042	0
696	Block: 541070101011043	0
697	Block: 541070101011044	131
698	Block: 541070101011045	0
699	Block: 541070101011046	2
700	Block: 541070101011047	0
701	Block: 541070101011048	0
702	Block: 541070101011049	4
703	Block: 541070101011050	0
704	Block: 541070101011051	8
705	Block: 541070101011052	0
706	Block: 541070101011053	0
707	Block: 541070101011054	0

708	Block: 541070101011055	18
709	Block: 541070101011058	129
710	Block: 541070101011059	2
711	Block: 541070101011060	4
712	Block: 541070101011061	3
713	Block: 541070101011062	0
714	Block: 541070101011063	1
715	Block: 541070101011064	6
716	Block: 541070101011066	3
717	Block: 541070101011075	3
718	Block: 541070101011076	0
719	Block: 541070101011077	0
720	Block: 541070101011078	4
721	Block: 541070101011079	6
722	Block: 541070101011080	0
723	Block: 541070103001000	37
724	Block: 541070103001002	5
725	Block: 541070103001003	0
726	Block: 541070103001004	0
727	Block: 541070103001005	0
728	Block: 541070103001009	28
729	Block: 541070103001010	0
730	Block: 541070103001011	0
731	Block: 541070103001012	0
732	Block: 541070103001031	0
733	Block: 541070103001051	53
734	Block: 541070103001057	65
735	Block: 541070103001058	8
736	Block: 541070103001059	3
737	Block: 541070103001060	0
738	Block: 541070103001061	0

739	Block: 541070103001062	0
740	Block: 541070103001063	2
741	Block: 541070103001064	2
742	Block: 541070103001070	23
743	Block: 541070103002000	25
744	Block: 541070103002001	18
745	Block: 541070103002012	12
746	Block: 541070103002013	6
747	Block: 541070103002036	0
748	Block: 541070103002037	9
749	Block: 541070103002038	3
750	Block: 541070103002039	7
751	Block: 541070103002049	17
752	Block: 541070103002050	30
753	Block: 541070104001000	0
754	Block: 541070104001001	0
755	Block: 541070104001003	0
756	Block: 541070104001004	1
757	Block: 541070104001005	0
758	Block: 541070104001006	6
759	Block: 541070104001007	0
760	Block: 541070104001008	0
761	Block: 541070104001009	0
762	Block: 541070104001010	0
763	Block: 541070104001011	0
764	Block: 541070104001012	0
765	Block: 541070104001024	0
766	Block: 541070104001025	0
767	Block: 541070104001026	36
768	Block: 541070104001044	16
769	Block: 541070104001053	0

Ch. 3]	REDISTRICTING	2077
770	Block: 541070104001055	2
771	Block: 541070104001056	0
772	Block: 541070104001057	0
773	Block: 541070104001058	0
774	Block: 541070104001059	1
775	Block: 541070105021000	0
776	Block: 541070105021001	2
777	Block: 541070105021008	0
778	VTD 47 Subtotal	747
779	VTD: 48	1,416
780	VTD: 49	1,601
781	VTD: 49A	932
782	VTD: 50	642
783	VTD: 51	1,910
784	VTD: 52	998
785	VTD: 53	1,014
786	VTD: 53A	919
787	VTD: 54	896
788	VTD: 54A	1,026
789	VTD: 56	658
790	VTD: 56A	1,121
791	VTD: 60	666
792	VTD: 61	1,281
793	Wood WV County Subtotal	18,428
794	District 8 Subtotal	18,428
795	District 9	
796	Wirt WV County	5,717
797	Wood WV County	
798	VTD: 38	
799	Block: 541070008011000	0
800	Block: 541070008021000	0

2078	REDISTRICTING	[Ch. 3
801	Block: 541070106021034	0
802	Block: 541070106021042	0
803	Block: 541070106021055	0
804	Block: 541070106021056	37
805	Block: 541070106021057	7
806	Block: 541070106021058	0
807	Block: 541070106021059	10
808	Block: 541070106021060	4
809	Block: 541070106021061	0
810	Block: 541070106021062	0
811	Block: 541070106021063	0
812	Block: 541070106021064	0
813	Block: 541070106021065	0
814	Block: 541070106021066	0
815	Block: 541070106021067	0
816	Block: 541070106021068	0
817	Block: 541070106021071	0
818	Block: 541070106021072	0
819	Block: 541070106021073	0
820	Block: 541070106021074	22
821	Block: 541070106021075	47
822	Block: 541070106021076	6
823	Block: 541070106021077	0
824	Block: 541070106021078	0
825	Block: 541070106021079	0
826	Block: 541070106021080	0
827	Block: 541070106021081	0
828	Block: 541070107011000	40
829	Block: 541070107011001	1
830	Block: 541070107011002	0
831	Block: 541070107011010	53

832	Block: 541070107011011	22
833	Block: 541070107011012	2
834	Block: 541070107011013	0
835	Block: 541070107011014	0
836	Block: 541070107011015	0
837	Block: 541070107011016	0
838	Block: 541070107011017	0
839	Block: 541070107011018	0
840	Block: 541070107011019	0
841	Block: 541070107011020	4
842	Block: 541070107011021	0
843	Block: 541070107011022	0
844	Block: 541070107011023	0
845	Block: 541070107011024	0
846	Block: 541070107011025	0
847	Block: 541070107011026	0
848	Block: 541070107011027	0
849	Block: 541070107011028	0
850	Block: 541070107011029	0
851	Block: 541070107011030	0
852	Block: 541070107011031	44
853	Block: 541070107011032	0
854	Block: 541070107011033	0
855	Block: 541070107011034	0
856	Block: 541070107011035	0
857	Block: 541070107011036	12
858	Block: 541070107011037	0
859	Block: 541070107011038	0
860	Block: 541070107011039	0
861	Block: 541070107011040	0
862	Block: 541070107011042	0

2080	REDISTRICTING	[Ch. 3
863	Block: 541070107011043	0
864	Block: 541070107011044	0
865	Block: 541070107011045	0
866	Block: 541070107011046	0
867	Block: 541070107011047	0
868	Block: 541070107011048	0
869	Block: 541070107011049	11
870	Block: 541070107011050	0
871	Block: 541070107011051	0
872	Block: 541070107011055	3
873	Block: 541070107011056	0
874	Block: 541070107011057	0
875	Block: 541070107011064	0
876	Block: 541070107011065	0
877	Block: 541070107012004	0
878	Block: 541070107012005	0
879	Block: 541070107012006	0
880	Block: 541070107012007	0
881	Block: 541070107012008	0
882	Block: 541070107012009	1
883	Block: 541070107012010	1
884	Block: 541070107012011	0
885	Block: 541070107012012	0
886	Block: 541070107012015	0
887	VTD 38 Subtotal	327
888	VTD: 57	959
889	VTD: 57A	
890	Block: 541070107011052	0
891	Block: 541070107011062	0
892	Block: 541070107011063	0
893	Block: 541070107011066	18



894	Block: 541070107011067	0
895	Block: 541070107011068	96
896	Block: 541070107011069	10
897	Block: 541070107011070	0
898	Block: 541070107011071	4
899	Block: 541070107011072	0
900	Block: 541070107011073	0
901	Block: 541070107011074	8
902	Block: 541070107011075	34
903	Block: 541070107011076	16
904	Block: 541070107011077	5
905	Block: 541070107011078	9
906	Block: 541070107011079	81
907	Block: 541070107011080	0
908	Block: 541070107011081	0
909	Block: 541070107011082	11
910	Block: 541070107011083	0
911	Block: 541070107011084	0
912	Block: 541070107011085	97
913	Block: 541070107011086	24
914	Block: 541070107011087	3
915	Block: 541070107011088	0
916	Block: 541070107011089	0
917	Block: 541070107011090	0
918	Block: 541070107011091	206
919	Block: 541070107011092	0
920	Block: 541070107011094	0
921	Block: 541070107011095	0
922	Block: 541070107011098	0
923	Block: 541070107011099	1
924	Block: 541070107011100	6

2082

REDISTRICTING

[Ch. 3

925	Block: 541070107011102	64
926	Block: 541070107011103	4
927	Block: 541070107011104	0
928	Block: 541070107011105	0
929	Block: 541070107011106	0
930	Block: 541070107011107	16
931	Block: 541070107011108	0
932	Block: 541070107011109	15
933	Block: 541070107011110	0
934	Block: 541070107011111	20
935	Block: 541070107011112	0
936	Block: 541070107011113	0
937	Block: 541070107011114	0
938	Block: 541070107011115	8
939	Block: 541070107011116	0
940	Block: 541070107012047	0
941	Block: 541070107012067	0
942	Block: 541070107012068	154
943	Block: 541070107012069	0
944	Block: 541070107012070	41
945	Block: 541070107012071	0
946	Block: 541070107012072	2
947	Block: 541070107012073	227
948	Block: 541070107012074	1
949	Block: 541070107012076	0
950	Block: 541070107012077	3
951	Block: 541070107012078	0
952	Block: 541070107012079	0
953	Block: 541070107012080	0
954	Block: 541070107012081	4
955	Block: 541070107012112	0

956	Block: 541070107012118	38
957	Block: 541070107013000	64
958	Block: 541070107013001	0
959	Block: 541070107013002	7
960	Block: 541070107013003	9
961	Block: 541070107013004	451
962	Block: 541070107013005	0
963	Block: 541070107013006	0
964	Block: 541070107013007	0
965	Block: 541070107013008	12
966	Block: 541070107013009	27
967	Block: 541070107013010	76
968	Block: 541070107013011	13
969	Block: 541070107013012	0
970	Block: 541070107013013	44
971	Block: 541070107013014	0
972	Block: 541070107013015	91
973	Block: 541070107013016	46
974	Block: 541070107013017	107
975	Block: 541070107013018	37
976	Block: 541070107013019	43
977	Block: 541070107013020	0
978	Block: 541070107015010	73
979	Block: 541070107015017	14
980	Block: 541070107015023	8
981	Block: 541070107015043	11
982	Block: 541070107015044	138
983	Block: 541070107015045	0
984	Block: 541070107015046	0
985	Block: 541070107015047	0
986	Block: 541070107015048	9

2084	REDISTRICTING	[Ch. 3
987	Block: 541070107021029	0
988	Block: 541070107021046	0
989	Block: 541070107025003	0
990	VTD 57A Subtotal	2,506
991	VTD: 58	1,042
992	VTD: 79	
993	Block: 541070107024075	0
994	VTD 79 Subtotal	0
995	VTD: 81	683
996	VTD: 82	1,159
997	VTD: 84	408
998	VTD: 85	
999	Block: 541070107024071	20
1000	Block: 541070107024072	9
1001	Block: 541070107024073	7
1002	Block: 541070107024074	1
1003	Block: 541070107024098	7
1004	Block: 541070107024099	46
1005	Block: 541070107024100	5
1006	Block: 541070107024101	0
1007	Block: 541070107024104	2
1008	Block: 541070107024105	1
1009	Block: 541070107024106	0
1010	Block: 541070107024107	22
1011	Block: 541070107025130	0
1012	Block: 541070107025131	38
1013	Block: 541070107025132	0
1014	Block: 541070107025136	0
1015	Block: 541070107025137	3
1016	Block: 541070108001001	33
1017	Block: 541070108001002	3

1018	Block: 541070108001008	38
1019	Block: 541070108001009	0
1020	Block: 541070108001010	0
1021	Block: 541070108001011	0
1022	Block: 541070108001012	0
1023	Block: 541070108001013	0
1024	Block: 541070108001014	0
1025	Block: 541070108001015	52
1026	Block: 541070108001016	23
1027	Block: 541070108001017	44
1028	Block: 541070108001018	2
1029	Block: 541070108001019	9
1030	Block: 541070108001020	1
1031	Block: 541070108001021	0
1032	Block: 541070108001022	30
1033	Block: 541070108001023	0
1034	Block: 541070108001024	0
1035	Block: 541070108001025	9
1036	Block: 541070108001026	8
1037	Block: 541070108001027	0
1038	Block: 541070108001028	0
1039	Block: 541070108001029	2
1040	Block: 541070108001030	34
1041	Block: 541070108001031	0
1042	Block: 541070108001032	0
1043	Block: 541070108001033	0
1044	Block: 541070108001034	0
1045	Block: 541070108001035	0
1046	Block: 541070108001036	11
1047	Block: 541070108001037	0
1048	Block: 541070108001038	0

2086	REDISTRICTING	[Ch. 3
1049	Block: 541070108001039	16
1050	Block: 541070108001040	78
1051	Block: 541070108001041	0
1052	Block: 541070108001042	0
1053	Block: 541070108001043	0
1054	Block: 541070108001044	0
1055	Block: 541070108001045	0
1056	Block: 541070108001046	70
1057	Block: 541070108001047	0
1058	Block: 541070108001048	0
1059	Block: 541070108001049	0
1060	Block: 541070108001050	0
1061	Block: 541070108001051	0
1062	Block: 541070108001052	52
1063	Block: 541070108001054	30
1064	Block: 541070108001055	57
1065	Block: 541070108001056	0
1066	Block: 541070108001057	0
1067	Block: 541070108001058	0
1068	Block: 541070108001059	3
1069	Block: 541070108001089	14
1070	Block: 541070108001090	0
1071	Block: 541070108001091	3
1072	Block: 541070108001092	12
1073	Block: 541070108001093	0
1074	Block: 541070108001097	0
1075	Block: 541070108001098	0
1076	VTD 85 Subtotal	795
1077	VTD: 86	1,169
1078	VTD: 87	1,527
1079	VTD: 88	1,180

Ch. 3]	REDISTRICTING	2087
1080	VTD: 89	816
1081	Wood WV County Subtotal	12,571
1082	District 9 Subtotal	18,288
1083	District 10	
1084	Wood WV County	
1085	VTD: 1	567
1086	VTD: 10	1,102
1087	VTD: 13	959
1088	VTD: 16	476
1089	VTD: 17	833
1090	VTD: 19	1,476
1091	VTD: 23	787
1092	VTD: 24	946
1093	VTD: 27	914
1094	VTD: 29	1,000
1095	VTD: 31	901
1096	VTD: 32	1,971
1097	VTD: 33	802
1098	VTD: 34A	
1099	Block: 541070001001049	0
1100	Block: 541070105022018	5
1101	Block: 541070105022019	0
1102	Block: 541070105022020	22
1103	Block: 541070105022022	0
1104	Block: 541070105022024	30
1105	Block: 541070105022027	3
1106	Block: 541070105022029	17
1107	Block: 541070105022031	38
1108	Block: 541070105022037	7
1109	Block: 541070105022038	20
1110	Block: 541070105022039	0

2088	REDISTRICTING	[Ch. 3
1111	Block: 541070105022040	19
1112	Block: 541070105022041	0
1113	Block: 541070105022045	0
1114	Block: 541070105022058	0
1115	Block: 541070105022066	21
1116	Block: 541070105022087	1
1117	Block: 541070105023037	61
1118	Block: 541070105023038	6
1119	Block: 541070105023039	0
1120	Block: 541070105023040	9
1121	Block: 541070105023041	126
1122	Block: 541070110001000	43
1123	Block: 541070110001001	88
1124	Block: 541070110001002	190
1125	Block: 541070110001003	8
1126	Block: 541070110001004	0
1127	Block: 541070110001005	24
1128	Block: 541070110001006	51
1129	Block: 541070110001007	32
1130	Block: 541070110001011	7
1131	Block: 541070110001012	24
1132	Block: 541070110001013	30
1133	Block: 541070110001014	68
1134	Block: 541070110001020	23
1135	Block: 541070110001021	26
1136	Block: 541070110001022	6
1137	Block: 541070110001034	7
1138	Block: 541070110001122	18
1139	VTD 34A Subtotal	1,030
1140	VTD: 35	1,055
1141	VTD: 36	1,222



1142	VTD: 36B	
1143	Block: 541070001001004	0
1144	Block: 541070001001010	3
1145	Block: 541070001001059	0
1146	Block: 541070001001060	6
1147	Block: 541070001001061	30
1148	Block: 541070001001062	5
1149	Block: 541070001001063	0
1150	Block: 541070001001064	0
1151	Block: 541070001001065	71
1152	Block: 541070001001066	0
1153	Block: 541070001001067	0
1154	Block: 541070001001068	0
1155	Block: 541070001001069	0
1156	Block: 541070001001085	0
1157	Block: 541070001002007	0
1158	Block: 541070001002008	6
1159	Block: 541070001002011	20
1160	Block: 541070001002012	0
1161	Block: 541070001002029	54
1162	Block: 541070001002030	39
1163	Block: 541070001002031	32
1164	Block: 541070001002032	11
1165	Block: 541070001002033	0
1166	Block: 541070001002034	56
1167	Block: 541070001002035	44
1168	Block: 541070001002036	26
1169	Block: 541070001002037	39
1170	Block: 541070001002038	32
1171	Block: 541070001002039	3
1172	Block: 541070001002047	0

2090	REDISTRICTING	[Ch. 3
1173	VTD 36B Subtotal	477
1174	VTD: 36C	721
1175	VTD: 37	524
1176	VTD: 37A	577
1177	VTD: 37B	571
1178	VTD: 37C	525
1179	VTD: 37D	539
1180	VTD: 38	
1181	Block: 541070008011001	0
1182	VTD 38 Subtotal	0
1183	VTD: 40A	
1184	Block: 541070104001018	0
1185	Block: 541070104001019	0
1186	Block: 541070104001020	7
1187	Block: 541070104001021	0
1188	Block: 541070104001062	0
1189	Block: 541070104001063	0
1190	Block: 541070104001068	0
1191	Block: 541070104002044	4
1192	Block: 541070104002045	0
1193	Block: 541070104002046	0
1194	Block: 541070104002048	0
1195	Block: 541070104002058	1
1196	Block: 541070104002059	2
1197	Block: 541070105012033	21
1198	Block: 541070105012034	28
1199	Block: 541070105012035	0
1200	Block: 541070105012042	0
1201	Block: 541070105012043	10
1202	Block: 541070105012044	0
1203	Block: 541070105012045	0

Ch. 3]	REDISTRICTING	2091
1204	Block: 541070105012046	0
1205	Block: 541070105012047	0
1206	Block: 541070105012048	0
1207	Block: 541070105022026	0
1208	Block: 541070105022042	0
1209	Block: 541070105022056	0
1210	Block: 541070105022060	17
1211	Block: 541070105022061	0
1212	Block: 541070105022062	0
1213	Block: 541070105022064	7
1214	Block: 541070105022065	5
1215	Block: 541070105022088	0
1216	Block: 541070105023003	2
1217	Block: 541070105023042	0
1218	Block: 541070110002005	0
1219	Block: 541070110002006	0
1220	Block: 541070110002007	0
1221	Block: 541070110002008	0
1222	Block: 541070110002009	0
1223	Block: 541070110002015	0
1224	Block: 541070110002016	0
1225	Block: 541070110002017	0
1226	Block: 541070110002022	0
1227	Block: 541070110002026	0
1228	Block: 541070110002080	1
1229	VTD 40A Subtotal	105
1230	VTD: 41	906
1231	VTD: 42	862
1232	VTD: 42A	1,685
1233	VTD: 43A	1,442
1234	VTD: 44	1,019

2092	REDISTRICTING	[Ch. 3
1235	VTD: 44A	745
1236	VTD: 45	560
1237	VTD: 45A	735
1238	VTD: 46	570
1239	VTD: 46A	785
1240	VTD: 46B	
1241	Block: 541070103001001	25
1242	Block: 541070103001006	94
1243	Block: 541070103001007	0
1244	Block: 541070103001008	0
1245	Block: 541070103001013	155
1246	Block: 541070103001014	6
1247	Block: 541070103001015	49
1248	Block: 541070103001016	74
1249	Block: 541070103001017	301
1250	Block: 541070103001018	22
1251	Block: 541070103001019	42
1252	Block: 541070103001020	0
1253	Block: 541070103001021	22
1254	Block: 541070103001024	0
1255	Block: 541070103001025	4
1256	Block: 541070103001026	65
1257	Block: 541070103001027	7
1258	Block: 541070103001028	0
1259	Block: 541070103001029	8
1260	Block: 541070103001032	242
1261	Block: 541070103001033	0
1262	Block: 541070103001034	0
1263	Block: 541070103001036	0
1264	Block: 541070103001037	149
1265	Block: 541070103001042	27

Ch. 3]	REDISTRICTING	2093
1266	Block: 541070103001065	20
1267	Block: 541070103001066	65
1268	Block: 541070103001067	20
1269	Block: 541070103001068	17
1270	Block: 541070103001071	3
1271	VTD 46B Subtotal	1,417
1272	VTD: 47	
1273	Block: 541070103001022	7
1274	Block: 541070103002054	5
1275	Block: 541070103002084	7
1276	VTD 47 Subtotal	19
1277	VTD: 57A	
1278	Block: 541070008021027	0
1279	Block: 541070008021028	0
1280	Block: 541070008021037	0
1281	Block: 541070008021045	0
1282	Block: 541070008021050	0
1283	Block: 541070107021000	0
1284	Block: 541070107021012	0
1285	Block: 541070107021013	0
1286	VTD 57A Subtotal	0
1287	VTD: 62A	1,604
1288	VTD: 63	1,345
1289	VTD: 63A	952
1290	VTD: 63B	757
1291	VTD: 64	1,163
1292	VTD: 66	1,185
1293	VTD: 67	2,220
1294	VTD: 67A	1,927
1295	VTD: 69	797
1296	VTD: 71	527

2094	REDISTRICTING	[Ch. 3
1297	VTD: 71U	281
1298	VTD: 74	1,015
1299	VTD: 74A	814
1300	VTD: 74B	1,482
1301	VTD: 74C	1,613
1302	VTD: 75	1,530
1303	VTD: 77	1,915
1304	VTD: 78	1,404
1305	VTD: 78A	852
1306	VTD: 79	
1307	Block: 541070008021033	0
1308	Block: 541070008021042	0
1309	Block: 541070008021046	11
1310	Block: 541070008021047	0
1311	Block: 541070008021051	4
1312	Block: 541070008021052	21
1313	Block: 541070008022053	21
1314	Block: 541070107021001	22
1315	Block: 541070107021002	4
1316	Block: 541070107021003	0
1317	Block: 541070107021006	0
1318	Block: 541070107021007	0
1319	Block: 541070107021008	0
1320	Block: 541070107021009	0
1321	Block: 541070107021010	33
1322	Block: 541070107021011	10
1323	Block: 541070107021014	8
1324	Block: 541070107021015	0
1325	Block: 541070107021016	0
1326	Block: 541070107021017	3
1327	Block: 541070107021018	0

1328	Block: 541070107021019	0
1329	Block: 541070107021020	0
1330	Block: 541070107021027	0
1331	Block: 541070107021030	0
1332	Block: 541070107021031	4
1333	Block: 541070107021032	0
1334	Block: 541070107021033	0
1335	Block: 541070107021034	0
1336	Block: 541070107021035	0
1337	Block: 541070107021036	0
1338	Block: 541070107021037	0
1339	Block: 541070107021038	0
1340	Block: 541070107021039	0
1341	Block: 541070107021109	0
1342	Block: 541070107021110	0
1343	Block: 541070107021111	0
1344	Block: 541070107021112	0
1345	Block: 541070107021113	4
1346	Block: 541070107021114	0
1347	Block: 541070107021115	0
1348	Block: 541070107021118	0
1349	Block: 541070107022006	0
1350	Block: 541070107022009	0
1351	Block: 541070107022025	43
1352	Block: 541070107022027	0
1353	Block: 541070107022029	0
1354	Block: 541070107022030	0
1355	Block: 541070107022031	0
1356	Block: 541070107022032	0
1357	Block: 541070107022033	32
1358	Block: 541070107022037	69

2096	REDISTRICTING	[Ch. 3
1359	Block: 541070107022043	19
1360	Block: 541070107022044	3
1361	Block: 541070107022045	143
1362	Block: 541070107022046	42
1363	Block: 541070107022047	81
1364	Block: 541070107022048	29
1365	Block: 541070107022049	0
1366	Block: 541070107022050	25
1367	Block: 541070107022051	0
1368	Block: 541070107022052	0
1369	Block: 541070107022053	0
1370	Block: 541070107022054	0
1371	Block: 541070107022058	0
1372	Block: 541070107022066	0
1373	Block: 541070107022067	0
1374	Block: 541070107022068	0
1375	Block: 541070107022069	26
1376	Block: 541070107022070	0
1377	Block: 541070107022072	2
1378	Block: 541070107023050	0
1379	Block: 541070107023051	23
1380	Block: 541070107023052	2
1381	Block: 541070107023053	112
1382	Block: 541070107023054	27
1383	Block: 541070107023055	4
1384	Block: 541070107023056	0
1385	Block: 541070107023059	30
1386	Block: 541070107023060	2
1387	Block: 541070107023061	0
1388	Block: 541070107023062	3
1389	Block: 541070107023063	17



1390	Block: 541070107023064	0
1391	Block: 541070107023065	0
1392	Block: 541070107023066	0
1393	Block: 541070107023067	24
1394	Block: 541070107023068	0
1395	Block: 541070107023069	0
1396	Block: 541070107023070	0
1397	Block: 541070107023071	0
1398	Block: 541070107023072	0
1399	Block: 541070107024028	0
1400	Block: 541070107024029	1
1401	Block: 541070107024030	1
1402	Block: 541070107024031	46
1403	Block: 541070107024032	0
1404	Block: 541070107024033	0
1405	Block: 541070107024034	0
1406	Block: 541070107024035	1
1407	Block: 541070107024036	4
1408	Block: 541070107024037	7
1409	Block: 541070107024038	0
1410	Block: 541070107024039	0
1411	Block: 541070107024040	21
1412	Block: 541070107024041	0
1413	Block: 541070107024042	0
1414	Block: 541070107024048	0
1415	Block: 541070107024049	0
1416	Block: 541070107024050	0
1417	Block: 541070107024051	0
1418	Block: 541070107024052	0
1419	Block: 541070107024053	7
1420	Block: 541070107024054	0

2098	REDISTRICTING	[Ch. 3
1421	Block: 541070107024055	0
1422	Block: 541070107024056	9
1423	Block: 541070107024057	0
1424	Block: 541070107024058	48
1425	Block: 541070107024059	4
1426	Block: 541070107024060	5
1427	Block: 541070107024061	0
1428	Block: 541070107024062	16
1429	Block: 541070107024063	29
1430	Block: 541070107024064	0
1431	Block: 541070107024065	0
1432	Block: 541070107024066	0
1433	Block: 541070107024067	5
1434	Block: 541070107024069	0
1435	Block: 541070107024084	0
1436	VTD 79 Subtotal	1,107
1437	VTD: 8	640
1438	VTD: 85	
1439	Block: 541070107024068	2
1440	Block: 541070107024070	0
1441	VTD 85 Subtotal	2
1442	Wood WV County Subtotal	55,957
1443	District 10 Subtotal	55,957
1444	District 11	
1445	Jackson WV County	
1446	VTD: 22	1,324
1447	VTD: 23	1,379
1448	VTD: 43	758
1449	Jackson WV County Subtotal	3,461
1450	Roane WV County	14,926
1451	District 11 Subtotal	18,387

Ch. 3]	REDISTRICTING	2099
1452	District 12	
1453	Jackson WV County	
1454	VTD: 1	579
1455	VTD: 10	351
1456	VTD: 11	1,304
1457	VTD: 14	1,011
1458	VTD: 18	953
1459	VTD: 19	409
1460	VTD: 20	565
1461	VTD: 21	1,340
1462	VTD: 24	332
1463	VTD: 26	1,805
1464	VTD: 27	1,331
1465	VTD: 28	2,203
1466	VTD: 29	346
1467	VTD: 33	1,090
1468	VTD: 37	571
1469	VTD: 38	382
1470	VTD: 39	615
1471	VTD: 4	1,246
1472	VTD: 5	698
1473	VTD: 6	
1474	Block: 540359633001002	0
1475	Block: 540359633001006	20
1476	Block: 540359633001007	4
1477	Block: 540359633001008	0
1478	Block: 540359633001009	0
1479	Block: 540359633001010	31
1480	Block: 540359633001013	0
1481	Block: 540359633001014	0
1482	Block: 540359633001015	0

2100	REDISTRICTING	[Ch. 3
1483	Block: 540359633001016	0
1484	Block: 540359633001019	0
1485	Block: 540359633001020	0
1486	Block: 540359633001021	0
1487	Block: 540359633001022	6
1488	Block: 540359633001023	0
1489	Block: 540359633001024	55
1490	Block: 540359633001025	3
1491	Block: 540359633001026	116
1492	Block: 540359633001027	0
1493	Block: 540359633001029	0
1494	Block: 540359633001049	0
1495	Block: 540359633003058	0
1496	Block: 540359633003059	16
1497	Block: 540359633004006	248
1498	Block: 540359633004007	0
1499	Block: 540359633004009	13
1500	Block: 540359633004010	2
1501	Block: 540359633004011	21
1502	Block: 540359633004012	0
1503	Block: 540359633004013	0
1504	Block: 540359633004014	0
1505	Block: 540359633004015	9
1506	Block: 540359633004017	18
1507	Block: 540359633004018	2
1508	Block: 540359633004019	8
1509	Block: 540359633004020	19
1510	Block: 540359633004023	46
1511	Block: 540359633004040	16
1512	Block: 540359633004041	0
1513	Block: 540359633004048	0

Ch. 3]	REDISTRICTING	2101
1514	Block: 540359633004053	0
1515	Block: 540359633004054	23
1516	Block: 540359633004056	16
1517	Block: 540359633004057	0
1518	Block: 540359633004058	0
1519	Block: 540359633004077	0
1520	Block: 540359633004079	7
1521	Block: 540359633004081	0
1522	VTD 6 Subtotal	699
1523	VTD: 9	
1524	Block: 540359633004016	0
1525	Block: 540359633004021	0
1526	Block: 540359633004038	0
1527	Block: 540359633004039	0
1528	Block: 540359633004049	0
1529	VTD 9 Subtotal	0
1530	Jackson WV County Subtotal	17,830
1531	District 12 Subtotal	17,830
1532	District 13	
1533	Jackson WV County	
1534	VTD: 15 (5403515)	691
1535	VTD: 16 (5403516)	417
1536	VTD: 17 (5403517)	909
1537	VTD: 30	1,895
1538	VTD: 32	1,350
1539	VTD: 6	
1540	Block: 540359633001028	0
1541	Block: 540359633004024	8
1542	VTD 6 Subtotal	8
1543	VTD: 7 (540357)	799
1544	VTD: 8 (540358)	1,021

2102	REDISTRICTING	[Ch. 3
1545	VTD: 9	
1546	Block: 540359633002010	59
1547	Block: 540359633002011	14
1548	Block: 540359633002019	59
1549	Block: 540359633003013	0
1550	Block: 540359633003014	0
1551	Block: 540359633003015	112
1552	Block: 540359633003016	0
1553	Block: 540359633003017	2
1554	Block: 540359633003018	2
1555	Block: 540359633003019	2
1556	Block: 540359633003023	0
1557	Block: 540359633003024	0
1558	Block: 540359633003025	0
1559	Block: 540359633003026	8
1560	Block: 540359633003027	9
1561	Block: 540359633003028	9
1562	Block: 540359633003029	7
1563	Block: 540359633003030	4
1564	Block: 540359633003039	13
1565	Block: 540359633003040	20
1566	Block: 540359633003041	16
1567	Block: 540359633003042	17
1568	Block: 540359633003043	10
1569	Block: 540359633003044	7
1570	Block: 540359633003045	77
1571	Block: 540359633003057	0
1572	Block: 540359633004025	17
1573	Block: 540359633004026	23
1574	Block: 540359633004027	28
1575	Block: 540359633004028	24

Ch. 3]	REDISTRICTING	2103
1576	Block: 540359633004029	21
1577	Block: 540359633004030	39
1578	Block: 540359633004031	8
1579	Block: 540359633004032	16
1580	Block: 540359633004033	15
1581	Block: 540359633004034	3
1582	Block: 540359633004035	4
1583	Block: 540359633004036	28
1584	Block: 540359633004037	19
1585	Block: 540359633004042	22
1586	Block: 540359633004043	35
1587	Block: 540359633004044	17
1588	Block: 540359633004045	27
1589	Block: 540359633004046	18
1590	Block: 540359633004047	19
1591	VTD 9 Subtotal	830
1592	Jackson WV County Subtotal	7,920
1593	Mason WV County	
1594	VTD: 1	887
1595	VTD: 10	997
1596	VTD: 11	706
1597	VTD: 12	
1598	Block: 540539548023115	15
1599	Block: 540539548023116	4
1600	Block: 540539549001106	0
1601	Block: 540539549001109	18
1602	Block: 540539549001110	0
1603	Block: 540539549001117	178
1604	Block: 540539549001118	0
1605	Block: 540539549001119	10
1606	Block: 540539549001121	59

2104	REDISTRICTING	[Ch. 3
1607	Block: 540539549001123	1
1608	Block: 540539549001124	197
1609	Block: 540539549001125	30
1610	Block: 540539549001126	17
1611	Block: 540539549001127	75
1612	Block: 540539549001128	27
1613	Block: 540539549002000	6
1614	Block: 540539549002001	6
1615	Block: 540539549002006	0
1616	Block: 540539549002050	7
1617	Block: 540539549002051	2
1618	Block: 540539549003034	10
1619	Block: 540539550001000	0
1620	Block: 540539550001001	0
1621	Block: 540539550001002	0
1622	Block: 540539550001003	3
1623	Block: 540539550001004	0
1624	Block: 540539550001005	0
1625	Block: 540539550001006	0
1626	Block: 540539550001007	0
1627	Block: 540539550001008	0
1628	Block: 540539550001009	0
1629	Block: 540539550001010	0
1630	Block: 540539550001011	0
1631	Block: 540539550001012	0
1632	Block: 540539550001013	0
1633	Block: 540539550001014	0
1634	Block: 540539550001019	14
1635	Block: 540539550001020	0
1636	Block: 540539550001021	0
1637	Block: 540539550001022	0



1638	Block: 540539550001023	0
1639	Block: 540539550001024	0
1640	Block: 540539550001025	0
1641	Block: 540539550001026	3
1642	Block: 540539550001027	0
1643	Block: 540539550001028	0
1644	Block: 540539550001029	0
1645	Block: 540539550001030	0
1646	Block: 540539550001031	5
1647	Block: 540539550001032	0
1648	Block: 540539550001033	4
1649	Block: 540539550001034	12
1650	Block: 540539550001035	0
1651	Block: 540539550001036	0
1652	Block: 540539550001037	0
1653	Block: 540539550001038	0
1654	Block: 540539550001039	75
1655	Block: 540539550001040	0
1656	Block: 540539550001041	0
1657	Block: 540539550001042	123
1658	Block: 540539550001043	68
1659	Block: 540539550001044	0
1660	Block: 540539550001045	0
1661	Block: 540539550001047	0
1662	Block: 540539550001048	2
1663	Block: 540539550001049	0
1664	Block: 540539550001065	24
1665	Block: 540539550001077	0
1666	Block: 540539550001078	9
1667	Block: 540539550001079	0
1668	Block: 540539550002000	78

2106	REDISTRICTING	[Ch. 3
1669	Block: 540539550002001	6
1670	Block: 540539550002010	18
1671	Block: 540539550002011	2
1672	Block: 540539550002045	10
1673	Block: 540539550003000	2
1674	VTD 12 Subtotal	1,120
1675	VTD: 13	234
1676	VTD: 14	940
1677	VTD: 15 (5405315)	943
1678	VTD: 16	1,181
1679	VTD: 17 (5405317)	921
1680	VTD: 19	
1681	Block: 540539550001066	0
1682	Block: 540539550001067	0
1683	Block: 540539550001068	0
1684	Block: 540539550001069	0
1685	Block: 540539550002024	5
1686	Block: 540539550002025	0
1687	Block: 540539550003001	4
1688	Block: 540539550003002	0
1689	Block: 540539550003003	4
1690	Block: 540539550003004	0
1691	VTD 19 Subtotal	13
1692	VTD: 2	329
1693	VTD: 3	735
1694	VTD: 4	978
1695	VTD: 5	352
1696	VTD: 6	614
1697	VTD: 7	795
1698	VTD: 8	676
1699	VTD: 9	763

Ch. 3]	REDISTRICTING	2107
1700	Mason WV County Subtotal	13,184
1701	Putnam WV County	
1702	VTD: 1 (540791)	1,687
1703	VTD: 15	677
1704	VTD: 16 (5407916)	2,238
1705	VTD: 17	512
1706	VTD: 18	1,220
1707	VTD: 19	379
1708	VTD: 2 (540792)	855
1709	VTD: 21	565
1710	VTD: 23	2,079
1711	VTD: 34	910
1712	VTD: 35	382
1713	VTD: 36	795
1714	VTD: 37	670
1715	VTD: 38	886
1716	VTD: 4 (540794)	950
1717	VTD: 40	1,362
1718	Putnam WV County Subtotal	16,167
1719	District 13 Subtotal	37,271
1720	District 14	
1721	Mason WV County	
1722	VTD: 12	
1723	Block: 540539550002003	0
1724	VTD 12 Subtotal	0
1725	VTD: 18	792
1726	VTD: 19	
1727	Block: 540539550002002	23
1728	Block: 540539550002004	12
1729	Block: 540539550002005	2
1730	Block: 540539550002006	0

2108	REDISTRICTING	[Ch. 3
1731	Block: 540539550002007	49
1732	Block: 540539550002008	0
1733	Block: 540539550002009	15
1734	Block: 540539550002012	8
1735	Block: 540539550002013	0
1736	Block: 540539550002014	15
1737	Block: 540539550002015	19
1738	Block: 540539550002016	11
1739	Block: 540539550002017	5
1740	Block: 540539550002018	14
1741	Block: 540539550002019	4
1742	Block: 540539550002020	39
1743	Block: 540539550002021	8
1744	Block: 540539550002022	34
1745	Block: 540539550002023	27
1746	Block: 540539550002026	27
1747	Block: 540539550002027	69
1748	Block: 540539550002028	0
1749	Block: 540539550002029	46
1750	Block: 540539550002030	0
1751	Block: 540539550002031	34
1752	Block: 540539550002033	0
1753	Block: 540539550002034	0
1754	Block: 540539550002035	0
1755	Block: 540539550002036	41
1756	Block: 540539550002037	35
1757	VTD 19 Subtotal	537
1758	VTD: 20	355
1759	VTD: 21	430
1760	VTD: 22	715
1761	VTD: 23	837

Ch. 3]	REDISTRICTING	2109
1762	VTD: 24	513
1763	VTD: 25	534
1764	VTD: 26	730
1765	VTD: 27	336
1766	VTD: 28	508
1767	VTD: 29	271
1768	VTD: 30 (5405330)	975
1769	VTD: 31	670
1770	VTD: 32	619
1771	VTD: 33	864
1772	VTD: 34	535
1773	VTD: 35	902
1774	VTD: 36	839
1775	VTD: 37	627
1776	VTD: 38	1,551
1777	Mason WV County Subtotal	14,140
1778	Putnam WV County	
1779	VTD: 30	1,555
1780	VTD: 31	
1781	Block: 540790203002043	7
1782	Block: 540790203002044	0
1783	Block: 540790203002045	51
1784	Block: 540790203002046	29
1785	Block: 540790203002047	72
1786	Block: 540790203002048	16
1787	Block: 540790203002049	13
1788	Block: 540790203002051	0
1789	Block: 540790203002052	0
1790	Block: 540790203002053	165
1791	Block: 540790203002054	2
1792	Block: 540790203002055	0

2110	REDISTRICTING	[Ch. 3
1793	Block: 540790203002056	0
1794	Block: 540790203002057	2
1795	Block: 540790203002058	6
1796	Block: 540790203002059	7
1797	Block: 540790203002060	19
1798	Block: 540790203002061	5
1799	Block: 540790203002062	9
1800	Block: 540790203002063	81
1801	Block: 540790203002064	0
1802	Block: 540790203002065	4
1803	Block: 540790203002066	28
1804	Block: 540790203002067	0
1805	Block: 540790203002068	0
1806	Block: 540790203002069	0
1807	Block: 540790203002070	0
1808	Block: 540790203002071	113
1809	Block: 540790203002072	0
1810	Block: 540790203002073	0
1811	Block: 540790203002074	2
1812	Block: 540790203002075	0
1813	Block: 540790203002076	0
1814	Block: 540790203002077	0
1815	Block: 540790203002078	0
1816	Block: 540790203003109	146
1817	Block: 540790203003110	2
1818	Block: 540790203003112	0
1819	Block: 540790203003113	0
1820	Block: 540790203003114	0
1821	Block: 540790203003115	0
1822	Block: 540790203003116	0
1823	Block: 540790203003117	0

Ch. 3]	REDISTRICTING	2111
1824	Block: 540790203003121	0
1825	Block: 540790203003122	60
1826	Block: 540790203003123	0
1827	Block: 540790203003124	6
1828	Block: 540790203003125	0
1829	Block: 540790203003126	0
1830	Block: 540790203003127	1
1831	Block: 540790203003128	16
1832	Block: 540790203003129	1
1833	Block: 540790203003139	0
1834	Block: 540790203003140	4
1835	Block: 540790203003141	48
1836	Block: 540790203003142	0
1837	Block: 540790203003143	0
1838	Block: 540790203003144	0
1839	Block: 540790203003145	0
1840	Block: 540790203003146	0
1841	Block: 540790203003147	0
1842	VTD 31 Subtotal	915
1843	VTD: 32	
1844	Block: 540790203002017	15
1845	Block: 540790203002018	0
1846	Block: 540790203002019	0
1847	Block: 540790203002026	0
1848	Block: 540790203002027	0
1849	Block: 540790203002032	8
1850	Block: 540790203002033	6
1851	Block: 540790203002034	83
1852	Block: 540790203002035	6
1853	Block: 540790203002036	0
1854	Block: 540790203002037	6

2112	REDISTRICTING	[Ch. 3
1855	Block: 540790203002038	0
1856	Block: 540790203002039	15
1857	Block: 540790203002040	0
1858	Block: 540790203002041	4
1859	Block: 540790203002042	0
1860	Block: 540790203003011	0
1861	Block: 540790203003012	0
1862	Block: 540790203003013	0
1863	Block: 540790203003019	0
1864	Block: 540790203003020	0
1865	Block: 540790203003021	0
1866	Block: 540790203003022	0
1867	Block: 540790203003023	2
1868	Block: 540790203003024	0
1869	Block: 540790203003025	0
1870	Block: 540790203003031	5
1871	Block: 540790203003032	0
1872	Block: 540790203003034	11
1873	Block: 540790203003035	0
1874	Block: 540790203003036	0
1875	Block: 540790203003037	0
1876	Block: 540790203003038	0
1877	Block: 540790203003039	0
1878	Block: 540790203003042	0
1879	Block: 540790203003045	0
1880	Block: 540790203003046	0
1881	Block: 540790203003047	115
1882	Block: 540790203003048	0
1883	Block: 540790203003049	0
1884	Block: 540790203003050	3
1885	Block: 540790203003051	44



1886	Block: 540790203003052	19
1887	Block: 540790203003053	28
1888	Block: 540790203003063	0
1889	Block: 540790203003064	7
1890	Block: 540790203003065	0
1891	Block: 540790203003066	18
1892	Block: 540790203003067	59
1893	Block: 540790203003068	0
1894	Block: 540790203003069	0
1895	Block: 540790203003070	4
1896	Block: 540790203003071	0
1897	Block: 540790203003072	0
1898	Block: 540790203003073	3
1899	Block: 540790203003074	5
1900	Block: 540790203003075	349
1901	Block: 540790203003076	31
1902	Block: 540790203003077	2
1903	Block: 540790203003078	4
1904	Block: 540790203003079	0
1905	Block: 540790203003080	9
1906	Block: 540790203003081	42
1907	Block: 540790203003082	34
1908	Block: 540790203003083	0
1909	Block: 540790203003084	18
1910	Block: 540790203003085	0
1911	Block: 540790203003105	0
1912	Block: 540790203003106	79
1913	Block: 540790203003107	0
1914	Block: 540790203003108	2
1915	Block: 540790203003118	0
1916	Block: 540790203003119	0

2114	REDISTRICTING	[Ch. 3
1917	Block: 540790203003120	0
1918	Block: 540790203003130	7
1919	Block: 540790203003131	0
1920	Block: 540790203003148	0
1921	Block: 540790203003149	0
1922	Block: 540790203003150	24
1923	VTD 32 Subtotal	1,067
1924	Putnam WV County Subtotal	3,537
1925	District 14 Subtotal	17,677
1926	District 15	
1927	Putnam WV County	
1928	VTD: 24	1,038
1929	VTD: 25	2,850
1930	VTD: 26	
1931	Block: 540790201003028	0
1932	Block: 540790203003040	0
1933	Block: 540790203003041	20
1934	Block: 540790203003043	0
1935	Block: 540790203003044	6
1936	Block: 540790203003054	128
1937	Block: 540790203003055	0
1938	Block: 540790203003056	0
1939	Block: 540790203003057	0
1940	Block: 540790203003058	0
1941	Block: 540790203003059	0
1942	Block: 540790203003060	12
1943	Block: 540790203003061	5
1944	Block: 540790203003062	0
1945	Block: 540790203003153	0
1946	Block: 540790204001000	840
1947	Block: 540790204001001	21

1948	Block: 540790204001002	0
1949	Block: 540790204001003	0
1950	Block: 540790204001004	0
1951	Block: 540790204001005	0
1952	Block: 540790204001006	0
1953	Block: 540790204001007	0
1954	Block: 540790204001008	0
1955	Block: 540790204001009	6
1956	Block: 540790204001010	33
1957	Block: 540790204001011	12
1958	Block: 540790204001012	0
1959	Block: 540790204001013	0
1960	Block: 540790204001015	0
1961	Block: 540790204001016	116
1962	Block: 540790204001017	0
1963	Block: 540790204001018	0
1964	Block: 540790204001019	0
1965	Block: 540790204001020	14
1966	Block: 540790204001021	32
1967	Block: 540790204001022	35
1968	Block: 540790204001024	0
1969	Block: 540790204001025	0
1970	Block: 540790204001030	0
1971	Block: 540790204001043	6
1972	Block: 540790204001046	0
1973	Block: 540790204001047	0
1974	Block: 540790204001048	0
1975	Block: 540790204001049	0
1976	Block: 540790204001050	0
1977	Block: 540790204001060	0
1978	Block: 540790204002000	0

2116	REDISTRICTING	[Ch. 3
1979	Block: 540790204002001	26
1980	Block: 540790204002002	0
1981	Block: 540790204002003	0
1982	Block: 540790204002004	24
1983	Block: 540790204002005	316
1984	Block: 540790204002006	30
1985	Block: 540790204002007	57
1986	Block: 540790204002008	177
1987	Block: 540790204002009	0
1988	Block: 540790204002010	17
1989	Block: 540790204002011	10
1990	Block: 540790204002012	0
1991	Block: 540790204002013	0
1992	Block: 540790204002014	0
1993	Block: 540790204002015	31
1994	Block: 540790204002016	8
1995	Block: 540790204002017	32
1996	Block: 540790204002018	15
1997	Block: 540790204002019	7
1998	Block: 540790204002020	0
1999	Block: 540790204002021	0
2000	Block: 540790204002022	16
2001	Block: 540790204002023	0
2002	Block: 540790204002024	25
2003	Block: 540790204002025	23
2004	Block: 540790204002026	6
2005	Block: 540790204002027	24
2006	Block: 540790204002028	0
2007	Block: 540790204002029	0
2008	Block: 540790204002030	0
2009	Block: 540790204002031	7

2010	Block: 540790204002032	0
2011	Block: 540790204002033	4
2012	Block: 540790204002034	0
2013	Block: 540790204002035	32
2014	Block: 540790204002036	0
2015	Block: 540790204002037	0
2016	Block: 540790204002038	7
2017	Block: 540790204002039	14
2018	Block: 540790204002040	11
2019	Block: 540790204002041	0
2020	Block: 540790204002042	0
2021	Block: 540790204002043	31
2022	Block: 540790204002044	1
2023	Block: 540790204002045	0
2024	Block: 540790204002046	23
2025	Block: 540790204002047	17
2026	Block: 540790204002048	8
2027	Block: 540790204002049	0
2028	Block: 540790204002050	0
2029	Block: 540790204002051	0
2030	Block: 540790204002052	29
2031	Block: 540790204002053	22
2032	Block: 540790204002054	0
2033	Block: 540790204002055	0
2034	Block: 540790204002056	82
2035	Block: 540790204002057	23
2036	Block: 540790204002058	8
2037	Block: 540790204002059	0
2038	Block: 540790204002060	2
2039	Block: 540790204002061	0
2040	Block: 540790204002062	4

2118	REDISTRICTING	[Ch. 3
2041	Block: 540790204002063	0
2042	Block: 540790204002064	2
2043	Block: 540790204002065	4
2044	Block: 540790204002066	0
2045	Block: 540790204002067	0
2046	Block: 540790204002068	0
2047	Block: 540790204002069	0
2048	Block: 540790204002070	0
2049	Block: 540790204002071	4
2050	Block: 540790204002072	6
2051	Block: 540790204002073	12
2052	Block: 540790204002074	19
2053	Block: 540790204002075	3
2054	Block: 540790204002076	2
2055	Block: 540790204002077	0
2056	Block: 540790204002078	7
2057	Block: 540790204002079	28
2058	Block: 540790204002080	1
2059	Block: 540790204002082	0
2060	Block: 540790204002083	74
2061	Block: 540790204002084	0
2062	Block: 540790204002085	10
2063	Block: 540790204002086	0
2064	Block: 540790204002089	76
2065	Block: 540790204002090	33
2066	Block: 540790204002096	0
2067	Block: 540790204002100	18
2068	Block: 540790204002101	10
2069	Block: 540790204002102	23
2070	Block: 540790204003000	3
2071	Block: 540790204003001	0

Ch. 3]	REDISTRICTING	2119
2072	Block: 540790204003019	7
2073	Block: 540790204003020	13
2074	Block: 540790204003021	8
2075	Block: 540790204003022	1
2076	Block: 540790204003024	5
2077	Block: 540790204003025	0
2078	Block: 540790204003027	0
2079	Block: 540790204003028	0
2080	Block: 540790204003029	0
2081	VTD 26 Subtotal	2,824
2082	VTD: 29	3,488
2083	VTD: 31	
2084	Block: 540790203003111	0
2085	Block: 540790203003134	0
2086	Block: 540790203003135	0
2087	Block: 540790203003136	0
2088	Block: 540790203003137	0
2089	Block: 540790203003138	0
2090	VTD 31 Subtotal	0
2091	VTD: 32	
2092	Block: 540790203003086	0
2093	Block: 540790203003087	0
2094	Block: 540790203003088	0
2095	Block: 540790203003089	0
2096	Block: 540790203003103	0
2097	Block: 540790203003104	0
2098	Block: 540790203003132	0
2099	Block: 540790203003133	0
2100	VTD 32 Subtotal	0
2101	VTD: 33	1,672
2102	VTD: 41	1,180

2120	REDISTRICTING	[Ch. 3
2103	VTD: 42	1,754
2104	VTD: 43	3,578
2105	Putnam WV County Subtotal	18,384
2106	District 15 Subtotal	18,384
2107	District 16	
2108	Cabell WV County	
2109	VTD: 10	1,395
2110	VTD: 11	
2111	Block: 540110005001000	0
2112	Block: 540110005001004	0
2113	Block: 540110005001008	0
2114	Block: 540110005001009	0
2115	Block: 540110005001010	0
2116	Block: 540110005001011	0
2117	Block: 540110005001013	153
2118	Block: 540110005001016	0
2119	Block: 540110005001017	112
2120	Block: 540110005001022	0
2121	Block: 540110005001023	54
2122	Block: 540110005001024	29
2123	Block: 540110005001025	1
2124	Block: 540110005001026	0
2125	Block: 540110005001028	90
2126	Block: 540110005001029	58
2127	Block: 540110005001035	44
2128	Block: 540110005001036	23
2129	Block: 540110005001038	26
2130	Block: 540110005001039	93
2131	Block: 540110005001040	72
2132	Block: 540110005001041	53
2133	Block: 540110006001000	0



Ch. 3]	REDISTRICTING	2121
2134	Block: 540110006001001	0
2135	Block: 540110006001002	0
2136	Block: 540110006001003	6
2137	Block: 540110006001004	0
2138	Block: 540110006001017	11
2139	Block: 540110006001018	7
2140	Block: 540110006001031	15
2141	Block: 540110006001050	12
2142	Block: 540110006001052	49
2143	Block: 540110006001053	13
2144	Block: 540110006001054	0
2145	Block: 540110109002045	1
2146	Block: 540110109002046	0
2147	VTD 11 Subtotal	922
2148	VTD: 12	1,382
2149	VTD: 13	1,253
2150	VTD: 16	1,158
2151	VTD: 17	1,177
2152	VTD: 18	534
2153	VTD: 19	2,204
2154	VTD: 20	2,413
2155	VTD: 21	1,177
2156	VTD: 22	
2157	Block: 540110015001000	39
2158	Block: 540110020001000	69
2159	Block: 540110020001001	21
2160	Block: 540110020001002	126
2161	Block: 540110020001003	15
2162	Block: 540110020001004	13
2163	Block: 540110020001005	49
2164	Block: 540110020001006	35

2122	REDISTRICTING	[Ch. 3
2165	Block: 540110020001009	0
2166	Block: 540110020001010	61
2167	Block: 540110020001011	18
2168	Block: 540110020001012	16
2169	Block: 540110020001013	37
2170	Block: 540110020001014	55
2171	Block: 540110020001015	55
2172	Block: 540110020001016	0
2173	Block: 540110020001017	44
2174	Block: 540110020002008	104
2175	Block: 540110020002010	89
2176	Block: 540110020002011	47
2177	Block: 540110020002012	12
2178	Block: 540110020002013	10
2179	Block: 540110020002024	4
2180	Block: 540110020002026	0
2181	Block: 540110020002027	13
2182	Block: 540110020002028	115
2183	Block: 540110020002036	0
2184	Block: 540110020002037	6
2185	Block: 540110020002038	64
2186	Block: 540110020002039	0
2187	VTD 22 Subtotal	1,117
2188	VTD: 23	1,574
2189	VTD: 24	939
2190	VTD: 25	
2191	Block: 540110020002003	130
2192	Block: 540110020002004	99
2193	Block: 540110020002005	85
2194	Block: 540110020002006	151
2195	Block: 540110020002007	71

Ch. 3]	REDISTRICTING	2123
2196	Block: 540110020002009	47
2197	Block: 540110020002014	63
2198	Block: 540110020002015	184
2199	Block: 540110020002018	0
2200	VTD 25 Subtotal	830
2201	VTD: 26	1,346
2202	VTD: 27	1,067
2203	VTD: 28	1,804
2204	VTD: 31	
2205	Block: 540110020002022	2
2206	Block: 540110020002034	0
2207	Block: 540110020002035	4
2208	VTD 31 Subtotal	6
2209	VTD: 32	1,198
2210	VTD: 33	1,188
2211	VTD: 34-01	1,280
2212	VTD: 34-02	443
2213	VTD: 35	
2214	Block: 540110021001051	292
2215	Block: 540110021002015	0
2216	Block: 540110021002017	0
2217	Block: 540110021002018	0
2218	Block: 540110021002022	0
2219	Block: 540110021002023	0
2220	Block: 540110021002024	0
2221	Block: 540110021002034	0
2222	VTD 35 Subtotal	292
2223	VTD: 52	
2224	Block: 540110104004056	0
2225	Block: 540110104004058	0
2226	Block: 540110104004059	0

2124	REDISTRICTING	[Ch. 3
2227	Block: 540110104004061	0
2228	Block: 540110104004062	0
2229	Block: 540110104004064	0
2230	Block: 540110104004066	6
2231	VTD 52 Subtotal	6
2232	VTD: 53	
2233	Block: 540110103003000	152
2234	Block: 540110103003002	64
2235	Block: 540110103003003	0
2236	Block: 540110103003004	154
2237	Block: 540110103003005	53
2238	Block: 540110103003006	0
2239	Block: 540110103003007	0
2240	Block: 540110103003008	65
2241	Block: 540110103003009	15
2242	Block: 540110103003010	0
2243	Block: 540110103003012	0
2244	Block: 540110103003013	77
2245	Block: 540110103003015	0
2246	Block: 540110103003016	0
2247	Block: 540110103003017	0
2248	Block: 540110103003018	0
2249	Block: 540110103003019	0
2250	Block: 540110103003029	0
2251	Block: 540110103003030	0
2252	Block: 540110103003031	187
2253	Block: 540110103003032	115
2254	Block: 540110103003033	0
2255	Block: 540110103003034	31
2256	Block: 540110103003036	7
2257	Block: 540110103003037	0

Ch. 3]	REDISTRICTING	2125
2258	Block: 540110103003038	4
2259	Block: 540110103003039	0
2260	Block: 540110103003040	0
2261	Block: 540110103003041	0
2262	Block: 540110103003042	0
2263	Block: 540110103003043	0
2264	Block: 540110103003044	0
2265	Block: 540110103003045	0
2266	Block: 540110103003046	0
2267	Block: 540110103003050	0
2268	Block: 540110104004042	0
2269	Block: 540110104004043	0
2270	Block: 540110104004044	0
2271	Block: 540110104004045	0
2272	Block: 540110104004057	0
2273	Block: 540110104004060	0
2274	Block: 540110104004073	0
2275	Block: 540110104004074	0
2276	Block: 540110107001036	0
2277	Block: 540110107002037	0
2278	VTD 53 Subtotal	924
2279	VTD: 54	2,288
2280	VTD: 55	1,814
2281	VTD: 56	929
2282	VTD: 57	1,068
2283	VTD: 58	2,496
2284	VTD: 59	1,748
2285	VTD: 6	
2286	Block: 540110021002002	0
2287	VTD 6 Subtotal	0
2288	VTD: 62	1,993

2126	REDISTRICTING	[Ch. 3
2289	VTD: 63	1,830
2290	VTD: 64	1,409
2291	VTD: 65	1,071
2292	VTD: 66	1,198
2293	VTD: 67	1,272
2294	VTD: 6W	
2295	Block: 540110021001048	0
2296	Block: 540110021001049	0
2297	Block: 540110021001050	0
2298	Block: 540110021002005	0
2299	Block: 540110021002006	126
2300	Block: 540110021002007	9
2301	Block: 540110021002014	142
2302	Block: 540110021002019	61
2303	Block: 540110021002033	0
2304	Block: 540110021002037	0
2305	VTD 6W Subtotal	338
2306	VTD: 7	1,978
2307	Cabell WV County Subtotal	49,061
2308	Lincoln WV County	
2309	VTD: 1	519
2310	VTD: 2	488
2311	VTD: 25	
2312	Block: 540439555002082	0
2313	Block: 540439556001000	117
2314	Block: 540439556001001	10
2315	Block: 540439556001002	3
2316	Block: 540439556001003	2
2317	Block: 540439556001004	0
2318	Block: 540439556001005	0
2319	Block: 540439556001006	0

Ch. 3]	REDISTRICTING	2127
2320	Block: 540439556001007	0
2321	Block: 540439556001008	0
2322	Block: 540439556001009	6
2323	Block: 540439556001010	0
2324	Block: 540439556001013	11
2325	Block: 540439556001026	41
2326	Block: 540439556001027	0
2327	Block: 540439556001028	87
2328	Block: 540439556001029	4
2329	Block: 540439556001030	0
2330	Block: 540439556001031	0
2331	Block: 540439556001032	24
2332	Block: 540439556001033	3
2333	Block: 540439556001034	0
2334	Block: 540439556001062	11
2335	Block: 540439556002000	0
2336	Block: 540439556002001	5
2337	Block: 540439556002002	0
2338	Block: 540439556002013	11
2339	VTD 25 Subtotal	335
2340	VTD: 3	1,180
2341	VTD: 4	360
2342	VTD: 5	867
2343	Lincoln WV County Subtotal	3,749
2344	District 16 Subtotal	52,810
2345	District 17	
2346	Cabell WV County	
2347	VTD: 1	1,057
2348	VTD: 11	
2349	Block: 540110006001010	284
2350	Block: 540110006001011	0

2128	REDISTRICTING	[Ch. 3
2351	Block: 540110006001012	0
2352	Block: 540110006001013	0
2353	Block: 540110006001016	47
2354	Block: 540110006001019	14
2355	Block: 540110006001020	18
2356	Block: 540110006001021	33
2357	Block: 540110006001022	57
2358	Block: 540110006001023	61
2359	Block: 540110006001024	42
2360	Block: 540110006001025	103
2361	Block: 540110006001026	21
2362	Block: 540110006001027	68
2363	Block: 540110006001028	40
2364	Block: 540110006001029	0
2365	Block: 540110006001032	22
2366	Block: 540110006001033	84
2367	Block: 540110006001034	73
2368	Block: 540110006001035	0
2369	Block: 540110006001036	0
2370	Block: 540110006001037	34
2371	Block: 540110006001038	9
2372	Block: 540110006001039	64
2373	Block: 540110006001040	34
2374	Block: 540110006001041	6
2375	Block: 540110006001042	74
2376	Block: 540110006001043	1
2377	Block: 540110006001044	28
2378	Block: 540110006001045	9
2379	Block: 540110006001046	97
2380	Block: 540110006001047	91
2381	Block: 540110006001048	48



Ch. 3]	REDISTRICTING	2129
2382	Block: 540110006001049	43
2383	Block: 540110006001051	9
2384	Block: 540110109001000	137
2385	Block: 540110109001001	0
2386	Block: 540110109001012	0
2387	Block: 540110109001013	0
2388	Block: 540110109001014	0
2389	Block: 540110109001015	0
2390	Block: 540110109001025	7
2391	Block: 540110109001026	10
2392	Block: 540110109001027	1
2393	Block: 540110109001028	5
2394	Block: 540110109002000	0
2395	Block: 540110109002001	0
2396	Block: 540110109002024	2
2397	Block: 540110109002025	0
2398	Block: 540110109002026	0
2399	Block: 540110109002027	0
2400	Block: 540110109002043	199
2401	Block: 540110109002044	0
2402	VTD 11 Subtotal	1,875
2403	VTD: 14	1,485
2404	VTD: 1A	1,049
2405	VTD: 2	1,070
2406	VTD: 22	
2407	Block: 540110020002048	22
2408	VTD 22 Subtotal	22
2409	VTD: 25	
2410	Block: 540110020002017	156
2411	Block: 540110020002019	0
2412	Block: 540110020002043	0

2130	REDISTRICTING	[Ch. 3
2413	Block: 540110101025026	0
2414	Block: 540110101025027	0
2415	VTD 25 Subtotal	156
2416	VTD: 29	805
2417	VTD: 3	1,942
2418	VTD: 30	879
2419	VTD: 31	
2420	Block: 540110001021031	17
2421	Block: 540110001022013	216
2422	Block: 540110001022015	70
2423	Block: 540110001022016	3
2424	Block: 540110001022017	210
2425	Block: 540110019002009	12
2426	Block: 540110019002010	184
2427	Block: 540110019002011	28
2428	Block: 540110019002012	55
2429	Block: 540110019002014	38
2430	Block: 540110019002015	4
2431	Block: 540110019002018	21
2432	Block: 540110020002000	115
2433	Block: 540110020002016	34
2434	Block: 540110020002020	82
2435	Block: 540110020002032	18
2436	Block: 540110020002033	0
2437	Block: 540110020002040	0
2438	Block: 540110020002042	0
2439	Block: 540110020002046	1
2440	Block: 540110020002047	0
2441	Block: 540110020002050	0
2442	Block: 540110101024000	0
2443	Block: 540110101024001	0

Ch. 3]	REDISTRICTING	2131
2444	Block: 540110101024002	0
2445	Block: 540110101025009	0
2446	Block: 540110101025010	0
2447	Block: 540110101025011	0
2448	Block: 540110101025012	0
2449	Block: 540110101025013	0
2450	Block: 540110101025014	0
2451	Block: 540110101025017	37
2452	Block: 540110101025022	37
2453	Block: 540110101025023	7
2454	Block: 540110101025025	8
2455	Block: 540110101025028	26
2456	Block: 540110101025035	0
2457	Block: 540110101025036	0
2458	VTD 31 Subtotal	1,223
2459	VTD: 35	
2460	Block: 540110021001019	9
2461	Block: 540110021001021	0
2462	Block: 540110021001024	23
2463	Block: 540110021001038	0
2464	Block: 540110021001042	0
2465	Block: 540110021001044	0
2466	Block: 540110021001054	15
2467	Block: 540110021001057	6
2468	Block: 540110021001058	9
2469	Block: 540110021001059	20
2470	Block: 540110021001060	6
2471	Block: 540110021001061	2
2472	Block: 540110021001062	5
2473	Block: 540110021001063	0
2474	Block: 540110021001064	17

2132	REDISTRICTING	[Ch. 3
2475	Block: 540110021001065	2
2476	Block: 540110021002016	0
2477	Block: 540110021002025	16
2478	Block: 540110021002027	27
2479	Block: 540110021002028	1
2480	Block: 540110021002030	0
2481	Block: 540110021003014	9
2482	Block: 540110021003015	21
2483	Block: 540110021003016	0
2484	Block: 540110021003017	0
2485	Block: 540110021003021	0
2486	Block: 540110021003032	0
2487	Block: 540110021003033	5
2488	Block: 540110021003035	17
2489	Block: 540110101023000	57
2490	Block: 540110101023001	19
2491	Block: 540110101023002	265
2492	Block: 540110101023006	0
2493	Block: 540110101024005	234
2494	Block: 540110101024006	12
2495	Block: 540110101024008	4
2496	Block: 540110101024009	0
2497	Block: 540110101024013	0
2498	Block: 540110101024014	91
2499	Block: 540110101024015	0
2500	Block: 540110101024017	94
2501	Block: 540110101024018	0
2502	Block: 540110101024019	5
2503	Block: 540110101024020	310
2504	Block: 540110101024021	2
2505	Block: 540110101024022	0

Ch. 3]	REDISTRICTING	2133
2506	Block: 540110101024023	0
2507	Block: 540110101024024	0
2508	Block: 540110101024025	2
2509	Block: 540110101025037	0
2510	VTD 35 Subtotal	1,305
2511	VTD: 36	1,863
2512	VTD: 37	1,225
2513	VTD: 38	944
2514	VTD: 39	1,714
2515	VTD: 4	1,117
2516	VTD: 40	920
2517	VTD: 41	2,740
2518	VTD: 43	
2519	Block: 540110102012006	12
2520	Block: 540110102012007	677
2521	Block: 540110102012008	0
2522	Block: 540110102012009	66
2523	Block: 540110102012010	0
2524	Block: 540110102012011	0
2525	Block: 540110102012012	0
2526	Block: 540110102012013	6
2527	Block: 540110102012014	0
2528	Block: 540110102022004	48
2529	Block: 540110102022005	2
2530	Block: 540110102022006	4
2531	Block: 540110102022007	6
2532	Block: 540110102022008	1
2533	Block: 540110102022009	0
2534	Block: 540110102022010	99
2535	Block: 540110102022011	278
2536	Block: 540110102022012	63

2134	REDISTRICTING	[Ch. 3
2537	Block: 540110102022013	0
2538	Block: 540110102022020	0
2539	Block: 540110102022021	0
2540	Block: 540110102022022	0
2541	Block: 540110102022038	0
2542	VTD 43 Subtotal	1,262
2543	VTD: 46	
2544	Block: 540110102022014	0
2545	Block: 540110102022016	2
2546	VTD 46 Subtotal	2
2547	VTD: 47	
2548	Block: 540110102022028	20
2549	Block: 540110102022029	8
2550	Block: 540110102022039	7
2551	VTD 47 Subtotal	35
2552	VTD: 48	800
2553	VTD: 49	
2554	Block: 540110101021039	5
2555	VTD 49 Subtotal	5
2556	VTD: 5	764
2557	VTD: 6	
2558	Block: 540110012002004	23
2559	Block: 540110012002005	5
2560	Block: 540110012002010	41
2561	Block: 540110012002011	41
2562	Block: 540110012002012	31
2563	Block: 540110012002018	30
2564	Block: 540110012002019	34
2565	Block: 540110012002020	43
2566	Block: 540110012002025	19
2567	Block: 540110012002026	20

2568	Block: 540110012003000	0
2569	Block: 540110012003001	33
2570	Block: 540110012003002	65
2571	Block: 540110012003003	32
2572	Block: 540110012003004	21
2573	Block: 540110012003005	54
2574	Block: 540110012003006	0
2575	Block: 540110012003007	14
2576	Block: 540110012003008	38
2577	Block: 540110012003009	41
2578	Block: 540110012003010	42
2579	Block: 540110012003011	44
2580	Block: 540110012003012	55
2581	Block: 540110012003013	34
2582	Block: 540110012003014	35
2583	Block: 540110012003015	53
2584	Block: 540110012003016	47
2585	Block: 540110012003017	25
2586	Block: 540110012003018	24
2587	Block: 540110012003019	43
2588	Block: 540110012003020	13
2589	Block: 540110012003021	15
2590	Block: 540110012003022	36
2591	Block: 540110012003023	25
2592	Block: 540110012003024	18
2593	Block: 540110012003025	11
2594	Block: 540110012003026	35
2595	Block: 540110012003027	18
2596	Block: 540110012003028	12
2597	Block: 540110012003029	11
2598	Block: 540110012003030	17

2136	REDISTRICTING	[Ch. 3
2599	Block: 540110012003031	35
2600	Block: 540110012003032	35
2601	Block: 540110012003033	28
2602	Block: 540110012003034	4
2603	Block: 540110012003035	21
2604	Block: 540110012003036	50
2605	Block: 540110021002003	6
2606	VTD 6 Subtotal	1,377
2607	VTD: 6W	
2608	Block: 540110021001040	0
2609	Block: 540110021001041	5
2610	Block: 540110021001043	0
2611	Block: 540110021001052	0
2612	Block: 540110021001053	0
2613	Block: 540110021002004	89
2614	Block: 540110021002036	13
2615	Block: 540110021003034	0
2616	Block: 540110101024004	0
2617	Block: 540110101024007	0
2618	Block: 540110101024010	21
2619	Block: 540110101024011	49
2620	Block: 540110101024012	0
2621	VTD 6W Subtotal	177
2622	VTD: 9	1,837
2623	Cabell WV County Subtotal	29,650
2624	Wayne WV County	
2625	VTD: 56	1,579
2626	VTD: 59	1,136
2627	VTD: 60	1,134
2628	VTD: 61	926
2629	VTD: 63	785



Ch. 3]	REDISTRICTING	2137
2630	Wayne WV County Subtotal	5,560
2631	District 17 Subtotal	35,210
2632	District 18	
2633	Cabell WV County	
2634	VTD: 42	1,648
2635	VTD: 43	
2636	Block: 540110102011035	0
2637	Block: 540110102022000	0
2638	Block: 540110102022001	0
2639	VTD 43 Subtotal	0
2640	VTD: 44	967
2641	VTD: 45	1,460
2642	VTD: 46	
2643	Block: 540110102022015	0
2644	Block: 540110102022017	6
2645	Block: 540110102022018	0
2646	Block: 540110102022019	0
2647	Block: 540110104002004	5
2648	Block: 540110104002005	27
2649	Block: 540110104002006	12
2650	Block: 540110104002007	5
2651	Block: 540110104002008	14
2652	Block: 540110104002009	25
2653	Block: 540110104002010	13
2654	Block: 540110104002011	4
2655	Block: 540110104002012	20
2656	Block: 540110104002013	24
2657	Block: 540110104002014	10
2658	Block: 540110104002015	23
2659	Block: 540110104002016	9
2660	Block: 540110104002017	12

2138	REDISTRICTING	[Ch. 3
2661	Block: 540110104002018	19
2662	Block: 540110104002019	9
2663	Block: 540110104002020	45
2664	Block: 540110104002021	17
2665	Block: 540110104002022	5
2666	Block: 540110104002023	25
2667	Block: 540110104002024	23
2668	Block: 540110104002025	22
2669	Block: 540110104002026	9
2670	Block: 540110104002027	16
2671	Block: 540110104002028	22
2672	Block: 540110104002029	22
2673	Block: 540110104002030	5
2674	Block: 540110104002031	38
2675	Block: 540110104002032	23
2676	Block: 540110104002033	41
2677	Block: 540110104002034	21
2678	Block: 540110104002035	14
2679	Block: 540110104002036	10
2680	Block: 540110104002037	14
2681	Block: 540110104002038	14
2682	Block: 540110104002039	13
2683	Block: 540110104003004	130
2684	Block: 540110104003006	22
2685	Block: 540110104003007	270
2686	Block: 540110104003008	16
2687	Block: 540110104003009	25
2688	Block: 540110104003010	80
2689	Block: 540110104003011	12
2690	Block: 540110104003012	280
2691	Block: 540110104003013	38

Ch. 3]	REDISTRICTING	2139
2692	Block: 540110104003014	1
2693	Block: 540110104003015	14
2694	Block: 540110104003016	120
2695	Block: 540110104003017	0
2696	Block: 540110104003018	43
2697	Block: 540110104003019	63
2698	Block: 540110104003020	0
2699	Block: 540110104003021	0
2700	Block: 540110104003026	0
2701	Block: 540110104003028	0
2702	Block: 540110104003032	0
2703	Block: 540110104003033	3
2704	Block: 540110104003034	82
2705	VTD 46 Subtotal	1,835
2706	VTD: 47	
2707	Block: 540110101021006	0
2708	Block: 540110102022023	0
2709	Block: 540110102022024	148
2710	Block: 540110102022025	47
2711	Block: 540110102022026	21
2712	Block: 540110102022027	43
2713	Block: 540110102022030	62
2714	Block: 540110102022031	45
2715	Block: 540110102022032	80
2716	Block: 540110102022033	125
2717	Block: 540110102022034	162
2718	Block: 540110102022035	37
2719	Block: 540110102022036	68
2720	Block: 540110102022037	0
2721	Block: 540110102022040	66
2722	Block: 540110102022041	40

2140	REDISTRICTING	[Ch. 3
2723	Block: 540110102022042	36
2724	VTD 47 Subtotal	980
2725	VTD: 49	
2726	Block: 540110101021000	0
2727	Block: 540110101021001	174
2728	Block: 540110101021002	49
2729	Block: 540110101021003	0
2730	Block: 540110101021009	15
2731	Block: 540110101021023	297
2732	Block: 540110101021024	29
2733	Block: 540110101021025	27
2734	Block: 540110101021026	0
2735	Block: 540110101021027	9
2736	Block: 540110101021028	0
2737	Block: 540110101021029	8
2738	Block: 540110101021030	85
2739	Block: 540110101021031	0
2740	Block: 540110101021032	65
2741	Block: 540110101021033	2
2742	Block: 540110101021034	0
2743	Block: 540110101021035	18
2744	Block: 540110101021036	5
2745	Block: 540110101021037	4
2746	Block: 540110101021038	62
2747	Block: 540110101021040	0
2748	Block: 540110101021041	9
2749	Block: 540110101021042	11
2750	Block: 540110101021043	20
2751	Block: 540110101021044	5
2752	Block: 540110101021045	4
2753	Block: 540110101021047	11

Ch. 3]	REDISTRICTING	2141
2754	Block: 540110105001014	59
2755	Block: 540110105001015	13
2756	Block: 540110105001016	3
2757	Block: 540110105001017	41
2758	Block: 540110105001018	3
2759	Block: 540110105001019	24
2760	Block: 540110105001023	70
2761	Block: 540110105001029	30
2762	Block: 540110105001030	0
2763	Block: 540110105002009	0
2764	Block: 540110105002010	0
2765	Block: 540110105002011	16
2766	Block: 540110105002012	117
2767	Block: 540110105002013	31
2768	Block: 540110105002014	61
2769	Block: 540110105002015	10
2770	Block: 540110105002016	0
2771	Block: 540110105002017	153
2772	Block: 540110105002018	2
2773	Block: 540110105002019	0
2774	Block: 540110105002020	13
2775	Block: 540110105002021	51
2776	Block: 540110105002022	126
2777	Block: 540110105002023	0
2778	Block: 540110105002024	16
2779	Block: 540110105002025	21
2780	Block: 540110105002026	16
2781	Block: 540110105002034	0
2782	Block: 540110105002035	2
2783	Block: 540110105002036	123
2784	Block: 540110105002037	22

2142	REDISTRICTING	[Ch. 3
2785	Block: 540110105002038	13
2786	Block: 540110105002039	6
2787	Block: 540110105002040	0
2788	Block: 540110105002041	15
2789	Block: 540110105002042	22
2790	Block: 540110105002043	75
2791	Block: 540110105002044	3
2792	Block: 540110105002098	7
2793	VTD 49 Subtotal	2,073
2794	VTD: 50	2,801
2795	VTD: 51	1,437
2796	VTD: 52	
2797	Block: 540110104003000	370
2798	Block: 540110104003001	0
2799	Block: 540110104003023	11
2800	Block: 540110104003024	0
2801	Block: 540110104003025	0
2802	Block: 540110104003027	0
2803	Block: 540110104004013	0
2804	Block: 540110104004014	0
2805	Block: 540110104004015	0
2806	Block: 540110104004019	0
2807	Block: 540110104004020	64
2808	Block: 540110104004027	0
2809	Block: 540110104004028	15
2810	Block: 540110104004029	6
2811	Block: 540110104004034	6
2812	Block: 540110104004035	22
2813	Block: 540110104004065	43
2814	Block: 540110104004072	28
2815	Block: 540110104004075	101

Ch. 3]	REDISTRICTING	2143
2816	Block: 540110104004076	0
2817	Block: 540110104004077	13
2818	Block: 540110104004078	0
2819	Block: 540110104004079	54
2820	Block: 540110104004080	37
2821	Block: 540110104004081	0
2822	Block: 540110104004082	0
2823	Block: 540110104004083	121
2824	Block: 540110104004084	40
2825	Block: 540110104004085	12
2826	Block: 540110104004086	14
2827	Block: 540110104004087	0
2828	Block: 540110104004088	0
2829	Block: 540110104004089	0
2830	Block: 540110104005000	14
2831	Block: 540110104005001	0
2832	Block: 540110104005002	0
2833	Block: 540110104005003	0
2834	Block: 540110104005004	0
2835	Block: 540110104005005	0
2836	Block: 540110104005006	4
2837	Block: 540110104005007	179
2838	Block: 540110104005008	18
2839	Block: 540110104005012	202
2840	Block: 540110104005013	5
2841	Block: 540110104005017	25
2842	Block: 540110104005020	0
2843	VTD 52 Subtotal	1,404
2844	VTD: 53	
2845	Block: 540110103003014	0
2846	VTD 53 Subtotal	0

2144	REDISTRICTING	[Ch. 3
2847	VTD: 60	3,003
2848	Cabell WV County Subtotal	17,608
2849	District 18 Subtotal	17,608
2850	District 19	
2851	Wayne WV County	
2852	VTD: 1	1,659
2853	VTD: 11	724
2854	VTD: 12	755
2855	VTD: 13	1,355
2856	VTD: 14	1,805
2857	VTD: 16	651
2858	VTD: 17	1,136
2859	VTD: 18	1,046
2860	VTD: 19	1,749
2861	VTD: 20	1,086
2862	VTD: 21	775
2863	VTD: 22	933
2864	VTD: 3	1,412
2865	VTD: 30	822
2866	VTD: 31	1,269
2867	VTD: 34	798
2868	VTD: 36	1,117
2869	VTD: 37	1,111
2870	VTD: 38	192
2871	VTD: 41	1,066
2872	VTD: 42	650
2873	VTD: 45	1,070
2874	VTD: 48	1,466
2875	VTD: 49	1,834
2876	VTD: 5	1,486
2877	VTD: 50	1,555



Ch. 3]	REDISTRICTING	2145
2878	VTD: 51	1,083
2879	VTD: 52	693
2880	VTD: 53	1,287
2881	VTD: 54	888
2882	VTD: 57	1,209
2883	VTD: 6	705
2884	VTD: 62	1,534
2885	Wayne WV County Subtotal	36,921
2886	District 19 Subtotal	36,921
2887	District 20	
2888	Logan WV County	
2889	VTD: 43	1,223
2890	VTD: 45	
2891	Block: 540459567002023	5
2892	Block: 540459567002024	0
2893	Block: 540459567002025	320
2894	Block: 540459567002027	8
2895	Block: 540459567002028	2
2896	Block: 540459567002029	1
2897	Block: 540459567002030	18
2898	Block: 540459567002031	8
2899	Block: 540459567002032	0
2900	Block: 540459567002033	0
2901	Block: 540459567002035	0
2902	Block: 540459567002036	0
2903	Block: 540459567002037	0
2904	Block: 540459567002040	0
2905	Block: 540459567003000	67
2906	Block: 540459567003001	4
2907	Block: 540459567003002	23
2908	Block: 540459567003003	98

2146	REDISTRICTING	[Ch. 3
2909	Block: 540459567003004	106
2910	Block: 540459567003005	13
2911	Block: 540459567003006	5
2912	Block: 540459567003007	3
2913	Block: 540459567003008	17
2914	Block: 540459567003009	8
2915	Block: 540459567003010	35
2916	Block: 540459567003011	0
2917	Block: 540459567003012	37
2918	Block: 540459567003013	33
2919	Block: 540459567003014	0
2920	Block: 540459567003015	1
2921	Block: 540459567003016	19
2922	Block: 540459567003017	0
2923	Block: 540459567003018	2
2924	Block: 540459567003019	1
2925	Block: 540459567003020	39
2926	Block: 540459567003021	0
2927	Block: 540459567003022	0
2928	Block: 540459567003027	0
2929	Block: 540459567003028	0
2930	Block: 540459567003044	0
2931	Block: 540459567003049	13
2932	Block: 540459567004012	42
2933	Block: 540459567005037	6
2934	Block: 540459567005040	6
2935	Block: 540459567005041	0
2936	Block: 540459567005043	20
2937	Block: 540459567005044	1
2938	VTD 45 Subtotal	961
2939	VTD: 49	

2940	Block: 540459567001037	0
2941	Block: 540459567001038	0
2942	Block: 540459567001039	0
2943	Block: 540459567001040	0
2944	Block: 540459567001041	0
2945	Block: 540459567001042	0
2946	Block: 540459567001043	0
2947	Block: 540459567001044	0
2948	Block: 540459567001045	0
2949	Block: 540459567001046	0
2950	Block: 540459567001047	0
2951	Block: 540459567001048	0
2952	Block: 540459567001049	0
2953	Block: 540459567001050	0
2954	Block: 540459567001051	0
2955	Block: 540459567001052	0
2956	Block: 540459567001053	0
2957	Block: 540459567001054	0
2958	Block: 540459567001055	0
2959	Block: 540459567001056	0
2960	Block: 540459567001057	0
2961	Block: 540459567001058	0
2962	Block: 540459567001059	0
2963	Block: 540459567001060	0
2964	Block: 540459567003029	0
2965	Block: 540459567003030	0
2966	Block: 540459567003031	0
2967	Block: 540459567003032	0
2968	Block: 540459567003033	0
2969	Block: 540459567003034	0
2970	Block: 540459567003035	0

2148	REDISTRICTING	[Ch. 3
2971	Block: 540459567003048	11
2972	VTD 49 Subtotal	11
2973	VTD: 54	
2974	Block: 540459562001104	0
2975	Block: 540459562001155	0
2976	Block: 540459567002016	0
2977	Block: 540459567002017	0
2978	Block: 540459567002034	0
2979	VTD 54 Subtotal	0
2980	Logan WV County Subtotal	2,195
2981	Mingo WV County	
2982	VTD: 1	523
2983	VTD: 22	1,126
2984	VTD: 23	820
2985	VTD: 26	700
2986	VTD: 27	579
2987	VTD: 28	1,599
2988	VTD: 3	193
2989	VTD: 41	1,074
2990	VTD: 43 (5405943)	991
2991	VTD: 44	1,075
2992	VTD: 45	989
2993	VTD: 46	1,394
2994	VTD: 47	323
2995	VTD: 48	1,565
2996	VTD: 5	22
2997	VTD: 6	622
2998	VTD: 7	462
2999	VTD: 9	1,369
3000	Mingo WV County Subtotal	15,426
3001	District 20 Subtotal	17,621

Ch. 3]	REDISTRICTING	2149
3002	District 21	
3003	McDowell WV County	
3004	VTD: 104	1,434
3005	VTD: 105	
3006	Block: 540479538001048	0
3007	Block: 540479539001084	0
3008	Block: 540479539001088	0
3009	Block: 540479539003005	0
3010	Block: 540479539003006	0
3011	VTD 105 Subtotal	0
3012	VTD: 107	515
3013	VTD: 111	904
3014	VTD: 112	397
3015	VTD: 113	667
3016	VTD: 114	345
3017	McDowell WV County Subtotal	4,262
3018	Mingo WV County	
3019	VTD: 30	995
3020	VTD: 50	493
3021	VTD: 51	146
3022	VTD: 54	255
3023	VTD: 55	2,548
3024	VTD: 56	469
3025	VTD: 57	643
3026	VTD: 59	970
3027	VTD: 72	578
3028	VTD: 73	1,052
3029	VTD: 74	1,470
3030	VTD: 75	775
3031	VTD: 76	450
3032	VTD: 77	569

2150	REDISTRICTING	[Ch. 3
3033	Mingo WV County Subtotal	11,413
3034	Wyoming WV County	
3035	VTD: 20	
3036	Block: 541090029012038	15
3037	Block: 541090029012039	74
3038	Block: 541090029012040	0
3039	Block: 541090029012042	0
3040	Block: 541090029012043	0
3041	Block: 541090029012044	0
3042	Block: 541090029012045	0
3043	Block: 541090029012047	9
3044	Block: 541090029012048	0
3045	Block: 541090029012049	6
3046	Block: 541090029012083	0
3047	Block: 541090029012084	0
3048	Block: 541090029012085	0
3049	Block: 541090029012086	4
3050	Block: 541090029012088	9
3051	Block: 541090029012089	0
3052	Block: 541090029012090	1
3053	Block: 541090029012091	0
3054	Block: 541090029012092	0
3055	Block: 541090029012093	0
3056	Block: 541090029012094	175
3057	Block: 541090029012095	3
3058	Block: 541090029012096	0
3059	Block: 541090029012097	0
3060	Block: 541090029012098	0
3061	Block: 541090029012099	2
3062	Block: 541090029012100	0
3063	Block: 541090029012101	18

3064	Block: 541090029012102	112
3065	Block: 541090029012104	0
3066	Block: 541090029012116	0
3067	Block: 541090029012117	7
3068	Block: 541090029012118	2
3069	Block: 541090029012119	2
3070	Block: 541090029012120	22
3071	Block: 541090029012121	0
3072	Block: 541090029012124	12
3073	Block: 541090029012125	2
3074	Block: 541090029012126	16
3075	Block: 541090029012127	0
3076	Block: 541090029012137	0
3077	Block: 541090029012138	0
3078	Block: 541090029012139	3
3079	Block: 541090029012140	0
3080	Block: 541090029012141	0
3081	Block: 541090029012144	0
3082	Block: 541090029012145	4
3083	Block: 541090029022058	121
3084	Block: 541090029022059	0
3085	Block: 541090029022060	0
3086	Block: 541090029022062	0
3087	Block: 541090029022065	4
3088	Block: 541090029022066	0
3089	Block: 541090029022067	169
3090	Block: 541090029022068	0
3091	Block: 541090029022069	0
3092	Block: 541090030001134	0
3093	Block: 541090030001143	0
3094	Block: 541090030001144	4

2152	REDISTRICTING	[Ch. 3
3095	Block: 541090030001145	17
3096	Block: 541090030001146	2
3097	Block: 541090030001147	0
3098	Block: 541090030001148	0
3099	Block: 541090030001149	14
3100	Block: 541090030001150	0
3101	Block: 541090030001151	0
3102	Block: 541090030001152	0
3103	Block: 541090030001153	0
3104	Block: 541090030001154	0
3105	Block: 541090030001155	0
3106	Block: 541090030001156	0
3107	Block: 541090030001157	0
3108	Block: 541090030001158	0
3109	Block: 541090030001159	19
3110	Block: 541090030001160	13
3111	Block: 541090030001162	0
3112	VTD 20 Subtotal	861
3113	VTD: 21	549
3114	VTD: 22	119
3115	VTD: 23	461
3116	VTD: 24	1,604
3117	Wyoming WV County Subtotal	3,594
3118	District 21 Subtotal	19,269
3119	District 22	
3120	Boone WV County	
3121	VTD: 1	520
3122	VTD: 11	378
3123	VTD: 17 (5400517)	847
3124	VTD: 18	307
3125	VTD: 53	820



Ch. 3]	REDISTRICTING	2153
3126	Boone WV County Subtotal	2,872
3127	Lincoln WV County	
3128	VTD: 10	526
3129	VTD: 12	458
3130	VTD: 13	964
3131	VTD: 14	544
3132	VTD: 15	660
3133	VTD: 16	733
3134	VTD: 17	922
3135	VTD: 20	273
3136	VTD: 21	1,045
3137	VTD: 22	221
3138	VTD: 23	810
3139	VTD: 24	1,309
3140	VTD: 25	
3141	Block: 540439556001011	3
3142	Block: 540439556001012	393
3143	Block: 540439556001014	0
3144	Block: 540439556001015	12
3145	Block: 540439556001016	22
3146	Block: 540439556001017	6
3147	Block: 540439556001018	1
3148	Block: 540439556001019	3
3149	Block: 540439556001020	26
3150	Block: 540439556001021	0
3151	Block: 540439556001022	11
3152	Block: 540439556001023	0
3153	Block: 540439556001024	15
3154	Block: 540439556001025	53
3155	Block: 540439556001035	2
3156	Block: 540439556001036	37

2154	REDISTRICTING	[Ch. 3
3157	Block: 540439556001037	0
3158	Block: 540439556001041	26
3159	Block: 540439556001055	17
3160	Block: 540439556001056	3
3161	Block: 540439556001057	2
3162	Block: 540439556001059	5
3163	Block: 540439556001060	0
3164	Block: 540439556001061	0
3165	Block: 540439556001063	11
3166	Block: 540439556002003	83
3167	Block: 540439556002004	59
3168	Block: 540439556002005	5
3169	Block: 540439556002006	2
3170	Block: 540439556002007	40
3171	Block: 540439556002008	0
3172	Block: 540439556002009	7
3173	Block: 540439556002011	20
3174	Block: 540439556002012	0
3175	Block: 540439556002014	4
3176	Block: 540439556002015	0
3177	Block: 540439556002016	7
3178	Block: 540439556002092	12
3179	Block: 540439556002093	0
3180	Block: 540439556002094	0
3181	Block: 540439556002095	35
3182	VTD 25 Subtotal	922
3183	VTD: 26	733
3184	VTD: 28	1,389
3185	VTD: 29	569
3186	VTD: 31	1,967
3187	VTD: 32	632

Ch. 3]	REDISTRICTING	2155
3188	VTD: 33	568
3189	VTD: 7 (540437)	898
3190	VTD: 8	1,207
3191	VTD: 9	621
3192	Lincoln WV County Subtotal	17,971
3193	Logan WV County	
3194	VTD: 2	2,401
3195	VTD: 5	
3196	Block: 540459561013000	0
3197	Block: 540459561013014	0
3198	Block: 540459561013015	0
3199	Block: 540459561013017	0
3200	Block: 540459561015000	0
3201	Block: 540459561015001	0
3202	Block: 540459561015002	0
3203	Block: 540459561015003	0
3204	Block: 540459561015004	4
3205	Block: 540459561015005	0
3206	Block: 540459561015006	7
3207	Block: 540459561015007	36
3208	Block: 540459561015008	2
3209	Block: 540459561015009	22
3210	Block: 540459561015010	0
3211	Block: 540459561015012	0
3212	Block: 540459561015041	0
3213	Block: 540459561015042	0
3214	Block: 540459561015043	22
3215	Block: 540459561015044	6
3216	Block: 540459561015045	6
3217	Block: 540459561015046	0
3218	Block: 540459561015056	10

2156	REDISTRICTING	[Ch. 3
3219	Block: 540459561021005	0
3220	Block: 540459561021007	52
3221	Block: 540459561021008	19
3222	Block: 540459561021009	0
3223	Block: 540459561021010	0
3224	Block: 540459561021011	2
3225	Block: 540459561021012	0
3226	Block: 540459561021020	0
3227	Block: 540459561021021	5
3228	Block: 540459561021022	63
3229	Block: 540459561021023	4
3230	Block: 540459561021024	0
3231	Block: 540459561021025	19
3232	Block: 540459561021026	17
3233	Block: 540459561021027	0
3234	Block: 540459561021028	0
3235	Block: 540459561021029	0
3236	Block: 540459561021030	5
3237	Block: 540459561022001	53
3238	Block: 540459561022002	56
3239	Block: 540459561022003	6
3240	Block: 540459561022004	0
3241	Block: 540459561022005	10
3242	Block: 540459561022006	6
3243	Block: 540459561022007	95
3244	Block: 540459561022008	0
3245	Block: 540459561022009	16
3246	Block: 540459561022010	10
3247	Block: 540459561022011	10
3248	Block: 540459561022012	0
3249	Block: 540459561022013	0

3250	Block: 540459561022025	8
3251	Block: 540459561022026	0
3252	Block: 540459561022030	0
3253	Block: 540459561023000	258
3254	Block: 540459561023001	4
3255	Block: 540459561023002	3
3256	Block: 540459561023003	0
3257	Block: 540459561023004	8
3258	Block: 540459561023005	3
3259	Block: 540459561023006	12
3260	Block: 540459561023007	0
3261	Block: 540459561023008	0
3262	Block: 540459561023009	0
3263	Block: 540459561023010	0
3264	Block: 540459561023011	17
3265	Block: 540459561023012	3
3266	Block: 540459561023013	18
3267	Block: 540459561023014	14
3268	Block: 540459561023015	49
3269	Block: 540459561023016	3
3270	Block: 540459561023017	20
3271	Block: 540459561023018	25
3272	Block: 540459561023019	6
3273	Block: 540459561023020	12
3274	Block: 540459561023021	0
3275	Block: 540459561023022	0
3276	Block: 540459561023023	47
3277	Block: 540459561023024	0
3278	Block: 540459561023025	0
3279	Block: 540459561023026	9
3280	Block: 540459561023027	0

2158	REDISTRICTING	[Ch. 3
3281	Block: 540459561023028	0
3282	Block: 540459561023029	14
3283	Block: 540459561023030	0
3284	Block: 540459561023031	0
3285	Block: 540459561023036	0
3286	Block: 540459561023042	0
3287	Block: 540459561023054	0
3288	Block: 540459561023055	80
3289	Block: 540459561023056	11
3290	Block: 540459561023057	0
3291	Block: 540459561023059	62
3292	Block: 540459561023060	2
3293	Block: 540459561023061	17
3294	Block: 540459561023062	38
3295	Block: 540459561023063	38
3296	Block: 540459561023064	0
3297	Block: 540459561023065	0
3298	Block: 540459561023066	0
3299	Block: 540459561023067	0
3300	Block: 540459561023068	0
3301	Block: 540459561023069	0
3302	Block: 540459561023070	0
3303	Block: 540459561023071	0
3304	Block: 540459561023072	3
3305	Block: 540459561023073	0
3306	Block: 540459561023074	0
3307	Block: 540459561023091	121
3308	Block: 540459561023092	0
3309	Block: 540459561023093	3
3310	Block: 540459561023094	3
3311	Block: 540459561023095	17

Ch. 3]	REDISTRICTING	2159
3312	Block: 540459561023096	12
3313	Block: 540459561023097	0
3314	Block: 540459561023102	5
3315	VTD 5 Subtotal	1,508
3316	VTD: 55	
3317	Block: 540459561011003	0
3318	Block: 540459561011008	0
3319	VTD 55 Subtotal	0
3320	VTD: 7	
3321	Block: 540459561013022	0
3322	Block: 540459561013023	0
3323	Block: 540459561022014	0
3324	Block: 540459561022015	0
3325	Block: 540459561022016	88
3326	Block: 540459561022017	5
3327	Block: 540459561022018	3
3328	Block: 540459561022019	0
3329	Block: 540459561022020	8
3330	Block: 540459561022021	30
3331	Block: 540459561022022	30
3332	Block: 540459561022023	3
3333	Block: 540459561022024	2
3334	Block: 540459561022027	0
3335	Block: 540459561022028	84
3336	Block: 540459561022029	5
3337	Block: 540459561022031	9
3338	Block: 540459561022038	38
3339	Block: 540459561022039	4
3340	Block: 540459561022040	0
3341	Block: 540459561022041	6
3342	Block: 540459561022042	24

2160	REDISTRICTING	[Ch. 3
3343	Block: 540459561022043	26
3344	Block: 540459561022044	15
3345	Block: 540459561022045	2
3346	Block: 540459561022046	0
3347	Block: 540459561022047	35
3348	Block: 540459561022048	10
3349	Block: 540459561022049	19
3350	Block: 540459561022050	5
3351	Block: 540459561022051	0
3352	Block: 540459561022056	6
3353	Block: 540459561022057	1
3354	Block: 540459561022058	2
3355	Block: 540459561022059	11
3356	Block: 540459561022061	13
3357	VTD 7 Subtotal	484
3358	Logan WV County Subtotal	4,393
3359	Putnam WV County	
3360	VTD: 10 (5407910)	1,864
3361	VTD: 13 (5407913)	1,161
3362	VTD: 6	2,981
3363	VTD: 7	1,154
3364	VTD: 8 (540798)	1,536
3365	VTD: 9 (540799)	1,317
3366	Putnam WV County Subtotal	10,013
3367	District 22 Subtotal	35,249
3368	District 23	
3369	Boone WV County	
3370	VTD: 12	990
3371	VTD: 13	969
3372	VTD: 14	1,200
3373	VTD: 15	1,260



Ch. 3]	REDISTRICTING	2161
3374	VTD: 16	446
3375	VTD: 19	710
3376	VTD: 22	999
3377	VTD: 23	834
3378	VTD: 25	1,153
3379	VTD: 30	1,111
3380	VTD: 31	592
3381	VTD: 32	772
3382	VTD: 33	562
3383	VTD: 35	323
3384	VTD: 36	481
3385	VTD: 38	414
3386	VTD: 40	398
3387	VTD: 41	473
3388	VTD: 45	1,018
3389	VTD: 46	636
3390	VTD: 47	236
3391	VTD: 48	211
3392	VTD: 49	481
3393	VTD: 50	309
3394	VTD: 51	414
3395	VTD: 52	
3396	Block: 540059587001056	0
3397	Block: 540059587001057	265
3398	Block: 540059587001058	0
3399	Block: 540059587001059	7
3400	Block: 540059587001060	0
3401	Block: 540059587001061	17
3402	Block: 540059587001062	0
3403	Block: 540059587001063	7
3404	Block: 540059587001064	0

2162	REDISTRICTING	[Ch. 3
3405	Block: 540059587001065	12
3406	Block: 540059587001066	0
3407	Block: 540059587001067	10
3408	Block: 540059587001068	6
3409	Block: 540059587001070	0
3410	Block: 540059587001071	0
3411	Block: 540059587001072	7
3412	Block: 540059587001073	0
3413	Block: 540059587001074	23
3414	Block: 540059587001075	0
3415	Block: 540059587001076	0
3416	Block: 540059587001077	0
3417	Block: 540059587001078	4
3418	Block: 540059587001079	4
3419	Block: 540059587001080	4
3420	Block: 540059587001081	13
3421	Block: 540059587001082	11
3422	Block: 540059587001083	2
3423	Block: 540059587001084	2
3424	Block: 540059587001085	10
3425	Block: 540059587001086	10
3426	Block: 540059587001087	15
3427	Block: 540059587001088	0
3428	Block: 540059587001090	0
3429	Block: 540059587001233	0
3430	Block: 540059587001236	9
3431	Block: 540059587001256	3
3432	Block: 540059587001257	0
3433	Block: 540059587001258	0
3434	Block: 540059587001259	0
3435	Block: 540059587001260	0

Ch. 3]	REDISTRICTING	2163
3436	Block: 540059587001261	0
3437	Block: 540059587001262	0
3438	Block: 540059587001263	0
3439	Block: 540059587001264	0
3440	Block: 540059587001265	0
3441	Block: 540059587001266	0
3442	Block: 540059587001267	0
3443	Block: 540059587001268	0
3444	Block: 540059587001269	0
3445	Block: 540059587001270	0
3446	Block: 540059587001287	0
3447	Block: 540059587001288	0
3448	Block: 540059587001289	0
3449	Block: 540059587001290	0
3450	Block: 540059587001291	0
3451	Block: 540059587001294	0
3452	Block: 540059587001295	0
3453	Block: 540059587001296	0
3454	Block: 540059587001297	0
3455	Block: 540059587001298	0
3456	Block: 540059587001299	0
3457	Block: 540059587001300	0
3458	Block: 540059587001317	0
3459	Block: 540059587001324	19
3460	Block: 540059587001327	0
3461	VTD 52 Subtotal	460
3462	VTD: 53	421
3463	Boone WV County Subtotal	17,873
3464	District 23 Subtotal	17,873
3465	District 24	
3466	Boone WV County	

2164	REDISTRICTING	[Ch. 3
3467	VTD: 2	915
3468	VTD: 4	444
3469	VTD: 5	482
3470	VTD: 52	
3471	Block: 540059587001286	0
3472	Block: 540059587001292	0
3473	Block: 540059587001293	0
3474	Block: 540059587001303	0
3475	Block: 540059587001305	0
3476	Block: 540059587001306	0
3477	Block: 540059587001307	0
3478	Block: 540059587001310	0
3479	VTD 52 Subtotal	0
3480	VTD: 59	634
3481	VTD: 7	1,409
3482	Boone WV County Subtotal	3,884
3483	Logan WV County	
3484	VTD: 1	1,455
3485	VTD: 10	602
3486	VTD: 11	608
3487	VTD: 13	598
3488	VTD: 14	338
3489	VTD: 15	1,665
3490	VTD: 20	1,702
3491	VTD: 21	952
3492	VTD: 22	696
3493	VTD: 25	1,237
3494	VTD: 26	759
3495	VTD: 27	1,761
3496	VTD: 28	326
3497	VTD: 31	475

Ch. 3]	REDISTRICTING	2165
3498	VTD: 36	892
3499	VTD: 37	799
3500	VTD: 39	916
3501	VTD: 4 (540454)	1,960
3502	VTD: 40	682
3503	VTD: 41	660
3504	VTD: 45	
3505	Block: 540459567002026	56
3506	Block: 540459567005035	377
3507	Block: 540459567005036	16
3508	Block: 540459567005038	12
3509	Block: 540459567005039	13
3510	Block: 540459567005042	20
3511	Block: 540459567005045	8
3512	Block: 540459567005046	0
3513	VTD 45 Subtotal	502
3514	VTD: 46	856
3515	VTD: 47	626
3516	VTD: 49	
3517	Block: 540459566002002	0
3518	Block: 540459566002003	0
3519	Block: 540459566002004	0
3520	Block: 540459566002005	94
3521	Block: 540459566002006	3
3522	Block: 540459566002007	22
3523	Block: 540459566002008	40
3524	Block: 540459566002009	7
3525	Block: 540459566002010	0
3526	Block: 540459566002011	0
3527	Block: 540459566002012	12
3528	Block: 540459566002013	173

2166	REDISTRICTING	[Ch. 3
3529	Block: 540459566002014	6
3530	Block: 540459566002015	0
3531	Block: 540459566002016	17
3532	Block: 540459566002017	0
3533	Block: 540459566002018	9
3534	Block: 540459566002019	118
3535	Block: 540459566002020	0
3536	Block: 540459566002021	0
3537	Block: 540459566002022	0
3538	Block: 540459566002023	13
3539	Block: 540459566002024	0
3540	Block: 540459566002025	3
3541	Block: 540459566002026	0
3542	Block: 540459566002027	0
3543	Block: 540459566002028	0
3544	Block: 540459566002029	41
3545	Block: 540459566002030	0
3546	Block: 540459566002031	16
3547	Block: 540459566002032	45
3548	Block: 540459566002033	28
3549	Block: 540459566002034	0
3550	Block: 540459566002035	0
3551	Block: 540459566002036	0
3552	Block: 540459566002037	1
3553	Block: 540459566002038	9
3554	Block: 540459566002039	27
3555	Block: 540459566002040	0
3556	Block: 540459566002041	0
3557	Block: 540459566002042	9
3558	Block: 540459566002071	32
3559	Block: 540459566002072	9

3560	Block: 540459566002073	78
3561	Block: 540459566002074	0
3562	Block: 540459566002078	0
3563	Block: 540459566002079	25
3564	Block: 540459566002117	10
3565	Block: 540459567001000	0
3566	Block: 540459567001001	0
3567	Block: 540459567001002	18
3568	Block: 540459567001003	0
3569	Block: 540459567001004	0
3570	Block: 540459567001005	50
3571	Block: 540459567001033	32
3572	Block: 540459567001034	0
3573	Block: 540459567001035	0
3574	Block: 540459567001036	0
3575	Block: 540459567003023	20
3576	Block: 540459567003024	0
3577	Block: 540459567003025	0
3578	Block: 540459567003026	0
3579	Block: 540459567003036	57
3580	Block: 540459567003037	0
3581	Block: 540459567003038	54
3582	Block: 540459567003039	0
3583	Block: 540459567003040	2
3584	Block: 540459567003041	0
3585	Block: 540459567003042	0
3586	Block: 540459567003043	0
3587	Block: 540459567003045	7
3588	Block: 540459567003046	0
3589	Block: 540459567003047	0
3590	Block: 540459567004013	0

2168	REDISTRICTING	[Ch. 3
3591	Block: 540459567004014	0
3592	Block: 540459567004045	88
3593	Block: 540459567004046	17
3594	Block: 540459567004047	8
3595	Block: 540459567004048	2
3596	Block: 540459567004049	9
3597	Block: 540459567004050	0
3598	Block: 540459567004051	0
3599	Block: 540459567004054	15
3600	Block: 540459567004055	0
3601	Block: 540459567004056	0
3602	Block: 540459567004057	12
3603	Block: 540459567004058	40
3604	Block: 540459567004062	24
3605	Block: 540459567004063	21
3606	Block: 540459567004070	11
3607	VTD 49 Subtotal	1,334
3608	VTD: 5	
3609	Block: 540459561021004	65
3610	Block: 540459561021006	74
3611	Block: 540459561021019	16
3612	VTD 5 Subtotal	155
3613	VTD: 50	1,009
3614	VTD: 53	1,267
3615	VTD: 54	
3616	Block: 540459562001015	0
3617	Block: 540459562001016	47
3618	Block: 540459562001017	142
3619	Block: 540459562001018	0
3620	Block: 540459562001020	6
3621	Block: 540459562001021	8



3622	Block: 540459562001022	8
3623	Block: 540459562001047	0
3624	Block: 540459562001048	0
3625	Block: 540459562001058	0
3626	Block: 540459562001059	0
3627	Block: 540459562001060	0
3628	Block: 540459562001105	0
3629	Block: 540459562001106	0
3630	Block: 540459562001107	1
3631	Block: 540459562001108	0
3632	Block: 540459562001109	0
3633	Block: 540459562001111	3
3634	Block: 540459562001112	5
3635	Block: 540459562001113	29
3636	Block: 540459562001114	24
3637	Block: 540459562001115	77
3638	Block: 540459562001116	17
3639	Block: 540459562001117	28
3640	Block: 540459562001118	11
3641	Block: 540459562001119	21
3642	Block: 540459562001121	0
3643	Block: 540459562001122	34
3644	Block: 540459562001135	7
3645	Block: 540459562001136	2
3646	Block: 540459562001137	9
3647	Block: 540459562001151	4
3648	Block: 540459567002000	0
3649	Block: 540459567002001	4
3650	Block: 540459567002002	85
3651	Block: 540459567002003	12
3652	Block: 540459567002004	13

2170	REDISTRICTING	[Ch. 3
3653	Block: 540459567002005	18
3654	Block: 540459567002006	0
3655	Block: 540459567002007	13
3656	Block: 540459567002008	0
3657	Block: 540459567002009	2
3658	Block: 540459567002010	10
3659	Block: 540459567002011	6
3660	Block: 540459567002012	0
3661	Block: 540459567002013	0
3662	Block: 540459567002014	0
3663	Block: 540459567002015	0
3664	Block: 540459567005028	0
3665	Block: 540459567005029	185
3666	Block: 540459567005030	24
3667	Block: 540459567005031	12
3668	Block: 540459567005032	0
3669	Block: 540459567005047	0
3670	Block: 540459567005048	0
3671	VTD 54 Subtotal	867
3672	VTD: 55	
3673	Block: 540459561011025	0
3674	Block: 540459561011036	0
3675	Block: 540459561011037	0
3676	Block: 540459561011038	0
3677	Block: 540459561011039	0
3678	Block: 540459561011041	0
3679	Block: 540459561011042	0
3680	Block: 540459561011043	0
3681	Block: 540459561011044	0
3682	Block: 540459561011045	0
3683	Block: 540459561011046	28

## Ch. 3]

## REDISTRICTING

2171

3684	Block: 540459561011047	3
3685	Block: 540459562001023	99
3686	Block: 540459562001024	0
3687	Block: 540459562001025	0
3688	Block: 540459562001026	0
3689	Block: 540459562002009	0
3690	Block: 540459562002014	125
3691	Block: 540459562002015	0
3692	Block: 540459562002016	0
3693	Block: 540459562002017	0
3694	Block: 540459562002018	0
3695	Block: 540459562002019	0
3696	Block: 540459562002020	0
3697	Block: 540459562002088	0
3698	Block: 540459562002089	0
3699	Block: 540459562002090	0
3700	Block: 540459562002091	0
3701	Block: 540459562002092	96
3702	Block: 540459562002093	17
3703	Block: 540459562002094	0
3704	Block: 540459562002095	11
3705	Block: 540459562002096	0
3706	Block: 540459562002097	0
3707	Block: 540459562002098	17
3708	Block: 540459562002099	0
3709	Block: 540459562002100	0
3710	Block: 540459562002101	0
3711	Block: 540459562002102	9
3712	Block: 540459562002103	26
3713	Block: 540459562002104	18
3714	Block: 540459562002105	22

2172	REDISTRICTING	[Ch. 3
3715	Block: 540459562002106	0
3716	Block: 540459562002107	0
3717	Block: 540459562002108	0
3718	Block: 540459562002109	0
3719	Block: 540459562002110	31
3720	Block: 540459562002111	18
3721	Block: 540459562002112	0
3722	Block: 540459562002113	11
3723	Block: 540459562002114	11
3724	Block: 540459562002115	0
3725	Block: 540459562002116	0
3726	Block: 540459562002117	0
3727	Block: 540459562002118	0
3728	Block: 540459562002119	7
3729	Block: 540459562002120	48
3730	Block: 540459562002121	13
3731	Block: 540459562002122	11
3732	Block: 540459562002123	52
3733	Block: 540459562002124	13
3734	Block: 540459562002125	0
3735	Block: 540459562002126	0
3736	Block: 540459562002127	2
3737	Block: 540459562002128	1
3738	Block: 540459562002137	0
3739	VTD 55 Subtotal	689
3740	VTD: 56	486
3741	VTD: 6	1,218
3742	VTD: 7	
3743	Block: 540459561022032	188
3744	Block: 540459561022033	3
3745	Block: 540459561022034	0

Ch. 3]

REDISTRICTING

2173

3746	Block: 540459561022035	6
3747	Block: 540459561022036	0
3748	Block: 540459561022037	0
3749	Block: 540459561022052	0
3750	Block: 540459561022053	0
3751	Block: 540459561022054	0
3752	Block: 540459561022055	0
3753	Block: 540459561022060	7
3754	Block: 540459561022062	7
3755	Block: 540459561022063	4
3756	Block: 540459568003023	532
3757	Block: 540459568003024	48
3758	Block: 540459568003025	7
3759	Block: 540459568003026	10
3760	Block: 540459568003027	2
3761	Block: 540459568003028	79
3762	Block: 540459568003029	9
3763	Block: 540459568003030	0
3764	Block: 540459568003031	0
3765	Block: 540459568003032	0
3766	Block: 540459568003033	39
3767	Block: 540459568003034	27
3768	Block: 540459568003035	0
3769	Block: 540459568003036	5
3770	Block: 540459568003037	3
3771	Block: 540459568003038	31
3772	Block: 540459568003039	10
3773	Block: 540459568003048	0
3774	Block: 540459568003052	18
3775	Block: 540459568003053	0
3776	VTD 7 Subtotal	1,035

2174	REDISTRICTING	[Ch. 3
3777	VTD: 8	1,028
3778	Logan WV County Subtotal	30,155
3779	Wyoming WV County	
3780	VTD: 29	1,134
3781	VTD: 32	
3782	Block: 541090029012008	0
3783	Block: 541090029012012	10
3784	Block: 541090029012016	58
3785	Block: 541090029012050	0
3786	Block: 541090029012064	0
3787	Block: 541090029012146	9
3788	VTD 32 Subtotal	77
3789	Wyoming WV County Subtotal	1,211
3790	District 24 Subtotal	35,250
3791	District 25	
3792	McDowell WV County	
3793	VTD: 105	
3794	Block: 540479538001058	0
3795	Block: 540479538001073	17
3796	Block: 540479538001074	27
3797	Block: 540479538001101	4
3798	Block: 540479538001102	20
3799	Block: 540479538001103	0
3800	Block: 540479538001104	0
3801	Block: 540479538001105	0
3802	Block: 540479538001134	7
3803	Block: 540479538001135	0
3804	Block: 540479538001141	0
3805	Block: 540479538001145	0
3806	Block: 540479538001146	33
3807	Block: 540479545041022	0

Ch. 3]	REDISTRICTING	2175
3808	Block: 540479545041023	40
3809	Block: 540479545041024	0
3810	Block: 540479545041025	0
3811	Block: 540479545041026	2
3812	Block: 540479545041028	8
3813	Block: 540479545041029	0
3814	Block: 540479545041056	54
3815	VTD 105 Subtotal	212
3816	VTD: 109	108
3817	VTD: 20	499
3818	VTD: 21	381
3819	VTD: 23	821
3820	McDowell WV County Subtotal	2,021
3821	Mercer WV County	
3822	VTD: 49	298
3823	VTD: 52	458
3824	VTD: 54	1,337
3825	Mercer WV County Subtotal	2,093
3826	Wyoming WV County	
3827	VTD: 1	1,134
3828	VTD: 10	567
3829	VTD: 12	416
3830	VTD: 13	517
3831	VTD: 14	583
3832	VTD: 15	444
3833	VTD: 16	758
3834	VTD: 17	497
3835	VTD: 18	376
3836	VTD: 19	457
3837	VTD: 2	687
3838	VTD: 20	

2176	REDISTRICTING	[Ch. 3
3839	Block: 541090029012035	26
3840	Block: 541090029012046	0
3841	Block: 541090029012065	0
3842	Block: 541090029012066	4
3843	Block: 541090029012067	0
3844	Block: 541090029012068	0
3845	Block: 541090029012070	0
3846	Block: 541090029012071	3
3847	Block: 541090029012072	0
3848	Block: 541090029012073	0
3849	Block: 541090029012074	12
3850	Block: 541090029012075	60
3851	Block: 541090029012076	7
3852	Block: 541090029012077	0
3853	Block: 541090029012078	35
3854	Block: 541090029012079	37
3855	Block: 541090029012080	0
3856	Block: 541090029012081	25
3857	Block: 541090029012087	15
3858	Block: 541090029022003	0
3859	Block: 541090029022007	2
3860	Block: 541090029022009	6
3861	Block: 541090029022047	0
3862	Block: 541090029022048	0
3863	Block: 541090029022053	4
3864	Block: 541090029022054	8
3865	Block: 541090029022063	0
3866	Block: 541090029022064	0
3867	Block: 541090029022070	64
3868	Block: 541090029022071	0
3869	Block: 541090029022072	113



Ch. 3]	REDISTRICTING	2177
3870	Block: 541090029022073	20
3871	Block: 541090029022074	108
3872	Block: 541090029022075	5
3873	Block: 541090029022078	4
3874	Block: 541090029022079	5
3875	Block: 541090029022145	0
3876	VTD 20 Subtotal	563
3877	VTD: 26	957
3878	VTD: 32	
3879	Block: 541090029012000	273
3880	Block: 541090029012001	0
3881	Block: 541090029012002	2
3882	Block: 541090029012003	0
3883	Block: 541090029012004	0
3884	Block: 541090029012005	0
3885	Block: 541090029012007	0
3886	Block: 541090029012009	3
3887	Block: 541090029012010	0
3888	Block: 541090029012011	0
3889	Block: 541090029012013	0
3890	Block: 541090029012014	0
3891	Block: 541090029012015	0
3892	Block: 541090029012017	2
3893	Block: 541090029012051	122
3894	Block: 541090029012052	34
3895	Block: 541090029012053	17
3896	Block: 541090029012054	0
3897	Block: 541090029012055	11
3898	Block: 541090029012056	15
3899	Block: 541090029012057	15
3900	Block: 541090029012058	17

2178	REDISTRICTING	[Ch. 3
3901	Block: 541090029012059	35
3902	Block: 541090029012061	7
3903	Block: 541090029012062	7
3904	Block: 541090029012063	3
3905	Block: 541090029012069	0
3906	Block: 541090029012082	0
3907	Block: 541090029012109	49
3908	Block: 541090029012110	3
3909	Block: 541090029012111	0
3910	Block: 541090029012131	15
3911	Block: 541090029012132	9
3912	Block: 541090029012133	33
3913	Block: 541090029012134	21
3914	Block: 541090029012136	36
3915	Block: 541090029021053	0
3916	Block: 541090029021054	0
3917	Block: 541090029021055	0
3918	Block: 541090029021056	57
3919	Block: 541090029021057	32
3920	Block: 541090029021058	10
3921	Block: 541090029021059	7
3922	Block: 541090029021060	13
3923	Block: 541090029021061	25
3924	Block: 541090029021062	24
3925	Block: 541090029021063	9
3926	Block: 541090029021064	14
3927	Block: 541090029022002	4
3928	Block: 541090029022004	0
3929	Block: 541090029022005	12
3930	Block: 541090029022008	0
3931	Block: 541090029022010	34

Ch. 3]	REDISTRICTING	2179
3932	Block: 541090029022011	2
3933	Block: 541090029022012	4
3934	Block: 541090029022013	8
3935	Block: 541090029022014	1
3936	Block: 541090029022015	0
3937	Block: 541090029022016	2
3938	Block: 541090029022080	12
3939	VTD 32 Subtotal	999
3940	VTD: 33	705
3941	VTD: 34	289
3942	VTD: 37	672
3943	VTD: 38	314
3944	VTD: 39	356
3945	VTD: 4	264
3946	VTD: 43	947
3947	VTD: 44	741
3948	VTD: 6	730
3949	VTD: 7	423
3950	VTD: 9	579
3951	Wyoming WV County Subtotal	14,975
3952	District 25 Subtotal	19,089
3953	District 26	
3954	McDowell WV County	
3955	VTD: 1	351
3956	VTD: 100	896
3957	VTD: 102	473
3958	VTD: 103	301
3959	VTD: 105	
3960	Block: 540479538001049	0
3961	Block: 540479538001050	0
3962	Block: 540479538001051	0

2180	REDISTRICTING	[Ch. 3
3963	Block: 540479538001069	0
3964	Block: 540479538001070	0
3965	Block: 540479538001071	2
3966	Block: 540479538001072	0
3967	Block: 540479538001098	0
3968	Block: 540479538001099	45
3969	Block: 540479538001100	0
3970	Block: 540479539003019	12
3971	Block: 540479539003020	2
3972	Block: 540479539003021	0
3973	Block: 540479539003022	0
3974	Block: 540479539003023	0
3975	Block: 540479539003025	0
3976	Block: 540479539003026	0
3977	Block: 540479539003027	0
3978	Block: 540479539003070	0
3979	Block: 540479539003071	0
3980	Block: 540479539003072	0
3981	Block: 540479539003073	0
3982	Block: 540479539003086	0
3983	Block: 540479539003087	75
3984	Block: 540479539003088	3
3985	Block: 540479539003089	0
3986	Block: 540479539003090	1
3987	Block: 540479539003091	0
3988	Block: 540479539003092	26
3989	Block: 540479539003093	1
3990	Block: 540479539003094	0
3991	Block: 540479539003095	0
3992	Block: 540479539003096	0
3993	Block: 540479539003097	0

3994	Block: 540479539003104	35
3995	Block: 540479539003105	0
3996	Block: 540479539003106	0
3997	Block: 540479539003107	0
3998	Block: 540479539003108	0
3999	Block: 540479539003113	0
4000	Block: 540479539003114	0
4001	Block: 540479539003116	6
4002	Block: 540479539003117	4
4003	Block: 540479539003118	3
4004	Block: 540479539003119	0
4005	Block: 540479539003120	0
4006	Block: 540479539003121	0
4007	Block: 540479539003122	23
4008	Block: 540479545041021	0
4009	Block: 540479545041027	0
4010	Block: 540479545041042	0
4011	Block: 540479545041043	65
4012	Block: 540479545041044	0
4013	Block: 540479545041045	0
4014	Block: 540479545041046	0
4015	Block: 540479545041047	0
4016	Block: 540479545041048	0
4017	Block: 540479545041049	0
4018	Block: 540479545041050	0
4019	Block: 540479545041051	108
4020	Block: 540479545041052	17
4021	Block: 540479545041053	0
4022	Block: 540479545041054	0
4023	Block: 540479545041055	1
4024	Block: 540479545041057	12

2182	REDISTRICTING	[Ch. 3
4025	Block: 540479545041058	0
4026	Block: 540479545041059	0
4027	Block: 540479545041066	0
4028	Block: 540479545041067	0
4029	Block: 540479545041068	12
4030	Block: 540479545041069	0
4031	Block: 540479545041070	0
4032	Block: 540479545041071	0
4033	Block: 540479545041072	0
4034	Block: 540479545041073	0
4035	Block: 540479545041074	0
4036	Block: 540479545041078	0
4037	Block: 540479545041079	0
4038	Block: 540479545041080	0
4039	Block: 540479545041081	0
4040	Block: 540479545041082	0
4041	Block: 540479545041083	0
4042	Block: 540479545041091	0
4043	Block: 540479545041092	0
4044	Block: 540479545041093	0
4045	Block: 540479545041094	7
4046	Block: 540479545041095	0
4047	Block: 540479545041096	9
4048	Block: 540479545041097	0
4049	Block: 540479545041098	0
4050	Block: 540479545041099	0
4051	Block: 540479545041100	0
4052	Block: 540479545041101	2
4053	Block: 540479545041103	0
4054	Block: 540479545041104	0
4055	Block: 540479545041105	0

4056	Block: 540479545041106	0
4057	Block: 540479545041107	0
4058	Block: 540479545041108	0
4059	Block: 540479545041109	0
4060	Block: 540479545041110	0
4061	Block: 540479545041111	48
4062	Block: 540479545041112	9
4063	Block: 540479545041113	6
4064	Block: 540479545041114	0
4065	Block: 540479545041115	0
4066	Block: 540479545041116	0
4067	Block: 540479545041117	0
4068	Block: 540479545041118	0
4069	Block: 540479545041119	0
4070	Block: 540479545041120	0
4071	Block: 540479545041121	0
4072	Block: 540479545041122	0
4073	Block: 540479545041123	0
4074	Block: 540479545041126	0
4075	Block: 540479545041127	0
4076	Block: 540479545041128	0
4077	Block: 540479545041129	14
4078	Block: 540479545041130	0
4079	Block: 540479545041131	0
4080	Block: 540479545041132	18
4081	Block: 540479545041135	0
4082	Block: 540479545041136	0
4083	Block: 540479545041137	0
4084	Block: 540479545041138	0
4085	Block: 540479545042006	55
4086	Block: 540479545042007	0

2184	REDISTRICTING	[Ch. 3
4087	Block: 540479545042008	0
4088	Block: 540479545042009	3
4089	Block: 540479545042010	19
4090	Block: 540479545042011	0
4091	Block: 540479545042012	0
4092	Block: 540479545042014	8
4093	Block: 540479545042015	7
4094	Block: 540479545042016	0
4095	Block: 540479545042017	0
4096	Block: 540479545042018	0
4097	Block: 540479545042019	6
4098	Block: 540479545042020	77
4099	Block: 540479545042021	8
4100	Block: 540479545042022	18
4101	Block: 540479545042023	1
4102	Block: 540479545042024	29
4103	Block: 540479545042025	0
4104	Block: 540479545042026	0
4105	Block: 540479545042027	19
4106	Block: 540479545042028	5
4107	Block: 540479545042029	0
4108	Block: 540479545042030	12
4109	Block: 540479545042031	0
4110	Block: 540479545042032	103
4111	Block: 540479545042033	0
4112	Block: 540479545042034	0
4113	Block: 540479545042035	15
4114	Block: 540479545042036	45
4115	Block: 540479545042037	0
4116	Block: 540479545042038	10
4117	Block: 540479545042044	18



Ch. 3]	REDISTRICTING	2185
4118	Block: 540479545042046	0
4119	Block: 540479545042047	0
4120	Block: 540479545042048	19
4121	Block: 540479545042049	0
4122	Block: 540479545042052	15
4123	Block: 540479545042053	0
4124	Block: 540479545042054	0
4125	Block: 540479545042055	0
4126	Block: 540479545042061	0
4127	Block: 540479545042062	0
4128	Block: 540479545042071	14
4129	Block: 540479545042072	4
4130	Block: 540479545042073	0
4131	Block: 540479545042074	0
4132	VTD 105 Subtotal	1,076
4133	VTD: 106	302
4134	VTD: 11	506
4135	VTD: 116	382
4136	VTD: 14	288
4137	VTD: 17	291
4138	VTD: 26	545
4139	VTD: 28	1,738
4140	VTD: 32	337
4141	VTD: 34	811
4142	VTD: 40	729
4143	VTD: 50	360
4144	VTD: 58	171
4145	VTD: 6	436
4146	VTD: 60	679
4147	VTD: 63	281
4148	VTD: 66	180

2186	REDISTRICTING	[Ch. 3
4149	VTD: 72	566
4150	VTD: 73	512
4151	VTD: 76	196
4152	VTD: 78	436
4153	VTD: 81	113
4154	VTD: 84	920
4155	VTD: 85	66
4156	VTD: 86	306
4157	VTD: 87	649
4158	VTD: 91	499
4159	VTD: 93	296
4160	VTD: 98	138
4161	McDowell WV County Subtotal	15,830
4162	Mercer WV County	
4163	VTD: 2	
4164	Block: 540550017002013	73
4165	Block: 540550017002014	134
4166	Block: 540550017002015	0
4167	Block: 540550017002016	9
4168	Block: 540550017002017	0
4169	Block: 540550017002027	0
4170	Block: 540550017002028	66
4171	Block: 540550017002029	0
4172	Block: 540550017002030	0
4173	Block: 540550017002031	0
4174	Block: 540550017002032	181
4175	Block: 540550017002033	19
4176	Block: 540550017002034	50
4177	Block: 540550017002035	36
4178	Block: 540550017002036	0
4179	Block: 540550017002039	0

Ch. 3]	REDISTRICTING	2187
4180	Block: 540550017002040	20
4181	Block: 540550017002052	68
4182	Block: 540550017002053	47
4183	Block: 540550017002054	2
4184	Block: 540550017002055	0
4185	Block: 540550017002056	6
4186	Block: 540550017002057	0
4187	Block: 540550017002058	48
4188	Block: 540550017002059	0
4189	Block: 540550017002060	0
4190	Block: 540550017002061	0
4191	Block: 540550017002062	9
4192	Block: 540550017002063	27
4193	Block: 540550017002064	17
4194	Block: 540550017002065	12
4195	Block: 540550017002073	23
4196	Block: 540550017002074	21
4197	Block: 540550017002075	2
4198	Block: 540550017002076	40
4199	Block: 540550017002081	4
4200	Block: 540550017002101	0
4201	Block: 540550017003042	16
4202	Block: 540550017003043	0
4203	Block: 540550017003044	0
4204	Block: 540550017003045	0
4205	Block: 540550017003046	0
4206	Block: 540550017003049	0
4207	Block: 540550017003050	0
4208	Block: 540550017003051	0
4209	Block: 540550017003052	0
4210	VTD 2 Subtotal	930

2188	REDISTRICTING	[Ch. 3
4211	VTD: 60 (5405560)	477
4212	VTD: 61	224
4213	VTD: 66	
4214	Block: 540550016002041	9
4215	Block: 540550016002042	1
4216	Block: 540550016002043	0
4217	Block: 540550016002044	0
4218	Block: 540550016002045	0
4219	Block: 540550016002050	0
4220	Block: 540550016002059	5
4221	Block: 540550016002060	4
4222	Block: 540550016002061	3
4223	Block: 540550016002062	6
4224	Block: 540550016002063	0
4225	Block: 540550016002064	0
4226	Block: 540550016002065	0
4227	Block: 540550016002068	6
4228	Block: 540550016002069	21
4229	Block: 540550016002070	14
4230	Block: 540550016002071	0
4231	Block: 540550016002072	19
4232	Block: 540550016002073	2
4233	Block: 540550016002074	7
4234	Block: 540550016002075	0
4235	Block: 540550016002076	7
4236	Block: 540550016002077	0
4237	Block: 540550016002080	6
4238	Block: 540550016002081	9
4239	Block: 540550016002082	0
4240	Block: 540550016002083	0
4241	Block: 540550016002084	9

4242	Block: 540550016002085	50
4243	Block: 540550016002086	2
4244	Block: 540550016002087	12
4245	Block: 540550016002088	4
4246	Block: 540550016002089	0
4247	Block: 540550016002090	0
4248	Block: 540550016002094	4
4249	Block: 540550016002095	5
4250	Block: 540550016002102	6
4251	Block: 540550016002106	0
4252	Block: 540550016002107	22
4253	Block: 540550017001040	4
4254	Block: 540550017002006	6
4255	Block: 540550017002007	0
4256	Block: 540550017002008	0
4257	Block: 540550017002009	0
4258	Block: 540550017002010	0
4259	Block: 540550017002011	0
4260	Block: 540550017002066	2
4261	Block: 540550017002067	50
4262	Block: 540550017002068	0
4263	Block: 540550017002069	0
4264	Block: 540550017002070	0
4265	Block: 540550017002071	26
4266	Block: 540550017002072	0
4267	Block: 540550017002077	0
4268	Block: 540550017002078	0
4269	Block: 540550017002079	0
4270	Block: 540550017002080	0
4271	Block: 540550017002082	0
4272	Block: 540550017002083	0

2190	REDISTRICTING	[Ch. 3
4273	Block: 540550017002084	5
4274	Block: 540550017002085	8
4275	Block: 540550017002086	12
4276	Block: 540550017002087	0
4277	Block: 540550017002088	0
4278	Block: 540550017002089	19
4279	Block: 540550017002090	1
4280	Block: 540550017002091	0
4281	Block: 540550017002092	61
4282	Block: 540550017002093	11
4283	Block: 540550017002094	0
4284	Block: 540550017002095	39
4285	Block: 540550017002096	6
4286	Block: 540550017002097	25
4287	Block: 540550017002098	6
4288	Block: 540550017002099	10
4289	Block: 540550017002100	0
4290	VTD 66 Subtotal	524
4291	VTD: 67	428
4292	VTD: 68	211
4293	Mercer WV County Subtotal	2,794
4294	District 26 Subtotal	18,624
4295	District 27	
4296	Mercer WV County	
4297	VTD: 1	914
4298	VTD: 14	730
4299	VTD: 15	1,436
4300	VTD: 2	
4301	Block: 540550017002018	115
4302	Block: 540550017002019	0
4303	Block: 540550017002020	12

Ch. 3]	REDISTRICTING	2191
4304	Block: 540550017002021	7
4305	Block: 540550017003029	13
4306	Block: 540550017003035	0
4307	Block: 540550017003036	0
4308	Block: 540550017003037	0
4309	Block: 540550017003038	2
4310	Block: 540550017003039	0
4311	Block: 540550017003040	0
4312	Block: 540550017003041	0
4313	Block: 540550017003047	0
4314	Block: 540550017003048	0
4315	VTD 2 Subtotal	149
4316	VTD: 20	1,062
4317	VTD: 27	435
4318	VTD: 28	1,145
4319	VTD: 3	1,556
4320	VTD: 30	411
4321	VTD: 31	756
4322	VTD: 32	508
4323	VTD: 33	467
4324	VTD: 34	946
4325	VTD: 36	994
4326	VTD: 37	637
4327	VTD: 38	902
4328	VTD: 4	985
4329	VTD: 42	929
4330	VTD: 44	1,267
4331	VTD: 46	109
4332	VTD: 47	811
4333	VTD: 48	191
4334	VTD: 5	1,065

2192	REDISTRICTING	[Ch. 3
4335	VTD: 53	1,423
4336	VTD: 55	652
4337	VTD: 56	1,107
4338	VTD: 57	1,737
4339	VTD: 58	801
4340	VTD: 59	524
4341	VTD: 62	1,873
4342	VTD: 64	921
4343	VTD: 65	2,350
4344	VTD: 66	
4345	Block: 540550017001033	50
4346	Block: 540550017001034	3
4347	Block: 540550017001036	0
4348	Block: 540550017001037	79
4349	Block: 540550017001041	0
4350	Block: 540550017001042	3
4351	Block: 540550017001043	6
4352	Block: 540550017002000	173
4353	Block: 540550017002001	25
4354	Block: 540550017002002	70
4355	Block: 540550017002003	13
4356	Block: 540550017002004	71
4357	Block: 540550017002005	6
4358	Block: 540550017002012	1
4359	Block: 540550017002022	8
4360	Block: 540550017002023	39
4361	Block: 540550017002024	66
4362	Block: 540550017002025	2
4363	Block: 540550017002026	51
4364	VTD 66 Subtotal	666
4365	VTD: 69	1,560



Ch. 3]	REDISTRICTING	2193
4366	VTD: 71	2,051
4367	VTD: 72	1,983
4368	VTD: 73	2,796
4369	VTD: 74	924
4370	VTD: 77	823
4371	VTD: 78	623
4372	VTD: 79	1,369
4373	VTD: 80	2,849
4374	VTD: 81	1,152
4375	VTD: 82	753
4376	VTD: 83	355
4377	VTD: 84	1,240
4378	VTD: 85	436
4379	VTD: 86	938
4380	VTD: 87	1,122
4381	VTD: 88	2,694
4382	VTD: 89	941
4383	VTD: 95	632
4384	VTD: 96	437
4385	VTD: 98	1,240
4386	Mercer WV County Subtotal	57,377
4387	Raleigh WV County	
4388	VTD: 49	
4389	Block: 540810009004000	229
4390	Block: 540810009004001	10
4391	Block: 540810009004002	2
4392	Block: 540810009004003	0
4393	Block: 540810009004004	19
4394	Block: 540810009004005	40
4395	Block: 540810009004006	18
4396	Block: 540810009004007	0

2194	REDISTRICTING	[Ch. 3
4397	Block: 540810009004008	8
4398	Block: 540810009004009	0
4399	Block: 540810009004010	92
4400	Block: 540810009004011	0
4401	Block: 540810009004012	7
4402	Block: 540810009004013	0
4403	Block: 540810009004014	0
4404	Block: 540810009004015	31
4405	Block: 540810009004016	7
4406	Block: 540810009004017	6
4407	Block: 540810009004018	6
4408	Block: 540810009004019	3
4409	Block: 540810009004020	14
4410	Block: 540810009004021	0
4411	Block: 540810009004022	3
4412	Block: 540810009004025	3
4413	Block: 540810009004026	11
4414	Block: 540810009004043	13
4415	Block: 540810009004044	82
4416	Block: 540810009004046	0
4417	Block: 540810009004059	165
4418	Block: 540810009004060	0
4419	Block: 540810009004061	0
4420	Block: 540810009004062	1
4421	Block: 540810009004063	2
4422	Block: 540810009004064	0
4423	Block: 540810009004078	0
4424	Block: 540810009004079	9
4425	Block: 540810009004080	56
4426	Block: 540810009004082	0
4427	Block: 540810009004083	3

Ch. 3]	REDISTRICTING	2195
4428	Block: 540810009004084	0
4429	Block: 540810009004093	0
4430	Block: 540810009004094	0
4431	Block: 540810009004095	0
4432	VTD 49 Subtotal	840
4433	Raleigh WV County Subtotal	840
4434	District 27 Subtotal	58,217
4435	District 28	
4436	Monroe WV County	
4437	VTD: 1	
4438	Block: 540639502001116	59
4439	Block: 540639502001117	0
4440	Block: 540639502001118	1
4441	Block: 540639502001120	0
4442	Block: 540639502001121	1
4443	Block: 540639502004033	0
4444	Block: 540639502004036	24
4445	Block: 540639502004037	0
4446	Block: 540639502004038	0
4447	Block: 540639502004039	0
4448	Block: 540639502004040	0
4449	Block: 540639502004041	0
4450	Block: 540639502004042	0
4451	Block: 540639502004102	0
4452	Block: 540639502004103	0
4453	VTD 1 Subtotal	85
4454	VTD: 12 (5406312)	625
4455	VTD: 13 (5406313)	930
4456	VTD: 16	926
4457	VTD: 18	355
4458	VTD: 19	185

2196	REDISTRICTING	[Ch. 3
4459	VTD: 22 (5406322)	1,229
4460	VTD: 23 (5406323)	777
4461	VTD: 29	653
4462	VTD: 3	170
4463	VTD: 30	1,708
4464	VTD: 31	717
4465	VTD: 32	988
4466	VTD: 33	1,254
4467	VTD: 34	465
4468	VTD: 5	93
4469	Monroe WV County Subtotal	11,160
4470	Raleigh WV County	
4471	VTD: 20	
4472	Block: 540810003002011	0
4473	Block: 540810003002019	0
4474	Block: 540810003002020	0
4475	Block: 540810003002027	0
4476	Block: 540810003002028	0
4477	Block: 540810003002091	0
4478	Block: 540810003002092	0
4479	Block: 540810003002093	0
4480	Block: 540810015003012	5
4481	Block: 540810015003013	72
4482	Block: 540810015003014	126
4483	Block: 540810015003015	25
4484	Block: 540810015003016	159
4485	Block: 540810015003022	0
4486	Block: 540810015003084	0
4487	VTD 20 Subtotal	387
4488	VTD: 70	
4489	Block: 540810003002000	0

Ch. 3]	REDISTRICTING	2197
4490	Block: 540810003002002	0
4491	Block: 540810003002014	4
4492	Block: 540810003002015	0
4493	Block: 540810003002016	0
4494	Block: 540810003002017	0
4495	Block: 540810003002018	27
4496	Block: 540810003002094	0
4497	Block: 540810003002095	0
4498	Block: 540810003002125	0
4499	Block: 540810015003078	0
4500	VTD 70 Subtotal	31
4501	VTD: 71	
4502	Block: 540810003001000	0
4503	Block: 540810003001007	0
4504	Block: 540810003001008	0
4505	Block: 540810003001009	0
4506	Block: 540810003002001	0
4507	Block: 540810003002003	0
4508	Block: 540810003002004	0
4509	Block: 540810003002005	0
4510	Block: 540810003002007	0
4511	Block: 540810003002008	0
4512	Block: 540810003002009	0
4513	Block: 540810003002010	0
4514	Block: 540810003002012	0
4515	Block: 540810003002013	0
4516	Block: 540810003002029	0
4517	Block: 540810003002030	18
4518	Block: 540810003002031	0
4519	Block: 540810003002032	0
4520	Block: 540810003002033	0

2198	REDISTRICTING	[Ch. 3
4521	Block: 540810003002034	0
4522	Block: 540810003002035	0
4523	Block: 540810003002036	0
4524	Block: 540810003002037	0
4525	Block: 540810003002038	0
4526	Block: 540810003002039	15
4527	Block: 540810003002079	0
4528	Block: 540810003002080	0
4529	Block: 540810003002088	1
4530	Block: 540810003002090	0
4531	Block: 540810003002096	0
4532	Block: 540810003002097	0
4533	Block: 540810003002099	0
4534	Block: 540810003002100	0
4535	Block: 540810003002101	0
4536	Block: 540810003002108	13
4537	Block: 540810003002109	0
4538	Block: 540810003002113	25
4539	Block: 540810003002114	2
4540	Block: 540810003002115	18
4541	Block: 540810003002123	0
4542	Block: 540810003002124	0
4543	Block: 540810003002126	0
4544	Block: 540810003002127	0
4545	VTD 71 Subtotal	92
4546	VTD: 72	
4547	Block: 540810003002006	0
4548	Block: 540810003002105	0
4549	Block: 540810003002106	0
4550	Block: 540810003002107	8
4551	Block: 540810003002110	44

4552	Block: 540810003002111	140
4553	Block: 540810003002112	104
4554	Block: 540810003002122	82
4555	Block: 540810008023048	0
4556	Block: 540810008023049	0
4557	Block: 540810008023059	58
4558	Block: 540810008023068	0
4559	Block: 540810008023069	0
4560	Block: 540810008023072	0
4561	Block: 540810008023073	0
4562	Block: 540810008023087	0
4563	Block: 540810008023099	4
4564	Block: 540810008041000	43
4565	Block: 540810008041001	2
4566	Block: 540810008041002	0
4567	Block: 540810008041003	0
4568	Block: 540810008041004	0
4569	Block: 540810008041005	9
4570	Block: 540810008041006	7
4571	Block: 540810008041007	24
4572	Block: 540810008041026	2
4573	Block: 540810008041027	0
4574	Block: 540810008041028	12
4575	Block: 540810008041029	20
4576	Block: 540810008041030	0
4577	Block: 540810008041031	17
4578	Block: 540810008041032	0
4579	Block: 540810008041033	0
4580	Block: 540810008041034	23
4581	Block: 540810008041035	25
4582	Block: 540810008041036	19

2200	REDISTRICTING	[Ch. 3
4583	Block: 540810008041037	1
4584	Block: 540810008041038	30
4585	Block: 540810008041039	0
4586	Block: 540810008041040	10
4587	Block: 540810008041043	11
4588	Block: 540810008041044	0
4589	Block: 540810008041047	5
4590	Block: 540810008041048	9
4591	Block: 540810008041049	3
4592	Block: 540810008041050	17
4593	Block: 540810008041051	0
4594	Block: 540810008041052	0
4595	Block: 540810008041054	16
4596	Block: 540810008041055	17
4597	Block: 540810008042012	20
4598	Block: 540810008042013	3
4599	Block: 540810008042022	18
4600	Block: 540810008042023	0
4601	VTD 72 Subtotal	803
4602	VTD: 73	4,506
4603	VTD: 74	1,146
4604	VTD: 75	
4605	Block: 540810008041053	0
4606	Block: 540810008042000	381
4607	Block: 540810008042001	0
4608	Block: 540810008042002	15
4609	Block: 540810008042003	7
4610	Block: 540810008042004	0
4611	Block: 540810008042005	19
4612	Block: 540810008042006	5
4613	Block: 540810008042007	175



4614	Block: 540810008042008	0
4615	Block: 540810008042009	21
4616	Block: 540810008042010	11
4617	Block: 540810008042011	36
4618	Block: 540810008042014	23
4619	Block: 540810008042015	19
4620	Block: 540810008042016	88
4621	Block: 540810008042017	16
4622	Block: 540810008042018	168
4623	Block: 540810008042019	14
4624	Block: 540810008042020	0
4625	Block: 540810008042033	4
4626	Block: 540810008042049	14
4627	Block: 540810008043000	0
4628	Block: 540810008043001	851
4629	Block: 540810008043002	11
4630	Block: 540810008043003	0
4631	Block: 540810008043004	0
4632	Block: 540810008043005	0
4633	Block: 540810008043006	0
4634	Block: 540810008043007	15
4635	Block: 540810008043008	18
4636	Block: 540810008043009	2
4637	Block: 540810008043010	27
4638	Block: 540810008043011	5
4639	Block: 540810008043012	0
4640	Block: 540810008043013	0
4641	Block: 540810008043014	0
4642	Block: 540810008043015	9
4643	Block: 540810008043016	2
4644	Block: 540810008043017	3

2202	REDISTRICTING	[Ch. 3
4645	Block: 540810008044000	3
4646	Block: 540810008044001	15
4647	Block: 540810008044002	62
4648	Block: 540810008044006	3
4649	Block: 540810008044007	6
4650	Block: 540810008044008	10
4651	Block: 540810008044015	0
4652	Block: 540810008044019	20
4653	Block: 540810008044020	0
4654	Block: 540810008044021	0
4655	VTD 75 Subtotal	2,078
4656	VTD: 76	3,151
4657	VTD: 77	1,542
4658	VTD: 80	717
4659	VTD: 81	291
4660	VTD: 85	
4661	Block: 540810008022000	0
4662	Block: 540810008022001	18
4663	Block: 540810008022002	240
4664	Block: 540810008022003	0
4665	Block: 540810008022004	0
4666	Block: 540810008022005	0
4667	Block: 540810008022006	3
4668	Block: 540810008022007	7
4669	Block: 540810008022008	0
4670	Block: 540810008022009	0
4671	Block: 540810008022010	0
4672	Block: 540810008022011	0
4673	Block: 540810008022012	88
4674	Block: 540810008022013	4
4675	Block: 540810008022014	0

Ch. 3]	REDISTRICTING	2203
4676	Block: 540810008022015	0
4677	Block: 540810008022016	0
4678	Block: 540810008022017	0
4679	Block: 540810008022018	0
4680	Block: 540810008022019	253
4681	Block: 540810008022020	0
4682	Block: 540810008022021	44
4683	Block: 540810008022022	72
4684	Block: 540810008022023	0
4685	Block: 540810008022025	160
4686	Block: 540810008022026	0
4687	Block: 540810008022027	0
4688	Block: 540810008022028	0
4689	Block: 540810008022029	0
4690	Block: 540810008022030	169
4691	Block: 540810008022031	2
4692	Block: 540810008022032	40
4693	Block: 540810008022033	38
4694	Block: 540810008022034	0
4695	Block: 540810008022035	2
4696	Block: 540810008022036	8
4697	Block: 540810008022037	0
4698	Block: 540810008022038	19
4699	Block: 540810008022039	67
4700	Block: 540810008022040	5
4701	Block: 540810008022041	7
4702	Block: 540810008022042	0
4703	Block: 540810008022043	0
4704	Block: 540810008022044	0
4705	VTD 85 Subtotal	1,246
4706	Raleigh WV County Subtotal	15,990

2204	REDISTRICTING	[Ch. 3
4707	Summers WV County	
4708	VTD: 1	980
4709	VTD: 11	1,059
4710	VTD: 12	793
4711	VTD: 13	624
4712	VTD: 15	910
4713	VTD: 17	503
4714	VTD: 22	833
4715	VTD: 23	964
4716	VTD: 26	700
4717	VTD: 27	1,244
4718	VTD: 30	
4719	Block: 540890005001098	0
4720	Block: 540890006001050	25
4721	Block: 540890006001051	0
4722	Block: 540890006001052	0
4723	Block: 540890006001053	0
4724	Block: 540890006001057	0
4725	Block: 540890006001058	0
4726	Block: 540890006001064	16
4727	Block: 540890006001070	38
4728	Block: 540890006001071	6
4729	Block: 540890006001072	0
4730	Block: 540890006001073	4
4731	Block: 540890006001074	0
4732	Block: 540890006001075	0
4733	Block: 540890006001076	0
4734	Block: 540890006001077	0
4735	Block: 540890006001079	4
4736	Block: 540890006001080	2
4737	Block: 540890006001081	0

4738	Block: 540890006001082	0
4739	Block: 540890006001083	6
4740	Block: 540890006001084	10
4741	Block: 540890006001085	3
4742	Block: 540890006001086	21
4743	Block: 540890006001087	0
4744	Block: 540890006001088	0
4745	Block: 540890006001089	0
4746	Block: 540890006001090	2
4747	Block: 540890006001091	6
4748	Block: 540890006001092	0
4749	Block: 540890006001093	0
4750	Block: 540890006001094	0
4751	Block: 540890006001095	2
4752	Block: 540890006001097	31
4753	Block: 540890006001098	27
4754	Block: 540890006001099	16
4755	Block: 540890006001100	0
4756	Block: 540890006001101	0
4757	Block: 540890006001102	0
4758	Block: 540890006001103	0
4759	Block: 540890006001104	0
4760	Block: 540890006001105	0
4761	Block: 540890006001106	0
4762	Block: 540890006001107	0
4763	Block: 540890006001108	12
4764	Block: 540890006001109	0
4765	Block: 540890006001110	0
4766	Block: 540890006001111	0
4767	Block: 540890006002181	0
4768	Block: 540890006002182	0

2206	REDISTRICTING	[Ch. 3
4769	Block: 540890006002183	0
4770	Block: 540890006002184	0
4771	Block: 540890006002185	0
4772	Block: 540890006002186	0
4773	Block: 540890006002187	0
4774	Block: 540890006002188	4
4775	Block: 540890006002189	2
4776	Block: 540890006002190	0
4777	Block: 540890006002191	5
4778	Block: 540890006002192	0
4779	Block: 540890006002193	6
4780	Block: 540890006002194	1
4781	Block: 540890006002195	0
4782	Block: 540890006002196	33
4783	Block: 540890006002197	20
4784	Block: 540890006002198	0
4785	Block: 540890006002199	2
4786	Block: 540890006002200	7
4787	Block: 540890006002201	0
4788	Block: 540890006002202	4
4789	Block: 540890006002203	82
4790	Block: 540890006002204	0
4791	Block: 540890006002205	0
4792	Block: 540890006002206	1
4793	Block: 540890006002207	0
4794	Block: 540890006002208	50
4795	Block: 540890006002209	33
4796	Block: 540890006002210	5
4797	Block: 540890006002211	0
4798	Block: 540890006002212	0
4799	Block: 540890006002213	0

4800	Block: 540890006002214	0
4801	Block: 540890006002215	0
4802	Block: 540890006002216	10
4803	Block: 540890006002217	0
4804	Block: 540890006002218	0
4805	Block: 540890006002219	5
4806	Block: 540890006002220	0
4807	Block: 540890006002221	2
4808	Block: 540890006002222	4
4809	Block: 540890006002223	2
4810	Block: 540890006002224	0
4811	Block: 540890006002225	0
4812	Block: 540890006002226	3
4813	Block: 540890006002227	0
4814	Block: 540890006002228	9
4815	Block: 540890006002229	0
4816	Block: 540890006002230	0
4817	Block: 540890006002258	0
4818	Block: 540890006002274	7
4819	Block: 540890006002275	0
4820	Block: 540890006003000	0
4821	Block: 540890006003001	0
4822	Block: 540890006003002	29
4823	Block: 540890006003003	0
4824	Block: 540890006003004	0
4825	Block: 540890006003005	0
4826	Block: 540890006003006	8
4827	Block: 540890006003007	27
4828	Block: 540890006003008	0
4829	Block: 540890006003009	0
4830	Block: 540890006003010	0

2208	REDISTRICTING	[Ch. 3
4831	Block: 540890006003011	0
4832	Block: 540890006003012	0
4833	Block: 540890006003013	0
4834	Block: 540890006003014	0
4835	Block: 540890006003015	39
4836	Block: 540890006003016	0
4837	Block: 540890006003017	218
4838	Block: 540890006003018	13
4839	Block: 540890006003020	3
4840	Block: 540890006003021	0
4841	Block: 540890006003022	0
4842	Block: 540890006003023	3
4843	Block: 540890006003024	0
4844	Block: 540890006003025	0
4845	Block: 540890006003026	0
4846	Block: 540890006003027	0
4847	Block: 540890006003028	4
4848	Block: 540890006003029	3
4849	Block: 540890006003030	0
4850	Block: 540890006003031	0
4851	Block: 540890006003032	0
4852	Block: 540890006003034	0
4853	Block: 540890006003035	0
4854	Block: 540890006003036	23
4855	Block: 540890006003037	0
4856	Block: 540890006003038	28
4857	Block: 540890006003039	0
4858	Block: 540890006003040	0
4859	Block: 540890006003041	50
4860	Block: 540890006003042	0
4861	Block: 540890006003043	2



4862	Block: 540890006003044	0
4863	Block: 540890006003045	0
4864	Block: 540890006003046	0
4865	Block: 540890006003047	0
4866	Block: 540890006003048	1
4867	Block: 540890006003049	10
4868	Block: 540890006003050	0
4869	Block: 540890006003051	0
4870	Block: 540890006003093	0
4871	Block: 540890006003094	0
4872	Block: 540890006003098	0
4873	Block: 540890006003099	0
4874	Block: 540890006003100	0
4875	Block: 540890006003114	0
4876	Block: 540890006003162	0
4877	Block: 540890006003165	0
4878	Block: 540890006003166	0
4879	Block: 540890006003167	0
4880	Block: 540890006003168	0
4881	Block: 540890006003169	0
4882	Block: 540890006005000	10
4883	Block: 540890006005026	0
4884	Block: 540890006005029	0
4885	Block: 540890006005031	0
4886	Block: 540890006005033	0
4887	Block: 540890006005093	0
4888	Block: 540890006005094	85
4889	Block: 540890006005095	24
4890	Block: 540890006005096	3
4891	Block: 540890006005097	15
4892	Block: 540890006005098	2

2210	REDISTRICTING	[Ch. 3
4893	Block: 540890006005099	6
4894	Block: 540890006005100	0
4895	Block: 540890006005101	141
4896	Block: 540890006005102	0
4897	Block: 540890006005103	4
4898	Block: 540890006005104	11
4899	Block: 540890006005105	0
4900	Block: 540890006005106	32
4901	Block: 540890006005107	23
4902	Block: 540890006005108	21
4903	Block: 540890006005109	0
4904	Block: 540890006005112	0
4905	Block: 540890006005115	6
4906	Block: 540890006005116	5
4907	VTD 30 Subtotal	1,377
4908	VTD: 4	1,080
4909	VTD: 7	401
4910	VTD: 9	291
4911	Summers WV County Subtotal	11,759
4912	District 28 Subtotal	38,909
4913	District 29	
4914	Raleigh WV County	
4915	VTD: 17	782
4916	VTD: 21	1,395
4917	VTD: 23	348
4918	VTD: 25	173
4919	VTD: 27	1,303
4920	VTD: 30	1,125
4921	VTD: 31	
4922	Block: 540810007002001	0
4923	Block: 540810007002006	328

Ch. 3]	REDISTRICTING	2211
4924	Block: 540810007002008	21
4925	Block: 540810007002011	23
4926	Block: 540810010011000	92
4927	Block: 540810010011001	23
4928	Block: 540810010011002	37
4929	Block: 540810010011081	0
4930	Block: 540810010013004	30
4931	Block: 540810010013005	216
4932	Block: 540810010013006	20
4933	Block: 540810010013014	29
4934	Block: 540810010013015	0
4935	VTD 31 Subtotal	819
4936	VTD: 33	1,478
4937	VTD: 34	1,555
4938	VTD: 35	1,395
4939	VTD: 36	1,417
4940	VTD: 37	722
4941	VTD: 38	2,054
4942	VTD: 40	474
4943	VTD: 41	549
4944	VTD: 48	323
4945	VTD: 49	
4946	Block: 540810009003047	0
4947	Block: 540810009003048	0
4948	Block: 540810009003049	73
4949	Block: 540810009003050	14
4950	Block: 540810009003051	0
4951	Block: 540810009003052	0
4952	Block: 540810009003053	7
4953	Block: 540810009003060	0
4954	Block: 540810009003064	2

2212	REDISTRICTING	[Ch. 3
4955	Block: 540810009003065	0
4956	Block: 540810009003066	0
4957	Block: 540810009003067	1
4958	Block: 540810009003087	72
4959	Block: 540810009003088	0
4960	Block: 540810009003089	0
4961	Block: 540810009003090	24
4962	Block: 540810009003091	18
4963	Block: 540810009003092	0
4964	Block: 540810009003093	0
4965	Block: 540810009003101	8
4966	Block: 540810009003103	0
4967	Block: 540810009004023	21
4968	Block: 540810009004024	0
4969	Block: 540810009004027	18
4970	Block: 540810009004028	0
4971	Block: 540810009004029	0
4972	Block: 540810009004030	0
4973	Block: 540810009004031	11
4974	Block: 540810009004032	0
4975	Block: 540810009004033	0
4976	Block: 540810009004034	0
4977	Block: 540810009004035	0
4978	Block: 540810009004036	0
4979	Block: 540810009004037	62
4980	Block: 540810009004038	45
4981	Block: 540810009004039	0
4982	Block: 540810009004040	0
4983	Block: 540810009004041	21
4984	Block: 540810009004042	0
4985	Block: 540810009004045	4

4986	Block: 540810009004047	12
4987	Block: 540810009004048	0
4988	Block: 540810009004049	10
4989	Block: 540810009004050	3
4990	Block: 540810009004051	8
4991	Block: 540810009004052	38
4992	Block: 540810009004053	50
4993	Block: 540810009004054	66
4994	Block: 540810009004055	27
4995	Block: 540810009004056	9
4996	Block: 540810009004057	12
4997	Block: 540810009004058	0
4998	Block: 540810009004065	2
4999	Block: 540810009004066	0
5000	Block: 540810009004067	0
5001	Block: 540810009004068	0
5002	Block: 540810009004069	0
5003	Block: 540810009004070	0
5004	Block: 540810009004071	0
5005	Block: 540810009004072	0
5006	Block: 540810009004073	0
5007	Block: 540810009004074	0
5008	Block: 540810009004075	0
5009	Block: 540810009004076	0
5010	Block: 540810009004077	0
5011	Block: 540810009004081	0
5012	Block: 540810009004085	3
5013	Block: 540810009004086	0
5014	Block: 540810009004087	0
5015	Block: 540810009004088	0
5016	Block: 540810009004089	0

2214	REDISTRICTING	[Ch. 3
5017	Block: 540810009004090	0
5018	Block: 540810009004091	0
5019	Block: 540810009004092	0
5020	Block: 540810009004096	5
5021	Block: 540810009004097	0
5022	Block: 540810009004098	0
5023	Block: 540810009004099	0
5024	Block: 540810009004100	0
5025	Block: 540810009004101	0
5026	Block: 540810009004102	34
5027	Block: 540810009004103	0
5028	VTD 49 Subtotal	680
5029	VTD: 71	
5030	Block: 540810002001018	0
5031	Block: 540810002001027	0
5032	Block: 540810002003001	62
5033	Block: 540810002003004	0
5034	Block: 540810002003007	0
5035	Block: 540810002003014	18
5036	Block: 540810002003015	7
5037	Block: 540810002003016	13
5038	Block: 540810002003017	9
5039	Block: 540810002003018	0
5040	Block: 540810002003019	0
5041	Block: 540810002003020	0
5042	Block: 540810002003045	0
5043	Block: 540810003001010	16
5044	Block: 540810003001011	0
5045	Block: 540810003001012	18
5046	Block: 540810003001013	0
5047	Block: 540810003001014	15

5048	Block: 540810003001015	0
5049	Block: 540810003001016	14
5050	Block: 540810003001017	9
5051	Block: 540810003001018	129
5052	Block: 540810003001019	11
5053	Block: 540810003001020	0
5054	Block: 540810003001021	0
5055	Block: 540810003001022	0
5056	Block: 540810003001023	0
5057	Block: 540810003001024	6
5058	Block: 540810003001025	0
5059	Block: 540810003001027	4
5060	Block: 540810003001028	28
5061	Block: 540810003001029	0
5062	Block: 540810003001030	0
5063	Block: 540810003001031	0
5064	Block: 540810003001032	0
5065	Block: 540810003001033	0
5066	Block: 540810003001034	0
5067	Block: 540810003001035	130
5068	Block: 540810003001036	7
5069	Block: 540810003001037	0
5070	Block: 540810003001038	8
5071	Block: 540810003001039	2
5072	Block: 540810003001040	0
5073	Block: 540810003001041	8
5074	Block: 540810003001042	2
5075	Block: 540810003001044	0
5076	Block: 540810003001045	0
5077	Block: 540810003001046	0
5078	Block: 540810003001047	0

2216	REDISTRICTING	[Ch. 3
5079	Block: 540810003001048	0
5080	Block: 540810003001049	0
5081	Block: 540810003002116	0
5082	Block: 540810003002117	0
5083	Block: 540810003002118	7
5084	Block: 540810003002119	0
5085	Block: 540810003002120	8
5086	Block: 540810003002121	0
5087	Block: 540810007001090	31
5088	Block: 540810007001091	0
5089	Block: 540810007001092	0
5090	Block: 540810007001114	158
5091	Block: 540810007001115	22
5092	Block: 540810007001116	0
5093	Block: 540810007001117	12
5094	Block: 540810007001118	8
5095	Block: 540810007001119	0
5096	Block: 540810007001120	0
5097	Block: 540810007001121	0
5098	Block: 540810007001122	0
5099	Block: 540810007001125	0
5100	Block: 540810007001127	0
5101	Block: 540810008041008	9
5102	Block: 540810008041009	0
5103	Block: 540810008041010	0
5104	Block: 540810008041011	97
5105	Block: 540810008041012	4
5106	Block: 540810008041013	2
5107	Block: 540810008041014	0
5108	Block: 540810008041015	3
5109	Block: 540810008041016	16



Ch. 3]

REDISTRICTING

2217

5110	Block: 540810008041017	32
5111	Block: 540810008041018	0
5112	Block: 540810008041019	422
5113	Block: 540810008041020	29
5114	Block: 540810008041021	20
5115	Block: 540810008041022	3
5116	Block: 540810008041046	0
5117	Block: 540810008042039	5
5118	Block: 540810008042040	0
5119	Block: 540810008042045	0
5120	Block: 540810008042046	0
5121	Block: 540810008042047	2
5122	Block: 540810008042048	0
5123	Block: 540810009003000	74
5124	Block: 540810009003001	0
5125	Block: 540810009003002	0
5126	Block: 540810010012052	0
5127	Block: 540810010012053	0
5128	Block: 540810010012054	0
5129	Block: 540810010012055	0
5130	Block: 540810010012062	0
5131	Block: 540810010012063	0
5132	Block: 540810010012065	0
5133	Block: 540810010012066	0
5134	Block: 540810010021000	0
5135	Block: 540810010021001	24
5136	Block: 540810010021002	0
5137	Block: 540810010021003	0
5138	Block: 540810010021004	0
5139	Block: 540810010021005	0
5140	Block: 540810010021006	0

2218	REDISTRICTING	[Ch. 3
5141	Block: 540810010021007	0
5142	Block: 540810010021008	0
5143	Block: 540810010021009	0
5144	Block: 540810010021010	0
5145	Block: 540810010021038	0
5146	VTD 71 Subtotal	1,504
5147	VTD: 72	
5148	Block: 540810008041023	1
5149	Block: 540810008041024	148
5150	Block: 540810008041025	0
5151	Block: 540810008041041	89
5152	Block: 540810008041042	8
5153	Block: 540810008041045	0
5154	Block: 540810008042021	110
5155	Block: 540810008042024	0
5156	Block: 540810008042025	0
5157	Block: 540810008042026	9
5158	Block: 540810008042027	167
5159	Block: 540810008042028	29
5160	Block: 540810008042030	286
5161	Block: 540810008042031	11
5162	Block: 540810008042038	0
5163	Block: 540810008042041	6
5164	Block: 540810008042042	56
5165	VTD 72 Subtotal	920
5166	VTD: 75	
5167	Block: 540810008042029	22
5168	VTD 75 Subtotal	22
5169	VTD: 85	
5170	Block: 540810009003021	6
5171	Block: 540810009003022	0

Ch. 3]	REDISTRICTING	2219
5172	Block: 540810009003023	3
5173	Block: 540810009003024	0
5174	Block: 540810009003033	62
5175	Block: 540810009003035	0
5176	Block: 540810009003036	0
5177	Block: 540810009003038	80
5178	Block: 540810009003039	0
5179	Block: 540810009003040	2
5180	Block: 540810009003041	9
5181	Block: 540810009003042	3
5182	Block: 540810009003043	218
5183	Block: 540810009003044	16
5184	Block: 540810009003045	16
5185	Block: 540810009003046	0
5186	VTD 85 Subtotal	415
5187	Raleigh WV County Subtotal	19,453
5188	District 29 Subtotal	19,453
5189	District 30	
5190	Raleigh WV County	
5191	VTD: 1	1,010
5192	VTD: 10	1,087
5193	VTD: 11	1,155
5194	VTD: 12	1,197
5195	VTD: 15	1,264
5196	VTD: 18	874
5197	VTD: 19	1,352
5198	VTD: 2	1,550
5199	VTD: 20	
5200	Block: 540810002004001	80
5201	Block: 540810002004002	30
5202	Block: 540810002004012	12

2220	REDISTRICTING	[Ch. 3
5203	Block: 540810003002021	0
5204	Block: 540810003002022	0
5205	Block: 540810003003000	0
5206	Block: 540810003003001	30
5207	Block: 540810003003002	5
5208	Block: 540810003003003	24
5209	Block: 540810003003004	0
5210	Block: 540810003003005	0
5211	Block: 540810003003006	37
5212	Block: 540810003003007	20
5213	Block: 540810003003008	30
5214	Block: 540810003003009	16
5215	Block: 540810003003010	204
5216	Block: 540810003003011	0
5217	Block: 540810003003012	14
5218	Block: 540810003003013	47
5219	Block: 540810003003016	23
5220	Block: 540810003003017	13
5221	Block: 540810003003018	38
5222	Block: 540810003003019	23
5223	Block: 540810003003022	37
5224	Block: 540810003003023	27
5225	Block: 540810003003024	14
5226	Block: 540810003003025	41
5227	Block: 540810003003026	28
5228	Block: 540810003003027	17
5229	Block: 540810003003028	8
5230	Block: 540810003003029	17
5231	Block: 540810003003030	31
5232	Block: 540810003003031	14
5233	Block: 540810003003039	6

Ch. 3]	REDISTRICTING	2221
5234	Block: 540810004002000	90
5235	Block: 540810004002005	0
5236	Block: 540810004002006	127
5237	Block: 540810004002007	0
5238	Block: 540810004002008	0
5239	Block: 540810004002009	0
5240	Block: 540810004002012	0
5241	Block: 540810004002069	0
5242	Block: 540810004002074	0
5243	Block: 540810004002076	3
5244	Block: 540810004002077	12
5245	Block: 540810004002078	0
5246	Block: 540810015003017	238
5247	Block: 540810015003018	98
5248	Block: 540810015003019	6
5249	Block: 540810015003020	20
5250	Block: 540810015003021	0
5251	Block: 540810015003023	0
5252	Block: 540810015003085	0
5253	Block: 540810015003086	0
5254	VTD 20 Subtotal	1,480
5255	VTD: 3	610
5256	VTD: 31	
5257	Block: 540810006003005	1
5258	Block: 540810006003033	0
5259	Block: 540810006003042	7
5260	Block: 540810006003043	20
5261	Block: 540810006003048	17
5262	Block: 540810006003049	28
5263	Block: 540810006003050	0
5264	Block: 540810006003053	5

2222	REDISTRICTING	[Ch. 3
5265	Block: 540810006003054	12
5266	Block: 540810006003055	4
5267	Block: 540810010013001	0
5268	Block: 540810010013002	0
5269	Block: 540810010013003	187
5270	Block: 540810010013011	6
5271	Block: 540810010013012	220
5272	Block: 540810010013013	0
5273	Block: 540810010013016	0
5274	Block: 540810010013017	32
5275	Block: 540810010013018	2
5276	Block: 540810013001028	0
5277	Block: 540810013001029	0
5278	Block: 540810013003051	0
5279	Block: 540810013003059	0
5280	VTD 31 Subtotal	541
5281	VTD: 44	
5282	Block: 540810010013007	230
5283	VTD 44 Subtotal	230
5284	VTD: 5	
5285	Block: 540810005001009	114
5286	Block: 540810005001010	80
5287	Block: 540810005001011	31
5288	Block: 540810005001015	214
5289	Block: 540810005001016	22
5290	Block: 540810005001017	86
5291	Block: 540810005001018	18
5292	Block: 540810005001019	29
5293	Block: 540810005001021	44
5294	Block: 540810005001022	0
5295	Block: 540810005002008	3

Ch. 3]	REDISTRICTING	2223
5296	Block: 540810005002009	30
5297	Block: 540810005002012	36
5298	Block: 540810005002016	81
5299	Block: 540810005002018	5
5300	Block: 540810005002019	0
5301	Block: 540810005002026	0
5302	Block: 540810005002027	0
5303	Block: 540810005002028	0
5304	Block: 540810005002029	0
5305	Block: 540810005002031	0
5306	Block: 540810005002036	84
5307	Block: 540810005002043	5
5308	Block: 540810005002076	0
5309	Block: 540810005002085	0
5310	Block: 540810014002070	0
5311	Block: 540810014002071	0
5312	Block: 540810014002078	0
5313	VTD 5 Subtotal	882
5314	VTD: 50	237
5315	VTD: 51	2,159
5316	VTD: 53	
5317	Block: 540810005002006	102
5318	Block: 540810005002007	28
5319	Block: 540810005002010	0
5320	Block: 540810005002011	6
5321	Block: 540810005002020	0
5322	Block: 540810005002021	8
5323	Block: 540810005002022	0
5324	Block: 540810005002023	12
5325	Block: 540810005002024	17
5326	Block: 540810005002084	23

2224	REDISTRICTING	[Ch. 3
5327	Block: 540810014002055	0
5328	Block: 540810014002057	6
5329	Block: 540810014002058	28
5330	Block: 540810014002059	0
5331	Block: 540810014002060	0
5332	Block: 540810014002063	5
5333	VTD 53 Subtotal	235
5334	VTD: 5A	
5335	Block: 540810004002067	0
5336	Block: 540810005003007	0
5337	Block: 540810005003010	7
5338	Block: 540810005003013	0
5339	Block: 540810005003014	0
5340	Block: 540810005003015	0
5341	Block: 540810005003016	0
5342	Block: 540810005003019	6
5343	Block: 540810005003020	4
5344	Block: 540810005003021	16
5345	Block: 540810005003030	28
5346	Block: 540810005003031	1
5347	Block: 540810005003034	0
5348	Block: 540810005003037	1
5349	Block: 540810005003038	0
5350	Block: 540810005003039	0
5351	Block: 540810005003043	0
5352	Block: 540810005003044	0
5353	Block: 540810005003047	0
5354	Block: 540810005003048	0
5355	Block: 540810005003049	0
5356	Block: 540810005003059	0
5357	Block: 540810014002061	76



5358	Block: 540810014002062	0
5359	Block: 540810014002064	0
5360	Block: 540810014002065	117
5361	Block: 540810014002066	0
5362	Block: 540810014002067	4
5363	Block: 540810014002069	4
5364	Block: 540810014002072	0
5365	Block: 540810014002073	0
5366	Block: 540810014002074	0
5367	Block: 540810014002075	0
5368	Block: 540810014002076	0
5369	Block: 540810014002077	0
5370	Block: 540810014002080	0
5371	Block: 540810015001032	0
5372	Block: 540810015001035	0
5373	Block: 540810015001036	0
5374	Block: 540810015003003	0
5375	Block: 540810015003034	0
5376	Block: 540810015003035	0
5377	Block: 540810015003036	0
5378	Block: 540810015003037	0
5379	Block: 540810015003039	2
5380	Block: 540810015003040	0
5381	Block: 540810015003041	0
5382	Block: 540810015003042	0
5383	Block: 540810015003043	0
5384	Block: 540810015003044	0
5385	Block: 540810015003046	0
5386	Block: 540810015003047	0
5387	Block: 540810015003048	0
5388	Block: 540810015003049	0

2226	REDISTRICTING	[Ch. 3
5389	Block: 540810015003057	0
5390	Block: 540810015003058	0
5391	Block: 540810015003059	0
5392	Block: 540810015003065	0
5393	Block: 540810015003069	0
5394	Block: 540810015003070	0
5395	Block: 540810015003087	0
5396	Block: 540810015003088	0
5397	VTD 5A Subtotal	266
5398	VTD: 6	1,315
5399	VTD: 7	1,328
5400	VTD: 71	
5401	Block: 540810003002023	7
5402	Block: 540810003002025	40
5403	Block: 540810003002026	24
5404	Block: 540810003002042	0
5405	VTD 71 Subtotal	71
5406	VTD: 8	604
5407	Raleigh WV County Subtotal	19,447
5408	District 30 Subtotal	19,447
5409	District 31	
5410	Raleigh WV County	
5411	VTD: 31	
5412	Block: 540810010013008	54
5413	Block: 540810010013009	84
5414	Block: 540810010013010	16
5415	VTD 31 Subtotal	154
5416	VTD: 32	1,379
5417	VTD: 44	
5418	Block: 540810010011010	79
5419	Block: 540810010011011	7

5420	Block: 540810010011018	102
5421	Block: 540810010011019	90
5422	Block: 540810010011020	0
5423	Block: 540810011004027	0
5424	Block: 540810011004028	0
5425	Block: 540810011004029	0
5426	Block: 540810011004030	0
5427	Block: 540810011004031	0
5428	Block: 540810011004032	0
5429	Block: 540810011004033	0
5430	Block: 540810011004034	0
5431	Block: 540810011004035	0
5432	Block: 540810011004059	0
5433	Block: 540810011004060	0
5434	Block: 540810011004061	0
5435	Block: 540810013001017	53
5436	Block: 540810013001018	0
5437	Block: 540810013001030	104
5438	Block: 540810013001031	13
5439	Block: 540810013001032	12
5440	Block: 540810013001033	42
5441	Block: 540810013001034	45
5442	Block: 540810013002037	6
5443	Block: 540810013002038	0
5444	Block: 540810013002039	20
5445	Block: 540810013002040	37
5446	Block: 540810013002041	0
5447	Block: 540810013002042	0
5448	Block: 540810013002043	0
5449	Block: 540810013002044	64
5450	Block: 540810013002045	0

2228	REDISTRICTING	[Ch. 3
5451	Block: 540810013002046	57
5452	Block: 540810013002047	9
5453	Block: 540810013002048	12
5454	Block: 540810013002049	0
5455	Block: 540810013002050	21
5456	Block: 540810013002051	9
5457	Block: 540810013002052	0
5458	Block: 540810013002053	24
5459	Block: 540810013002054	8
5460	Block: 540810013002055	0
5461	Block: 540810013002056	13
5462	Block: 540810013002057	31
5463	Block: 540810013002058	52
5464	Block: 540810013002059	6
5465	Block: 540810013002060	3
5466	Block: 540810013002061	8
5467	Block: 540810013002062	153
5468	Block: 540810013002063	0
5469	Block: 540810013002064	0
5470	Block: 540810013002065	8
5471	Block: 540810013002066	16
5472	Block: 540810013002067	10
5473	Block: 540810013002068	46
5474	Block: 540810013002069	11
5475	Block: 540810013002070	0
5476	Block: 540810013002071	0
5477	Block: 540810013002072	0
5478	Block: 540810013002073	0
5479	Block: 540810013002074	14
5480	Block: 540810013002075	39
5481	Block: 540810013002076	131

5482	Block: 540810013002077	39
5483	Block: 540810013002078	5
5484	Block: 540810013002079	0
5485	Block: 540810013002080	3
5486	Block: 540810013002082	14
5487	Block: 540810013002083	12
5488	Block: 540810013002084	12
5489	Block: 540810013002086	0
5490	Block: 540810013002087	0
5491	Block: 540810013002088	0
5492	Block: 540810013002089	31
5493	Block: 540810013002090	0
5494	Block: 540810013002091	0
5495	Block: 540810013002092	0
5496	Block: 540810013002093	0
5497	Block: 540810013002094	0
5498	Block: 540810013002095	0
5499	Block: 540810013002098	0
5500	Block: 540810013002099	0
5501	Block: 540810013002100	0
5502	Block: 540810013002101	0
5503	Block: 540810013002102	4
5504	Block: 540810013002103	58
5505	Block: 540810013002104	0
5506	Block: 540810013002105	0
5507	Block: 540810013002106	0
5508	VTD 44 Subtotal	1,533
5509	VTD: 45 (5408145)	2,065
5510	VTD: 46	1,040
5511	VTD: 47	1,029
5512	VTD: 5	

2230	REDISTRICTING	[Ch. 3
5513	Block: 540810005001004	0
5514	Block: 540810005001005	0
5515	Block: 540810005001006	40
5516	Block: 540810005001007	0
5517	Block: 540810005001025	0
5518	VTD 5 Subtotal	40
5519	VTD: 53	
5520	Block: 540810005001000	0
5521	Block: 540810005001001	5
5522	Block: 540810005001002	45
5523	Block: 540810005001003	0
5524	Block: 540810005001008	25
5525	Block: 540810005002000	114
5526	Block: 540810005002001	0
5527	Block: 540810005002002	5
5528	Block: 540810005002003	202
5529	Block: 540810005002004	17
5530	Block: 540810005002005	9
5531	Block: 540810005002013	0
5532	Block: 540810005002014	0
5533	Block: 540810005002015	0
5534	Block: 540810005002025	7
5535	Block: 540810014002050	281
5536	Block: 540810014002051	97
5537	Block: 540810014002052	48
5538	Block: 540810014002053	20
5539	Block: 540810014002056	13
5540	Block: 540810014004010	0
5541	Block: 540810014004023	12
5542	Block: 540810014004024	77
5543	Block: 540810014004025	124

Ch. 3]	REDISTRICTING	2231
5544	Block: 540810014004026	0
5545	Block: 540810014004027	129
5546	Block: 540810014004029	0
5547	Block: 540810014004031	0
5548	Block: 540810014004032	2
5549	VTD 53 Subtotal	1,232
5550	VTD: 56	2,037
5551	VTD: 60	1,962
5552	VTD: 61	428
5553	VTD: 62	679
5554	VTD: 63	350
5555	VTD: 64	869
5556	VTD: 65	496
5557	VTD: 66	142
5558	Raleigh WV County Subtotal	15,435
5559	Wyoming WV County	
5560	VTD: 27	905
5561	VTD: 28	1,534
5562	VTD: 31	824
5563	VTD: 45	753
5564	Wyoming WV County Subtotal	4,016
5565	District 31 Subtotal	19,451
5566	District 32	
5567	Clay WV County	
5568	VTD: 29	742
5569	VTD: 30	663
5570	Clay WV County Subtotal	1,405
5571	Fayette WV County	46,039
5572	Kanawha WV County	
5573	VTD: 103	
5574	Block: 540390118003038	0

2232	REDISTRICTING	[Ch. 3
5575	Block: 540390118003089	0
5576	Block: 540390118003093	0
5577	Block: 540390118003094	0
5578	Block: 540390118003095	0
5579	Block: 540390118003096	3
5580	Block: 540390118003097	0
5581	Block: 540390118003098	0
5582	Block: 540390118003102	0
5583	Block: 540390118003103	0
5584	Block: 540390118003104	0
5585	Block: 540390118003105	2
5586	Block: 540390118003106	0
5587	Block: 540390118003111	0
5588	VTD 103 Subtotal	5
5589	VTD: 131	
5590	Block: 540390121003059	27
5591	Block: 540390121003070	23
5592	Block: 540390121003071	28
5593	Block: 540390121003072	8
5594	Block: 540390121003078	0
5595	Block: 540390121003079	157
5596	Block: 540390121003080	19
5597	Block: 540390121003081	41
5598	Block: 540390121003082	12
5599	Block: 540390121003083	0
5600	Block: 540390121003084	42
5601	Block: 540390121003085	17
5602	Block: 540390121003086	12
5603	Block: 540390121003087	9
5604	Block: 540390121003088	2
5605	Block: 540390121003089	2



Ch. 3]	REDISTRICTING	2233
5606	Block: 540390121003090	0
5607	Block: 540390121003091	0
5608	Block: 540390121003092	26
5609	Block: 540390121003093	0
5610	Block: 540390121003094	0
5611	Block: 540390121003095	22
5612	Block: 540390121003096	0
5613	Block: 540390121003097	9
5614	Block: 540390121003098	0
5615	Block: 540390121003099	0
5616	Block: 540390121003100	0
5617	Block: 540390121003101	12
5618	Block: 540390121003102	2
5619	Block: 540390121003103	0
5620	Block: 540390121003104	28
5621	Block: 540390121003105	12
5622	Block: 540390121003106	8
5623	Block: 540390121003107	21
5624	Block: 540390121003108	13
5625	Block: 540390121003109	17
5626	Block: 540390121003110	36
5627	Block: 540390121003111	52
5628	Block: 540390121003112	0
5629	Block: 540390121003114	1
5630	Block: 540390121003115	0
5631	Block: 540390121003116	8
5632	VTD 131 Subtotal	666
5633	Kanawha WV County Subtotal	671
5634	Nicholas WV County	
5635	VTD: 23	655
5636	VTD: 25	618

2234	REDISTRICTING	[Ch. 3
5637	VTD: 27	504
5638	Nicholas WV County Subtotal	1,777
5639	Raleigh WV County	
5640	VTD: 20	
5641	Block: 540810015003004	0
5642	Block: 540810015003028	0
5643	Block: 540810015003029	0
5644	Block: 540810015003031	2
5645	Block: 540810015003064	0
5646	Block: 540810015003066	0
5647	Block: 540810015003067	0
5648	Block: 540810015003068	0
5649	Block: 540810015003077	0
5650	VTD 20 Subtotal	2
5651	VTD: 52	1,759
5652	VTD: 53	
5653	Block: 540810014001046	6
5654	Block: 540810014001047	0
5655	Block: 540810014001049	58
5656	Block: 540810014002047	148
5657	Block: 540810014002048	2
5658	Block: 540810014002049	19
5659	Block: 540810014002054	33
5660	Block: 540810014004005	0
5661	Block: 540810014004006	0
5662	Block: 540810014004007	174
5663	Block: 540810014004008	0
5664	Block: 540810014004009	56
5665	Block: 540810014004011	5
5666	Block: 540810014004012	7
5667	Block: 540810014004013	0

5668	Block: 540810014004014	1
5669	Block: 540810014004015	0
5670	Block: 540810014004016	0
5671	Block: 540810014004017	0
5672	Block: 540810014004018	0
5673	Block: 540810014004019	0
5674	Block: 540810014004020	0
5675	Block: 540810014004021	63
5676	Block: 540810014004022	144
5677	Block: 540810014004030	0
5678	Block: 540810014004033	0
5679	VTD 53 Subtotal	716
5680	VTD: 54	1,438
5681	VTD: 55	677
5682	VTD: 57	1,736
5683	VTD: 5A	
5684	Block: 540810015003032	0
5685	Block: 540810015003033	116
5686	Block: 540810015003061	128
5687	Block: 540810015003062	0
5688	VTD 5A Subtotal	244
5689	VTD: 70	
5690	Block: 540810015002000	0
5691	Block: 540810015002001	536
5692	Block: 540810015002002	108
5693	Block: 540810015002003	0
5694	Block: 540810015002004	0
5695	Block: 540810015002006	16
5696	Block: 540810015002007	51
5697	Block: 540810015002013	0
5698	Block: 540810015002014	0

2236	REDISTRICTING	[Ch. 3
5699	Block: 540810015002015	0
5700	Block: 540810015003002	2
5701	Block: 540810015003006	12
5702	Block: 540810015003007	73
5703	Block: 540810015003009	123
5704	Block: 540810015003010	67
5705	Block: 540810015003011	2
5706	Block: 540810015003024	49
5707	Block: 540810015003025	2
5708	Block: 540810015003026	32
5709	Block: 540810015003027	20
5710	Block: 540810015003080	29
5711	VTD 70 Subtotal	1,122
5712	Raleigh WV County Subtotal	7,694
5713	District 32 Subtotal	57,586
5714	District 33	
5715	Calhoun WV County	7,627
5716	Clay WV County	
5717	VTD: 1 (540151)	375
5718	VTD: 12 (5401512)	491
5719	VTD: 15	448
5720	VTD: 16	842
5721	VTD: 17	1,147
5722	VTD: 24 (5401524)	731
5723	VTD: 25	945
5724	VTD: 33	965
5725	VTD: 36	952
5726	VTD: 37	611
5727	VTD: 4	474
5728	Clay WV County Subtotal	7,981
5729	Gilmer WV County	

Ch. 3]	REDISTRICTING	2237
5730	VTD: 1	771
5731	VTD: 12	526
5732	VTD: 13	342
5733	VTD: 17	
5734	Block: 540219677004029	17
5735	Block: 540219677004030	14
5736	Block: 540219677004031	59
5737	Block: 540219677004033	0
5738	VTD 17 Subtotal	90
5739	VTD: 24	776
5740	VTD: 27	504
5741	VTD: 31	338
5742	VTD: 6	423
5743	Gilmer WV County Subtotal	3,770
5744	District 33 Subtotal	19,378
5745	District 34	
5746	Braxton WV County	14,523
5747	Gilmer WV County	
5748	VTD: 16	606
5749	VTD: 17	
5750	Block: 540219677004023	3
5751	Block: 540219677004024	59
5752	Block: 540219677004025	0
5753	Block: 540219677004026	0
5754	Block: 540219677004027	4
5755	Block: 540219677004028	0
5756	Block: 540219677004034	0
5757	Block: 540219677004035	28
5758	Block: 540219677004036	0
5759	Block: 540219677004037	0
5760	Block: 540219677004038	4

2238	REDISTRICTING	[Ch. 3
5761	Block: 540219677004039	0
5762	Block: 540219677004040	0
5763	Block: 540219677004041	59
5764	Block: 540219677004042	0
5765	Block: 540219677004043	0
5766	Block: 540219677004044	0
5767	Block: 540219677004045	0
5768	Block: 540219677004046	2
5769	Block: 540219677004047	1
5770	Block: 540219677004048	0
5771	Block: 540219677004055	5
5772	Block: 540219677004056	0
5773	Block: 540219677004057	0
5774	Block: 540219677004058	0
5775	Block: 540219677004059	0
5776	Block: 540219677004060	10
5777	Block: 540219677004061	0
5778	Block: 540219677004062	20
5779	Block: 540219677004063	2
5780	Block: 540219677004064	0
5781	Block: 540219677004065	3
5782	Block: 540219677004066	0
5783	Block: 540219677004067	0
5784	Block: 540219677004068	2
5785	Block: 540219677004069	7
5786	Block: 540219677004070	0
5787	Block: 540219677004071	0
5788	Block: 540219677004072	0
5789	Block: 540219677004073	0
5790	Block: 540219677004074	3
5791	Block: 540219677004075	12

5792	Block: 540219677004076	35
5793	Block: 540219677004077	0
5794	Block: 540219677004078	0
5795	Block: 540219677004079	2
5796	Block: 540219677004080	9
5797	Block: 540219677004081	15
5798	Block: 540219677004082	19
5799	Block: 540219677004083	0
5800	Block: 540219677004084	4
5801	Block: 540219677004085	7
5802	Block: 540219677004086	0
5803	Block: 540219677004087	0
5804	Block: 540219677004088	0
5805	Block: 540219677004089	0
5806	Block: 540219677004090	2
5807	Block: 540219677004091	0
5808	Block: 540219677004093	0
5809	Block: 540219677004094	0
5810	Block: 540219677004095	0
5811	Block: 540219677004096	0
5812	Block: 540219677004097	0
5813	Block: 540219677004099	0
5814	Block: 540219677004101	0
5815	Block: 540219677004102	0
5816	Block: 540219677004103	20
5817	Block: 540219677004104	0
5818	Block: 540219677004105	0
5819	Block: 540219677004106	11
5820	Block: 540219677004107	0
5821	Block: 540219677004108	0
5822	Block: 540219677004109	0

2240	REDISTRICTING	[Ch. 3
5823	Block: 540219677004110	15
5824	Block: 540219677004111	0
5825	Block: 540219677004112	36
5826	Block: 540219677004113	8
5827	Block: 540219677004114	0
5828	Block: 540219677004115	7
5829	Block: 540219677004116	4
5830	Block: 540219677004117	0
5831	Block: 540219677004118	3
5832	Block: 540219677004119	11
5833	Block: 540219677004120	1
5834	Block: 540219677004121	0
5835	Block: 540219677005000	1
5836	Block: 540219677005001	0
5837	Block: 540219677005002	0
5838	Block: 540219677005003	0
5839	Block: 540219677005004	2
5840	Block: 540219677005005	0
5841	Block: 540219677005017	33
5842	Block: 540219677005018	4
5843	Block: 540219677005019	17
5844	Block: 540219677005020	4
5845	Block: 540219677005021	0
5846	Block: 540219677005022	0
5847	Block: 540219677005023	0
5848	Block: 540219677005024	0
5849	Block: 540219677005025	26
5850	Block: 540219677005026	6
5851	Block: 540219677005027	0
5852	Block: 540219677005028	0
5853	Block: 540219677005029	0



Ch. 3]	REDISTRICTING	2241
5854	Block: 540219677005030	3
5855	Block: 540219677005031	3
5856	Block: 540219677005032	11
5857	Block: 540219677005033	43
5858	Block: 540219677005034	0
5859	Block: 540219677005035	0
5860	Block: 540219677005063	3
5861	VTD 17 Subtotal	589
5862	VTD: 18	371
5863	VTD: 20	2,861
5864	VTD: 5	496
5865	Gilmer WV County Subtotal	4,923
5866	District 34 Subtotal	19,446
5867	District 35	
5868	Kanawha WV County	
5869	VTD: 160	1,408
5870	VTD: 208	878
5871	VTD: 209	
5872	Block: 540390019013006	23
5873	Block: 540390019013007	17
5874	Block: 540390019021016	72
5875	Block: 540390019021018	0
5876	Block: 540390019021020	0
5877	Block: 540390019021021	2
5878	Block: 540390019021022	0
5879	Block: 540390019021026	0
5880	VTD 209 Subtotal	114
5881	VTD: 213	727
5882	VTD: 217	718
5883	VTD: 223	1,664
5884	VTD: 224	430

2242	REDISTRICTING	[Ch. 3
5885	VTD: 226	544
5886	VTD: 227	927
5887	VTD: 228	548
5888	VTD: 233	1,546
5889	VTD: 234	997
5890	VTD: 238	1,216
5891	VTD: 239	1,012
5892	VTD: 240	1,387
5893	VTD: 241	1,246
5894	VTD: 244	868
5895	VTD: 246	782
5896	VTD: 247	768
5897	VTD: 250	97
5898	VTD: 253	1,299
5899	VTD: 254	1,220
5900	VTD: 258	1,338
5901	VTD: 260	1,280
5902	VTD: 275	
5903	Block: 540390019012012	4
5904	VTD 275 Subtotal	4
5905	VTD: 276	479
5906	VTD: 277	
5907	Block: 540390019011000	357
5908	Block: 540390019011002	68
5909	Block: 540390019011004	43
5910	Block: 540390019011006	0
5911	Block: 540390019011008	122
5912	Block: 540390019011010	12
5913	Block: 540390019011011	0
5914	Block: 540390019011015	0
5915	Block: 540390019012008	31

5916	Block: 540390019012009	2
5917	Block: 540390019012010	30
5918	Block: 540390019012011	0
5919	Block: 540390019012013	0
5920	Block: 540390019013015	131
5921	Block: 540390019013016	3
5922	Block: 540390019013017	56
5923	Block: 540390019013018	0
5924	Block: 540390019013019	0
5925	Block: 540390019013020	0
5926	Block: 540390019013024	6
5927	Block: 540390128004076	4
5928	Block: 540390128004077	11
5929	Block: 540390128004080	13
5930	Block: 540390128004100	0
5931	Block: 540390128004101	0
5932	Block: 540390128004102	0
5933	Block: 540390128004103	0
5934	Block: 540390128004104	0
5935	Block: 540390128004105	0
5936	Block: 540390128004106	3
5937	Block: 540390128004107	3
5938	Block: 540390128004108	1
5939	Block: 540390128004109	0
5940	Block: 540390128004110	9
5941	Block: 540390128004111	18
5942	Block: 540390128004112	4
5943	Block: 540390128004113	0
5944	Block: 540390128004114	3
5945	Block: 540390128004115	0
5946	Block: 540390128004116	0

2244	REDISTRICTING	[Ch. 3
5947	Block: 540390128004117	0
5948	Block: 540390128004118	0
5949	Block: 540390128004119	10
5950	Block: 540390128004120	0
5951	Block: 540390128004121	7
5952	Block: 540390128004122	0
5953	Block: 540390128004125	0
5954	Block: 540390130003080	0
5955	Block: 540390130003081	0
5956	Block: 540390130003087	0
5957	Block: 540390130003144	0
5958	VTD 277 Subtotal	947
5959	VTD: 278	1,012
5960	VTD: 279	685
5961	VTD: 281	896
5962	VTD: 282	512
5963	VTD: 283	588
5964	VTD: 284	397
5965	VTD: 285	232
5966	VTD: 286	2,475
5967	VTD: 287	546
5968	VTD: 288	846
5969	VTD: 289	1,166
5970	VTD: 290	1,009
5971	VTD: 291	552
5972	VTD: 292	688
5973	VTD: 293	1,099
5974	VTD: 294	892
5975	VTD: 295	697
5976	VTD: 296	1,732
5977	VTD: 302	2,059

Ch. 3]	REDISTRICTING	2245
5978	VTD: 304	993
5979	VTD: 305	1,969
5980	VTD: 307	2,386
5981	VTD: 308	786
5982	VTD: 309	1,115
5983	VTD: 310	1,587
5984	VTD: 311	631
5985	VTD: 317	1,285
5986	VTD: 321	1,222
5987	VTD: 326	1,362
5988	VTD: 329	569
5989	VTD: 332	625
5990	VTD: 333	1,273
5991	VTD: 337	1,232
5992	VTD: 340	1,055
5993	VTD: 347	1,270
5994	VTD: 351	952
5995	VTD: 352	722
5996	VTD: 353	940
5997	VTD: 354	826
5998	VTD: 355	1,044
5999	VTD: 357	1,886
6000	VTD: 366	1,138
6001	VTD: 375	204
6002	VTD: 376	469
6003	VTD: 378	562
6004	Kanawha WV County Subtotal	70,630
6005	District 35 Subtotal	70,630
6006	District 36	
6007	Kanawha WV County	
6008	VTD: 103	

2246	REDISTRICTING	[Ch. 3
6009	Block: 540390118001113	0
6010	Block: 540390118001117	0
6011	Block: 540390118001122	3
6012	Block: 540390118001123	0
6013	Block: 540390118001127	0
6014	Block: 540390118001129	0
6015	Block: 540390118001130	0
6016	Block: 540390118001134	0
6017	Block: 540390118001135	0
6018	Block: 540390118001136	10
6019	Block: 540390118001137	41
6020	Block: 540390118001138	0
6021	Block: 540390118001140	0
6022	Block: 540390118001141	0
6023	Block: 540390118001143	0
6024	Block: 540390118001146	0
6025	Block: 540390118001147	0
6026	Block: 540390118001148	0
6027	Block: 540390118001149	0
6028	Block: 540390118001150	6
6029	Block: 540390118001152	0
6030	Block: 540390118001153	0
6031	Block: 540390118001154	59
6032	Block: 540390118001155	8
6033	Block: 540390118001156	9
6034	Block: 540390118001157	35
6035	Block: 540390118001158	4
6036	Block: 540390118001159	4
6037	Block: 540390118001161	0
6038	Block: 540390118001162	4
6039	Block: 540390118001163	4

6040	Block: 540390118001164	0
6041	Block: 540390118001186	0
6042	Block: 540390118001187	172
6043	Block: 540390118001188	7
6044	Block: 540390118001189	12
6045	Block: 540390118001190	24
6046	Block: 540390118001191	6
6047	Block: 540390118001192	0
6048	Block: 540390118001204	32
6049	Block: 540390118001205	10
6050	Block: 540390118001206	0
6051	Block: 540390118001207	0
6052	Block: 540390118001212	1
6053	Block: 540390118001213	0
6054	Block: 540390118001217	0
6055	Block: 540390118001218	0
6056	Block: 540390118001219	1
6057	Block: 540390118002123	0
6058	Block: 540390118002128	0
6059	Block: 540390118002146	0
6060	Block: 540390118002147	0
6061	Block: 540390118003002	0
6062	Block: 540390118003004	0
6063	Block: 540390118003005	0
6064	Block: 540390118003006	0
6065	Block: 540390118003007	4
6066	Block: 540390118003008	0
6067	Block: 540390118003009	0
6068	Block: 540390118003010	0
6069	Block: 540390118003011	0
6070	Block: 540390118003012	0

2248	REDISTRICTING	[Ch. 3
6071	Block: 540390118003013	0
6072	Block: 540390118003014	0
6073	Block: 540390118003015	0
6074	Block: 540390118003016	0
6075	Block: 540390118003017	0
6076	Block: 540390118003018	0
6077	Block: 540390118003019	53
6078	Block: 540390118003020	2
6079	Block: 540390118003021	0
6080	Block: 540390118003022	0
6081	Block: 540390118003023	99
6082	Block: 540390118003024	0
6083	Block: 540390118003025	0
6084	Block: 540390118003026	0
6085	Block: 540390118003027	9
6086	Block: 540390118003028	0
6087	Block: 540390118003029	0
6088	Block: 540390118003030	0
6089	Block: 540390118003031	38
6090	Block: 540390118003032	0
6091	Block: 540390118003033	0
6092	Block: 540390118003034	7
6093	Block: 540390118003035	0
6094	Block: 540390118003036	0
6095	Block: 540390118003037	0
6096	Block: 540390118003039	0
6097	Block: 540390118003040	0
6098	Block: 540390118003041	0
6099	Block: 540390118003042	0
6100	Block: 540390118003043	12
6101	Block: 540390118003044	1



6102	Block: 540390118003045	0
6103	Block: 540390118003046	0
6104	Block: 540390118003047	24
6105	Block: 540390118003048	0
6106	Block: 540390118003049	37
6107	Block: 540390118003050	0
6108	Block: 540390118003051	0
6109	Block: 540390118003052	0
6110	Block: 540390118003053	0
6111	Block: 540390118003054	0
6112	Block: 540390118003055	16
6113	Block: 540390118003056	26
6114	Block: 540390118003057	0
6115	Block: 540390118003058	0
6116	Block: 540390118003059	0
6117	Block: 540390118003060	0
6118	Block: 540390118003061	4
6119	Block: 540390118003062	0
6120	Block: 540390118003063	0
6121	Block: 540390118003064	28
6122	Block: 540390118003065	0
6123	Block: 540390118003068	0
6124	Block: 540390118003069	5
6125	Block: 540390118003070	70
6126	Block: 540390118003071	0
6127	Block: 540390118003072	0
6128	Block: 540390118003073	0
6129	Block: 540390118003074	0
6130	Block: 540390118003075	0
6131	Block: 540390118003076	0
6132	Block: 540390118003077	0

2250	REDISTRICTING	[Ch. 3
6133	Block: 540390118003078	0
6134	Block: 540390118003079	0
6135	Block: 540390118003080	0
6136	Block: 540390118003081	0
6137	Block: 540390118003082	2
6138	Block: 540390118003083	0
6139	Block: 540390118003084	0
6140	Block: 540390118003085	1
6141	Block: 540390118003086	0
6142	Block: 540390118003087	0
6143	Block: 540390118003088	0
6144	Block: 540390118003090	0
6145	Block: 540390118003091	0
6146	Block: 540390118003092	0
6147	Block: 540390118003099	0
6148	Block: 540390118003100	0
6149	Block: 540390118003101	0
6150	Block: 540390118003107	14
6151	Block: 540390118003108	21
6152	Block: 540390118003109	0
6153	Block: 540390118003110	0
6154	Block: 540390118003112	4
6155	Block: 540390118003113	0
6156	Block: 540390118003114	0
6157	Block: 540390118005000	12
6158	Block: 540390118005001	7
6159	Block: 540390118005002	28
6160	Block: 540390118005003	0
6161	Block: 540390118005004	2
6162	Block: 540390118005005	0
6163	Block: 540390118005006	0

6164	Block: 540390118005007	0
6165	Block: 540390118005008	15
6166	Block: 540390118005009	0
6167	Block: 540390118005010	0
6168	Block: 540390118005011	0
6169	Block: 540390118005012	2
6170	Block: 540390118005013	0
6171	Block: 540390118005014	7
6172	Block: 540390118005015	15
6173	Block: 540390118005016	0
6174	Block: 540390118005017	5
6175	Block: 540390118005018	0
6176	Block: 540390118005019	0
6177	Block: 540390118005020	0
6178	Block: 540390118005021	0
6179	Block: 540390118005022	0
6180	Block: 540390118005035	0
6181	Block: 540390118005060	0
6182	Block: 540390118006004	0
6183	Block: 540390118006006	0
6184	Block: 540390118006038	0
6185	Block: 540390121003016	0
6186	Block: 540390121003019	0
6187	Block: 540390121003020	0
6188	Block: 540390121003022	0
6189	Block: 540390121003068	0
6190	Block: 540390121003069	0
6191	Block: 540390121003073	0
6192	Block: 540390121003074	0
6193	Block: 540390121003075	0
6194	Block: 540390121003076	0

2252	REDISTRICTING	[Ch. 3
6195	Block: 540390121003077	0
6196	VTD 103 Subtotal	1,022
6197	VTD: 105	905
6198	VTD: 106	997
6199	VTD: 108	769
6200	VTD: 110	1,839
6201	VTD: 111	609
6202	VTD: 112	597
6203	VTD: 113	663
6204	VTD: 114	798
6205	VTD: 115	1,223
6206	VTD: 116	578
6207	VTD: 117	831
6208	VTD: 118	
6209	Block: 540390113011013	0
6210	Block: 540390113011023	0
6211	Block: 540390113011042	3
6212	Block: 540390113011043	0
6213	Block: 540390113011044	0
6214	Block: 540390113011050	24
6215	Block: 540390113011051	0
6216	Block: 540390113011052	0
6217	Block: 540390113011053	49
6218	Block: 540390113011054	7
6219	Block: 540390113011058	36
6220	Block: 540390113011064	3
6221	Block: 540390113011065	4
6222	Block: 540390113011066	6
6223	Block: 540390113011067	0
6224	Block: 540390113011068	0
6225	Block: 540390113011069	0

6226	Block: 540390113011070	0
6227	Block: 540390113011071	55
6228	Block: 540390113011072	2
6229	Block: 540390113011073	7
6230	Block: 540390113011074	0
6231	Block: 540390113011075	49
6232	Block: 540390113011076	4
6233	Block: 540390113011077	2
6234	Block: 540390113011078	16
6235	Block: 540390113011079	0
6236	Block: 540390113011080	0
6237	Block: 540390113011081	0
6238	Block: 540390113011082	0
6239	Block: 540390113011083	0
6240	Block: 540390113011084	0
6241	Block: 540390113011085	0
6242	Block: 540390113011086	2
6243	Block: 540390113011087	0
6244	Block: 540390113011088	2
6245	Block: 540390113011099	6
6246	Block: 540390113011104	0
6247	Block: 540390113011112	21
6248	Block: 540390113011113	202
6249	Block: 540390113011114	1
6250	Block: 540390113011116	0
6251	Block: 540390113011117	0
6252	Block: 540390113011119	0
6253	Block: 540390113011120	65
6254	Block: 540390113011121	0
6255	Block: 540390113011122	0
6256	Block: 540390114012004	1

2254	REDISTRICTING	[Ch. 3
6257	Block: 540390114012005	10
6258	Block: 540390114022062	12
6259	Block: 540390114022063	16
6260	Block: 540390114022066	41
6261	Block: 540390114022067	0
6262	Block: 540390114022070	0
6263	Block: 540390114022072	0
6264	Block: 540390118002011	0
6265	Block: 540390118002012	0
6266	Block: 540390118002013	0
6267	Block: 540390118002014	0
6268	Block: 540390118002015	0
6269	Block: 540390118002016	0
6270	Block: 540390118002017	105
6271	Block: 540390118002018	2
6272	Block: 540390118002019	0
6273	Block: 540390118002020	0
6274	Block: 540390118002021	0
6275	Block: 540390118002022	50
6276	Block: 540390118002023	0
6277	Block: 540390118002024	0
6278	Block: 540390118002025	44
6279	Block: 540390118002026	0
6280	Block: 540390118002027	17
6281	Block: 540390118002028	0
6282	Block: 540390118002029	63
6283	Block: 540390118002030	0
6284	Block: 540390118002031	5
6285	Block: 540390118002032	0
6286	Block: 540390118002033	3
6287	Block: 540390118002034	0

Ch. 3]

REDISTRICTING

2255

6288	Block: 540390118002035	0
6289	Block: 540390118002036	11
6290	Block: 540390118002037	0
6291	Block: 540390118002038	38
6292	Block: 540390118002039	3
6293	Block: 540390118002040	0
6294	Block: 540390118002041	0
6295	Block: 540390118002044	0
6296	Block: 540390118002045	0
6297	Block: 540390118002046	0
6298	Block: 540390118002047	0
6299	Block: 540390118002048	0
6300	Block: 540390118002049	0
6301	Block: 540390118002050	0
6302	Block: 540390118002051	0
6303	Block: 540390118002052	0
6304	Block: 540390118002097	0
6305	Block: 540390118002098	0
6306	Block: 540390118002120	0
6307	Block: 540390118002121	0
6308	Block: 540390118002152	0
6309	Block: 540390118002153	0
6310	VTD 118 Subtotal	987
6311	VTD: 119	1,254
6312	VTD: 120	1,487
6313	VTD: 123	834
6314	VTD: 131	
6315	Block: 540390121003058	57
6316	Block: 540390121003060	0
6317	Block: 540390121003061	0
6318	Block: 540390121003062	7

2256	REDISTRICTING	[Ch. 3
6319	Block: 540390121003063	0
6320	Block: 540390121003064	0
6321	Block: 540390121003113	6
6322	Block: 540390121003117	3
6323	Block: 540390121003118	4
6324	Block: 540390121003119	0
6325	Block: 540390121003127	0
6326	Block: 540390121003128	0
6327	VTD 131 Subtotal	77
6328	VTD: 133	409
6329	VTD: 134	602
6330	VTD: 136	1,217
6331	VTD: 138	959
6332	VTD: 140	498
6333	VTD: 142	490
6334	VTD: 145	1,091
6335	VTD: 147	1,389
6336	VTD: 148	704
6337	VTD: 149	613
6338	VTD: 150	510
6339	VTD: 151	431
6340	VTD: 152	312
6341	VTD: 153	622
6342	VTD: 154	569
6343	VTD: 158	903
6344	VTD: 161	1,219
6345	VTD: 163	1,149
6346	VTD: 164	1,268
6347	VTD: 165	1,100
6348	VTD: 166	704
6349	VTD: 175	760



Ch. 3]	REDISTRICTING	2257
6350	VTD: 177	878
6351	VTD: 202	2,564
6352	VTD: 205	2,033
6353	VTD: 209	
6354	Block: 540390018002021	0
6355	Block: 540390018002024	0
6356	Block: 540390018002026	64
6357	Block: 540390018002028	8
6358	Block: 540390018002031	0
6359	Block: 540390018002033	0
6360	Block: 540390018002034	0
6361	Block: 540390018002038	3
6362	Block: 540390018002039	2
6363	Block: 540390018002040	2
6364	Block: 540390018002046	0
6365	Block: 540390018002052	0
6366	Block: 540390018003021	0
6367	Block: 540390018003026	2
6368	Block: 540390018003027	0
6369	Block: 540390018003028	0
6370	Block: 540390018003029	0
6371	Block: 540390018003031	0
6372	Block: 540390018003032	17
6373	Block: 540390018003034	0
6374	Block: 540390018003036	0
6375	Block: 540390018003039	0
6376	Block: 540390018003040	0
6377	Block: 540390018003041	67
6378	Block: 540390018003047	0
6379	Block: 540390019021017	6
6380	Block: 540390019021019	5

2258	REDISTRICTING	[Ch. 3
6381	Block: 540390019021031	7
6382	Block: 540390019021032	0
6383	Block: 540390019021033	138
6384	Block: 540390019021034	2
6385	Block: 540390019021035	0
6386	Block: 540390019021036	0
6387	Block: 540390019021037	2
6388	Block: 540390019021038	176
6389	Block: 540390019021039	3
6390	Block: 540390019021040	7
6391	Block: 540390019022039	27
6392	Block: 540390019022041	6
6393	Block: 540390123002076	0
6394	Block: 540390123002077	0
6395	Block: 540390123002078	0
6396	Block: 540390123002079	0
6397	Block: 540390123002080	0
6398	Block: 540390123002081	0
6399	Block: 540390123002082	0
6400	Block: 540390123002083	0
6401	Block: 540390123002084	0
6402	Block: 540390123002085	0
6403	Block: 540390123002086	0
6404	Block: 540390123002087	0
6405	Block: 540390123002088	0
6406	Block: 540390123002089	0
6407	Block: 540390123002090	0
6408	Block: 540390123003000	32
6409	Block: 540390123003004	0
6410	Block: 540390123003005	0
6411	Block: 540390123003006	0

6412	Block: 540390123003011	5
6413	Block: 540390123003012	148
6414	Block: 540390123003013	0
6415	Block: 540390123003016	2
6416	Block: 540390123003018	30
6417	Block: 540390123003019	0
6418	Block: 540390123003021	7
6419	Block: 540390123003022	0
6420	Block: 540390123003023	3
6421	Block: 540390123003026	0
6422	Block: 540390123003027	215
6423	Block: 540390123003028	2
6424	Block: 540390123003029	0
6425	Block: 540390123003030	10
6426	Block: 540390123003031	0
6427	Block: 540390123003032	0
6428	Block: 540390123003033	18
6429	Block: 540390123003122	0
6430	Block: 540390123003123	0
6431	Block: 540390123003124	0
6432	Block: 540390123003139	0
6433	Block: 540390123003140	1
6434	Block: 540390123003147	0
6435	Block: 540390123003152	0
6436	Block: 540390123004088	0
6437	Block: 540390123004098	0
6438	Block: 540390123004099	0
6439	Block: 540390123004100	0
6440	Block: 540390123004101	0
6441	Block: 540390123004102	0
6442	Block: 540390123004103	0

2260	REDISTRICTING	[Ch. 3
6443	Block: 540390123004114	0
6444	VTD 209 Subtotal	1,017
6445	VTD: 275	
6446	Block: 540390019011001	40
6447	Block: 540390019011003	0
6448	Block: 540390019011005	3
6449	Block: 540390019011007	0
6450	Block: 540390019011009	13
6451	Block: 540390019011012	25
6452	Block: 540390019011016	20
6453	Block: 540390019011017	70
6454	Block: 540390019011019	6
6455	Block: 540390019011020	8
6456	Block: 540390019011021	58
6457	Block: 540390019011022	0
6458	Block: 540390019011023	28
6459	Block: 540390019013012	2
6460	Block: 540390019013021	41
6461	Block: 540390019013022	79
6462	Block: 540390019013025	0
6463	Block: 540390019013026	30
6464	Block: 540390019013029	16
6465	Block: 540390019013030	6
6466	Block: 540390019013031	51
6467	VTD 275 Subtotal	496
6468	VTD: 277	
6469	Block: 540390019011013	174
6470	Block: 540390019011014	0
6471	Block: 540390019011018	81
6472	Block: 540390123003046	2
6473	Block: 540390123003055	0

6474	Block: 540390123003056	472
6475	Block: 540390123003058	0
6476	Block: 540390123003059	4
6477	Block: 540390123003061	0
6478	Block: 540390123003062	0
6479	Block: 540390123003066	0
6480	Block: 540390123003067	0
6481	Block: 540390123003068	0
6482	Block: 540390123003070	0
6483	Block: 540390123003071	84
6484	Block: 540390123003074	0
6485	Block: 540390123003076	0
6486	Block: 540390123003077	0
6487	Block: 540390123003078	0
6488	Block: 540390123003081	0
6489	Block: 540390123003082	0
6490	Block: 540390123003086	0
6491	Block: 540390123003089	0
6492	Block: 540390123003105	0
6493	Block: 540390123004005	5
6494	Block: 540390130003062	0
6495	Block: 540390130003063	0
6496	Block: 540390130003064	0
6497	Block: 540390130003065	0
6498	Block: 540390130003066	0
6499	Block: 540390130003068	0
6500	Block: 540390130003069	0
6501	Block: 540390130003073	0
6502	Block: 540390130003079	0
6503	Block: 540390130003082	3
6504	Block: 540390130003083	2

2262	REDISTRICTING	[Ch. 3
6505	Block: 540390130003084	0
6506	Block: 540390130003085	0
6507	Block: 540390130003091	7
6508	Block: 540390130003092	0
6509	Block: 540390130003102	0
6510	Block: 540390130003103	0
6511	Block: 540390130003104	0
6512	Block: 540390130003105	0
6513	Block: 540390130003106	0
6514	Block: 540390130003107	1
6515	VTD 277 Subtotal	835
6516	VTD: 280	1,722
6517	VTD: 379	1,534
6518	VTD: 401	899
6519	VTD: 403	1,154
6520	VTD: 408	1,441
6521	VTD: 410	530
6522	VTD: 414	785
6523	VTD: 415	1,429
6524	VTD: 416	938
6525	VTD: 417	821
6526	VTD: 435	841
6527	Kanawha WV County Subtotal	52,906
6528	District 36 Subtotal	52,906
6529	District 37	
6530	Kanawha WV County	
6531	VTD: 167	791
6532	VTD: 168	893
6533	VTD: 169	1,467
6534	VTD: 170	715
6535	VTD: 172	688

Ch. 3]	REDISTRICTING	2263
6536	VTD: 174	1,315
6537	VTD: 178	1,364
6538	VTD: 179	1,096
6539	VTD: 297	1,370
6540	VTD: 298	1,165
6541	VTD: 402	671
6542	VTD: 404	1,114
6543	VTD: 406	1,209
6544	VTD: 407	1,013
6545	VTD: 411	1,324
6546	VTD: 412	1,144
6547	VTD: 413	578
6548	Kanawha WV County Subtotal	17,917
6549	District 37 Subtotal	17,917
6550	District 38	
6551	Kanawha WV County	
6552	VTD: 349	405
6553	VTD: 350	1,000
6554	VTD: 358	
6555	Block: 540390107022000	35
6556	Block: 540390107022001	0
6557	Block: 540390107022002	0
6558	Block: 540390107022003	0
6559	Block: 540390107022007	3
6560	Block: 540390107022008	17
6561	Block: 540390107022032	7
6562	Block: 540390107022033	11
6563	Block: 540390107023037	0
6564	Block: 540390108012098	0
6565	Block: 540390108012099	12
6566	Block: 540390108012100	0

2264	REDISTRICTING	[Ch. 3
6567	Block: 540390108012102	0
6568	Block: 540390108012103	0
6569	Block: 540390108012104	0
6570	Block: 540390108012105	5
6571	Block: 540390108012106	0
6572	Block: 540390108015047	245
6573	Block: 540390108015048	0
6574	Block: 540390108015052	0
6575	Block: 540390108015054	7
6576	Block: 540390108015056	0
6577	Block: 540390108015057	0
6578	Block: 540390108015058	0
6579	Block: 540390108015059	0
6580	Block: 540390108015060	5
6581	Block: 540390108015061	5
6582	VTD 358 Subtotal	352
6583	VTD: 359	1,005
6584	VTD: 360	1,508
6585	VTD: 361	2,045
6586	VTD: 362	2,187
6587	VTD: 364	641
6588	VTD: 368	1,140
6589	VTD: 371	1,770
6590	Kanawha WV County Subtotal	12,053
6591	Putnam WV County	
6592	VTD: 22	981
6593	VTD: 26	
6594	Block: 540790204001037	5
6595	VTD 26 Subtotal	5
6596	VTD: 27	2,602
6597	VTD: 28	2,372



Ch. 3]	REDISTRICTING	2265
6598	VTD: 47	1,139
6599	VTD: 48	286
6600	Putnam WV County Subtotal	7,385
6601	District 38 Subtotal	19,438
6602	District 39	
6603	Kanawha WV County	
6604	VTD: 358	
6605	Block: 540390108012015	2
6606	Block: 540390108012022	103
6607	Block: 540390108012023	0
6608	Block: 540390108012024	190
6609	Block: 540390108012025	9
6610	Block: 540390108012030	2
6611	Block: 540390108012031	0
6612	Block: 540390108012032	0
6613	Block: 540390108012033	0
6614	Block: 540390108012036	108
6615	Block: 540390108012037	4
6616	Block: 540390108012038	3
6617	Block: 540390108012039	13
6618	Block: 540390108012040	0
6619	Block: 540390108012041	0
6620	Block: 540390108012042	4
6621	Block: 540390108012043	11
6622	Block: 540390108012044	0
6623	Block: 540390108012045	1
6624	Block: 540390108012046	0
6625	Block: 540390108012047	6
6626	Block: 540390108012048	0
6627	Block: 540390108012049	0
6628	Block: 540390108012050	9

2266	REDISTRICTING	[Ch. 3
6629	Block: 540390108012051	17
6630	Block: 540390108012052	3
6631	Block: 540390108012053	63
6632	Block: 540390108012054	0
6633	Block: 540390108012056	2
6634	Block: 540390108012057	2
6635	Block: 540390108012063	1
6636	Block: 540390108012064	0
6637	Block: 540390108012068	0
6638	Block: 540390108012069	9
6639	Block: 540390108012070	0
6640	Block: 540390108012071	194
6641	Block: 540390108012072	18
6642	Block: 540390108012073	0
6643	Block: 540390108012074	7
6644	Block: 540390108012075	0
6645	Block: 540390108012076	26
6646	Block: 540390108012077	10
6647	Block: 540390108012078	2
6648	Block: 540390108012079	2
6649	Block: 540390108012080	2
6650	Block: 540390108012081	0
6651	Block: 540390108012082	0
6652	Block: 540390108012084	9
6653	Block: 540390108012085	0
6654	Block: 540390108012086	0
6655	Block: 540390108012087	17
6656	Block: 540390108012088	6
6657	Block: 540390108012089	0
6658	Block: 540390108012090	0
6659	Block: 540390108012091	0

6660	Block: 540390108012092	0
6661	Block: 540390108012093	4
6662	Block: 540390108012094	0
6663	Block: 540390108012095	23
6664	Block: 540390108012096	25
6665	Block: 540390108012097	10
6666	Block: 540390108012101	0
6667	Block: 540390108015000	26
6668	Block: 540390108015001	10
6669	Block: 540390108015002	0
6670	Block: 540390108015003	0
6671	Block: 540390108015017	89
6672	Block: 540390108015018	0
6673	Block: 540390108015019	0
6674	Block: 540390108015020	8
6675	Block: 540390108015021	0
6676	Block: 540390108015040	0
6677	Block: 540390108015046	0
6678	Block: 540390108015049	0
6679	Block: 540390108015050	0
6680	Block: 540390108015051	6
6681	Block: 540390108015053	1
6682	Block: 540390108015055	0
6683	Block: 540390108015062	4
6684	Block: 540390108015063	0
6685	Block: 540390108015064	5
6686	Block: 540390108015065	0
6687	Block: 540390108015066	0
6688	Block: 540390108015067	2
6689	Block: 540390108015068	0
6690	Block: 540390108015073	0

2268	REDISTRICTING	[Ch. 3
6691	VTD 358 Subtotal	1,068
6692	VTD: 365	1,368
6693	VTD: 370	2,208
6694	VTD: 373	267
6695	VTD: 374	1,831
6696	VTD: 423	
6697	Block: 540390111001044	3
6698	VTD 423 Subtotal	3
6699	VTD: 424	
6700	Block: 540390108022036	0
6701	Block: 540390109002000	27
6702	Block: 540390109002001	169
6703	Block: 540390109002003	5
6704	Block: 540390109002004	7
6705	Block: 540390109002005	4
6706	Block: 540390109002009	0
6707	Block: 540390109002011	0
6708	Block: 540390109002059	2
6709	VTD 424 Subtotal	214
6710	VTD: 426	858
6711	VTD: 427	1,579
6712	VTD: 428	1,891
6713	VTD: 429	2,502
6714	VTD: 431	1,256
6715	VTD: 432	1,973
6716	VTD: 433	890
6717	VTD: 434	
6718	Block: 540390108011052	75
6719	Block: 540390108011053	0
6720	Block: 540390108011054	9
6721	Block: 540390108011055	4

6722	Block: 540390108011056	0
6723	Block: 540390108011057	4
6724	Block: 540390108011058	0
6725	Block: 540390108011064	0
6726	Block: 540390108011066	46
6727	Block: 540390108011067	22
6728	Block: 540390108011068	18
6729	Block: 540390108011071	0
6730	Block: 540390108011074	4
6731	Block: 540390108011076	0
6732	Block: 540390108011093	0
6733	Block: 540390108011094	0
6734	Block: 540390108011095	8
6735	Block: 540390108011097	3
6736	Block: 540390108011098	9
6737	Block: 540390108011099	0
6738	Block: 540390108011101	20
6739	Block: 540390108011102	5
6740	Block: 540390108011103	2
6741	Block: 540390108011104	0
6742	Block: 540390108011105	6
6743	Block: 540390108011106	0
6744	Block: 540390108011108	0
6745	Block: 540390108011119	3
6746	Block: 540390108011124	3
6747	Block: 540390108021000	0
6748	Block: 540390108021001	9
6749	Block: 540390108021002	0
6750	Block: 540390108021003	0
6751	Block: 540390108021004	0
6752	Block: 540390108021005	0

2270	REDISTRICTING	[Ch. 3
6753	Block: 540390108021006	1
6754	Block: 540390108021007	11
6755	Block: 540390108021008	0
6756	Block: 540390108021009	0
6757	Block: 540390108021010	60
6758	Block: 540390108021011	0
6759	Block: 540390108021012	13
6760	Block: 540390108021013	10
6761	Block: 540390108021014	9
6762	Block: 540390108021015	0
6763	Block: 540390108021016	0
6764	Block: 540390108021017	2
6765	Block: 540390108021018	19
6766	Block: 540390108021019	75
6767	Block: 540390108021020	0
6768	Block: 540390108021021	2
6769	Block: 540390108021022	0
6770	Block: 540390108021023	0
6771	Block: 540390108021024	5
6772	Block: 540390108021025	0
6773	Block: 540390108021026	4
6774	Block: 540390108021027	0
6775	Block: 540390108021028	94
6776	Block: 540390108021029	4
6777	Block: 540390108021030	2
6778	Block: 540390108021031	2
6779	Block: 540390108021032	2
6780	Block: 540390108021033	0
6781	Block: 540390108021034	0
6782	Block: 540390108021035	6
6783	Block: 540390108021036	0

6784	Block: 540390108021037	5
6785	Block: 540390108021038	0
6786	Block: 540390108021039	0
6787	Block: 540390108021040	0
6788	Block: 540390108021041	0
6789	Block: 540390108021042	0
6790	Block: 540390108021043	0
6791	Block: 540390108021044	2
6792	Block: 540390108021045	0
6793	Block: 540390108021046	19
6794	Block: 540390108021047	0
6795	Block: 540390108021050	3
6796	Block: 540390108021051	1
6797	Block: 540390108021052	0
6798	Block: 540390108021053	0
6799	Block: 540390108021060	0
6800	Block: 540390108021061	0
6801	Block: 540390108021062	0
6802	Block: 540390108021067	0
6803	Block: 540390108021069	0
6804	Block: 540390108021070	0
6805	Block: 540390108021071	50
6806	Block: 540390108021077	9
6807	Block: 540390108021078	2
6808	Block: 540390108021079	1
6809	Block: 540390108021080	0
6810	Block: 540390108021081	0
6811	Block: 540390108021082	29
6812	Block: 540390108021083	0
6813	Block: 540390108021084	2
6814	Block: 540390108021085	5

2272	REDISTRICTING	[Ch. 3
6815	Block: 540390108021090	9
6816	Block: 540390108021091	15
6817	Block: 540390108021092	0
6818	Block: 540390108021093	0
6819	Block: 540390108021094	0
6820	Block: 540390108021095	41
6821	Block: 540390108021096	0
6822	Block: 540390108021097	0
6823	Block: 540390108021098	0
6824	Block: 540390108021103	1
6825	Block: 540390108021106	0
6826	Block: 540390108021107	12
6827	Block: 540390108021108	2
6828	Block: 540390108021109	0
6829	Block: 540390108021110	0
6830	Block: 540390108021111	2
6831	Block: 540390108021112	0
6832	Block: 540390108021113	0
6833	Block: 540390108021114	0
6834	Block: 540390108021118	0
6835	Block: 540390108021123	5
6836	Block: 540390108021124	0
6837	Block: 540390108021125	0
6838	Block: 540390108021163	0
6839	Block: 540390108021164	42
6840	Block: 540390108021176	0
6841	Block: 540390108021177	0
6842	Block: 540390108021182	0
6843	Block: 540390108021183	1
6844	Block: 540390108021184	0
6845	Block: 540390108021185	0



6846	Block: 540390108021187	0
6847	Block: 540390108021188	0
6848	Block: 540390108021193	47
6849	Block: 540390108021194	0
6850	Block: 540390108021198	0
6851	Block: 540390108021199	0
6852	Block: 540390108021200	0
6853	Block: 540390108021201	0
6854	Block: 540390108021202	31
6855	Block: 540390108021203	16
6856	Block: 540390108021204	3
6857	Block: 540390108021205	0
6858	Block: 540390108021206	0
6859	Block: 540390108021207	10
6860	Block: 540390108021208	4
6861	Block: 540390108021209	0
6862	Block: 540390108021210	2
6863	Block: 540390108021211	69
6864	Block: 540390108021212	0
6865	Block: 540390108021213	4
6866	Block: 540390108021214	0
6867	Block: 540390108021215	0
6868	Block: 540390108021216	0
6869	Block: 540390108021217	0
6870	Block: 540390108021218	0
6871	Block: 540390108021219	0
6872	Block: 540390108021220	0
6873	Block: 540390108021221	0
6874	Block: 540390108021222	91
6875	Block: 540390108021223	0
6876	Block: 540390108021224	0

2274	REDISTRICTING	[Ch. 3
6877	Block: 540390108021225	0
6878	Block: 540390108021226	0
6879	Block: 540390108021227	4
6880	Block: 540390108021228	0
6881	Block: 540390108021229	0
6882	Block: 540390108021230	0
6883	Block: 540390108021231	9
6884	Block: 540390108021232	0
6885	Block: 540390108021233	0
6886	Block: 540390108021234	33
6887	Block: 540390108021236	0
6888	Block: 540390108021237	0
6889	Block: 540390108021239	0
6890	Block: 540390108021240	3
6891	Block: 540390108021241	0
6892	Block: 540390108021242	0
6893	Block: 540390108021243	20
6894	Block: 540390108021244	0
6895	Block: 540390108021245	0
6896	Block: 540390108021246	0
6897	Block: 540390108021247	0
6898	Block: 540390108021248	27
6899	Block: 540390108021249	0
6900	Block: 540390108021250	0
6901	Block: 540390108021251	0
6902	Block: 540390108021252	3
6903	Block: 540390108021254	0
6904	Block: 540390108021255	1
6905	Block: 540390108021259	2
6906	Block: 540390108021260	0
6907	Block: 540390108021261	5

Ch. 3]

REDISTRICTING

2275

6908	Block: 540390108021262	0
6909	Block: 540390108021263	1
6910	Block: 540390111001021	0
6911	Block: 540390111001023	31
6912	Block: 540390111001024	0
6913	Block: 540390111001025	0
6914	Block: 540390111001026	0
6915	Block: 540390111001027	0
6916	Block: 540390111001028	5
6917	Block: 540390111001029	0
6918	Block: 540390111001030	0
6919	Block: 540390111001031	0
6920	Block: 540390111001032	0
6921	Block: 540390111001033	0
6922	Block: 540390111001034	4
6923	Block: 540390111001035	0
6924	Block: 540390111001036	0
6925	Block: 540390111001037	0
6926	Block: 540390111001038	0
6927	Block: 540390111001039	6
6928	Block: 540390111001040	4
6929	Block: 540390111001041	0
6930	Block: 540390111001141	0
6931	Block: 540390111001142	0
6932	Block: 540390111001143	3
6933	Block: 540390111001152	0
6934	Block: 540390111001153	0
6935	VTD 434 Subtotal	1,267
6936	VTD: 436	
6937	Block: 540390011001011	0
6938	Block: 540390011002000	24

2276	REDISTRICTING	[Ch. 3
6939	Block: 540390011002001	0
6940	Block: 540390011002002	15
6941	Block: 540390011002012	8
6942	Block: 540390011002025	10
6943	Block: 540390011002026	22
6944	Block: 540390011002027	3
6945	Block: 540390011002028	11
6946	Block: 540390011002069	0
6947	Block: 540390113012056	0
6948	Block: 540390113012087	0
6949	Block: 540390113012090	0
6950	Block: 540390113012092	105
6951	Block: 540390113012093	0
6952	Block: 540390113012094	0
6953	Block: 540390113012095	0
6954	Block: 540390113012096	0
6955	Block: 540390113012097	0
6956	Block: 540390113012099	0
6957	Block: 540390113012100	0
6958	Block: 540390113012102	0
6959	Block: 540390113012103	0
6960	Block: 540390113012104	0
6961	Block: 540390113012105	0
6962	Block: 540390113012106	0
6963	Block: 540390113012107	0
6964	Block: 540390113012108	0
6965	Block: 540390113012109	0
6966	Block: 540390113012110	0
6967	Block: 540390113012111	11
6968	Block: 540390113012113	39
6969	Block: 540390113012114	0

Ch. 3]	REDISTRICTING	2277
6970	Block: 540390113012115	0
6971	Block: 540390113012116	0
6972	Block: 540390113012117	0
6973	Block: 540390113012118	0
6974	Block: 540390113012119	0
6975	Block: 540390113012120	0
6976	Block: 540390113012122	0
6977	Block: 540390113012123	0
6978	Block: 540390113012125	8
6979	Block: 540390113012126	0
6980	Block: 540390113012127	0
6981	Block: 540390113012128	0
6982	Block: 540390113012129	0
6983	Block: 540390113012152	0
6984	VTD 436 Subtotal	256
6985	Kanawha WV County Subtotal	19,431
6986	District 39 Subtotal	19,431
6987	District 40	
6988	Kanawha WV County	
6989	VTD: 118	
6990	Block: 540390113011100	0
6991	Block: 540390113011102	0
6992	VTD 118 Subtotal	0
6993	VTD: 418	1,194
6994	VTD: 419	1,686
6995	VTD: 420	845
6996	VTD: 421	653
6997	VTD: 422	825
6998	VTD: 423	
6999	Block: 540390111001000	37
7000	Block: 540390111001001	0

2278

REDISTRICTING

[Ch. 3

7001	Block: 540390111001002	7
7002	Block: 540390111001003	5
7003	Block: 540390111001004	0
7004	Block: 540390111001005	140
7005	Block: 540390111001006	13
7006	Block: 540390111001007	2
7007	Block: 540390111001008	11
7008	Block: 540390111001009	2
7009	Block: 540390111001010	10
7010	Block: 540390111001011	0
7011	Block: 540390111001013	0
7012	Block: 540390111001014	0
7013	Block: 540390111001015	0
7014	Block: 540390111001016	2
7015	Block: 540390111001017	1
7016	Block: 540390111001018	0
7017	Block: 540390111001022	0
7018	Block: 540390111001042	417
7019	Block: 540390111001043	0
7020	Block: 540390111001045	0
7021	Block: 540390111001046	0
7022	Block: 540390111001047	11
7023	Block: 540390111001048	0
7024	Block: 540390111001049	2
7025	Block: 540390111001050	3
7026	Block: 540390111001051	0
7027	Block: 540390111001052	0
7028	Block: 540390111001053	0
7029	Block: 540390111001054	2
7030	Block: 540390111001055	0
7031	Block: 540390111001056	0

7032	Block: 540390111001057	3
7033	Block: 540390111001058	0
7034	Block: 540390111001059	49
7035	Block: 540390111001060	21
7036	Block: 540390111001061	1
7037	Block: 540390111001062	0
7038	Block: 540390111001063	0
7039	Block: 540390111001064	0
7040	Block: 540390111001065	0
7041	Block: 540390111001066	5
7042	Block: 540390111001067	0
7043	Block: 540390111001068	2
7044	Block: 540390111001069	0
7045	Block: 540390111001070	4
7046	Block: 540390111001071	3
7047	Block: 540390111001072	0
7048	Block: 540390111001073	0
7049	Block: 540390111001074	0
7050	Block: 540390111001075	16
7051	Block: 540390111001076	3
7052	Block: 540390111001077	0
7053	Block: 540390111001078	0
7054	Block: 540390111001079	7
7055	Block: 540390111001080	0
7056	Block: 540390111001081	0
7057	Block: 540390111001082	0
7058	Block: 540390111001083	2
7059	Block: 540390111001084	20
7060	Block: 540390111001086	3
7061	Block: 540390111001087	0
7062	Block: 540390111001088	8

2280	REDISTRICTING	[Ch. 3
7063	Block: 540390111001089	2
7064	Block: 540390111001090	0
7065	Block: 540390111001091	2
7066	Block: 540390111001092	13
7067	Block: 540390111001093	203
7068	Block: 540390111001094	0
7069	Block: 540390111001095	0
7070	Block: 540390111001096	3
7071	Block: 540390111001097	2
7072	Block: 540390111001098	11
7073	Block: 540390111001099	10
7074	Block: 540390111001100	176
7075	Block: 540390111001101	4
7076	Block: 540390111001102	0
7077	Block: 540390111001103	0
7078	Block: 540390111001104	0
7079	Block: 540390111001105	11
7080	Block: 540390111001106	5
7081	Block: 540390111001107	7
7082	Block: 540390111001108	0
7083	Block: 540390111001109	0
7084	Block: 540390111001110	0
7085	Block: 540390111001111	4
7086	Block: 540390111001112	0
7087	Block: 540390111001113	7
7088	Block: 540390111001114	0
7089	Block: 540390111001115	147
7090	Block: 540390111001116	21
7091	Block: 540390111001117	0
7092	Block: 540390111001118	0
7093	Block: 540390111001119	0



7094	Block: 540390111001120	0
7095	Block: 540390111001121	0
7096	Block: 540390111001122	0
7097	Block: 540390111001123	0
7098	Block: 540390111001124	0
7099	Block: 540390111001125	4
7100	Block: 540390111001126	0
7101	Block: 540390111001127	11
7102	Block: 540390111001128	2
7103	Block: 540390111001129	0
7104	Block: 540390111001130	0
7105	Block: 540390111001131	0
7106	Block: 540390111001132	0
7107	Block: 540390111001133	48
7108	Block: 540390111001134	10
7109	Block: 540390111001135	17
7110	Block: 540390111001136	0
7111	Block: 540390111001137	0
7112	Block: 540390111001138	0
7113	Block: 540390111001139	17
7114	Block: 540390111001140	0
7115	Block: 540390111001144	0
7116	Block: 540390111001145	0
7117	Block: 540390111001146	0
7118	Block: 540390111001149	0
7119	Block: 540390111001150	0
7120	Block: 540390111001151	5
7121	Block: 540390111001154	0
7122	Block: 540390111001155	0
7123	Block: 540390111001156	0
7124	Block: 540390111001157	0

2282	REDISTRICTING	[Ch. 3
7125	Block: 540390111001158	0
7126	Block: 540390111002000	85
7127	Block: 540390111002001	0
7128	Block: 540390111002002	0
7129	Block: 540390111002003	0
7130	Block: 540390111002004	4
7131	Block: 540390111002005	1
7132	Block: 540390111002006	0
7133	Block: 540390111002007	0
7134	Block: 540390111002008	14
7135	Block: 540390111002009	0
7136	Block: 540390111002010	0
7137	Block: 540390111002011	0
7138	Block: 540390111002012	0
7139	Block: 540390111002013	0
7140	Block: 540390111002015	0
7141	Block: 540390111002016	5
7142	Block: 540390111002017	0
7143	Block: 540390111002018	0
7144	Block: 540390111002019	0
7145	Block: 540390111002020	1
7146	Block: 540390111002021	0
7147	Block: 540390111002023	0
7148	Block: 540390111002024	8
7149	Block: 540390111002025	0
7150	Block: 540390111002026	0
7151	Block: 540390111002027	2
7152	Block: 540390111002028	1
7153	Block: 540390111002029	1
7154	Block: 540390111002030	1
7155	Block: 540390111002031	0

7156	Block: 540390111002032	0
7157	Block: 540390111002034	9
7158	Block: 540390111002039	7
7159	Block: 540390111002061	10
7160	Block: 540390111002062	0
7161	Block: 540390111002063	0
7162	Block: 540390111002064	0
7163	Block: 540390111002065	10
7164	Block: 540390111002066	0
7165	Block: 540390111002067	0
7166	Block: 540390111002068	0
7167	Block: 540390111002069	0
7168	Block: 540390111002070	0
7169	Block: 540390111002071	8
7170	Block: 540390111002077	0
7171	Block: 540390111002078	0
7172	Block: 540390111002079	0
7173	Block: 540390111002090	0
7174	Block: 540390111002091	0
7175	Block: 540390111002092	0
7176	Block: 540390111002093	0
7177	Block: 540390111002094	0
7178	Block: 540390111002095	0
7179	Block: 540390111002097	0
7180	Block: 540390111002098	0
7181	Block: 540390111002099	8
7182	Block: 540390112001020	4
7183	Block: 540390112001024	1
7184	Block: 540390112001027	1
7185	Block: 540390112001032	2
7186	Block: 540390112001033	0

2284	REDISTRICTING	[Ch. 3
7187	Block: 540390112001034	12
7188	Block: 540390112001035	10
7189	Block: 540390112001036	11
7190	Block: 540390112001037	4
7191	Block: 540390112001038	86
7192	Block: 540390112001039	3
7193	VTD 423 Subtotal	1,863
7194	VTD: 424	
7195	Block: 540390109002010	9
7196	Block: 540390109002054	0
7197	Block: 540390109002066	8
7198	Block: 540390109002067	5
7199	Block: 540390110001001	115
7200	Block: 540390110001002	1
7201	Block: 540390110001003	0
7202	Block: 540390110001004	13
7203	Block: 540390110001005	4
7204	Block: 540390110001007	0
7205	Block: 540390110001008	13
7206	Block: 540390110001009	37
7207	Block: 540390110001010	7
7208	Block: 540390110001011	0
7209	Block: 540390110001012	20
7210	Block: 540390110001013	27
7211	Block: 540390110001014	63
7212	Block: 540390110001015	13
7213	Block: 540390110001016	0
7214	Block: 540390110001017	7
7215	Block: 540390110001018	241
7216	Block: 540390110001019	0
7217	Block: 540390110001020	14

7218	Block: 540390110001021	14
7219	Block: 540390110001022	0
7220	Block: 540390110001023	2
7221	Block: 540390110001024	0
7222	Block: 540390110001025	17
7223	Block: 540390110001026	10
7224	Block: 540390110001027	2
7225	Block: 540390110001028	2
7226	Block: 540390110001029	13
7227	Block: 540390110001030	11
7228	Block: 540390110001031	0
7229	Block: 540390110001032	3
7230	Block: 540390110001033	8
7231	Block: 540390110001034	21
7232	Block: 540390110001035	1
7233	Block: 540390110001036	4
7234	Block: 540390110001037	0
7235	Block: 540390110001038	0
7236	Block: 540390110001039	0
7237	Block: 540390110001040	22
7238	Block: 540390110001041	0
7239	Block: 540390110001042	0
7240	Block: 540390110001043	0
7241	Block: 540390110001044	0
7242	Block: 540390110001045	0
7243	Block: 540390110001046	0
7244	Block: 540390110001047	0
7245	Block: 540390110001048	0
7246	Block: 540390110001049	0
7247	Block: 540390110001050	0
7248	Block: 540390110001051	0

2286	REDISTRICTING	[Ch. 3
7249	Block: 540390110001052	12
7250	Block: 540390110001053	13
7251	Block: 540390110001054	31
7252	Block: 540390110001055	16
7253	Block: 540390110001056	2
7254	Block: 540390110001057	15
7255	Block: 540390110001058	0
7256	Block: 540390110001059	0
7257	Block: 540390110001060	0
7258	Block: 540390110001061	0
7259	Block: 540390110001062	0
7260	Block: 540390110001063	0
7261	Block: 540390110001064	0
7262	Block: 540390111002014	3
7263	Block: 540390111002022	0
7264	Block: 540390111002033	0
7265	Block: 540390111002035	21
7266	Block: 540390111002036	0
7267	Block: 540390111002037	286
7268	Block: 540390111002038	0
7269	Block: 540390111002040	2
7270	Block: 540390111002041	0
7271	Block: 540390111002042	0
7272	Block: 540390111002043	0
7273	Block: 540390111002044	5
7274	Block: 540390111002045	0
7275	Block: 540390111002046	3
7276	Block: 540390111002047	0
7277	Block: 540390111002048	0
7278	Block: 540390111002049	0
7279	Block: 540390111002050	5

Ch. 3]	REDISTRICTING	2287
7280	Block: 540390111002051	0
7281	Block: 540390111002052	0
7282	Block: 540390111002053	0
7283	Block: 540390111002054	0
7284	Block: 540390111002055	0
7285	Block: 540390111002056	2
7286	Block: 540390111002057	4
7287	Block: 540390111002058	2
7288	Block: 540390111002059	0
7289	Block: 540390111002060	3
7290	Block: 540390111002072	0
7291	Block: 540390111002073	0
7292	Block: 540390111002074	0
7293	Block: 540390111002075	0
7294	Block: 540390111002076	0
7295	Block: 540390111002080	0
7296	Block: 540390111002081	0
7297	Block: 540390111002082	353
7298	Block: 540390111002083	5
7299	Block: 540390111002084	0
7300	Block: 540390111002085	0
7301	Block: 540390111002086	0
7302	Block: 540390111002087	0
7303	Block: 540390111002088	8
7304	Block: 540390111002089	3
7305	Block: 540390111002096	6
7306	VTD 424 Subtotal	1,527
7307	VTD: 425	1,011
7308	VTD: 434	
7309	Block: 540390111001012	4
7310	Block: 540390111001019	0

2288	REDISTRICTING	[Ch. 3
7311	Block: 540390111001020	64
7312	Block: 540390111001085	0
7313	VTD 434 Subtotal	68
7314	VTD: 436	
7315	Block: 540390110004031	0
7316	Block: 540390110004068	0
7317	Block: 540390110004079	0
7318	Block: 540390113011045	0
7319	Block: 540390113011046	0
7320	Block: 540390113011047	0
7321	Block: 540390113011048	0
7322	Block: 540390113011055	0
7323	Block: 540390113011056	1
7324	Block: 540390113011057	0
7325	Block: 540390113012000	53
7326	Block: 540390113012001	3
7327	Block: 540390113012002	0
7328	Block: 540390113012003	0
7329	Block: 540390113012004	0
7330	Block: 540390113012005	3
7331	Block: 540390113012006	0
7332	Block: 540390113012007	0
7333	Block: 540390113012008	0
7334	Block: 540390113012009	5
7335	Block: 540390113012010	211
7336	Block: 540390113012011	4
7337	Block: 540390113012012	4
7338	Block: 540390113012013	0
7339	Block: 540390113012014	0
7340	Block: 540390113012015	0
7341	Block: 540390113012016	10



7342	Block: 540390113012017	13
7343	Block: 540390113012018	0
7344	Block: 540390113012019	0
7345	Block: 540390113012020	2
7346	Block: 540390113012021	120
7347	Block: 540390113012022	1
7348	Block: 540390113012023	0
7349	Block: 540390113012024	0
7350	Block: 540390113012025	0
7351	Block: 540390113012026	0
7352	Block: 540390113012027	6
7353	Block: 540390113012028	11
7354	Block: 540390113012029	0
7355	Block: 540390113012030	34
7356	Block: 540390113012031	236
7357	Block: 540390113012032	0
7358	Block: 540390113012033	28
7359	Block: 540390113012034	77
7360	Block: 540390113012035	5
7361	Block: 540390113012036	89
7362	Block: 540390113012037	0
7363	Block: 540390113012038	2
7364	Block: 540390113012039	0
7365	Block: 540390113012040	0
7366	Block: 540390113012041	126
7367	Block: 540390113012042	0
7368	Block: 540390113012043	0
7369	Block: 540390113012044	0
7370	Block: 540390113012045	5
7371	Block: 540390113012046	0
7372	Block: 540390113012047	0

2290	REDISTRICTING	[Ch. 3
7373	Block: 540390113012048	0
7374	Block: 540390113012049	0
7375	Block: 540390113012050	0
7376	Block: 540390113012051	0
7377	Block: 540390113012052	0
7378	Block: 540390113012053	0
7379	Block: 540390113012054	0
7380	Block: 540390113012055	0
7381	Block: 540390113012057	0
7382	Block: 540390113012058	0
7383	Block: 540390113012059	0
7384	Block: 540390113012060	0
7385	Block: 540390113012061	0
7386	Block: 540390113012062	2
7387	Block: 540390113012063	209
7388	Block: 540390113012064	1
7389	Block: 540390113012065	0
7390	Block: 540390113012066	1
7391	Block: 540390113012067	9
7392	Block: 540390113012068	0
7393	Block: 540390113012069	12
7394	Block: 540390113012070	0
7395	Block: 540390113012071	12
7396	Block: 540390113012072	27
7397	Block: 540390113012073	22
7398	Block: 540390113012074	0
7399	Block: 540390113012075	201
7400	Block: 540390113012076	0
7401	Block: 540390113012077	0
7402	Block: 540390113012078	0
7403	Block: 540390113012079	19

7404	Block: 540390113012080	0
7405	Block: 540390113012081	0
7406	Block: 540390113012082	67
7407	Block: 540390113012083	0
7408	Block: 540390113012084	0
7409	Block: 540390113012085	68
7410	Block: 540390113012086	7
7411	Block: 540390113012088	0
7412	Block: 540390113012089	0
7413	Block: 540390113012091	0
7414	Block: 540390113012098	10
7415	Block: 540390113012130	7
7416	Block: 540390113012131	0
7417	Block: 540390113012132	4
7418	Block: 540390113012139	0
7419	Block: 540390113012153	0
7420	Block: 540390113024005	89
7421	Block: 540390113024006	27
7422	Block: 540390113024007	33
7423	Block: 540390113024008	0
7424	Block: 540390113024009	0
7425	Block: 540390113024011	3
7426	Block: 540390113024012	0
7427	Block: 540390113024013	0
7428	Block: 540390113024014	16
7429	Block: 540390113024015	0
7430	Block: 540390113024016	24
7431	Block: 540390113024017	0
7432	Block: 540390113024018	28
7433	Block: 540390113024019	11
7434	Block: 540390113024020	0

2292	REDISTRICTING	[Ch. 3
7435	Block: 540390113024045	12
7436	Block: 540390113024046	11
7437	Block: 540390113024047	4
7438	Block: 540390113024048	0
7439	Block: 540390113024049	0
7440	Block: 540390113024050	0
7441	Block: 540390113024051	3
7442	Block: 540390113024052	0
7443	VTD 436 Subtotal	1,988
7444	VTD: 437	1,800
7445	VTD: 438	1,702
7446	VTD: 439	1,703
7447	VTD: 440	1,363
7448	VTD: 441	1,227
7449	Kanawha WV County Subtotal	19,455
7450	District 40 Subtotal	19,455
7451	District 41	
7452	Greenbrier WV County	
7453	VTD: 54	298
7454	VTD: 56	821
7455	Greenbrier WV County	1,119
7456	Nicholas WV County	
7457	VTD: 13	637
7458	VTD: 14	1,244
7459	VTD: 15	925
7460	VTD: 16	1,386
7461	VTD: 18	1,651
7462	VTD: 19	767
7463	VTD: 20	1,295
7464	VTD: 21	1,644
7465	VTD: 28	1,576

Ch. 3]	REDISTRICTING	2293
7466	VTD: 29	1,129
7467	VTD: 30	1,026
7468	VTD: 31	601
7469	VTD: 32	620
7470	VTD: 33	1,821
7471	VTD: 35	1,357
7472	Nicholas WV County Subtotal	17,679
7473	District 41 Subtotal	18,798
7474	District 42	
7475	Greenbrier WV County	
7476	VTD: 1	1,075
7477	VTD: 10	604
7478	VTD: 11	804
7479	VTD: 14	894
7480	VTD: 21	1,431
7481	VTD: 23	1,795
7482	VTD: 24	1,163
7483	VTD: 27	966
7484	VTD: 29	1,063
7485	VTD: 31	1,255
7486	VTD: 34	942
7487	VTD: 37	1,218
7488	VTD: 41	1,640
7489	VTD: 42	513
7490	VTD: 43	1,872
7491	VTD: 45	835
7492	VTD: 46	1,840
7493	VTD: 47	857
7494	VTD: 48	963
7495	VTD: 50	261
7496	VTD: 51	412

2294	REDISTRICTING	[Ch. 3
7497	VTD: 52	404
7498	VTD: 61	1,555
7499	VTD: 63	705
7500	VTD: 64	1,123
7501	VTD: 65	758
7502	VTD: 7 (540257)	882
7503	VTD: 72	933
7504	VTD: 73	576
7505	VTD: 74	695
7506	VTD: 75	1,917
7507	VTD: 78	304
7508	VTD: 79	1,011
7509	VTD: 8 (540258)	1,095
7510	Greenbrier WV County Subtotal	34,361
7511	Monroe WV County	
7512	VTD: 1	
7513	Block: 540639502001000	38
7514	Block: 540639502001001	0
7515	Block: 540639502001002	12
7516	Block: 540639502001003	0
7517	Block: 540639502001004	10
7518	Block: 540639502001005	6
7519	Block: 540639502001006	0
7520	Block: 540639502001007	3
7521	Block: 540639502001008	2
7522	Block: 540639502001009	17
7523	Block: 540639502001010	0
7524	Block: 540639502001011	0
7525	Block: 540639502001012	14
7526	Block: 540639502001013	0
7527	Block: 540639502001014	0

7528	Block: 540639502001015	0
7529	Block: 540639502001016	0
7530	Block: 540639502001017	0
7531	Block: 540639502001018	0
7532	Block: 540639502001019	0
7533	Block: 540639502001020	21
7534	Block: 540639502001021	0
7535	Block: 540639502001022	6
7536	Block: 540639502001023	4
7537	Block: 540639502001024	62
7538	Block: 540639502001025	0
7539	Block: 540639502001026	2
7540	Block: 540639502001027	75
7541	Block: 540639502001028	0
7542	Block: 540639502001029	8
7543	Block: 540639502001030	9
7544	Block: 540639502001031	5
7545	Block: 540639502001032	0
7546	Block: 540639502001033	10
7547	Block: 540639502001034	99
7548	Block: 540639502001035	6
7549	Block: 540639502001036	0
7550	Block: 540639502001037	0
7551	Block: 540639502001038	0
7552	Block: 540639502001039	0
7553	Block: 540639502001040	58
7554	Block: 540639502001041	0
7555	Block: 540639502001042	0
7556	Block: 540639502001043	25
7557	Block: 540639502001044	32
7558	Block: 540639502001045	6

2296	REDISTRICTING	[Ch. 3
7559	Block: 540639502001046	11
7560	Block: 540639502001047	0
7561	Block: 540639502001048	6
7562	Block: 540639502001049	2
7563	Block: 540639502001050	3
7564	Block: 540639502001051	0
7565	Block: 540639502001052	0
7566	Block: 540639502001053	12
7567	Block: 540639502001054	0
7568	Block: 540639502001055	4
7569	Block: 540639502001056	0
7570	Block: 540639502001057	0
7571	Block: 540639502001058	0
7572	Block: 540639502001059	0
7573	Block: 540639502001060	0
7574	Block: 540639502001061	0
7575	Block: 540639502001062	0
7576	Block: 540639502001063	0
7577	Block: 540639502001064	24
7578	Block: 540639502001065	1
7579	Block: 540639502001066	0
7580	Block: 540639502001067	3
7581	Block: 540639502001068	0
7582	Block: 540639502001069	0
7583	Block: 540639502001070	0
7584	Block: 540639502001071	0
7585	Block: 540639502001072	0
7586	Block: 540639502001073	0
7587	Block: 540639502001074	0
7588	Block: 540639502001075	0
7589	Block: 540639502001076	0



Ch. 3]	REDISTRICTING	2297
7590	Block: 540639502001077	0
7591	Block: 540639502001080	3
7592	Block: 540639502001081	1
7593	Block: 540639502001082	2
7594	Block: 540639502001083	0
7595	Block: 540639502001084	0
7596	Block: 540639502001085	58
7597	Block: 540639502001086	2
7598	Block: 540639502001087	2
7599	Block: 540639502001088	0
7600	Block: 540639502001089	2
7601	Block: 540639502001097	0
7602	Block: 540639502001110	2
7603	Block: 540639502001111	79
7604	Block: 540639502001112	0
7605	Block: 540639502001113	0
7606	Block: 540639502001114	0
7607	Block: 540639502001115	0
7608	Block: 540639502001119	0
7609	Block: 540639502001122	2
7610	Block: 540639502001123	0
7611	Block: 540639502001124	0
7612	Block: 540639502001132	0
7613	Block: 540639502001134	0
7614	Block: 540639502001135	0
7615	Block: 540639502001155	0
7616	VTD 1 Subtotal	749
7617	VTD: 7	806
7618	VTD: 8	787
7619	Monroe WV County Subtotal	2,342
7620	Summers WV County	

2298

REDISTRICTING

[Ch. 3

7621	VTD: 30	
7622	Block: 540890006002009	22
7623	Block: 540890006002036	0
7624	Block: 540890006002037	0
7625	Block: 540890006002038	0
7626	Block: 540890006002039	0
7627	Block: 540890006002040	0
7628	Block: 540890006002044	0
7629	Block: 540890006002045	0
7630	Block: 540890006002047	0
7631	Block: 540890006002048	0
7632	Block: 540890006002049	0
7633	Block: 540890006002051	0
7634	Block: 540890006002052	0
7635	Block: 540890006002053	4
7636	Block: 540890006002054	0
7637	Block: 540890006002055	0
7638	Block: 540890006002056	0
7639	Block: 540890006002057	0
7640	Block: 540890006002058	0
7641	Block: 540890006002059	1,144
7642	Block: 540890006002060	0
7643	Block: 540890006002061	0
7644	Block: 540890006002062	0
7645	Block: 540890006002063	0
7646	Block: 540890006002064	0
7647	Block: 540890006002067	0
7648	Block: 540890006002068	0
7649	Block: 540890006002069	0
7650	Block: 540890006002070	0
7651	Block: 540890006002071	0

7652	Block: 540890006002072	0
7653	Block: 540890006002073	0
7654	Block: 540890006002077	0
7655	Block: 540890006002113	0
7656	Block: 540890006002114	0
7657	Block: 540890006002115	0
7658	Block: 540890006002116	2
7659	Block: 540890006002117	7
7660	Block: 540890006002118	0
7661	Block: 540890006002127	4
7662	Block: 540890006002130	4
7663	Block: 540890006002131	0
7664	Block: 540890006002132	0
7665	Block: 540890006002133	0
7666	Block: 540890006002134	2
7667	Block: 540890006002169	0
7668	Block: 540890006002170	0
7669	Block: 540890006002171	1
7670	Block: 540890006002172	6
7671	Block: 540890006002173	0
7672	Block: 540890006002174	2
7673	Block: 540890006002175	0
7674	Block: 540890006002176	0
7675	Block: 540890006002177	7
7676	Block: 540890006002179	0
7677	Block: 540890006002180	0
7678	Block: 540890006002236	0
7679	Block: 540890006002237	0
7680	Block: 540890006002238	0
7681	Block: 540890006002239	0
7682	Block: 540890006002271	0

2300	REDISTRICTING	[Ch. 3
7683	Block: 540890006002272	0
7684	Block: 540890006002273	0
7685	Block: 540890006002278	0
7686	Block: 540890006002279	0
7687	VTD 30 Subtotal	1,205
7688	VTD: 32	963
7689	Summers WV County Subtotal	2,168
7690	District 42 Subtotal	38,871
7691	District 43	
7692	Pocahontas WV County	8,719
7693	Randolph WV County	
7694	VTD: 150	2,625
7695	VTD: 155	1,837
7696	VTD: 160	914
7697	VTD: 165	1,547
7698	VTD: 170	1,113
7699	VTD: 180	870
7700	VTD: 185	851
7701	VTD: 190	263
7702	VTD: 200	1,091
7703	VTD: 205	5,557
7704	VTD: 215	789
7705	VTD: 225	1,536
7706	VTD: 23	1,489
7707	VTD: 24	595
7708	VTD: 25	915
7709	VTD: 27	911
7710	VTD: 28	960
7711	VTD: 28A	281
7712	VTD: 30	992
7713	VTD: 31	891

Ch. 3]	REDISTRICTING	2301
7714	VTD: 75	308
7715	VTD: 80	1,049
7716	VTD: 85	1,716
7717	Randolph WV County Subtotal	29,100
7718	District 43 Subtotal	37,819
7719	District 44	
7720	Nicholas WV County	
7721	VTD: 1	1,166
7722	VTD: 17	1,104
7723	VTD: 2	1,210
7724	VTD: 3	544
7725	VTD: 5	828
7726	VTD: 7 (540677)	789
7727	VTD: 8	672
7728	VTD: 9	464
7729	Nicholas WV County Subtotal	6,777
7730	Randolph WV County	
7731	VTD: 220	305
7732	Randolph WV County Subtotal	305
7733	Upshur WV County	
7734	VTD: 4	921
7735	VTD: 47	1,677
7736	VTD: 7	299
7737	Upshur WV County Subtotal	2,897
7738	Webster WV County	9,154
7739	District 44 Subtotal	19,133
7740	District 45	
7741	Upshur WV County	
7742	VTD: 12	815
7743	VTD: 13	691
7744	VTD: 14	885

2302	REDISTRICTING	[Ch. 3
7745	VTD: 15	1,540
7746	VTD: 19	975
7747	VTD: 20	1,365
7748	VTD: 25	826
7749	VTD: 27	1,885
7750	VTD: 33	1,498
7751	VTD: 35	595
7752	VTD: 37	1,991
7753	VTD: 38	919
7754	VTD: 39	1,313
7755	VTD: 44	1,271
7756	VTD: 6	1,102
7757	VTD: 8	651
7758	VTD: 9	1,010
7759	Upshur WV County Subtotal	19,332
7760	District 45 Subtotal	19,332
7761	District 46	
7762	Lewis WV County	16,372
7763	Upshur WV County	
7764	VTD: 16	845
7765	VTD: 18	1,180
7766	Upshur WV County Subtotal	2,025
7767	District 46 Subtotal	18,397
7768	District 47	
7769	Barbour WV County	16,589
7770	Tucker WV County	
7771	VTD: 10	222
7772	VTD: 3	849
7773	VTD: 4	642
7774	VTD: 5	976
7775	Tucker WV County Subtotal	2,689

Ch. 3]	REDISTRICTING	2303
7776	District 47 Subtotal	19,278
7777	District 48	
7778	Harrison WV County	69,099
7779	Taylor WV County	
7780	VTD: 1	
7781	Block: 540919647001029	6
7782	Block: 540919647002000	12
7783	Block: 540919647002001	126
7784	Block: 540919647002002	1
7785	Block: 540919647002003	0
7786	Block: 540919647002004	0
7787	Block: 540919647002005	37
7788	Block: 540919647002006	64
7789	Block: 540919647002007	0
7790	Block: 540919647002008	25
7791	Block: 540919647002009	3
7792	Block: 540919647002010	0
7793	Block: 540919647002011	6
7794	Block: 540919647002012	277
7795	Block: 540919647002013	12
7796	Block: 540919647002014	20
7797	Block: 540919647002015	0
7798	Block: 540919647002016	3
7799	Block: 540919647002017	48
7800	Block: 540919647002018	103
7801	Block: 540919647002019	48
7802	Block: 540919647002020	0
7803	Block: 540919647002022	43
7804	Block: 540919647004000	64
7805	Block: 540919647004001	87
7806	Block: 540919647004002	11

2304	REDISTRICTING	[Ch. 3
7807	Block: 540919647004003	6
7808	Block: 540919647004004	0
7809	Block: 540919647004005	0
7810	Block: 540919647004006	66
7811	Block: 540919647004007	0
7812	Block: 540919647004008	12
7813	Block: 540919647004009	60
7814	Block: 540919647004010	14
7815	Block: 540919647004011	3
7816	Block: 540919647004012	73
7817	Block: 540919647004013	0
7818	Block: 540919647004014	35
7819	Block: 540919647004015	20
7820	Block: 540919647004016	12
7821	Block: 540919647004017	3
7822	Block: 540919647004019	0
7823	Block: 540919647004020	0
7824	Block: 540919647004021	13
7825	Block: 540919647004028	0
7826	Block: 540919647004030	0
7827	Block: 540919647004031	8
7828	Block: 540919647004043	4
7829	VTD 1 Subtotal	1,325
7830	Taylor WV County Subtotal	1,325
7831	District 48 Subtotal	70,424
7832	District 49	
7833	Marion WV County	
7834	VTD: 115	
7835	Block: 540490210003027	6
7836	Block: 540490210003029	7
7837	Block: 540490210003030	0



Ch. 3]	REDISTRICTING	2305
7838	VTD 115 Subtotal	13
7839	VTD: 125	
7840	Block: 540490210002005	0
7841	Block: 540490210002006	20
7842	Block: 540490210002007	25
7843	Block: 540490210002008	2
7844	Block: 540490210002039	53
7845	Block: 540490210002040	0
7846	Block: 540490210002041	14
7847	Block: 540490210002042	6
7848	Block: 540490210002043	146
7849	Block: 540490210003000	67
7850	Block: 540490210003001	0
7851	Block: 540490210003002	0
7852	Block: 540490210003003	0
7853	Block: 540490210003004	0
7854	Block: 540490210003005	4
7855	Block: 540490210003006	1
7856	Block: 540490210003007	102
7857	Block: 540490210003008	0
7858	Block: 540490210003009	42
7859	Block: 540490210003010	0
7860	Block: 540490210003011	0
7861	Block: 540490210003012	7
7862	Block: 540490210003013	3
7863	Block: 540490210003014	89
7864	Block: 540490210003015	0
7865	Block: 540490210003016	7
7866	Block: 540490210003017	8
7867	Block: 540490210003018	9
7868	Block: 540490210003019	0

2306	REDISTRICTING	[Ch. 3
7869	Block: 540490210003020	0
7870	Block: 540490210003021	35
7871	Block: 540490210003022	52
7872	Block: 540490210003023	0
7873	Block: 540490210003024	0
7874	Block: 540490210003025	0
7875	Block: 540490210003026	132
7876	Block: 540490210003028	36
7877	Block: 540490210003032	8
7878	Block: 540490210003037	0
7879	Block: 540490210003046	19
7880	Block: 540490210003047	0
7881	Block: 540490210003057	38
7882	Block: 540490210003060	0
7883	Block: 540490210003061	10
7884	Block: 540490210003062	0
7885	Block: 540490210003063	1
7886	Block: 540490210003064	28
7887	Block: 540490210003065	0
7888	Block: 540490210003066	3
7889	Block: 540490210003067	0
7890	Block: 540490210003068	27
7891	Block: 540490210003069	2
7892	Block: 540490210003070	29
7893	Block: 540490210003071	0
7894	Block: 540490210003072	0
7895	Block: 540490210003074	0
7896	Block: 540490210003075	0
7897	Block: 540490210003076	0
7898	VTD 125 Subtotal	1,025
7899	Marion WV County Subtotal	1,038

Ch. 3]	REDISTRICTING	2307
7900	Monongalia WV County	
7901	VTD: 62	2,021
7902	Monongalia WV County Subtotal	2,021
7903	Taylor WV County	
7904	VTD: 1	
7905	Block: 540919647001026	33
7906	Block: 540919647001027	0
7907	Block: 540919647001028	13
7908	Block: 540919647001030	105
7909	Block: 540919647001031	0
7910	Block: 540919647001032	40
7911	Block: 540919647001033	0
7912	Block: 540919647001034	4
7913	Block: 540919647001035	39
7914	Block: 540919647001036	0
7915	Block: 540919647001038	0
7916	Block: 540919647001049	0
7917	Block: 540919647001050	30
7918	Block: 540919647001051	0
7919	Block: 540919647002023	0
7920	Block: 540919647002024	3
7921	Block: 540919647003017	5
7922	Block: 540919647003019	3
7923	Block: 540919647003020	12
7924	Block: 540919647004018	61
7925	Block: 540919647004022	13
7926	Block: 540919647004023	71
7927	Block: 540919647004024	0
7928	Block: 540919647004025	3
7929	Block: 540919647004026	1
7930	Block: 540919647004027	2

2308	REDISTRICTING	[Ch. 3
7931	Block: 540919647004029	44
7932	Block: 540919647004032	174
7933	Block: 540919647004033	0
7934	Block: 540919647004034	0
7935	Block: 540919647004035	0
7936	Block: 540919647004036	81
7937	Block: 540919647004037	0
7938	Block: 540919647004038	34
7939	Block: 540919647004039	3
7940	Block: 540919647004040	0
7941	Block: 540919647004041	110
7942	Block: 540919647004042	0
7943	Block: 540919647004044	0
7944	Block: 540919647004045	0
7945	Block: 540919647004046	0
7946	Block: 540919647004047	5
7947	VTD 1 Subtotal	889
7948	VTD: 10	1,411
7949	VTD: 11	266
7950	VTD: 12	956
7951	VTD: 14	1,079
7952	VTD: 17	1,084
7953	VTD: 19	1,201
7954	VTD: 2	1,202
7955	VTD: 23	570
7956	VTD: 25	726
7957	VTD: 26	502
7958	VTD: 29	314
7959	VTD: 3	1,108
7960	VTD: 31	1,051
7961	VTD: 36	1,278

Ch. 3]	REDISTRICTING	2309
7962	VTD: 4	968
7963	VTD: 6	427
7964	VTD: 9	538
7965	Taylor WV County Subtotal	15,570
7966	District 49 Subtotal	18,629
7967	District 50	
7968	Marion WV County	
7969	VTD: 1	800
7970	VTD: 100	538
7971	VTD: 101	629
7972	VTD: 102	571
7973	VTD: 104	611
7974	VTD: 111	999
7975	VTD: 112	1,001
7976	VTD: 113	855
7977	VTD: 114	675
7978	VTD: 115	
7979	Block: 540490210003031	93
7980	Block: 540490210003033	0
7981	Block: 540490210003034	10
7982	Block: 540490210003035	3
7983	Block: 540490210003036	4
7984	Block: 540490210003038	25
7985	Block: 540490210003039	0
7986	Block: 540490210003040	0
7987	Block: 540490210003041	1
7988	Block: 540490210003045	0
7989	Block: 540490210003048	12
7990	Block: 540490210003049	46
7991	Block: 540490210003050	0
7992	Block: 540490210003051	0

2310	REDISTRICTING	[Ch. 3
7993	Block: 540490210003052	2
7994	Block: 540490210003053	12
7995	Block: 540490210003054	7
7996	Block: 540490210003055	0
7997	Block: 540490210003056	0
7998	Block: 540490210003058	0
7999	Block: 540490210003059	8
8000	Block: 540490210004012	4
8001	Block: 540490210004013	50
8002	Block: 540490210004014	0
8003	Block: 540490210004015	11
8004	Block: 540490210004016	1
8005	Block: 540490210004017	2
8006	Block: 540490210004019	100
8007	Block: 540490210004020	6
8008	Block: 540490210004022	8
8009	Block: 540490210004023	6
8010	Block: 540490210004024	19
8011	Block: 540490210004025	70
8012	Block: 540490210004026	59
8013	Block: 540490210004027	85
8014	Block: 540490210004028	0
8015	Block: 540490210004029	12
8016	Block: 540490210004030	229
8017	Block: 540490210004031	60
8018	Block: 540490210004032	28
8019	Block: 540490210004033	3
8020	Block: 540490210004034	0
8021	Block: 540490210004035	0
8022	Block: 540490210004036	0
8023	Block: 540490210004037	0

8024	Block: 540490210004038	0
8025	Block: 540490210004039	64
8026	Block: 540490210004040	0
8027	Block: 540490210004041	0
8028	Block: 540490210004042	6
8029	Block: 540490210004043	0
8030	Block: 540490210004044	0
8031	Block: 540490210004045	0
8032	Block: 540490210004046	0
8033	Block: 540490210005016	11
8034	Block: 540490210005017	157
8035	Block: 540490210005018	0
8036	Block: 540490210005019	0
8037	Block: 540490210005021	0
8038	Block: 540490210005022	5
8039	Block: 540490210005023	118
8040	Block: 540490210005024	0
8041	Block: 540490210005025	28
8042	Block: 540490210005026	16
8043	Block: 540490210005027	0
8044	Block: 540490210005049	0
8045	Block: 540490210005051	0
8046	Block: 540490210005052	0
8047	Block: 540490210005053	0
8048	Block: 540490210005054	0
8049	Block: 540490210005055	0
8050	Block: 540490210005056	39
8051	Block: 540490210005057	0
8052	Block: 540490210005058	1
8053	Block: 540490210005059	0
8054	Block: 540490210005060	0

2312	REDISTRICTING	[Ch. 3
8055	Block: 540490210005061	0
8056	Block: 540490210005062	0
8057	Block: 540490210005063	0
8058	Block: 540490210005064	0
8059	Block: 540490210005065	0
8060	Block: 540490210005067	0
8061	Block: 540490210005071	0
8062	Block: 540490210005072	0
8063	VTD 115 Subtotal	1,421
8064	VTD: 116	801
8065	VTD: 117	774
8066	VTD: 118	11
8067	VTD: 119	651
8068	VTD: 120	1,118
8069	VTD: 121	423
8070	VTD: 122	975
8071	VTD: 123	772
8072	VTD: 124	856
8073	VTD: 125	
8074	Block: 540490210003042	21
8075	Block: 540490210003043	0
8076	Block: 540490210003044	4
8077	Block: 540490210003073	6
8078	VTD 125 Subtotal	31
8079	VTD: 13	839
8080	VTD: 16	920
8081	VTD: 18	1,523
8082	VTD: 2	1,103
8083	VTD: 20	1,405
8084	VTD: 27	659
8085	VTD: 28	937



Ch. 3]	REDISTRICTING	2313
8086	VTD: 29	562
8087	VTD: 30	625
8088	VTD: 31	1,092
8089	VTD: 32	550
8090	VTD: 33	607
8091	VTD: 34	616
8092	VTD: 35	745
8093	VTD: 36	428
8094	VTD: 38	1,316
8095	VTD: 39	936
8096	VTD: 40	562
8097	VTD: 41	690
8098	VTD: 42	1,291
8099	VTD: 43	677
8100	VTD: 44	451
8101	VTD: 45	1,002
8102	VTD: 47	527
8103	VTD: 48	548
8104	VTD: 5	915
8105	VTD: 50	1,042
8106	VTD: 51	427
8107	VTD: 52	611
8108	VTD: 53	904
8109	VTD: 55	651
8110	VTD: 56	734
8111	VTD: 57	566
8112	VTD: 58	447
8113	VTD: 59	745
8114	VTD: 6	665
8115	VTD: 61	748
8116	VTD: 62	370

2314	REDISTRICTING	[Ch. 3
8117	VTD: 66	684
8118	VTD: 67	474
8119	VTD: 68	370
8120	VTD: 69	535
8121	VTD: 7	692
8122	VTD: 70	650
8123	VTD: 72	823
8124	VTD: 74	715
8125	VTD: 78	582
8126	VTD: 82	786
8127	VTD: 83	476
8128	VTD: 86	613
8129	VTD: 87	407
8130	VTD: 88	678
8131	VTD: 89	784
8132	VTD: 90	387
8133	VTD: 92	564
8134	VTD: 96	713
8135	VTD: 98	499
8136	Marion WV County Subtotal	55,380
8137	District 50 Subtotal	55,380
8138	District 51	
8139	Monongalia WV County	
8140	VTD: 1	700
8141	VTD: 10	917
8142	VTD: 12	2,540
8143	VTD: 13	1,882
8144	VTD: 14	838
8145	VTD: 15	398
8146	VTD: 16	858
8147	VTD: 17	1,393

Ch. 3]	REDISTRICTING	2315
8148	VTD: 18	2,403
8149	VTD: 2	897
8150	VTD: 20	1,163
8151	VTD: 21	2,394
8152	VTD: 22	1,879
8153	VTD: 23	661
8154	VTD: 24	830
8155	VTD: 25	1,170
8156	VTD: 26	460
8157	VTD: 27	415
8158	VTD: 28	415
8159	VTD: 29	707
8160	VTD: 3	705
8161	VTD: 30	405
8162	VTD: 31	1,202
8163	VTD: 32	1,821
8164	VTD: 33	1,212
8165	VTD: 34	1,973
8166	VTD: 35	1,796
8167	VTD: 36A	461
8168	VTD: 36B	493
8169	VTD: 37	1,181
8170	VTD: 38	3,167
8171	VTD: 39	1,266
8172	VTD: 4	747
8173	VTD: 41	316
8174	VTD: 44	1,267
8175	VTD: 46	394
8176	VTD: 47	1,164
8177	VTD: 48	525
8178	VTD: 49	215

2316	REDISTRICTING	[Ch. 3
8179	VTD: 5	661
8180	VTD: 51	593
8181	VTD: 52	697
8182	VTD: 53	501
8183	VTD: 54	840
8184	VTD: 55	727
8185	VTD: 56	166
8186	VTD: 58	485
8187	VTD: 59	1,543
8188	VTD: 6	514
8189	VTD: 60	1,567
8190	VTD: 61	2,170
8191	VTD: 63	766
8192	VTD: 64	714
8193	VTD: 67	1,076
8194	VTD: 68	1,220
8195	VTD: 69	699
8196	VTD: 7	733
8197	VTD: 70	786
8198	VTD: 71	907
8199	VTD: 72	541
8200	VTD: 73	951
8201	VTD: 74	781
8202	VTD: 75	301
8203	VTD: 76	542
8204	VTD: 77	3,998
8205	VTD: 78	681
8206	VTD: 79	2,907
8207	VTD: 8	1,378
8208	VTD: 80	1,886
8209	VTD: 81	1,107

Ch. 3]	REDISTRICTING	2317
8210	VTD: 82	441
8211	VTD: 83	2,619
8212	VTD: 84	2,174
8213	VTD: 85	1,436
8214	VTD: 86	1,687
8215	VTD: 87	3,184
8216	VTD: 88	2,418
8217	VTD: 9	260
8218	VTD: 90	475
8219	VTD: 91	1,904
8220	VTD: 92	869
8221	Monongalia WV County Subtotal	93,135
8222	District 51 Subtotal	93,135
8223	District 52	
8224	Preston WV County	
8225	VTD: 1	1,187
8226	VTD: 10	1,147
8227	VTD: 12	1,173
8228	VTD: 13	1,651
8229	VTD: 14	787
8230	VTD: 15	1,399
8231	VTD: 16	418
8232	VTD: 2	1,486
8233	VTD: 25	
8234	Block: 540779643001076	0
8235	Block: 540779643004070	11
8236	Block: 540779643004071	6
8237	Block: 540779643004072	0
8238	Block: 540779643004073	2
8239	Block: 540779643004074	62
8240	Block: 540779643004075	4

2318	REDISTRICTING	[Ch. 3
8241	Block: 540779643004076	0
8242	Block: 540779643004077	1
8243	Block: 540779644004000	0
8244	Block: 540779644004001	0
8245	Block: 540779644004002	0
8246	Block: 540779644004003	0
8247	Block: 540779644004004	0
8248	Block: 540779644004005	4
8249	Block: 540779644004006	0
8250	Block: 540779644004007	0
8251	Block: 540779644004008	15
8252	Block: 540779644004009	57
8253	Block: 540779644004010	0
8254	Block: 540779644004011	2
8255	Block: 540779644004012	17
8256	Block: 540779644004013	36
8257	Block: 540779644004014	1
8258	Block: 540779644004015	15
8259	Block: 540779644004016	0
8260	Block: 540779644004017	9
8261	Block: 540779644004018	0
8262	Block: 540779644004019	0
8263	Block: 540779644004020	0
8264	Block: 540779644004021	16
8265	Block: 540779644004022	26
8266	Block: 540779644004023	0
8267	Block: 540779644004024	0
8268	Block: 540779644004025	5
8269	Block: 540779644004026	5
8270	Block: 540779644004027	0
8271	Block: 540779644004028	1

8272	Block: 540779644004029	1
8273	Block: 540779644004030	3
8274	Block: 540779644004031	15
8275	Block: 540779644004032	0
8276	Block: 540779644004033	6
8277	Block: 540779644004034	0
8278	Block: 540779644004035	0
8279	Block: 540779644004036	0
8280	Block: 540779644004037	6
8281	Block: 540779644004038	54
8282	Block: 540779644004039	9
8283	Block: 540779644004040	6
8284	Block: 540779644004041	0
8285	Block: 540779644004042	8
8286	Block: 540779644004043	0
8287	Block: 540779644004044	0
8288	Block: 540779644004045	0
8289	Block: 540779644004046	0
8290	Block: 540779644004047	0
8291	Block: 540779644004048	0
8292	Block: 540779644004049	0
8293	Block: 540779644004050	11
8294	Block: 540779644004051	4
8295	Block: 540779644004052	5
8296	Block: 540779644004053	20
8297	Block: 540779644004054	11
8298	Block: 540779644004055	19
8299	Block: 540779644004072	23
8300	Block: 540779644004073	7
8301	Block: 540779644004074	11
8302	Block: 540779644004075	13

2320	REDISTRICTING	[Ch. 3
8303	Block: 540779644004078	0
8304	Block: 540779644004079	0
8305	Block: 540779644004080	83
8306	Block: 540779644004081	39
8307	Block: 540779644004082	7
8308	Block: 540779644004083	19
8309	Block: 540779644004085	25
8310	Block: 540779644004089	31
8311	Block: 540779644004090	0
8312	Block: 540779644004094	4
8313	Block: 540779645002000	5
8314	Block: 540779645002001	14
8315	Block: 540779645002002	0
8316	Block: 540779645002003	32
8317	Block: 540779645002006	0
8318	Block: 540779645002010	76
8319	Block: 540779645002012	17
8320	Block: 540779645002013	0
8321	Block: 540779645002014	4
8322	Block: 540779645002015	0
8323	Block: 540779645002017	0
8324	Block: 540779645002018	5
8325	Block: 540779645002019	46
8326	Block: 540779645002052	0
8327	VTD 25 Subtotal	934
8328	VTD: 26	
8329	Block: 540779645002028	4
8330	VTD 26 Subtotal	4
8331	VTD: 3	3,392
8332	VTD: 4	1,516
8333	VTD: 5	894



Ch. 3]	REDISTRICTING	2321
8334	VTD: 7	1,048
8335	VTD: 8	1,493
8336	VTD: 9	546
8337	Preston WV County Subtotal	19,075
8338	District 52 Subtotal	19,075
8339	District 53	
8340	Preston WV County	
8341	VTD: 11	791
8342	VTD: 11A	275
8343	VTD: 17	959
8344	VTD: 18	1,714
8345	VTD: 19	553
8346	VTD: 20	752
8347	VTD: 21	1,039
8348	VTD: 22	692
8349	VTD: 23	510
8350	VTD: 24	992
8351	VTD: 25	
8352	Block: 540779645002011	0
8353	Block: 540779645002016	3
8354	VTD 25 Subtotal	3
8355	VTD: 26	
8356	Block: 540779644001058	0
8357	Block: 540779644001059	5
8358	Block: 540779644001073	0
8359	Block: 540779644004064	0
8360	Block: 540779644004065	5
8361	Block: 540779644004066	24
8362	Block: 540779644004067	11
8363	Block: 540779644004068	85
8364	Block: 540779644004069	4

2322	REDISTRICTING	[Ch. 3
8365	Block: 540779644004076	0
8366	Block: 540779644004077	15
8367	Block: 540779644004084	0
8368	Block: 540779644004086	2
8369	Block: 540779644004087	0
8370	Block: 540779644004088	0
8371	Block: 540779644004091	0
8372	Block: 540779644004092	7
8373	Block: 540779644004093	30
8374	Block: 540779644004095	0
8375	Block: 540779645002004	83
8376	Block: 540779645002005	0
8377	Block: 540779645002007	46
8378	Block: 540779645002008	0
8379	Block: 540779645002009	11
8380	Block: 540779645002020	49
8381	Block: 540779645002021	0
8382	Block: 540779645002022	3
8383	Block: 540779645002023	170
8384	Block: 540779645002024	0
8385	Block: 540779645002025	0
8386	Block: 540779645002026	0
8387	Block: 540779645002027	27
8388	Block: 540779645002029	59
8389	Block: 540779645002030	0
8390	Block: 540779645002031	23
8391	Block: 540779645002032	34
8392	Block: 540779645002033	1
8393	Block: 540779645002034	0
8394	Block: 540779645002035	105
8395	Block: 540779645002036	7

Ch. 3]	REDISTRICTING	2323
8396	Block: 540779645002037	0
8397	Block: 540779645002043	10
8398	Block: 540779645002044	0
8399	Block: 540779645002045	1
8400	Block: 540779645002046	2
8401	Block: 540779645002047	0
8402	Block: 540779645002048	0
8403	Block: 540779645002049	3
8404	Block: 540779645002050	0
8405	Block: 540779645003000	36
8406	Block: 540779645003001	0
8407	Block: 540779645003002	6
8408	Block: 540779645003003	14
8409	Block: 540779645003185	2
8410	VTD 26 Subtotal	880
8411	VTD: 27	662
8412	VTD: 28	479
8413	VTD: 29	421
8414	VTD: 30	642
8415	VTD: 31	528
8416	VTD: 32	770
8417	VTD: 33	540
8418	VTD: 6	1,243
8419	Preston WV County Subtotal	14,445
8420	Tucker WV County	
8421	VTD: 1	90
8422	VTD: 12	784
8423	VTD: 14	279
8424	VTD: 15	551
8425	VTD: 16	836
8426	VTD: 2	1,196

2324	REDISTRICTING	[Ch. 3
8427	VTD: 24 (5409324)	716
8428	Tucker WV County Subtotal	4,452
8429	District 53 Subtotal	18,897
8430	District 54	
8431	Grant WV County	11,937
8432	Mineral WV County	
8433	VTD: 1	
8434	Block: 540570104002095	61
8435	Block: 540570104002096	12
8436	Block: 540570104002097	1
8437	Block: 540570104002099	2
8438	Block: 540570104002100	0
8439	Block: 540570104002132	0
8440	Block: 540570104002133	0
8441	VTD 1 Subtotal	76
8442	VTD: 26	
8443	Block: 540570105003026	0
8444	Block: 540570105003058	266
8445	Block: 540570105003060	0
8446	Block: 540570105003061	0
8447	Block: 540570105003062	32
8448	Block: 540570105003063	4
8449	Block: 540570105003064	1
8450	Block: 540570105003065	3
8451	Block: 540570105003066	2
8452	Block: 540570105003067	0
8453	VTD 26 Subtotal	308
8454	VTD: 27	
8455	Block: 540570105003068	24
8456	Block: 540570105003069	86
8457	Block: 540570105003070	0

8458	Block: 540570105003071	14
8459	Block: 540570105003072	0
8460	Block: 540570105003073	15
8461	Block: 540570105003074	0
8462	Block: 540570105003075	3
8463	Block: 540570105003076	43
8464	Block: 540570105003077	12
8465	Block: 540570105003078	2
8466	Block: 540570105003079	0
8467	Block: 540570105003080	9
8468	Block: 540570105003081	9
8469	Block: 540570105003082	30
8470	Block: 540570105003083	0
8471	Block: 540570105003088	0
8472	Block: 540570105003091	3
8473	Block: 540570105004000	55
8474	Block: 540570105004001	239
8475	Block: 540570105004002	32
8476	Block: 540570105004003	0
8477	Block: 540570105004004	0
8478	Block: 540570105004005	70
8479	Block: 540570105004007	4
8480	Block: 540570105004008	0
8481	Block: 540570105004009	8
8482	Block: 540570105004010	5
8483	Block: 540570105004011	0
8484	Block: 540570105004012	1
8485	Block: 540570105004013	13
8486	Block: 540570105004014	0
8487	Block: 540570105004016	0
8488	Block: 540570105004017	0

2326	REDISTRICTING	[Ch. 3
8489	Block: 540570105004018	0
8490	Block: 540570105004019	0
8491	Block: 540570105004020	0
8492	Block: 540570105004021	0
8493	Block: 540570105004022	0
8494	Block: 540570105004023	0
8495	Block: 540570105004024	54
8496	Block: 540570105004025	15
8497	Block: 540570105004026	152
8498	Block: 540570105004027	8
8499	Block: 540570105004028	0
8500	Block: 540570105004029	8
8501	Block: 540570105004030	2
8502	Block: 540570105004031	13
8503	Block: 540570105004032	11
8504	Block: 540570105004033	6
8505	Block: 540570105004034	0
8506	Block: 540570105004035	0
8507	Block: 540570105004036	17
8508	Block: 540570105004037	0
8509	Block: 540570105004038	43
8510	Block: 540570105004039	13
8511	Block: 540570105004040	0
8512	Block: 540570105004042	0
8513	Block: 540570105004045	0
8514	Block: 540570105004049	0
8515	Block: 540570105004050	0
8516	VTD 27 Subtotal	1,019
8517	VTD: 28	863
8518	VTD: 3 (540573)	177
8519	VTD: 30	

Ch. 3]	REDISTRICTING	2327
8520	Block: 540570107002025	22
8521	Block: 540570107002067	0
8522	Block: 540570107002075	0
8523	Block: 540570107002080	0
8524	VTD 30 Subtotal	22
8525	VTD: 33	49
8526	VTD: 34	1,013
8527	VTD: 35	545
8528	VTD: 6	386
8529	VTD: 8	651
8530	Mineral WV County Subtotal	5,109
8531	Pendleton WV County	
8532	VTD: 13	233
8533	VTD: 14	561
8534	VTD: 15	197
8535	VTD: 3	796
8536	VTD: 8	
8537	Block: 540719705001000	17
8538	Block: 540719705001001	3
8539	Block: 540719705001002	0
8540	Block: 540719705001003	0
8541	Block: 540719705001006	0
8542	Block: 540719705001008	0
8543	Block: 540719705001010	4
8544	Block: 540719705001016	0
8545	Block: 540719705001017	0
8546	Block: 540719705001018	0
8547	Block: 540719705001019	0
8548	Block: 540719705001020	0
8549	Block: 540719705001021	2
8550	Block: 540719705001025	2

2328	REDISTRICTING	[Ch. 3
8551	Block: 540719705001026	0
8552	Block: 540719705001027	0
8553	Block: 540719705001028	0
8554	Block: 540719705001029	0
8555	Block: 540719705001030	0
8556	Block: 540719705001031	0
8557	Block: 540719705001032	0
8558	Block: 540719705001033	0
8559	Block: 540719705001034	0
8560	Block: 540719705001035	0
8561	Block: 540719705001036	0
8562	Block: 540719705001037	100
8563	Block: 540719705001038	0
8564	Block: 540719705001039	0
8565	Block: 540719705001040	0
8566	Block: 540719705001041	0
8567	Block: 540719705001042	7
8568	Block: 540719705001043	0
8569	Block: 540719705001044	0
8570	Block: 540719705001045	2
8571	Block: 540719705001046	0
8572	Block: 540719705001047	2
8573	Block: 540719705001048	0
8574	Block: 540719705001049	0
8575	Block: 540719705001050	0
8576	Block: 540719705001051	5
8577	Block: 540719705001052	15
8578	Block: 540719705001053	0
8579	Block: 540719705001054	0
8580	Block: 540719705001055	0
8581	Block: 540719705001056	0



8582	Block: 540719705001057	0
8583	Block: 540719705001058	2
8584	Block: 540719705001059	0
8585	Block: 540719705001060	2
8586	Block: 540719705001061	0
8587	Block: 540719705001062	0
8588	Block: 540719705001063	0
8589	Block: 540719705001064	2
8590	Block: 540719705001065	0
8591	Block: 540719705001066	8
8592	Block: 540719705001067	2
8593	Block: 540719705001077	43
8594	Block: 540719705001078	0
8595	Block: 540719705001079	0
8596	Block: 540719705001083	0
8597	Block: 540719705001084	0
8598	Block: 540719705001085	40
8599	Block: 540719705001086	0
8600	Block: 540719705001087	4
8601	Block: 540719705001088	0
8602	Block: 540719705001089	0
8603	Block: 540719705001090	0
8604	Block: 540719705001091	7
8605	Block: 540719705001093	0
8606	Block: 540719705001094	0
8607	Block: 540719705001095	0
8608	Block: 540719705001097	0
8609	Block: 540719705001099	1
8610	Block: 540719705001100	0
8611	Block: 540719705001101	0
8612	Block: 540719705001102	139

2330	REDISTRICTING	[Ch. 3
8613	Block: 540719705001103	14
8614	Block: 540719705001104	6
8615	Block: 540719705001105	0
8616	Block: 540719705001106	2
8617	Block: 540719705001107	0
8618	Block: 540719705001108	0
8619	Block: 540719705001110	0
8620	Block: 540719705001111	77
8621	Block: 540719705001112	1
8622	Block: 540719705001113	3
8623	Block: 540719705001114	1
8624	Block: 540719705001115	0
8625	Block: 540719705001118	0
8626	Block: 540719705001119	0
8627	Block: 540719705001120	0
8628	Block: 540719705001121	0
8629	Block: 540719705001122	0
8630	Block: 540719705001179	0
8631	Block: 540719705001249	0
8632	Block: 540719705001315	0
8633	Block: 540719705001317	0
8634	Block: 540719705001318	0
8635	Block: 540719705001324	6
8636	Block: 540719705001325	0
8637	Block: 540719705001326	0
8638	Block: 540719705001327	0
8639	Block: 540719705001328	0
8640	Block: 540719705001329	0
8641	Block: 540719705001333	0
8642	VTD 8 Subtotal	519
8643	Pendleton WV County Subtotal	2,306

Ch. 3]	REDISTRICTING	2331
8644	District 54 Subtotal	19,352
8645	District 55	
8646	Hardy WV County	14,025
8647	Pendleton WV County	
8648	VTD: 1	185
8649	VTD: 11	628
8650	VTD: 12	761
8651	VTD: 2	528
8652	VTD: 5	483
8653	VTD: 6	1,458
8654	VTD: 7	725
8655	VTD: 8	
8656	Block: 540719705001004	0
8657	Block: 540719705001005	0
8658	Block: 540719705001007	0
8659	Block: 540719705001009	0
8660	Block: 540719705001011	0
8661	Block: 540719705001012	0
8662	Block: 540719705001013	0
8663	Block: 540719705001014	0
8664	Block: 540719705001015	0
8665	Block: 540719705001022	53
8666	Block: 540719705001023	0
8667	Block: 540719705001024	0
8668	Block: 540719705001068	0
8669	Block: 540719705001069	0
8670	Block: 540719705001071	3
8671	Block: 540719705001075	9
8672	Block: 540719705001076	0
8673	Block: 540719705001080	2
8674	Block: 540719705001081	7

2332	REDISTRICTING	[Ch. 3
8675	Block: 540719705001082	0
8676	Block: 540719705001092	0
8677	Block: 540719705001096	0
8678	Block: 540719705001098	0
8679	Block: 540719705001109	6
8680	Block: 540719705001116	0
8681	Block: 540719705001117	0
8682	Block: 540719705001123	0
8683	Block: 540719705001124	7
8684	Block: 540719705001125	0
8685	Block: 540719705001126	1
8686	Block: 540719705001127	1
8687	Block: 540719705001128	0
8688	Block: 540719705001129	0
8689	Block: 540719705001130	4
8690	Block: 540719705001131	2
8691	Block: 540719705001132	1
8692	Block: 540719705001135	0
8693	Block: 540719705001157	3
8694	Block: 540719705001158	0
8695	Block: 540719705001159	0
8696	Block: 540719705001160	2
8697	Block: 540719705001161	0
8698	Block: 540719705001162	0
8699	Block: 540719705001168	0
8700	Block: 540719705001169	2
8701	Block: 540719705001170	5
8702	Block: 540719705001171	0
8703	Block: 540719705001172	0
8704	Block: 540719705001173	0
8705	Block: 540719705001174	0

8706	Block: 540719705001175	0
8707	Block: 540719705001176	0
8708	Block: 540719705001177	0
8709	Block: 540719705001178	0
8710	Block: 540719705001180	0
8711	Block: 540719705001181	0
8712	Block: 540719705001182	0
8713	Block: 540719705001183	0
8714	Block: 540719705001184	0
8715	Block: 540719705001185	33
8716	Block: 540719705001186	4
8717	Block: 540719705001187	0
8718	Block: 540719705001188	0
8719	Block: 540719705001189	0
8720	Block: 540719705001190	0
8721	Block: 540719705001191	0
8722	Block: 540719705001192	3
8723	Block: 540719705001193	0
8724	Block: 540719705001194	0
8725	Block: 540719705001195	0
8726	Block: 540719705001196	3
8727	Block: 540719705001197	13
8728	Block: 540719705001198	0
8729	Block: 540719705001199	26
8730	Block: 540719705001200	0
8731	Block: 540719705001203	0
8732	Block: 540719705001205	0
8733	Block: 540719705001209	0
8734	Block: 540719705001210	0
8735	Block: 540719705001211	0
8736	Block: 540719705001212	43

2334	REDISTRICTING	[Ch. 3
8737	Block: 540719705001213	0
8738	Block: 540719705001220	0
8739	Block: 540719705001221	0
8740	Block: 540719705001225	5
8741	Block: 540719705001228	0
8742	Block: 540719705001229	5
8743	Block: 540719705001230	0
8744	Block: 540719705001231	0
8745	Block: 540719705001234	0
8746	Block: 540719705001235	0
8747	Block: 540719705001236	11
8748	Block: 540719705001239	0
8749	Block: 540719705001240	0
8750	Block: 540719705001241	6
8751	Block: 540719705001242	0
8752	Block: 540719705001243	0
8753	Block: 540719705001244	0
8754	Block: 540719705001245	0
8755	Block: 540719705001246	0
8756	Block: 540719705001295	0
8757	Block: 540719705001313	0
8758	Block: 540719705001314	0
8759	Block: 540719705001319	0
8760	Block: 540719705001330	0
8761	Block: 540719705001331	0
8762	Block: 540719705001332	0
8763	VTD 8 Subtotal	260
8764	VTD: 9	361
8765	Pendleton WV County Subtotal	5,389
8766	District 55 Subtotal	19,414
8767	District 56	

8768	Mineral WV County	
8769	VTD: 1	
8770	Block: 540570104001067	14
8771	Block: 540570104001078	0
8772	Block: 540570104001090	0
8773	Block: 540570104001091	23
8774	Block: 540570104001092	0
8775	Block: 540570104001093	0
8776	Block: 540570104001094	0
8777	Block: 540570104001095	1
8778	Block: 540570104001096	1
8779	Block: 540570104001097	0
8780	Block: 540570104001098	5
8781	Block: 540570104001099	1
8782	Block: 540570104001100	1
8783	Block: 540570104001101	0
8784	Block: 540570104001102	0
8785	Block: 540570104001103	0
8786	Block: 540570104001104	0
8787	Block: 540570104001106	0
8788	Block: 540570104001107	0
8789	Block: 540570104001108	17
8790	Block: 540570104001109	0
8791	Block: 540570104001110	10
8792	Block: 540570104001111	0
8793	Block: 540570104001112	100
8794	Block: 540570104001113	0
8795	Block: 540570104001114	0
8796	Block: 540570104001116	0
8797	Block: 540570104001118	0
8798	Block: 540570104001119	0

2336	REDISTRICTING	[Ch. 3
8799	Block: 540570104001121	1
8800	Block: 540570104001122	2
8801	Block: 540570104001123	0
8802	Block: 540570104001124	0
8803	Block: 540570104001125	4
8804	Block: 540570104001126	95
8805	Block: 540570104001127	0
8806	Block: 540570104001128	3
8807	Block: 540570104001129	6
8808	Block: 540570104001130	16
8809	Block: 540570104001131	0
8810	Block: 540570104001132	0
8811	Block: 540570104001133	0
8812	Block: 540570104001134	0
8813	Block: 540570104001143	0
8814	Block: 540570104001144	0
8815	Block: 540570104001148	0
8816	Block: 540570104001159	2
8817	Block: 540570104002000	0
8818	Block: 540570104002001	100
8819	Block: 540570104002002	0
8820	Block: 540570104002003	3
8821	Block: 540570104002004	0
8822	Block: 540570104002005	1
8823	Block: 540570104002006	0
8824	Block: 540570104002007	0
8825	Block: 540570104002008	0
8826	Block: 540570104002009	0
8827	Block: 540570104002010	4
8828	Block: 540570104002011	2
8829	Block: 540570104002012	0



8830	Block: 540570104002013	3
8831	Block: 540570104002014	17
8832	Block: 540570104002015	0
8833	Block: 540570104002016	0
8834	Block: 540570104002017	0
8835	Block: 540570104002018	58
8836	Block: 540570104002019	0
8837	Block: 540570104002020	0
8838	Block: 540570104002021	0
8839	Block: 540570104002022	0
8840	Block: 540570104002023	0
8841	Block: 540570104002024	1
8842	Block: 540570104002025	37
8843	Block: 540570104002026	4
8844	Block: 540570104002027	34
8845	Block: 540570104002028	0
8846	Block: 540570104002029	13
8847	Block: 540570104002030	0
8848	Block: 540570104002031	3
8849	Block: 540570104002032	1
8850	Block: 540570104002033	2
8851	Block: 540570104002034	19
8852	Block: 540570104002035	0
8853	Block: 540570104002036	0
8854	Block: 540570104002037	0
8855	Block: 540570104002038	45
8856	Block: 540570104002039	0
8857	Block: 540570104002040	6
8858	Block: 540570104002041	13
8859	Block: 540570104002042	17
8860	Block: 540570104002043	0

2338	REDISTRICTING	[Ch. 3
8861	Block: 540570104002044	3
8862	Block: 540570104002045	11
8863	Block: 540570104002046	0
8864	Block: 540570104002047	0
8865	Block: 540570104002048	23
8866	Block: 540570104002074	0
8867	Block: 540570104002082	3
8868	Block: 540570104002083	0
8869	Block: 540570104002084	4
8870	Block: 540570104002085	24
8871	Block: 540570104002086	0
8872	Block: 540570104002087	93
8873	Block: 540570104002089	0
8874	Block: 540570104002090	4
8875	Block: 540570104002091	1
8876	Block: 540570104002092	0
8877	Block: 540570104002093	1
8878	Block: 540570104002094	0
8879	Block: 540570104002098	0
8880	Block: 540570104002101	59
8881	Block: 540570104002102	6
8882	Block: 540570104002103	15
8883	Block: 540570104002104	0
8884	Block: 540570104002105	0
8885	Block: 540570104002113	6
8886	Block: 540570104002114	0
8887	Block: 540570104002115	36
8888	Block: 540570104002116	5
8889	Block: 540570104002117	0
8890	Block: 540570104002118	0
8891	Block: 540570104002119	0

8892	Block: 540570104002120	5
8893	Block: 540570104002121	2
8894	Block: 540570104002122	9
8895	Block: 540570104002123	33
8896	Block: 540570104002124	4
8897	Block: 540570104002125	28
8898	Block: 540570104002126	0
8899	Block: 540570104002127	0
8900	Block: 540570104002128	11
8901	Block: 540570104002129	1
8902	Block: 540570104002134	8
8903	Block: 540570104002135	3
8904	Block: 540570104002136	3
8905	Block: 540570104002139	0
8906	Block: 540570104002142	3
8907	VTD 1 Subtotal	1,089
8908	VTD: 10	999
8909	VTD: 11	811
8910	VTD: 12	644
8911	VTD: 13	399
8912	VTD: 14	276
8913	VTD: 15	1,572
8914	VTD: 16	585
8915	VTD: 17	289
8916	VTD: 18	263
8917	VTD: 19	828
8918	VTD: 2	1,084
8919	VTD: 20	1,401
8920	VTD: 21	506
8921	VTD: 22	353
8922	VTD: 23	833

2340	REDISTRICTING	[Ch. 3
8923	VTD: 24	473
8924	VTD: 25	1,403
8925	VTD: 26	
8926	Block: 540570105001001	14
8927	Block: 540570105001002	0
8928	Block: 540570105001003	0
8929	Block: 540570105001004	30
8930	Block: 540570105001005	0
8931	Block: 540570105001006	0
8932	Block: 540570105001007	0
8933	Block: 540570105001008	8
8934	Block: 540570105001009	22
8935	Block: 540570105001010	0
8936	Block: 540570105001011	1
8937	Block: 540570105001012	15
8938	Block: 540570105001013	5
8939	Block: 540570105001014	3
8940	Block: 540570105001015	0
8941	Block: 540570105001016	0
8942	Block: 540570105001017	4
8943	Block: 540570105001018	16
8944	Block: 540570105001019	0
8945	Block: 540570105001021	1
8946	Block: 540570105001048	0
8947	Block: 540570105001049	2
8948	Block: 540570105001050	0
8949	Block: 540570105001051	0
8950	Block: 540570105002075	8
8951	Block: 540570105003000	0
8952	Block: 540570105003001	0
8953	Block: 540570105003006	8

8954	Block: 540570105003007	13
8955	Block: 540570105003008	0
8956	Block: 540570105003009	15
8957	Block: 540570105003010	0
8958	Block: 540570105003011	10
8959	Block: 540570105003012	47
8960	Block: 540570105003013	0
8961	Block: 540570105003014	26
8962	Block: 540570105003015	71
8963	Block: 540570105003016	14
8964	Block: 540570105003023	278
8965	Block: 540570105003024	9
8966	Block: 540570105003025	0
8967	Block: 540570105003027	0
8968	Block: 540570105003028	4
8969	Block: 540570105003029	0
8970	Block: 540570105003030	0
8971	Block: 540570105003031	1
8972	Block: 540570105003032	1
8973	Block: 540570105003033	0
8974	Block: 540570105003034	17
8975	Block: 540570105003035	0
8976	Block: 540570105003036	10
8977	Block: 540570105003037	8
8978	Block: 540570105003038	0
8979	Block: 540570105003039	94
8980	Block: 540570105003040	0
8981	Block: 540570105003041	0
8982	Block: 540570105003042	1
8983	Block: 540570105003043	0
8984	Block: 540570105003044	3

2342	REDISTRICTING	[Ch. 3
8985	Block: 540570105003045	46
8986	Block: 540570105003046	45
8987	Block: 540570105003047	0
8988	Block: 540570105003048	9
8989	Block: 540570105003049	58
8990	Block: 540570105003050	4
8991	Block: 540570105003051	2
8992	Block: 540570105003052	9
8993	Block: 540570105003053	13
8994	Block: 540570105003054	9
8995	Block: 540570105003055	0
8996	Block: 540570105003056	0
8997	Block: 540570105003057	0
8998	Block: 540570105003059	37
8999	Block: 540570105003084	2
9000	Block: 540570105003085	13
9001	Block: 540570105003086	0
9002	Block: 540570105003089	0
9003	Block: 540570105003090	0
9004	Block: 540570105003092	0
9005	Block: 540570106001010	0
9006	VTD 26 Subtotal	1,006
9007	VTD: 27	
9008	Block: 540570105004006	6
9009	VTD 27 Subtotal	6
9010	VTD: 29	876
9011	VTD: 30	
9012	Block: 540570107002022	5
9013	Block: 540570107002023	0
9014	Block: 540570107002024	8
9015	Block: 540570107002076	8

Ch. 3]	REDISTRICTING	2343
9016	VTD 30 Subtotal	21
9017	VTD: 31	1,480
9018	VTD: 4	823
9019	VTD: 5	1,376
9020	Mineral WV County Subtotal	19,396
9021	District 56 Subtotal	19,396
9022	District 57	
9023	Hampshire WV County	
9024	VTD: 10	1,088
9025	VTD: 11	1,075
9026	VTD: 12	1,072
9027	VTD: 14	436
9028	VTD: 15	1,023
9029	VTD: 16	411
9030	VTD: 17	1,027
9031	VTD: 18	1,486
9032	VTD: 19	658
9033	VTD: 20	1,001
9034	VTD: 22	747
9035	VTD: 23	593
9036	VTD: 24	746
9037	VTD: 25	1,213
9038	VTD: 26	550
9039	VTD: 28	1,183
9040	VTD: 8	
9041	Block: 540279682001084	44
9042	Block: 540279682001085	0
9043	Block: 540279682001086	5
9044	Block: 540279682001087	1
9045	Block: 540279682001089	5
9046	Block: 540279682002005	0

2344	REDISTRICTING	[Ch. 3
9047	Block: 540279682003043	53
9048	Block: 540279682003044	0
9049	Block: 540279682003046	0
9050	Block: 540279682003069	54
9051	Block: 540279682003070	0
9052	Block: 540279682003071	1
9053	Block: 540279682003073	0
9054	Block: 540279682003074	0
9055	Block: 540279682003075	0
9056	Block: 540279682003076	0
9057	Block: 540279682003078	0
9058	Block: 540279682003079	75
9059	Block: 540279682003080	0
9060	Block: 540279682003081	0
9061	Block: 540279682003082	0
9062	Block: 540279682003083	2
9063	Block: 540279682003084	0
9064	Block: 540279682003085	0
9065	Block: 540279682003086	0
9066	Block: 540279682003093	31
9067	Block: 540279682003094	3
9068	Block: 540279682003095	0
9069	Block: 540279682003096	0
9070	Block: 540279682003097	18
9071	Block: 540279682003098	0
9072	Block: 540279682003099	2
9073	Block: 540279682003101	0
9074	Block: 540279682003110	0
9075	Block: 540279682003113	42
9076	Block: 540279682003114	6
9077	Block: 540279682003118	0



9078	Block: 540279683003032	0
9079	Block: 540279683003033	0
9080	Block: 540279683003034	0
9081	Block: 540279683003035	0
9082	Block: 540279683003036	1
9083	Block: 540279683003037	1
9084	Block: 540279683003038	0
9085	Block: 540279683003039	0
9086	Block: 540279683003040	0
9087	Block: 540279683003041	0
9088	Block: 540279683003042	0
9089	Block: 540279683003043	3
9090	Block: 540279683003044	0
9091	Block: 540279683003045	0
9092	Block: 540279683003046	43
9093	Block: 540279683003047	0
9094	Block: 540279683003048	0
9095	Block: 540279683003049	0
9096	Block: 540279683003050	2
9097	Block: 540279683003051	3
9098	Block: 540279683003052	45
9099	Block: 540279683003053	7
9100	Block: 540279683003054	0
9101	Block: 540279683003055	0
9102	Block: 540279683003061	0
9103	Block: 540279683003063	0
9104	Block: 540279683003067	0
9105	Block: 540279683003094	5
9106	Block: 540279683003095	0
9107	Block: 540279683003096	0
9108	Block: 540279683003162	1

2346	REDISTRICTING	[Ch. 3
9109	Block: 540279683003163	13
9110	Block: 540279683003164	2
9111	Block: 540279683003165	0
9112	Block: 540279683003166	63
9113	Block: 540279683003167	1
9114	Block: 540279683003168	31
9115	Block: 540279683003169	9
9116	Block: 540279683003170	7
9117	Block: 540279683003171	0
9118	Block: 540279683003172	0
9119	Block: 540279683003173	6
9120	Block: 540279683003174	6
9121	Block: 540279683003175	2
9122	Block: 540279683003176	24
9123	Block: 540279683003193	0
9124	VTD 8 Subtotal	617
9125	VTD: 9	
9126	Block: 540279682003021	0
9127	Block: 540279682003026	0
9128	Block: 540279682003032	4
9129	Block: 540279682003033	0
9130	Block: 540279682003035	0
9131	Block: 540279682003045	0
9132	Block: 540279682003047	2
9133	Block: 540279682003048	2
9134	Block: 540279682003049	0
9135	Block: 540279682003050	43
9136	Block: 540279682003051	0
9137	Block: 540279682003052	34
9138	Block: 540279682003053	0
9139	Block: 540279682003054	0

Ch. 3]

REDISTRICTING

2347

9140	Block: 540279682003055	1
9141	Block: 540279682003056	4
9142	Block: 540279682003057	37
9143	Block: 540279682003058	21
9144	Block: 540279682003059	12
9145	Block: 540279682003060	21
9146	Block: 540279682003061	25
9147	Block: 540279682003062	0
9148	Block: 540279682003063	13
9149	Block: 540279682003064	2
9150	Block: 540279682003065	0
9151	Block: 540279682003066	0
9152	Block: 540279682003067	11
9153	Block: 540279682003068	0
9154	Block: 540279682003072	0
9155	Block: 540279682003077	0
9156	Block: 540279682003090	0
9157	Block: 540279682003091	0
9158	Block: 540279682003092	1
9159	Block: 540279683001001	0
9160	Block: 540279683001004	0
9161	Block: 540279683001010	3
9162	Block: 540279683001020	22
9163	Block: 540279683001021	3
9164	Block: 540279683001022	1
9165	Block: 540279683001023	0
9166	Block: 540279683001024	0
9167	Block: 540279683001025	6
9168	Block: 540279683001026	0
9169	Block: 540279683001027	0
9170	Block: 540279683001028	0

2348	REDISTRICTING	[Ch. 3
9171	Block: 540279683001030	0
9172	Block: 540279683001062	0
9173	Block: 540279683001063	0
9174	Block: 540279683001064	0
9175	Block: 540279683001065	160
9176	Block: 540279683001066	0
9177	Block: 540279683001067	1
9178	Block: 540279683001068	1
9179	Block: 540279683001069	3
9180	Block: 540279683001070	0
9181	Block: 540279683001071	0
9182	Block: 540279683001072	13
9183	Block: 540279683001074	146
9184	Block: 540279683001075	14
9185	Block: 540279683001076	4
9186	Block: 540279683001077	42
9187	Block: 540279683001078	46
9188	Block: 540279683001079	0
9189	Block: 540279683001080	0
9190	Block: 540279683001081	0
9191	Block: 540279683001082	2
9192	Block: 540279683001083	40
9193	Block: 540279683001084	0
9194	Block: 540279683001085	2
9195	Block: 540279683001086	0
9196	Block: 540279683001087	0
9197	Block: 540279683001088	0
9198	Block: 540279683001107	0
9199	Block: 540279683001108	0
9200	Block: 540279683001112	9
9201	Block: 540279683001113	7

Ch. 3]	REDISTRICTING	2349
9202	Block: 540279683001114	14
9203	Block: 540279683001115	0
9204	Block: 540279683001116	0
9205	Block: 540279683001117	0
9206	Block: 540279683001118	0
9207	Block: 540279683001119	0
9208	Block: 540279683002068	14
9209	VTD 9 Subtotal	786
9210	Hampshire WV County Subtotal	15,712
9211	Mineral WV County	
9212	VTD: 32	943
9213	VTD: 7	1,610
9214	VTD: 9	1,154
9215	Mineral WV County Subtotal	3,707
9216	District 57 Subtotal	19,419
9217	District 58	
9218	Hampshire WV County	
9219	VTD: 2	1,121
9220	VTD: 21	1,412
9221	VTD: 4	2,216
9222	VTD: 6	1,469
9223	VTD: 7	1,591
9224	VTD: 8	
9225	Block: 540279682003106	0
9226	VTD 8 Subtotal	0
9227	VTD: 9	
9228	Block: 540279682003000	13
9229	Block: 540279682003001	4
9230	Block: 540279682003002	0
9231	Block: 540279682003003	0
9232	Block: 540279682003004	58

2350	REDISTRICTING	[Ch. 3
9233	Block: 540279682003005	0
9234	Block: 540279682003006	15
9235	Block: 540279682003007	0
9236	Block: 540279682003008	0
9237	Block: 540279682003009	9
9238	Block: 540279682003010	8
9239	Block: 540279682003011	0
9240	Block: 540279682003012	2
9241	Block: 540279682003013	14
9242	Block: 540279682003014	2
9243	Block: 540279682003015	0
9244	Block: 540279682003016	0
9245	Block: 540279682003017	1
9246	Block: 540279682003018	105
9247	Block: 540279682003019	0
9248	Block: 540279682003020	0
9249	Block: 540279682003022	0
9250	Block: 540279682003023	0
9251	Block: 540279682003024	0
9252	Block: 540279682003025	5
9253	Block: 540279682003027	0
9254	Block: 540279682003028	0
9255	Block: 540279682003029	0
9256	Block: 540279682003030	0
9257	Block: 540279682003031	0
9258	Block: 540279682003034	0
9259	Block: 540279682003036	7
9260	Block: 540279682003037	0
9261	Block: 540279682003038	14
9262	Block: 540279682003039	3
9263	Block: 540279682003040	51

Ch. 3]	REDISTRICTING	2351
9264	Block: 540279682003041	0
9265	Block: 540279682003042	0
9266	Block: 540279682003087	46
9267	Block: 540279682003088	1
9268	Block: 540279682003089	0
9269	Block: 540279682003111	0
9270	Block: 540279682003112	2
9271	Block: 540279682003119	8
9272	Block: 540279682003120	1
9273	Block: 540279682003121	1
9274	Block: 540279683001000	0
9275	Block: 540279683001005	19
9276	Block: 540279683001006	0
9277	Block: 540279683001007	0
9278	Block: 540279683001008	0
9279	Block: 540279683001009	9
9280	Block: 540279683001011	7
9281	Block: 540279683001012	0
9282	Block: 540279683001013	0
9283	Block: 540279683001014	1
9284	Block: 540279683001015	0
9285	Block: 540279683001016	35
9286	Block: 540279683001017	0
9287	Block: 540279683001018	0
9288	Block: 540279683001019	0
9289	Block: 540279683001073	2
9290	VTD 9 Subtotal	443
9291	Hampshire WV County Subtotal	8,252
9292	Morgan WV County	
9293	VTD: 1	1,863
9294	VTD: 13	1,518

2352	REDISTRICTING	[Ch. 3
9295	VTD: 18	1,056
9296	VTD: 2 (540652)	2,274
9297	VTD: 4 (540654)	758
9298	VTD: 5	698
9299	VTD: 6 (540656)	1,035
9300	VTD: 7 (540657)	547
9301	VTD: 8	1,150
9302	Morgan WV County Subtotal	10,899
9303	District 58 Subtotal	19,151
9304	District 59	
9305	Berkeley WV County	
9306	VTD: 19	
9307	Block: 540039711022004	415
9308	Block: 540039711022005	55
9309	Block: 540039711022006	51
9310	Block: 540039711022007	52
9311	Block: 540039711022008	58
9312	Block: 540039711022009	41
9313	Block: 540039711022010	230
9314	Block: 540039711022011	17
9315	Block: 540039711022037	52
9316	Block: 540039711022059	73
9317	Block: 540039711022060	0
9318	VTD 19 Subtotal	1,044
9319	VTD: 39	4,160
9320	VTD: 40	
9321	Block: 540039711022012	0
9322	Block: 540039711022013	0
9323	Block: 540039711022014	0
9324	Block: 540039711022015	0
9325	Block: 540039711022016	0



9326	Block: 540039711022017	0
9327	Block: 540039711022018	0
9328	Block: 540039711022019	0
9329	Block: 540039711022020	0
9330	Block: 540039711022021	0
9331	Block: 540039711022022	0
9332	Block: 540039711022023	0
9333	Block: 540039711022024	0
9334	Block: 540039711022025	0
9335	Block: 540039711022026	0
9336	Block: 540039711022027	0
9337	Block: 540039711022028	0
9338	Block: 540039711022029	0
9339	Block: 540039711022030	0
9340	Block: 540039711022031	0
9341	Block: 540039711022032	0
9342	Block: 540039711022033	0
9343	Block: 540039711022034	0
9344	Block: 540039711022035	0
9345	Block: 540039711022036	0
9346	Block: 540039711022038	41
9347	Block: 540039711022039	0
9348	Block: 540039711022040	0
9349	Block: 540039711022041	0
9350	Block: 540039711022042	0
9351	Block: 540039711022043	0
9352	Block: 540039711022044	0
9353	Block: 540039711022045	0
9354	Block: 540039711022046	14
9355	Block: 540039711022047	0
9356	Block: 540039711022048	0

2354	REDISTRICTING	[Ch. 3
9357	Block: 540039711022049	0
9358	Block: 540039711022050	0
9359	Block: 540039711022051	0
9360	Block: 540039711022052	8
9361	Block: 540039711022056	0
9362	Block: 540039711022061	0
9363	Block: 540039711022062	0
9364	Block: 540039711022063	0
9365	Block: 540039711022064	0
9366	Block: 540039711022065	0
9367	Block: 540039711022066	0
9368	Block: 540039711022067	0
9369	Block: 540039711022068	0
9370	Block: 540039711022069	0
9371	Block: 540039711022070	0
9372	Block: 540039711022071	0
9373	Block: 540039711022072	0
9374	Block: 540039711022073	0
9375	Block: 540039711022074	0
9376	Block: 540039711022075	0
9377	Block: 540039711022076	0
9378	Block: 540039711022077	0
9379	Block: 540039712011000	1
9380	Block: 540039712011001	49
9381	Block: 540039712011002	5
9382	Block: 540039712011003	12
9383	Block: 540039712011004	20
9384	Block: 540039712011005	9
9385	Block: 540039712011006	70
9386	Block: 540039712011007	7
9387	Block: 540039712011008	2

## Ch. 3]

## REDISTRICTING

2355

9388	Block: 540039712011009	25
9389	Block: 540039712011010	58
9390	Block: 540039712011011	89
9391	Block: 540039712011012	0
9392	Block: 540039712011013	0
9393	Block: 540039712011014	31
9394	Block: 540039712011015	24
9395	Block: 540039712011016	0
9396	Block: 540039712011017	105
9397	Block: 540039712011018	26
9398	Block: 540039712011019	0
9399	Block: 540039712011020	0
9400	Block: 540039712011024	0
9401	Block: 540039712011025	2
9402	Block: 540039712011031	0
9403	Block: 540039712011032	0
9404	Block: 540039712011033	1
9405	Block: 540039712011034	0
9406	Block: 540039712011035	0
9407	Block: 540039712011041	0
9408	Block: 540039712011042	0
9409	Block: 540039712011043	27
9410	Block: 540039712011044	3
9411	Block: 540039712011045	1
9412	Block: 540039712011046	6
9413	Block: 540039712011047	14
9414	Block: 540039712011048	4
9415	Block: 540039712011049	268
9416	Block: 540039712011050	0
9417	Block: 540039712011051	38
9418	Block: 540039712011052	24

2356	REDISTRICTING	[Ch. 3
9419	Block: 540039712011053	52
9420	Block: 540039712011054	0
9421	Block: 540039712011055	45
9422	Block: 540039712011056	37
9423	Block: 540039712011057	22
9424	Block: 540039712011058	9
9425	Block: 540039712011059	0
9426	Block: 540039712011061	0
9427	Block: 540039712011062	4
9428	Block: 540039712011063	2
9429	Block: 540039712011064	61
9430	Block: 540039712011065	3
9431	Block: 540039712011066	11
9432	Block: 540039712011067	0
9433	Block: 540039712012000	4
9434	Block: 540039712012001	15
9435	Block: 540039712012002	0
9436	Block: 540039712012007	9
9437	Block: 540039712014000	0
9438	Block: 540039712014001	33
9439	Block: 540039712014002	0
9440	Block: 540039712014003	23
9441	Block: 540039712014004	0
9442	Block: 540039712014005	365
9443	Block: 540039712014006	2
9444	Block: 540039712014007	6
9445	Block: 540039712014009	45
9446	Block: 540039712014010	2
9447	Block: 540039712014011	243
9448	Block: 540039712014013	4
9449	Block: 540039712014014	6

Ch. 3]	REDISTRICTING	2357
9450	Block: 540039712014015	6
9451	Block: 540039712014016	0
9452	Block: 540039712014017	118
9453	Block: 540039712014021	0
9454	Block: 540039712014022	0
9455	Block: 540039712014053	0
9456	Block: 540039712014064	5
9457	Block: 540039712022041	0
9458	VTD 40 Subtotal	2,116
9459	VTD: 41	
9460	Block: 540039712023005	301
9461	Block: 540039712023007	0
9462	Block: 540039712023008	0
9463	VTD 41 Subtotal	301
9464	VTD: 42	1,455
9465	VTD: 44	1,053
9466	VTD: 47	
9467	Block: 540039712023035	0
9468	Block: 540039712023042	0
9469	Block: 540039712023047	0
9470	Block: 540039712023050	0
9471	Block: 540039712023051	30
9472	Block: 540039712023053	0
9473	Block: 540039712023057	7
9474	Block: 540039718001007	0
9475	Block: 540039718001008	0
9476	Block: 540039718001009	0
9477	Block: 540039718001010	0
9478	Block: 540039718001011	0
9479	Block: 540039718001012	0
9480	Block: 540039718001013	0

2358	REDISTRICTING	[Ch. 3
9481	Block: 540039718001015	0
9482	Block: 540039718001016	0
9483	Block: 540039718001017	0
9484	Block: 540039718001018	0
9485	Block: 540039718001020	615
9486	Block: 540039718001021	3
9487	Block: 540039718001022	8
9488	Block: 540039718001023	0
9489	Block: 540039718001024	2
9490	Block: 540039718001025	6
9491	Block: 540039718001026	8
9492	Block: 540039718001027	2
9493	Block: 540039718001031	4
9494	Block: 540039718001032	0
9495	Block: 540039718001033	4
9496	Block: 540039718001034	0
9497	Block: 540039718001035	7
9498	Block: 540039718001036	0
9499	Block: 540039718001037	0
9500	Block: 540039718001084	0
9501	Block: 540039718001086	0
9502	Block: 540039718002037	2
9503	VTD 47 Subtotal	698
9504	VTD: 48	
9505	Block: 540039712021000	323
9506	Block: 540039712021001	55
9507	Block: 540039712021002	163
9508	Block: 540039712021003	8
9509	Block: 540039712021004	0
9510	Block: 540039712021005	5
9511	Block: 540039712021006	19

9512	Block: 540039712021007	4
9513	Block: 540039712021008	12
9514	Block: 540039712021009	2
9515	Block: 540039712021010	4
9516	Block: 540039712021011	0
9517	Block: 540039712021012	8
9518	Block: 540039712021013	9
9519	Block: 540039712021014	0
9520	Block: 540039712021015	0
9521	Block: 540039712021016	8
9522	Block: 540039712021017	4
9523	Block: 540039712021018	44
9524	Block: 540039712021019	35
9525	Block: 540039712021020	166
9526	Block: 540039712021021	6
9527	Block: 540039712021023	0
9528	Block: 540039712021024	17
9529	Block: 540039712023000	10
9530	Block: 540039712023001	43
9531	Block: 540039712023002	5
9532	Block: 540039712023003	8
9533	Block: 540039712023004	6
9534	Block: 540039712023010	123
9535	Block: 540039712023011	0
9536	Block: 540039712023012	17
9537	Block: 540039712023021	1
9538	Block: 540039712023023	92
9539	Block: 540039712023024	11
9540	Block: 540039712023025	49
9541	Block: 540039712023026	0
9542	Block: 540039712023027	66

2360	REDISTRICTING	[Ch. 3
9543	Block: 540039712023028	12
9544	Block: 540039712023029	27
9545	Block: 540039712023030	22
9546	Block: 540039712023031	0
9547	Block: 540039712023032	239
9548	Block: 540039712023033	0
9549	Block: 540039712023037	55
9550	Block: 540039712023038	2
9551	Block: 540039712023039	0
9552	Block: 540039712023040	0
9553	Block: 540039712023041	20
9554	Block: 540039712023043	0
9555	Block: 540039712023044	0
9556	Block: 540039712023046	0
9557	Block: 540039712023048	2
9558	Block: 540039712023049	12
9559	Block: 540039712023052	0
9560	Block: 540039712023056	7
9561	Block: 540039712023059	0
9562	Block: 540039718001000	0
9563	Block: 540039718001001	0
9564	Block: 540039718001002	0
9565	Block: 540039718001003	0
9566	Block: 540039718001004	0
9567	Block: 540039718001005	0
9568	Block: 540039718001006	0
9569	Block: 540039718001014	0
9570	Block: 540039718001019	0
9571	VTD 48 Subtotal	1,721
9572	Berkeley WV County Subtotal	12,548
9573	Morgan WV County	



Ch. 3]	REDISTRICTING	2361
9574	VTD: 21	1,309
9575	VTD: 23	2,055
9576	VTD: 24	1,919
9577	VTD: 25	1,359
9578	Morgan WV County Subtotal	6,642
9579	District 59 Subtotal	19,190
9580	District 60	
9581	Berkeley WV County	
9582	VTD: 10	
9583	Block: 540039713003017	1
9584	Block: 540039713003022	15
9585	Block: 540039713003028	0
9586	VTD 10 Subtotal	16
9587	VTD: 15	
9588	Block: 540039713003013	4
9589	Block: 540039716001015	4
9590	VTD 15 Subtotal	8
9591	VTD: 33	3,047
9592	VTD: 36	
9593	Block: 540039721021000	67
9594	Block: 540039721021001	47
9595	Block: 540039721021002	25
9596	Block: 540039721021003	495
9597	Block: 540039721021004	27
9598	Block: 540039721021005	0
9599	Block: 540039721021006	0
9600	Block: 540039721021007	74
9601	Block: 540039721021008	3
9602	Block: 540039721021009	44
9603	Block: 540039721021010	73
9604	Block: 540039721021011	180

2362	REDISTRICTING	[Ch. 3
9605	Block: 540039721021012	0
9606	Block: 540039721023000	0
9607	Block: 540039721023003	141
9608	Block: 540039721023004	37
9609	Block: 540039721023006	2
9610	Block: 540039721023007	0
9611	Block: 540039721023008	0
9612	Block: 540039721023023	8
9613	Block: 540039721023026	0
9614	Block: 540039721023031	50
9615	Block: 540039721023032	0
9616	Block: 540039721023035	0
9617	Block: 540039721023037	20
9618	Block: 540039721023038	24
9619	Block: 540039721026016	12
9620	VTD 36 Subtotal	1,329
9621	VTD: 37	
9622	Block: 540039721022010	66
9623	Block: 540039721022011	4
9624	Block: 540039721022016	40
9625	Block: 540039721022018	6
9626	Block: 540039721022023	6
9627	Block: 540039721022033	47
9628	Block: 540039721022034	10
9629	Block: 540039721022035	24
9630	Block: 540039721022036	2
9631	Block: 540039721026001	4
9632	Block: 540039721026002	0
9633	Block: 540039721026003	0
9634	Block: 540039721026004	602
9635	Block: 540039721026005	24

Ch. 3]	REDISTRICTING	2363
9636	Block: 540039721026006	42
9637	Block: 540039721026007	30
9638	Block: 540039721026008	41
9639	Block: 540039721026010	62
9640	Block: 540039721026011	51
9641	Block: 540039721026012	38
9642	Block: 540039721026013	39
9643	Block: 540039721026014	53
9644	Block: 540039721026015	44
9645	Block: 540039721026017	0
9646	Block: 540039721026018	26
9647	Block: 540039721026019	34
9648	Block: 540039721026020	40
9649	Block: 540039721026021	33
9650	Block: 540039721026022	0
9651	Block: 540039721026023	5
9652	Block: 540039721026024	95
9653	Block: 540039721026025	0
9654	Block: 540039721026026	27
9655	Block: 540039721026027	44
9656	Block: 540039721026028	73
9657	Block: 540039721026029	16
9658	Block: 540039721026030	62
9659	Block: 540039721026031	1
9660	Block: 540039721026033	21
9661	VTD 37 Subtotal	1,712
9662	VTD: 38	
9663	Block: 540039712013016	8
9664	Block: 540039712015000	152
9665	Block: 540039712015001	5
9666	Block: 540039712015002	7

2364	REDISTRICTING	[Ch. 3
9667	Block: 540039712015003	130
9668	Block: 540039712015004	37
9669	Block: 540039712015008	55
9670	Block: 540039712015009	38
9671	Block: 540039712015010	22
9672	Block: 540039712015011	0
9673	Block: 540039712015012	216
9674	Block: 540039712015013	15
9675	Block: 540039712015014	11
9676	Block: 540039712015015	384
9677	Block: 540039712015019	0
9678	Block: 540039712015020	0
9679	Block: 540039712015021	38
9680	Block: 540039712015022	171
9681	Block: 540039712015028	40
9682	Block: 540039713003001	12
9683	Block: 540039713003002	0
9684	Block: 540039713003003	141
9685	Block: 540039713003004	0
9686	Block: 540039713003005	10
9687	Block: 540039713003006	33
9688	Block: 540039713003010	280
9689	Block: 540039713003011	6
9690	Block: 540039713003012	39
9691	Block: 540039713003014	32
9692	Block: 540039713003019	35
9693	Block: 540039713003029	5
9694	Block: 540039713003030	55
9695	Block: 540039713003050	13
9696	Block: 540039713003051	0
9697	Block: 540039713003052	132

Ch. 3]	REDISTRICTING	2365
9698	Block: 540039713003057	0
9699	Block: 540039716002000	0
9700	Block: 540039716002001	1
9701	Block: 540039716002002	0
9702	Block: 540039718001042	0
9703	Block: 540039718001057	1
9704	Block: 540039718001066	0
9705	Block: 540039718001068	0
9706	Block: 540039719002013	0
9707	VTD 38 Subtotal	2,124
9708	VTD: 41	
9709	Block: 540039712014030	0
9710	Block: 540039712021022	0
9711	Block: 540039712023006	0
9712	Block: 540039712023009	3
9713	Block: 540039712023013	5
9714	Block: 540039712023014	2
9715	Block: 540039712023015	0
9716	Block: 540039712023016	0
9717	Block: 540039712023017	70
9718	Block: 540039712023018	6
9719	Block: 540039712023019	2
9720	Block: 540039712023020	18
9721	Block: 540039712023022	17
9722	Block: 540039712023034	0
9723	Block: 540039712023045	167
9724	Block: 540039712023055	28
9725	Block: 540039712023058	0
9726	Block: 540039712023060	0
9727	Block: 540039712024000	10
9728	Block: 540039712024001	16

2366	REDISTRICTING	[Ch. 3
9729	Block: 540039712024002	136
9730	Block: 540039712024003	736
9731	Block: 540039712024004	2
9732	Block: 540039712024005	48
9733	Block: 540039712024006	0
9734	Block: 540039712024007	5
9735	Block: 540039712024008	3
9736	Block: 540039712024009	99
9737	Block: 540039712024010	13
9738	Block: 540039712024011	15
9739	Block: 540039712024012	2
9740	Block: 540039712024013	46
9741	Block: 540039712024014	18
9742	Block: 540039712024015	10
9743	Block: 540039712024016	26
9744	Block: 540039712024017	249
9745	Block: 540039712024018	20
9746	Block: 540039712024019	0
9747	Block: 540039712024020	0
9748	Block: 540039712024021	76
9749	Block: 540039712024022	6
9750	Block: 540039712024023	7
9751	Block: 540039712024024	147
9752	Block: 540039712024025	6
9753	Block: 540039712024026	0
9754	Block: 540039712024027	126
9755	Block: 540039712024028	3
9756	Block: 540039712024029	38
9757	Block: 540039712024030	0
9758	Block: 540039712024031	0
9759	Block: 540039712024032	0

Ch. 3]	REDISTRICTING	2367
9760	Block: 540039712024033	8
9761	Block: 540039712024034	0
9762	Block: 540039712024035	2
9763	Block: 540039712024036	17
9764	Block: 540039712024037	3
9765	Block: 540039712024038	2
9766	Block: 540039712024039	3
9767	Block: 540039712024040	0
9768	Block: 540039712024041	0
9769	Block: 540039712024042	29
9770	Block: 540039712024043	61
9771	Block: 540039712024044	0
9772	VTD 41 Subtotal	2,306
9773	VTD: 43	1,667
9774	VTD: 45	2,551
9775	VTD: 46	
9776	Block: 540039712015007	15
9777	Block: 540039718001043	0
9778	Block: 540039718001044	271
9779	Block: 540039718001045	2
9780	Block: 540039718001046	3
9781	Block: 540039718001047	0
9782	Block: 540039718001048	42
9783	Block: 540039718001050	228
9784	Block: 540039718001051	21
9785	Block: 540039718001052	3
9786	Block: 540039718001053	0
9787	Block: 540039718001054	9
9788	Block: 540039718001055	0
9789	Block: 540039718001056	85
9790	Block: 540039718001060	151

2368	REDISTRICTING	[Ch. 3
9791	Block: 540039718001061	0
9792	Block: 540039718001062	31
9793	Block: 540039718001063	3
9794	Block: 540039718001064	58
9795	Block: 540039718001072	34
9796	Block: 540039718001073	13
9797	Block: 540039718001079	20
9798	Block: 540039718001089	12
9799	Block: 540039718001090	0
9800	Block: 540039718001091	2
9801	Block: 540039718001092	7
9802	Block: 540039718001093	0
9803	Block: 540039718003001	29
9804	Block: 540039718003002	0
9805	Block: 540039718003003	141
9806	Block: 540039718003005	38
9807	Block: 540039718003007	37
9808	Block: 540039718003015	7
9809	Block: 540039718003044	14
9810	Block: 540039718003045	6
9811	Block: 540039718003046	0
9812	VTD 46 Subtotal	1,282
9813	VTD: 47	
9814	Block: 540039718002000	354
9815	Block: 540039718002001	0
9816	Block: 540039718002002	0
9817	Block: 540039718002003	13
9818	Block: 540039718002005	79
9819	Block: 540039718002006	175
9820	Block: 540039718002007	25
9821	Block: 540039718002008	52



Ch. 3]	REDISTRICTING	2369
9822	Block: 540039718002009	0
9823	Block: 540039718002010	0
9824	Block: 540039718002011	29
9825	Block: 540039718002012	141
9826	Block: 540039718002013	0
9827	Block: 540039718002014	19
9828	Block: 540039718002015	0
9829	Block: 540039718002017	78
9830	Block: 540039718002018	0
9831	Block: 540039718002019	358
9832	Block: 540039718002020	2
9833	Block: 540039718002021	3
9834	Block: 540039718002022	4
9835	Block: 540039718002023	1
9836	Block: 540039718002028	0
9837	Block: 540039718002030	0
9838	Block: 540039718002034	2
9839	Block: 540039718002035	5
9840	Block: 540039718002039	0
9841	Block: 540039718002045	0
9842	Block: 540039718002046	0
9843	Block: 540039718004025	0
9844	Block: 540039718004026	8
9845	Block: 540039718004027	3
9846	Block: 540039718004028	0
9847	VTD 47 Subtotal	1,351
9848	VTD: 48	
9849	Block: 540039712023036	2
9850	Block: 540039712023054	23
9851	VTD 48 Subtotal	25
9852	VTD: 51	1,896

2370	REDISTRICTING	[Ch. 3
9853	Berkeley WV County Subtotal	19,314
9854	District 60 Subtotal	19,314
9855	District 61	
9856	Berkeley WV County	
9857	VTD: 1	
9858	Block: 540039717002002	54
9859	Block: 540039717002003	2
9860	Block: 540039717002004	13
9861	Block: 540039717002005	65
9862	Block: 540039717002009	9
9863	Block: 540039717002014	45
9864	Block: 540039717004001	0
9865	Block: 540039717004002	127
9866	Block: 540039717004003	0
9867	Block: 540039717004005	0
9868	Block: 540039717004007	0
9869	Block: 540039717004008	0
9870	Block: 540039717004009	0
9871	Block: 540039717004010	0
9872	Block: 540039717004011	0
9873	Block: 540039717004012	0
9874	Block: 540039717004013	0
9875	Block: 540039717004023	235
9876	Block: 540039717004024	32
9877	Block: 540039717004025	8
9878	Block: 540039717004026	37
9879	Block: 540039717004027	0
9880	Block: 540039717004032	50
9881	Block: 540039717004036	0
9882	Block: 540039717004037	0
9883	Block: 540039717004038	0

9884	Block: 540039717004039	0
9885	Block: 540039717004040	0
9886	Block: 540039717004041	0
9887	Block: 540039717004042	1
9888	Block: 540039717004043	19
9889	Block: 540039717004044	10
9890	Block: 540039717004045	33
9891	Block: 540039717005004	30
9892	Block: 540039717005005	26
9893	Block: 540039717005006	36
9894	Block: 540039717005007	68
9895	Block: 540039717005008	101
9896	Block: 540039717005009	34
9897	Block: 540039717005010	65
9898	Block: 540039717005011	56
9899	Block: 540039717005012	23
9900	Block: 540039717005013	22
9901	Block: 540039717005014	17
9902	Block: 540039717005015	22
9903	Block: 540039717005016	15
9904	Block: 540039717005025	21
9905	Block: 540039717006004	22
9906	Block: 540039717006005	9
9907	Block: 540039717006006	0
9908	Block: 540039717006007	26
9909	Block: 540039717006008	7
9910	Block: 540039717006009	12
9911	Block: 540039717006010	30
9912	Block: 540039717006011	4
9913	Block: 540039717006012	8
9914	Block: 540039717006013	18

2372

REDISTRICTING

[Ch. 3

9915	Block: 540039717006014	6
9916	Block: 540039717006015	22
9917	Block: 540039717006016	14
9918	Block: 540039717006017	15
9919	Block: 540039717006018	10
9920	Block: 540039717006019	0
9921	Block: 540039717006020	35
9922	Block: 540039717006021	42
9923	Block: 540039717006022	6
9924	Block: 540039717006023	0
9925	Block: 540039717006024	8
9926	Block: 540039717006034	7
9927	Block: 540039717007004	24
9928	Block: 540039717007005	11
9929	Block: 540039717007006	14
9930	Block: 540039717007007	8
9931	Block: 540039717007009	22
9932	Block: 540039717007010	2
9933	Block: 540039717007011	30
9934	Block: 540039717007012	34
9935	Block: 540039717007013	14
9936	Block: 540039717007015	14
9937	Block: 540039717007016	23
9938	Block: 540039717007017	39
9939	Block: 540039717007020	35
9940	Block: 540039717007021	16
9941	Block: 540039717007022	15
9942	Block: 540039717007023	43
9943	Block: 540039717007028	0
9944	Block: 540039717007029	3
9945	Block: 540039717007032	17

Ch. 3]	REDISTRICTING	2373
9946	Block: 540039719002022	0
9947	VTD 1 Subtotal	1,941
9948	VTD: 10	
9949	Block: 540039713003015	0
9950	Block: 540039713003016	748
9951	Block: 540039713003018	44
9952	Block: 540039713003020	10
9953	Block: 540039713003021	0
9954	Block: 540039713003023	19
9955	Block: 540039713003024	26
9956	Block: 540039713003025	207
9957	Block: 540039713003026	0
9958	Block: 540039713003031	27
9959	Block: 540039713003053	0
9960	Block: 540039716001031	0
9961	Block: 540039716001032	0
9962	Block: 540039716002003	0
9963	Block: 540039716002004	0
9964	Block: 540039716002005	0
9965	Block: 540039716002006	0
9966	Block: 540039716002007	70
9967	Block: 540039716002008	101
9968	Block: 540039716002009	213
9969	Block: 540039716002010	45
9970	Block: 540039716002011	12
9971	Block: 540039716002012	7
9972	Block: 540039716002015	115
9973	Block: 540039716002016	47
9974	Block: 540039716002017	29
9975	Block: 540039716002018	0
9976	Block: 540039716002033	20

2374	REDISTRICTING	[Ch. 3
9977	Block: 540039716002034	0
9978	Block: 540039716002035	6
9979	Block: 540039716002036	0
9980	Block: 540039716002037	0
9981	Block: 540039716003000	5
9982	Block: 540039716003001	11
9983	Block: 540039716003002	5
9984	VTD 10 Subtotal	1,767
9985	VTD: 11	645
9986	VTD: 14	925
9987	VTD: 15	
9988	Block: 540039713003032	106
9989	Block: 540039713003033	27
9990	Block: 540039713003035	12
9991	Block: 540039713003036	0
9992	Block: 540039713003037	0
9993	Block: 540039713003048	0
9994	Block: 540039713003049	0
9995	Block: 540039713004052	0
9996	Block: 540039713004053	0
9997	Block: 540039713004057	0
9998	Block: 540039713004058	0
9999	Block: 540039713004059	0
10000	Block: 540039713004060	0
10001	Block: 540039716001002	48
10002	Block: 540039716001003	6
10003	Block: 540039716001010	4
10004	Block: 540039716001016	0
10005	VTD 15 Subtotal	203
10006	VTD: 15A	
10007	Block: 540039714002022	4

## Ch. 3]

## REDISTRICTING

2375

10008	Block: 540039714002023	14
10009	Block: 540039714005015	0
10010	Block: 540039714005016	62
10011	Block: 540039714005017	0
10012	Block: 540039714005018	52
10013	Block: 540039714005019	17
10014	Block: 540039714005020	22
10015	Block: 540039714005021	133
10016	Block: 540039714005023	58
10017	Block: 540039714005024	21
10018	Block: 540039714005025	57
10019	Block: 540039714005026	71
10020	Block: 540039714005027	18
10021	Block: 540039714005029	54
10022	Block: 540039714005030	3
10023	Block: 540039715001000	65
10024	Block: 540039715001001	0
10025	Block: 540039715001002	6
10026	Block: 540039715001003	0
10027	Block: 540039715001004	0
10028	Block: 540039715001009	2
10029	Block: 540039715001010	18
10030	Block: 540039715001011	2
10031	Block: 540039715001012	0
10032	VTD 15A Subtotal	679
10033	VTD: 16	
10034	Block: 540039714002014	151
10035	Block: 540039714002015	40
10036	Block: 540039714002026	102
10037	Block: 540039714002027	0
10038	Block: 540039714005006	0

2376

REDISTRICTING

[Ch. 3

10039	VTD 16 Subtotal	293
10040	VTD: 17	
10041	Block: 540039714005028	34
10042	Block: 540039715001006	86
10043	Block: 540039715001007	1
10044	Block: 540039715001008	11
10045	Block: 540039715001015	39
10046	Block: 540039715001016	23
10047	Block: 540039715001017	5
10048	Block: 540039715001018	12
10049	Block: 540039715001019	6
10050	Block: 540039715001020	31
10051	Block: 540039715001021	0
10052	Block: 540039715001022	12
10053	Block: 540039715001023	0
10054	Block: 540039715001024	20
10055	Block: 540039715001025	15
10056	Block: 540039715001026	7
10057	Block: 540039715001027	11
10058	Block: 540039715001028	16
10059	Block: 540039715001029	3
10060	Block: 540039715001030	4
10061	Block: 540039715001031	9
10062	Block: 540039715001032	13
10063	Block: 540039715001033	5
10064	Block: 540039715001034	20
10065	Block: 540039715001035	12
10066	Block: 540039715001036	14
10067	Block: 540039715001037	19
10068	Block: 540039715001038	25
10069	Block: 540039715001039	11



10070	Block: 540039715001040	5
10071	Block: 540039715001041	8
10072	Block: 540039715001042	16
10073	Block: 540039715001043	20
10074	Block: 540039715001044	39
10075	Block: 540039715001045	0
10076	Block: 540039715001046	16
10077	Block: 540039715001047	23
10078	Block: 540039715001048	4
10079	Block: 540039715001049	16
10080	Block: 540039715001050	2
10081	Block: 540039715001051	17
10082	Block: 540039715001052	7
10083	Block: 540039715001053	0
10084	Block: 540039715001054	29
10085	Block: 540039715001055	20
10086	Block: 540039715001056	3
10087	Block: 540039715001057	45
10088	Block: 540039715001058	6
10089	Block: 540039715001059	9
10090	Block: 540039715001060	44
10091	Block: 540039715002000	28
10092	Block: 540039715002001	40
10093	Block: 540039715002002	41
10094	Block: 540039715002003	27
10095	Block: 540039715002004	93
10096	Block: 540039715002005	16
10097	Block: 540039715002006	17
10098	Block: 540039715002007	61
10099	Block: 540039715002008	75
10100	Block: 540039715002009	19

2378

REDISTRICTING

[Ch. 3

10101	Block: 540039715002010	13
10102	Block: 540039715002012	31
10103	Block: 540039715002013	25
10104	Block: 540039715002014	12
10105	Block: 540039715002016	34
10106	Block: 540039715002017	50
10107	VTD 17 Subtotal	1,375
10108	VTD: 18	
10109	Block: 540039713003008	0
10110	Block: 540039713003038	0
10111	Block: 540039713004054	0
10112	Block: 540039713004056	0
10113	VTD 18 Subtotal	0
10114	VTD: 2	1,562
10115	VTD: 22	
10116	Block: 540039712015016	0
10117	Block: 540039712015017	8
10118	Block: 540039712015018	0
10119	Block: 540039712015023	26
10120	Block: 540039712015024	28
10121	Block: 540039712015025	11
10122	Block: 540039716003009	0
10123	Block: 540039716003010	0
10124	Block: 540039717004000	0
10125	Block: 540039719002000	0
10126	Block: 540039719002001	0
10127	Block: 540039719002002	10
10128	Block: 540039719002003	15
10129	Block: 540039719002004	20
10130	Block: 540039719002005	0
10131	Block: 540039719002006	0

10132	Block: 540039719002007	50
10133	Block: 540039719002008	444
10134	Block: 540039719002009	0
10135	Block: 540039719002010	0
10136	Block: 540039719002011	17
10137	Block: 540039719002012	6
10138	Block: 540039719002014	3
10139	Block: 540039719002015	326
10140	Block: 540039719002016	93
10141	Block: 540039719002017	50
10142	Block: 540039719002018	118
10143	Block: 540039719002019	42
10144	Block: 540039719002020	107
10145	Block: 540039719002023	35
10146	Block: 540039719002024	312
10147	Block: 540039719002025	12
10148	Block: 540039719002026	18
10149	Block: 540039719002028	178
10150	Block: 540039719002029	34
10151	Block: 540039719002030	22
10152	Block: 540039719002031	28
10153	Block: 540039719002032	19
10154	Block: 540039719002033	33
10155	Block: 540039719002034	12
10156	Block: 540039719002035	0
10157	Block: 540039719002036	11
10158	Block: 540039719002037	172
10159	Block: 540039719002038	11
10160	Block: 540039719002041	19
10161	Block: 540039719002042	0
10162	Block: 540039719002043	32

2380	REDISTRICTING	[Ch. 3
10163	Block: 540039719002044	83
10164	Block: 540039719002047	9
10165	Block: 540039719002048	1
10166	Block: 540039719002049	17
10167	Block: 540039719002050	0
10168	VTD 22 Subtotal	2,432
10169	VTD: 24	
10170	Block: 540039715004038	0
10171	Block: 540039717007002	52
10172	Block: 540039717007003	22
10173	Block: 540039717007008	20
10174	Block: 540039717007024	6
10175	Block: 540039717007025	13
10176	Block: 540039719005016	0
10177	Block: 540039720001005	0
10178	Block: 540039720001006	0
10179	Block: 540039720001009	1
10180	Block: 540039720001013	109
10181	Block: 540039720001020	34
10182	Block: 540039720001021	43
10183	Block: 540039720001022	20
10184	Block: 540039720001024	7
10185	Block: 540039720001049	2
10186	VTD 24 Subtotal	329
10187	VTD: 28	
10188	Block: 540039714003018	5
10189	Block: 540039714003019	12
10190	Block: 540039715003031	0
10191	Block: 540039720001001	0
10192	VTD 28 Subtotal	17
10193	VTD: 38	

Ch. 3]

REDISTRICTING

2381

10194	Block: 540039713003027	0
10195	VTD 38 Subtotal	0
10196	VTD: 46	
10197	Block: 540039712015026	5
10198	Block: 540039712015027	0
10199	Block: 540039718001049	13
10200	Block: 540039718001067	249
10201	Block: 540039718001069	7
10202	Block: 540039718001070	7
10203	Block: 540039718001071	21
10204	Block: 540039718001074	23
10205	VTD 46 Subtotal	325
10206	VTD: 5	
10207	Block: 540039715003027	24
10208	Block: 540039715003028	0
10209	Block: 540039715003029	0
10210	Block: 540039715003030	0
10211	Block: 540039715004000	51
10212	Block: 540039715004001	97
10213	Block: 540039715004002	28
10214	Block: 540039715004003	33
10215	Block: 540039715004004	33
10216	Block: 540039715004005	11
10217	Block: 540039715004006	0
10218	Block: 540039715004007	6
10219	Block: 540039715004008	23
10220	Block: 540039715004009	43
10221	Block: 540039715004010	0
10222	Block: 540039715004011	65
10223	Block: 540039715004012	0
10224	Block: 540039715004013	3

10225	Block: 540039715004014	36
10226	Block: 540039715004015	17
10227	Block: 540039715004016	75
10228	Block: 540039715004017	25
10229	Block: 540039715004018	24
10230	Block: 540039715004019	94
10231	Block: 540039715004020	29
10232	Block: 540039715004027	2
10233	Block: 540039715004028	13
10234	Block: 540039715004029	9
10235	Block: 540039715004030	6
10236	Block: 540039715004031	14
10237	Block: 540039715004036	6
10238	Block: 540039715004039	10
10239	Block: 540039717001015	17
10240	Block: 540039717001016	8
10241	Block: 540039717001018	5
10242	Block: 540039717001019	13
10243	Block: 540039717001020	40
10244	Block: 540039717001021	9
10245	Block: 540039717005017	19
10246	Block: 540039717005018	37
10247	Block: 540039717005019	43
10248	Block: 540039717005020	30
10249	Block: 540039717005021	14
10250	Block: 540039717005022	31
10251	Block: 540039717005023	24
10252	Block: 540039717005024	18
10253	Block: 540039717006000	19
10254	Block: 540039717006001	19
10255	Block: 540039717006002	13

Ch. 3]

REDISTRICTING

2383

10256	Block: 540039717006003	15
10257	Block: 540039717006027	15
10258	Block: 540039717006028	21
10259	Block: 540039717006029	25
10260	Block: 540039717006030	42
10261	Block: 540039717006031	51
10262	Block: 540039717006032	15
10263	Block: 540039717006033	44
10264	Block: 540039717007000	3
10265	Block: 540039717007001	0
10266	Block: 540039720001003	0
10267	Block: 540039720001004	166
10268	Block: 540039720001007	0
10269	Block: 540039720001008	0
10270	Block: 540039720001019	0
10271	Block: 540039720001023	36
10272	Block: 540039720001025	39
10273	Block: 540039720001026	0
10274	Block: 540039720001034	6
10275	Block: 540039720001035	10
10276	Block: 540039720001036	35
10277	Block: 540039720001046	58
10278	Block: 540039720001047	0
10279	VTD 5 Subtotal	1,717
10280	VTD: 6	1,068
10281	VTD: 7	1,221
10282	VTD: 8	1,033
10283	VTD: 9	940
10284	Berkeley WV County	18,472
10285	District 61 Subtotal	18,472
10286	District 62	

2384

REDISTRICTING

[Ch. 3

10287	Berkeley WV County	
10288	VTD: 15	
10289	Block: 540039713004049	0
10290	VTD 15 Subtotal	0
10291	VTD: 18	
10292	Block: 540039711023023	2
10293	Block: 540039711023025	0
10294	Block: 540039713002007	2
10295	Block: 540039713002008	20
10296	Block: 540039713002009	29
10297	Block: 540039713002013	0
10298	Block: 540039713002014	73
10299	Block: 540039713002015	2
10300	Block: 540039713002016	6
10301	Block: 540039713002017	16
10302	Block: 540039713003000	0
10303	Block: 540039713003007	384
10304	Block: 540039713003009	68
10305	Block: 540039713003039	37
10306	Block: 540039713003040	0
10307	Block: 540039713003041	0
10308	Block: 540039713003042	0
10309	Block: 540039713003055	12
10310	Block: 540039713003056	0
10311	Block: 540039713004002	490
10312	Block: 540039713004003	0
10313	Block: 540039713004004	0
10314	Block: 540039713004005	0
10315	Block: 540039713004006	0
10316	Block: 540039713004007	0
10317	Block: 540039713004008	50



10318	Block: 540039713004009	0
10319	Block: 540039713004010	0
10320	Block: 540039713004011	0
10321	Block: 540039713004012	0
10322	Block: 540039713004013	0
10323	Block: 540039713004014	0
10324	Block: 540039713004015	0
10325	Block: 540039713004016	3
10326	Block: 540039713004017	0
10327	Block: 540039713004018	0
10328	Block: 540039713004019	0
10329	Block: 540039713004021	0
10330	Block: 540039713004022	0
10331	Block: 540039713004023	28
10332	Block: 540039713004026	0
10333	Block: 540039713004027	373
10334	Block: 540039713004028	0
10335	Block: 540039713004029	0
10336	Block: 540039713004030	0
10337	Block: 540039713004031	0
10338	Block: 540039713004032	0
10339	Block: 540039713004033	0
10340	Block: 540039713004034	0
10341	Block: 540039713004035	0
10342	Block: 540039713004036	24
10343	Block: 540039713004037	0
10344	Block: 540039713004038	0
10345	Block: 540039713004039	551
10346	Block: 540039713004040	0
10347	Block: 540039713004041	35
10348	Block: 540039713004042	0

2386	REDISTRICTING	[Ch. 3
10349	Block: 540039713004043	25
10350	Block: 540039713004044	0
10351	Block: 540039713004045	21
10352	Block: 540039713004046	82
10353	Block: 540039713004047	0
10354	Block: 540039713004048	0
10355	Block: 540039713004050	0
10356	Block: 540039713004051	19
10357	Block: 540039713004055	0
10358	Block: 540039713004061	0
10359	Block: 540039713004062	0
10360	Block: 540039713004063	0
10361	Block: 540039713004064	21
10362	Block: 540039713004065	63
10363	Block: 540039713004066	66
10364	Block: 540039713004067	0
10365	Block: 540039713004068	20
10366	Block: 540039713004069	11
10367	Block: 540039713004070	52
10368	VTD 18 Subtotal	2,585
10369	VTD: 19	
10370	Block: 540039711021000	0
10371	Block: 540039711021001	366
10372	Block: 540039711021002	10
10373	Block: 540039711021003	37
10374	Block: 540039711021004	26
10375	Block: 540039711021005	8
10376	Block: 540039711021006	138
10377	Block: 540039711021007	12
10378	Block: 540039711021008	40
10379	Block: 540039711021009	2

10380	Block: 540039711021010	0
10381	Block: 540039711021011	79
10382	Block: 540039711021012	222
10383	Block: 540039711021013	0
10384	Block: 540039711021014	9
10385	Block: 540039711021015	44
10386	Block: 540039711021016	21
10387	Block: 540039711021017	53
10388	Block: 540039711021018	46
10389	Block: 540039711021019	2
10390	Block: 540039711021021	0
10391	Block: 540039711021032	199
10392	Block: 540039711021037	47
10393	Block: 540039711021038	76
10394	Block: 540039711021039	5
10395	Block: 540039711021043	2
10396	Block: 540039711022000	237
10397	Block: 540039711022001	62
10398	Block: 540039711022002	35
10399	Block: 540039711022003	1
10400	Block: 540039711022053	25
10401	Block: 540039711022054	53
10402	Block: 540039711022055	0
10403	Block: 540039711022057	8
10404	Block: 540039711022058	0
10405	VTD 19 Subtotal	1,865
10406	VTD: 20	1,658
10407	VTD: 21	5,078
10408	VTD: 23	3,569
10409	VTD: 26	1,891
10410	VTD: 40	

2388

REDISTRICTING

[Ch. 3

10411	Block: 540039712011021	2
10412	Block: 540039712011022	132
10413	Block: 540039712011023	28
10414	Block: 540039712011026	15
10415	Block: 540039712011027	28
10416	Block: 540039712011028	6
10417	Block: 540039712011029	0
10418	Block: 540039712011030	0
10419	Block: 540039712011036	2
10420	Block: 540039712011037	41
10421	Block: 540039712011038	10
10422	Block: 540039712011039	6
10423	Block: 540039712011040	4
10424	Block: 540039712011060	4
10425	Block: 540039712011068	13
10426	Block: 540039712011069	0
10427	Block: 540039712012019	8
10428	Block: 540039712012020	0
10429	Block: 540039712012023	234
10430	Block: 540039712012024	0
10431	Block: 540039712012026	13
10432	Block: 540039712012027	12
10433	Block: 540039712012028	0
10434	Block: 540039712012029	0
10435	Block: 540039712012032	105
10436	Block: 540039712012033	77
10437	Block: 540039712012034	0
10438	Block: 540039712012035	0
10439	Block: 540039712012036	18
10440	Block: 540039712012038	21
10441	Block: 540039712012039	276

Ch. 3]	REDISTRICTING	2389
10442	Block: 540039712012040	26
10443	Block: 540039712012041	69
10444	VTD 40 Subtotal	1,150
10445	Berkeley WV County Subtotal	17,796
10446	District 62 Subtotal	17,796
10447	District 63	
10448	Berkeley WV County	
10449	VTD: 15	
10450	Block: 540039713003043	0
10451	Block: 540039716001000	0
10452	Block: 540039716001001	0
10453	VTD 15 Subtotal	0
10454	VTD: 15A	
10455	Block: 540039714002020	4
10456	Block: 540039714002024	3
10457	Block: 540039714002025	0
10458	Block: 540039714005009	0
10459	Block: 540039714005010	0
10460	Block: 540039714005022	0
10461	Block: 540039715001005	0
10462	Block: 540039715001013	0
10463	Block: 540039715001014	0
10464	VTD 15A Subtotal	7
10465	VTD: 16	
10466	Block: 540039713003044	1
10467	Block: 540039713003045	0
10468	Block: 540039713003046	0
10469	Block: 540039713003047	0
10470	Block: 540039713003054	0
10471	Block: 540039714002000	232
10472	Block: 540039714002001	46

2390

REDISTRICTING

[Ch. 3

10473	Block: 540039714002002	23
10474	Block: 540039714002003	14
10475	Block: 540039714002004	0
10476	Block: 540039714002005	26
10477	Block: 540039714002006	67
10478	Block: 540039714002007	24
10479	Block: 540039714002008	582
10480	Block: 540039714002009	35
10481	Block: 540039714002010	63
10482	Block: 540039714002011	16
10483	Block: 540039714002012	48
10484	Block: 540039714002013	44
10485	Block: 540039714002016	0
10486	Block: 540039714002017	38
10487	Block: 540039714002018	16
10488	Block: 540039714002019	43
10489	Block: 540039714002021	0
10490	Block: 540039714002028	37
10491	Block: 540039714002029	60
10492	Block: 540039714005000	296
10493	Block: 540039714005001	4
10494	Block: 540039714005002	31
10495	Block: 540039714005003	96
10496	Block: 540039714005004	0
10497	Block: 540039714005005	11
10498	Block: 540039714005007	0
10499	Block: 540039714005008	0
10500	Block: 540039714005011	30
10501	Block: 540039714005012	279
10502	Block: 540039714005013	0
10503	Block: 540039714005014	0

Ch. 3]	REDISTRICTING	2391
10504	Block: 540039714005031	10
10505	VTD 16 Subtotal	2,172
10506	VTD: 17	
10507	Block: 540039715002018	49
10508	Block: 540039715002021	12
10509	Block: 540039715002023	0
10510	Block: 540039715002024	0
10511	Block: 540039715002039	38
10512	VTD 17 Subtotal	99
10513	VTD: 24	
10514	Block: 540039715004021	0
10515	Block: 540039715004022	68
10516	Block: 540039715004023	24
10517	Block: 540039715004024	70
10518	Block: 540039715004025	69
10519	Block: 540039715004026	0
10520	Block: 540039715004032	19
10521	Block: 540039715004037	5
10522	Block: 540039717007026	0
10523	Block: 540039717007027	0
10524	Block: 540039717007033	0
10525	Block: 540039719005005	0
10526	Block: 540039720001010	0
10527	Block: 540039720001011	227
10528	Block: 540039720001012	188
10529	Block: 540039720001014	52
10530	Block: 540039720001016	0
10531	Block: 540039720001017	0
10532	Block: 540039720001027	13
10533	Block: 540039720001028	89
10534	Block: 540039720001029	175

2392

REDISTRICTING

[Ch. 3

10535	Block: 540039720001030	83
10536	Block: 540039720001031	7
10537	Block: 540039720001032	106
10538	Block: 540039720001033	0
10539	Block: 540039720001038	58
10540	Block: 540039720001039	29
10541	Block: 540039720001040	23
10542	Block: 540039720001041	0
10543	Block: 540039720001042	0
10544	Block: 540039720001043	0
10545	Block: 540039720001044	0
10546	Block: 540039720001045	0
10547	Block: 540039720001048	0
10548	Block: 540039720003000	0
10549	Block: 540039720003001	331
10550	Block: 540039720003002	33
10551	Block: 540039720003003	67
10552	Block: 540039720003004	1
10553	Block: 540039720003005	37
10554	Block: 540039720003006	1
10555	Block: 540039720003007	52
10556	Block: 540039720003008	9
10557	Block: 540039720003009	81
10558	Block: 540039720003010	0
10559	Block: 540039720003011	45
10560	Block: 540039720003012	16
10561	Block: 540039720003013	104
10562	Block: 540039720003014	5
10563	Block: 540039720003015	155
10564	Block: 540039720003016	52
10565	Block: 540039720003017	53



10566	Block: 540039720003018	29
10567	Block: 540039720003019	90
10568	Block: 540039720003020	0
10569	Block: 540039720003021	0
10570	Block: 540039720003022	27
10571	Block: 540039720003023	138
10572	Block: 540039720003024	60
10573	Block: 540039720003025	19
10574	Block: 540039720003026	47
10575	Block: 540039720003027	57
10576	Block: 540039720003028	28
10577	Block: 540039720003029	243
10578	Block: 540039720003030	0
10579	Block: 540039720003031	12
10580	Block: 540039720003032	146
10581	Block: 540039720003033	43
10582	Block: 540039720003034	9
10583	Block: 540039720003041	31
10584	Block: 540039720003042	0
10585	Block: 540039720003048	2
10586	Block: 540039720006000	13
10587	Block: 540039720006001	0
10588	Block: 540039720006002	0
10589	Block: 540039720006003	316
10590	Block: 540039720006004	23
10591	Block: 540039720006005	24
10592	Block: 540039720006006	68
10593	Block: 540039720006007	161
10594	Block: 540039720006008	0
10595	Block: 540039720006009	50
10596	Block: 540039720006010	33

2394	REDISTRICTING	[Ch. 3
10597	Block: 540039720006011	1
10598	Block: 540039720006012	212
10599	Block: 540039720006013	0
10600	Block: 540039720006014	11
10601	Block: 540039720006015	0
10602	Block: 540039720006016	0
10603	Block: 540039720006017	130
10604	Block: 540039720006018	0
10605	Block: 540039720006019	32
10606	Block: 540039720006020	0
10607	Block: 540039720006021	13
10608	Block: 540039720006022	66
10609	Block: 540039720006023	0
10610	Block: 540039720006024	0
10611	Block: 540039720006025	0
10612	Block: 540039720006026	78
10613	Block: 540039720006027	16
10614	Block: 540039720006028	0
10615	Block: 540039720006029	0
10616	Block: 540039720006030	9
10617	Block: 540039720006031	6
10618	Block: 540039720006032	33
10619	Block: 540039720006033	0
10620	Block: 540039720006034	0
10621	VTD 24 Subtotal	4,623
10622	VTD: 25	1,546
10623	VTD: 25A	1,582
10624	VTD: 27	2,080
10625	VTD: 28	
10626	Block: 540039713001011	187
10627	Block: 540039713001012	0

10628	Block: 540039713001014	34
10629	Block: 540039713001015	0
10630	Block: 540039713001016	26
10631	Block: 540039713001017	858
10632	Block: 540039713001018	13
10633	Block: 540039713001019	13
10634	Block: 540039713001020	0
10635	Block: 540039713001021	28
10636	Block: 540039713001022	35
10637	Block: 540039713001023	67
10638	Block: 540039713001024	3
10639	Block: 540039713001025	7
10640	Block: 540039713001026	4
10641	Block: 540039713001027	0
10642	Block: 540039713001028	12
10643	Block: 540039713001029	5
10644	Block: 540039713001030	40
10645	Block: 540039713001031	51
10646	Block: 540039713001032	51
10647	Block: 540039713001033	11
10648	Block: 540039713001034	15
10649	Block: 540039713001038	30
10650	Block: 540039713001039	74
10651	Block: 540039713001040	101
10652	Block: 540039713001041	10
10653	Block: 540039713001042	38
10654	Block: 540039713001043	0
10655	Block: 540039713001044	18
10656	Block: 540039714003000	39
10657	Block: 540039714003001	32
10658	Block: 540039714003002	17

2396

REDISTRICTING

[Ch. 3

10659	Block: 540039714003003	0
10660	Block: 540039714003004	43
10661	Block: 540039714003005	0
10662	Block: 540039714003006	12
10663	Block: 540039714003007	0
10664	Block: 540039714003008	0
10665	Block: 540039714003009	38
10666	Block: 540039714003010	0
10667	Block: 540039714003011	0
10668	Block: 540039714003012	0
10669	Block: 540039714003013	1
10670	Block: 540039714003014	135
10671	Block: 540039714003015	0
10672	Block: 540039714003016	0
10673	Block: 540039714003017	31
10674	Block: 540039714003020	5
10675	Block: 540039714003021	7
10676	Block: 540039714003022	5
10677	Block: 540039714003023	6
10678	Block: 540039714003024	0
10679	Block: 540039714003025	0
10680	Block: 540039714003026	162
10681	Block: 540039714003027	2
10682	Block: 540039714003028	35
10683	Block: 540039714003029	366
10684	Block: 540039714003030	23
10685	Block: 540039714003031	1,157
10686	Block: 540039714003032	0
10687	Block: 540039714003033	12
10688	Block: 540039714003034	10
10689	Block: 540039714003035	0

Ch. 3]	REDISTRICTING	2397
10690	Block: 540039714003036	0
10691	Block: 540039714003037	0
10692	Block: 540039714003038	0
10693	Block: 540039714003039	0
10694	Block: 540039715002019	10
10695	Block: 540039715002020	24
10696	Block: 540039715002022	102
10697	Block: 540039715002025	0
10698	Block: 540039715002026	3
10699	Block: 540039715002034	0
10700	Block: 540039715002040	7
10701	Block: 540039715003032	0
10702	Block: 540039720001000	0
10703	VTD 28 Subtotal	4,015
10704	VTD: 49	1,564
10705	VTD: 5	
10706	Block: 540039715004033	12
10707	Block: 540039715004034	0
10708	Block: 540039715004035	1
10709	Block: 540039720001015	0
10710	Block: 540039720001018	0
10711	Block: 540039720001037	43
10712	VTD 5 Subtotal	56
10713	Berkeley WV County Subtotal	17,744
10714	District 63 Subtotal	17,744
10715	District 64	
10716	Berkeley WV County	
10717	VTD: 1	
10718	Block: 540039717006025	13
10719	Block: 540039717006026	9
10720	Block: 540039717007018	4

2398

REDISTRICTING

[Ch. 3

10721	VTD 1 Subtotal	26
10722	VTD: 22	
10723	Block: 540039717004004	0
10724	Block: 540039717004006	0
10725	Block: 540039719002021	5
10726	Block: 540039719002027	14
10727	Block: 540039719002039	9
10728	Block: 540039719002040	0
10729	Block: 540039719002045	0
10730	Block: 540039719002051	0
10731	Block: 540039719002052	4
10732	Block: 540039719003000	0
10733	Block: 540039719003001	42
10734	Block: 540039719003002	0
10735	Block: 540039719005019	39
10736	Block: 540039719005021	76
10737	Block: 540039719005022	97
10738	Block: 540039719005023	57
10739	Block: 540039719005024	30
10740	Block: 540039719005025	44
10741	Block: 540039719005026	40
10742	Block: 540039719005027	22
10743	Block: 540039719005028	2
10744	Block: 540039719005031	2
10745	Block: 540039719005032	93
10746	Block: 540039719005033	0
10747	Block: 540039719005034	21
10748	Block: 540039719005036	0
10749	VTD 22 Subtotal	597
10750	VTD: 24	
10751	Block: 540039717007014	14

## Ch. 3]

## REDISTRICTING

2399

10752	Block: 540039717007019	26
10753	Block: 540039717007030	26
10754	Block: 540039717007031	19
10755	Block: 540039719005000	83
10756	Block: 540039719005001	0
10757	Block: 540039719005002	0
10758	Block: 540039719005003	0
10759	Block: 540039719005004	0
10760	Block: 540039719005006	0
10761	Block: 540039719005007	46
10762	Block: 540039719005008	0
10763	Block: 540039719005009	0
10764	Block: 540039719005010	0
10765	Block: 540039719005011	0
10766	Block: 540039719005012	0
10767	Block: 540039719005013	0
10768	Block: 540039719005014	0
10769	Block: 540039719005015	0
10770	Block: 540039719005017	2
10771	Block: 540039719005018	2
10772	Block: 540039719005020	0
10773	Block: 540039719005029	0
10774	Block: 540039719005030	0
10775	Block: 540039719005066	5
10776	Block: 540039719005067	0
10777	VTD 24 Subtotal	223
10778	VTD: 29	1,539
10779	VTD: 31	4,274
10780	VTD: 32	2,117
10781	VTD: 34	2,067
10782	VTD: 35	2,220

2400

REDISTRICTING

[Ch. 3

10783	VTD: 36	
10784	Block: 540039721012000	175
10785	Block: 540039721012001	76
10786	Block: 540039721012014	14
10787	Block: 540039721012016	303
10788	Block: 540039721012017	13
10789	Block: 540039721012018	9
10790	Block: 540039721012019	0
10791	Block: 540039721012020	14
10792	Block: 540039721012021	26
10793	Block: 540039721012022	12
10794	Block: 540039721012023	7
10795	Block: 540039721012024	179
10796	Block: 540039721012025	13
10797	Block: 540039721012028	2
10798	Block: 540039721012029	1
10799	Block: 540039721012030	42
10800	Block: 540039721012032	10
10801	Block: 540039721012037	10
10802	Block: 540039721012038	2
10803	Block: 540039721021013	82
10804	Block: 540039721021014	60
10805	Block: 540039721021015	86
10806	Block: 540039721021016	236
10807	Block: 540039721021017	3
10808	Block: 540039721021018	14
10809	Block: 540039721021019	0
10810	Block: 540039721021020	3
10811	Block: 540039721021021	0
10812	Block: 540039721021022	9
10813	Block: 540039721026009	16



Ch. 3]	REDISTRICTING	2401
10814	Block: 540039721026037	9
10815	Block: 540039721026038	9
10816	Block: 540039721026042	253
10817	Block: 540039721026043	0
10818	Block: 540039721026044	34
10819	Block: 540039721026045	2
10820	Block: 540039721026046	106
10821	Block: 540039721026047	65
10822	Block: 540039721026048	6
10823	Block: 540039721026049	34
10824	Block: 540039721026050	0
10825	Block: 540039721026051	0
10826	Block: 540039721026052	3
10827	Block: 540039721026053	1
10828	Block: 540039721026054	21
10829	Block: 540039721026055	98
10830	Block: 540039721026057	2
10831	VTD 36 Subtotal	2,060
10832	VTD: 37	
10833	Block: 540039719004007	0
10834	Block: 540039719004010	0
10835	Block: 540039721022012	56
10836	Block: 540039721022013	0
10837	Block: 540039721022014	609
10838	Block: 540039721022015	66
10839	Block: 540039721022017	86
10840	Block: 540039721022019	40
10841	Block: 540039721022020	56
10842	Block: 540039721022021	110
10843	Block: 540039721022022	15
10844	Block: 540039721022024	63

2402	REDISTRICTING	[Ch. 3
10845	Block: 540039721022025	33
10846	Block: 540039721025000	447
10847	Block: 540039721025001	11
10848	Block: 540039721025002	7
10849	Block: 540039721025003	2
10850	Block: 540039721025004	13
10851	Block: 540039721025005	24
10852	Block: 540039721025006	46
10853	Block: 540039721025007	3
10854	Block: 540039721025008	43
10855	Block: 540039721025009	0
10856	Block: 540039721025010	0
10857	Block: 540039721025011	106
10858	Block: 540039721025012	91
10859	Block: 540039721025013	54
10860	Block: 540039721025014	10
10861	Block: 540039721025015	36
10862	Block: 540039721025016	0
10863	Block: 540039721025017	58
10864	Block: 540039721025018	6
10865	Block: 540039721026000	0
10866	Block: 540039721026032	143
10867	Block: 540039721026034	15
10868	Block: 540039721026035	0
10869	Block: 540039721026036	206
10870	Block: 540039721026039	2
10871	Block: 540039721026040	2
10872	Block: 540039721026041	5
10873	Block: 540039721026056	1
10874	VTD 37 Subtotal	2,465
10875	VTD: 46	

Ch. 3]	REDISTRICTING	2403
10876	Block: 540039718001075	178
10877	Block: 540039718001076	0
10878	Block: 540039718001077	0
10879	Block: 540039718001078	4
10880	Block: 540039718001080	5
10881	Block: 540039718001081	6
10882	Block: 540039718001082	37
10883	Block: 540039718001083	1
10884	Block: 540039718001087	115
10885	Block: 540039718001088	17
10886	VTD 46 Subtotal	363
10887	VTD: 50	344
10888	Berkeley WV County Subtotal	18,295
10889	District 64 Subtotal	18,295
10890	District 65	
10891	Jefferson WV County	
10892	VTD: 12	
10893	Block: 540379724021018	69
10894	Block: 540379724021019	138
10895	Block: 540379724021020	84
10896	Block: 540379724021021	96
10897	Block: 540379724021022	0
10898	Block: 540379724021023	0
10899	Block: 540379724021024	0
10900	Block: 540379724021029	23
10901	Block: 540379724021031	0
10902	Block: 540379724021032	0
10903	Block: 540379724021033	0
10904	Block: 540379724021034	0
10905	Block: 540379724021035	0
10906	Block: 540379724021036	0

2404

REDISTRICTING

[Ch. 3

10907	Block: 540379724021037	0
10908	Block: 540379724021038	0
10909	Block: 540379724021039	0
10910	Block: 540379724021040	0
10911	Block: 540379724021041	36
10912	Block: 540379724021042	48
10913	Block: 540379724021043	0
10914	Block: 540379724021048	0
10915	Block: 540379724021049	83
10916	Block: 540379724021050	107
10917	Block: 540379724021051	42
10918	Block: 540379724021052	46
10919	Block: 540379724021053	2
10920	Block: 540379724021054	5
10921	Block: 540379724021055	0
10922	Block: 540379724021056	67
10923	Block: 540379724021057	0
10924	Block: 540379724021058	0
10925	Block: 540379724021059	0
10926	Block: 540379724021060	0
10927	Block: 540379724021061	0
10928	Block: 540379724021062	0
10929	Block: 540379724021068	0
10930	Block: 540379724021069	0
10931	Block: 540379724021073	0
10932	Block: 540379724021075	0
10933	Block: 540379724021076	0
10934	Block: 540379724021077	0
10935	Block: 540379724021078	0
10936	Block: 540379724021079	0
10937	Block: 540379724021080	0

Ch. 3]	REDISTRICTING	2405
10938	Block: 540379724021081	0
10939	Block: 540379724021082	0
10940	Block: 540379724021083	0
10941	Block: 540379724021084	0
10942	Block: 540379724021085	0
10943	Block: 540379724021086	0
10944	Block: 540379724021092	0
10945	Block: 540379724021093	0
10946	Block: 540379724021094	12
10947	Block: 540379725031010	0
10948	Block: 540379725031089	53
10949	VTD 12 Subtotal	911
10950	VTD: 13	
10951	Block: 540379726011095	0
10952	Block: 540379726011096	0
10953	Block: 540379726011097	38
10954	Block: 540379726011100	4
10955	Block: 540379726011101	0
10956	Block: 540379726011104	0
10957	Block: 540379726022043	220
10958	Block: 540379726022044	0
10959	Block: 540379726022045	32
10960	Block: 540379726022046	2
10961	Block: 540379726022047	0
10962	Block: 540379726022048	0
10963	Block: 540379726022051	4
10964	Block: 540379726022052	2
10965	Block: 540379726022053	10
10966	Block: 540379726022054	0
10967	Block: 540379726022055	0
10968	Block: 540379726022056	0

2406	REDISTRICTING	[Ch. 3
10969	Block: 540379726022057	33
10970	Block: 540379726022058	9
10971	Block: 540379726022059	16
10972	Block: 540379726022060	54
10973	Block: 540379726022061	2
10974	Block: 540379726022062	0
10975	Block: 540379726022063	0
10976	Block: 540379726022064	0
10977	VTD 13 Subtotal	426
10978	VTD: 16	
10979	Block: 540379725031063	0
10980	Block: 540379725031064	0
10981	Block: 540379725031066	0
10982	Block: 540379725031068	0
10983	Block: 540379725031069	0
10984	Block: 540379725031070	0
10985	Block: 540379725031071	12
10986	Block: 540379725031073	137
10987	Block: 540379725031085	0
10988	Block: 540379725061001	2
10989	Block: 540379725061002	5
10990	Block: 540379725061003	43
10991	Block: 540379725061004	2
10992	Block: 540379725061005	166
10993	Block: 540379725061006	84
10994	Block: 540379725061007	0
10995	Block: 540379725061008	0
10996	Block: 540379725061009	0
10997	Block: 540379725061010	0
10998	Block: 540379725061011	0
10999	Block: 540379725061012	0

Ch. 3]

REDISTRICTING

2407

11000	Block: 540379725061013	0
11001	Block: 540379725061015	24
11002	Block: 540379725061016	0
11003	Block: 540379725061017	0
11004	Block: 540379725061018	0
11005	Block: 540379725061019	0
11006	Block: 540379725061020	0
11007	Block: 540379725061054	0
11008	Block: 540379725061055	0
11009	Block: 540379725061056	0
11010	Block: 540379725061057	0
11011	Block: 540379725061058	0
11012	Block: 540379725061090	6
11013	VTD 16 Subtotal	481
11014	VTD: 19	
11015	Block: 540379728001000	0
11016	Block: 540379728001001	3
11017	Block: 540379728001002	0
11018	Block: 540379728001003	10
11019	Block: 540379728001004	0
11020	Block: 540379728001005	0
11021	Block: 540379728001006	0
11022	Block: 540379728001007	0
11023	Block: 540379728001008	0
11024	Block: 540379728001009	0
11025	Block: 540379728001017	6
11026	Block: 540379728001021	0
11027	Block: 540379728001022	0
11028	VTD 19 Subtotal	19
11029	VTD: 2	1,739
11030	VTD: 22	

2408

REDISTRICTING

[Ch. 3

11031	Block: 540379725011023	7
11032	Block: 540379725011024	0
11033	Block: 540379725011028	3
11034	Block: 540379725011041	14
11035	Block: 540379725011042	0
11036	Block: 540379725011045	0
11037	Block: 540379725011051	3
11038	Block: 540379725011052	0
11039	Block: 540379725011053	113
11040	Block: 540379725011054	0
11041	Block: 540379725011055	2
11042	Block: 540379725011056	14
11043	Block: 540379725011057	23
11044	Block: 540379725011058	86
11045	Block: 540379725011059	0
11046	Block: 540379725011060	38
11047	Block: 540379725011061	0
11048	Block: 540379725011062	2
11049	Block: 540379725011063	0
11050	Block: 540379725011064	8
11051	Block: 540379725011065	0
11052	Block: 540379725011066	15
11053	Block: 540379725011067	70
11054	Block: 540379725011068	0
11055	Block: 540379725011069	2
11056	Block: 540379725011070	19
11057	Block: 540379725011071	93
11058	Block: 540379725011072	0
11059	Block: 540379725011073	2
11060	Block: 540379725011074	35
11061	Block: 540379725011075	0



11062	Block: 540379725011091	37
11063	Block: 540379725011092	62
11064	Block: 540379725011093	0
11065	Block: 540379725011094	0
11066	Block: 540379725011095	47
11067	Block: 540379725011096	0
11068	Block: 540379725011097	0
11069	Block: 540379725011098	0
11070	Block: 540379725011099	0
11071	Block: 540379725011100	0
11072	Block: 540379725011101	0
11073	Block: 540379725011102	51
11074	Block: 540379725011103	0
11075	Block: 540379725011104	0
11076	Block: 540379725011105	0
11077	Block: 540379725011106	0
11078	Block: 540379725011107	66
11079	Block: 540379725011108	2
11080	Block: 540379725011109	0
11081	Block: 540379725011110	55
11082	Block: 540379725011111	74
11083	Block: 540379725011112	33
11084	Block: 540379725011113	59
11085	Block: 540379725011114	62
11086	Block: 540379725011115	43
11087	Block: 540379725011116	0
11088	Block: 540379725011117	0
11089	Block: 540379725011118	34
11090	Block: 540379725011119	0
11091	Block: 540379725011120	0
11092	Block: 540379728004022	5

2410	REDISTRICTING	[Ch. 3
11093	VTD 22 Subtotal	1,179
11094	VTD: 23	2,973
11095	VTD: 27	
11096	Block: 540379723001014	0
11097	Block: 540379723001018	14
11098	Block: 540379723001021	0
11099	Block: 540379723001022	0
11100	Block: 540379723001023	0
11101	Block: 540379723002034	0
11102	Block: 540379724021004	12
11103	Block: 540379724021005	0
11104	Block: 540379724021006	0
11105	Block: 540379724021007	1
11106	Block: 540379724021014	0
11107	Block: 540379724022002	0
11108	Block: 540379724022003	0
11109	Block: 540379724022006	0
11110	Block: 540379724022008	0
11111	Block: 540379724022009	0
11112	Block: 540379724022010	0
11113	Block: 540379724022017	0
11114	VTD 27 Subtotal	27
11115	VTD: 28	
11116	Block: 540379724011026	0
11117	Block: 540379724011027	52
11118	Block: 540379724011028	31
11119	Block: 540379724011029	11
11120	Block: 540379724011030	14
11121	Block: 540379724013006	0
11122	Block: 540379724013023	0
11123	Block: 540379724021011	0

11124	Block: 540379724021012	0
11125	Block: 540379724021013	0
11126	Block: 540379724021025	0
11127	Block: 540379724021026	0
11128	Block: 540379724021027	0
11129	Block: 540379724021028	2
11130	Block: 540379724021044	0
11131	Block: 540379724021045	9
11132	Block: 540379724021046	0
11133	Block: 540379724021047	0
11134	Block: 540379724021070	40
11135	Block: 540379724021071	0
11136	Block: 540379724021091	30
11137	Block: 540379724022004	0
11138	Block: 540379724022005	0
11139	Block: 540379724022011	0
11140	Block: 540379724022012	0
11141	Block: 540379724022013	0
11142	Block: 540379724022014	0
11143	Block: 540379724022015	0
11144	Block: 540379724022016	1
11145	Block: 540379724022018	137
11146	Block: 540379724022019	0
11147	Block: 540379724022020	0
11148	Block: 540379724022021	0
11149	Block: 540379724022022	0
11150	Block: 540379724022023	36
11151	Block: 540379724022024	6
11152	Block: 540379724022025	3
11153	Block: 540379724022026	0
11154	Block: 540379724022027	0

2412	REDISTRICTING	[Ch. 3
11155	Block: 540379724022028	0
11156	Block: 540379724022029	0
11157	Block: 540379724022030	0
11158	Block: 540379724022031	6
11159	Block: 540379724022032	0
11160	Block: 540379724022033	0
11161	Block: 540379724022034	0
11162	Block: 540379724022035	0
11163	Block: 540379724022036	0
11164	Block: 540379724022037	0
11165	Block: 540379724022038	0
11166	Block: 540379724022039	0
11167	Block: 540379724022040	19
11168	Block: 540379724022041	3
11169	Block: 540379724022042	1
11170	Block: 540379724022043	0
11171	Block: 540379724022044	144
11172	Block: 540379724022045	16
11173	Block: 540379724022046	2
11174	Block: 540379724022047	19
11175	Block: 540379724022048	19
11176	Block: 540379724022049	18
11177	Block: 540379724022050	5
11178	Block: 540379724022051	0
11179	Block: 540379724022052	0
11180	Block: 540379724022053	0
11181	Block: 540379724022054	62
11182	Block: 540379724022055	108
11183	Block: 540379724022056	30
11184	Block: 540379724022057	9
11185	Block: 540379724022058	27

11186	Block: 540379724022059	134
11187	Block: 540379724022060	0
11188	Block: 540379724022062	54
11189	Block: 540379724022063	8
11190	Block: 540379724022067	0
11191	Block: 540379724022070	0
11192	Block: 540379724022071	0
11193	Block: 540379724022072	0
11194	Block: 540379724022073	0
11195	Block: 540379724022074	57
11196	Block: 540379724022075	97
11197	Block: 540379724022076	64
11198	Block: 540379724022077	15
11199	Block: 540379724022078	0
11200	Block: 540379724022079	7
11201	Block: 540379724022080	30
11202	Block: 540379724022081	23
11203	Block: 540379724022082	34
11204	Block: 540379724022083	7
11205	Block: 540379724022084	0
11206	Block: 540379724022085	5
11207	Block: 540379724022086	0
11208	Block: 540379724022087	43
11209	Block: 540379724022088	14
11210	Block: 540379724022091	22
11211	Block: 540379724022092	15
11212	Block: 540379724022093	22
11213	Block: 540379724022094	28
11214	Block: 540379724022095	25
11215	Block: 540379724022096	18
11216	Block: 540379724022097	0

2414	REDISTRICTING	[Ch. 3
11217	Block: 540379724022098	0
11218	Block: 540379724022099	15
11219	Block: 540379724022100	0
11220	Block: 540379725011000	0
11221	Block: 540379725011001	6
11222	Block: 540379725011002	0
11223	Block: 540379725011003	0
11224	Block: 540379725011030	2
11225	Block: 540379725011050	0
11226	Block: 540379725051035	0
11227	Block: 540379725051036	0
11228	Block: 540379725051044	0
11229	VTD 28 Subtotal	1,605
11230	VTD: 3	
11231	Block: 540379725052014	0
11232	Block: 540379725052016	0
11233	Block: 540379725052018	0
11234	Block: 540379725052019	0
11235	Block: 540379725053001	0
11236	Block: 540379725053002	31
11237	Block: 540379725053003	2
11238	Block: 540379725053004	14
11239	Block: 540379725053005	79
11240	Block: 540379725053006	57
11241	Block: 540379725053007	13
11242	Block: 540379725053008	47
11243	Block: 540379725053009	4
11244	Block: 540379725053010	16
11245	Block: 540379725053011	8
11246	Block: 540379725053012	0
11247	Block: 540379725053013	46

11248	Block: 540379725053014	2
11249	Block: 540379725053015	0
11250	Block: 540379725053016	20
11251	Block: 540379725053017	12
11252	Block: 540379725053018	18
11253	Block: 540379725053019	19
11254	Block: 540379725053020	5
11255	Block: 540379725053021	17
11256	Block: 540379725053022	29
11257	Block: 540379725053023	26
11258	Block: 540379725053024	41
11259	Block: 540379725053025	26
11260	Block: 540379725053026	25
11261	Block: 540379725053027	30
11262	Block: 540379725053028	14
11263	Block: 540379725053029	32
11264	Block: 540379725053030	34
11265	Block: 540379725053031	26
11266	Block: 540379725053032	2
11267	Block: 540379725053033	4
11268	Block: 540379725053035	5
11269	Block: 540379725053036	3
11270	Block: 540379725053037	7
11271	Block: 540379725053041	11
11272	Block: 540379725053042	46
11273	Block: 540379725053044	0
11274	Block: 540379725053048	16
11275	Block: 540379725053049	26
11276	Block: 540379725053050	22
11277	Block: 540379725053051	5
11278	Block: 540379725053054	13

2416

REDISTRICTING

[Ch. 3

11279	Block: 540379725053055	4
11280	Block: 540379725053056	17
11281	Block: 540379725053057	1
11282	Block: 540379725061014	0
11283	Block: 540379725061035	4
11284	Block: 540379725061042	142
11285	Block: 540379725061043	0
11286	Block: 540379725061044	0
11287	Block: 540379725061045	4
11288	Block: 540379725061046	26
11289	Block: 540379725061047	38
11290	Block: 540379725061048	17
11291	Block: 540379725061049	0
11292	Block: 540379725061050	0
11293	Block: 540379725061051	0
11294	Block: 540379725061052	0
11295	Block: 540379725061053	0
11296	Block: 540379725061059	98
11297	Block: 540379725061060	162
11298	Block: 540379725061061	33
11299	Block: 540379725061062	0
11300	Block: 540379725061063	36
11301	Block: 540379725061064	39
11302	Block: 540379725061065	145
11303	Block: 540379725061067	135
11304	Block: 540379725061070	0
11305	Block: 540379725061071	3
11306	Block: 540379725061072	2
11307	Block: 540379725061073	2
11308	Block: 540379725061074	4
11309	Block: 540379725061076	4



Ch. 3]

REDISTRICTING

2417

11310	Block: 540379725061077	74
11311	Block: 540379725061078	6
11312	Block: 540379725061079	0
11313	Block: 540379725061080	0
11314	Block: 540379725061081	3
11315	Block: 540379725061082	13
11316	Block: 540379725061083	0
11317	Block: 540379725061084	34
11318	Block: 540379725061088	60
11319	Block: 540379725061089	32
11320	Block: 540379725061091	4
11321	Block: 540379725061092	0
11322	Block: 540379725061093	0
11323	Block: 540379725061094	46
11324	Block: 540379725061095	37
11325	Block: 540379725061096	0
11326	Block: 540379725061097	54
11327	Block: 540379725061098	96
11328	Block: 540379725061100	0
11329	Block: 540379725061119	0
11330	Block: 540379725061136	0
11331	Block: 540379725061137	53
11332	VTD 3 Subtotal	2,281
11333	VTD: 4	
11334	Block: 540379725031000	867
11335	Block: 540379725031001	111
11336	Block: 540379725031002	60
11337	Block: 540379725031003	52
11338	Block: 540379725031004	41
11339	Block: 540379725031005	60
11340	Block: 540379725031006	157

2418

REDISTRICTING

[Ch. 3

11341	Block: 540379725031007	41
11342	Block: 540379725031008	26
11343	Block: 540379725031009	71
11344	Block: 540379725031011	134
11345	Block: 540379725031012	45
11346	Block: 540379725031013	25
11347	Block: 540379725031014	55
11348	Block: 540379725031015	4
11349	Block: 540379725031016	0
11350	Block: 540379725031017	0
11351	Block: 540379725031018	110
11352	Block: 540379725031019	0
11353	Block: 540379725031020	3
11354	Block: 540379725031021	0
11355	Block: 540379725031022	0
11356	Block: 540379725031023	0
11357	Block: 540379725031024	64
11358	Block: 540379725031025	0
11359	Block: 540379725031026	135
11360	Block: 540379725031027	20
11361	Block: 540379725031028	0
11362	Block: 540379725031029	0
11363	Block: 540379725031030	10
11364	Block: 540379725031031	0
11365	Block: 540379725031032	0
11366	Block: 540379725031033	103
11367	Block: 540379725031034	53
11368	Block: 540379725031035	35
11369	Block: 540379725031036	4
11370	Block: 540379725031037	10
11371	Block: 540379725031038	9

11372	Block: 540379725031039	23
11373	Block: 540379725031040	12
11374	Block: 540379725031041	0
11375	Block: 540379725031042	0
11376	Block: 540379725031043	90
11377	Block: 540379725031044	15
11378	Block: 540379725031045	63
11379	Block: 540379725031046	0
11380	Block: 540379725031047	24
11381	Block: 540379725031048	0
11382	Block: 540379725031049	0
11383	Block: 540379725031050	0
11384	Block: 540379725031051	0
11385	Block: 540379725031052	0
11386	Block: 540379725031053	0
11387	Block: 540379725031054	0
11388	Block: 540379725031055	0
11389	Block: 540379725031056	0
11390	Block: 540379725031057	0
11391	Block: 540379725031058	0
11392	Block: 540379725031059	0
11393	Block: 540379725031060	0
11394	Block: 540379725031061	0
11395	Block: 540379725031062	0
11396	Block: 540379725031075	0
11397	Block: 540379725031076	0
11398	Block: 540379725031077	0
11399	Block: 540379725031078	0
11400	Block: 540379725031079	0
11401	Block: 540379725031080	0
11402	Block: 540379725031081	0

2420

REDISTRICTING

[Ch. 3

11403	Block: 540379725031082	0
11404	Block: 540379725031083	0
11405	Block: 540379725031084	0
11406	Block: 540379725031086	0
11407	Block: 540379725031087	0
11408	Block: 540379725031088	0
11409	Block: 540379725031090	38
11410	Block: 540379725051000	0
11411	Block: 540379725051001	0
11412	Block: 540379725051002	0
11413	Block: 540379725051003	0
11414	Block: 540379725051009	0
11415	Block: 540379725051010	0
11416	Block: 540379725051011	0
11417	Block: 540379725051012	0
11418	Block: 540379725051013	0
11419	Block: 540379725051014	0
11420	Block: 540379725051015	0
11421	Block: 540379725051016	0
11422	Block: 540379725052013	0
11423	Block: 540379725052015	0
11424	Block: 540379725052017	0
11425	Block: 540379725052023	16
11426	Block: 540379725052024	6
11427	Block: 540379725052025	0
11428	Block: 540379725052026	4
11429	Block: 540379725052027	4
11430	Block: 540379725052028	0
11431	Block: 540379725052029	1
11432	Block: 540379725052030	2
11433	Block: 540379725053000	33

11434	Block: 540379725053034	38
11435	Block: 540379725053038	4
11436	Block: 540379725053039	0
11437	Block: 540379725053040	0
11438	Block: 540379725053043	4
11439	Block: 540379725053045	8
11440	Block: 540379725053046	5
11441	Block: 540379725053047	1
11442	Block: 540379725053052	0
11443	Block: 540379725053053	4
11444	Block: 540379725053058	0
11445	Block: 540379725053059	1
11446	Block: 540379725053060	4
11447	Block: 540379725061021	0
11448	Block: 540379725061022	0
11449	Block: 540379725061023	13
11450	Block: 540379725061024	114
11451	Block: 540379725061025	21
11452	Block: 540379725061026	67
11453	Block: 540379725061027	10
11454	Block: 540379725061028	0
11455	Block: 540379725061029	1
11456	Block: 540379725061030	2
11457	Block: 540379725061031	43
11458	Block: 540379725061032	98
11459	Block: 540379725061033	92
11460	Block: 540379725061034	73
11461	Block: 540379725061036	0
11462	Block: 540379725061037	6
11463	Block: 540379725061038	44
11464	Block: 540379725061039	15

2422	REDISTRICTING	[Ch. 3
11465	Block: 540379725061040	0
11466	Block: 540379725061041	40
11467	Block: 540379725061066	66
11468	Block: 540379725061068	16
11469	Block: 540379725061069	7
11470	Block: 540379725061075	71
11471	Block: 540379725061085	0
11472	Block: 540379725061086	0
11473	Block: 540379725061087	0
11474	Block: 540379725061099	0
11475	Block: 540379725061106	0
11476	Block: 540379725061107	0
11477	Block: 540379725061108	0
11478	Block: 540379725061109	0
11479	Block: 540379725061110	0
11480	Block: 540379725061111	0
11481	Block: 540379725061113	0
11482	Block: 540379725061135	0
11483	Block: 540379725061138	5
11484	Block: 540379725061139	0
11485	VTD 4 Subtotal	3,509
11486	VTD: 6	732
11487	VTD: 7	2,379
11488	Jefferson WV County Subtotal	18,261
11489	District 65 Subtotal	18,261
11490	District 66	
11491	Jefferson WV County	
11492	VTD: 12	
11493	Block: 540379722041033	21
11494	Block: 540379722041034	18
11495	Block: 540379722041035	29

11496	Block: 540379722041036	19
11497	Block: 540379722041037	26
11498	Block: 540379722041038	32
11499	Block: 540379722041039	20
11500	Block: 540379722041041	0
11501	Block: 540379722041042	35
11502	Block: 540379722041043	24
11503	Block: 540379722041044	13
11504	Block: 540379722041045	5
11505	Block: 540379722041046	13
11506	Block: 540379722041047	0
11507	Block: 540379722041048	0
11508	Block: 540379722041052	2
11509	Block: 540379722041053	10
11510	Block: 540379722041054	16
11511	Block: 540379722041055	5
11512	Block: 540379724021002	0
11513	Block: 540379724021008	1
11514	Block: 540379724021009	96
11515	Block: 540379724021010	17
11516	Block: 540379724021015	86
11517	Block: 540379724021016	42
11518	Block: 540379724021017	60
11519	Block: 540379724021030	96
11520	VTD 12 Subtotal	686
11521	VTD: 13	
11522	Block: 540379726011072	6
11523	Block: 540379726011073	9
11524	Block: 540379726011074	0
11525	Block: 540379726011075	1
11526	Block: 540379726011102	80

2424	REDISTRICTING	[Ch. 3
11527	Block: 540379726011103	0
11528	Block: 540379726011105	0
11529	Block: 540379726011106	1
11530	Block: 540379726011108	0
11531	Block: 540379726011122	0
11532	Block: 540379726011126	0
11533	VTD 13 Subtotal	97
11534	VTD: 16	
11535	Block: 540379725031065	290
11536	Block: 540379725031067	45
11537	Block: 540379725031072	2
11538	Block: 540379725031074	45
11539	Block: 540379725061000	2
11540	Block: 540379725061105	23
11541	Block: 540379725061120	25
11542	Block: 540379726011070	0
11543	Block: 540379726011071	0
11544	Block: 540379726011107	0
11545	Block: 540379726011109	0
11546	Block: 540379726011110	0
11547	Block: 540379726011111	0
11548	Block: 540379726011112	0
11549	Block: 540379726011113	5
11550	Block: 540379726011114	0
11551	Block: 540379726011115	0
11552	Block: 540379726011116	30
11553	Block: 540379726011117	36
11554	Block: 540379726011118	0
11555	Block: 540379726011119	10
11556	Block: 540379726011120	13
11557	Block: 540379726011121	32



Ch. 3]

REDISTRICTING

2425

11558	Block: 540379726011123	0
11559	Block: 540379727012005	0
11560	Block: 540379727012012	0
11561	Block: 540379727012013	0
11562	VTD 16 Subtotal	558
11563	VTD: 19	
11564	Block: 540379728001010	3
11565	Block: 540379728001011	382
11566	Block: 540379728001012	31
11567	Block: 540379728001013	12
11568	Block: 540379728001014	33
11569	Block: 540379728001015	0
11570	Block: 540379728001016	2
11571	Block: 540379728001018	19
11572	Block: 540379728001019	2
11573	Block: 540379728001023	0
11574	Block: 540379728001024	0
11575	Block: 540379728001025	0
11576	Block: 540379728001026	71
11577	Block: 540379728001027	2
11578	Block: 540379728001028	37
11579	Block: 540379728001029	9
11580	Block: 540379728001030	0
11581	Block: 540379728001032	88
11582	Block: 540379728001034	19
11583	Block: 540379728001035	20
11584	VTD 19 Subtotal	730
11585	VTD: 20	1,143
11586	VTD: 21	
11587	Block: 540379727021000	136
11588	Block: 540379727021001	13

11589	Block: 540379727021002	15
11590	Block: 540379727021003	8
11591	Block: 540379727021004	18
11592	Block: 540379727021005	24
11593	Block: 540379727021006	0
11594	Block: 540379727021007	6
11595	Block: 540379727021008	22
11596	Block: 540379727021009	1
11597	Block: 540379727021010	9
11598	Block: 540379727021011	9
11599	Block: 540379727021012	11
11600	Block: 540379727021013	6
11601	Block: 540379727021014	13
11602	Block: 540379727021015	13
11603	Block: 540379727021016	9
11604	Block: 540379727021017	8
11605	Block: 540379727021018	10
11606	Block: 540379727021019	9
11607	Block: 540379727021020	25
11608	Block: 540379727021021	19
11609	Block: 540379727021022	26
11610	Block: 540379727021023	18
11611	Block: 540379727021024	15
11612	Block: 540379727021025	5
11613	Block: 540379727021026	4
11614	Block: 540379727021027	4
11615	Block: 540379727021028	5
11616	Block: 540379727021029	4
11617	Block: 540379727021030	3
11618	Block: 540379727021031	17
11619	Block: 540379727021032	12

11620	Block: 540379727021033	30
11621	Block: 540379727021034	9
11622	Block: 540379727021035	3
11623	Block: 540379727021036	15
11624	Block: 540379727021037	8
11625	Block: 540379727021038	15
11626	Block: 540379727021039	16
11627	Block: 540379727021040	14
11628	Block: 540379727021041	31
11629	Block: 540379727021042	26
11630	Block: 540379727021043	13
11631	Block: 540379727021044	4
11632	Block: 540379727021045	22
11633	Block: 540379727021046	23
11634	Block: 540379727021047	14
11635	Block: 540379727021048	18
11636	Block: 540379727021049	1
11637	Block: 540379727021050	9
11638	Block: 540379727021051	78
11639	Block: 540379727021052	1
11640	Block: 540379727021053	8
11641	Block: 540379727021054	1
11642	Block: 540379727021055	26
11643	Block: 540379727021056	140
11644	Block: 540379727021057	0
11645	Block: 540379727021058	0
11646	Block: 540379727021059	7
11647	Block: 540379727021060	2
11648	Block: 540379727022000	0
11649	Block: 540379727022001	0
11650	Block: 540379727022002	162

2428

REDISTRICTING

[Ch. 3

11651	Block: 540379727022003	14
11652	Block: 540379727022004	20
11653	Block: 540379727022005	7
11654	Block: 540379727022006	0
11655	Block: 540379727022007	38
11656	Block: 540379727022008	19
11657	Block: 540379727022009	16
11658	Block: 540379727022010	7
11659	Block: 540379727022011	11
11660	Block: 540379727022012	6
11661	Block: 540379727022013	9
11662	Block: 540379727022014	0
11663	Block: 540379727022015	72
11664	Block: 540379727022016	10
11665	Block: 540379727022017	9
11666	Block: 540379727022018	26
11667	Block: 540379727022019	0
11668	Block: 540379727022020	41
11669	Block: 540379727022021	20
11670	Block: 540379727022022	46
11671	Block: 540379727022023	0
11672	Block: 540379727022024	20
11673	Block: 540379727022025	12
11674	Block: 540379727022026	0
11675	Block: 540379727022027	4
11676	Block: 540379727022028	7
11677	Block: 540379727022029	10
11678	Block: 540379727022030	8
11679	Block: 540379727022031	23
11680	Block: 540379727022032	3
11681	Block: 540379727022033	21

11682	Block: 540379727022034	15
11683	Block: 540379727022035	29
11684	Block: 540379727022036	143
11685	Block: 540379727022037	0
11686	Block: 540379727022038	10
11687	Block: 540379727022039	24
11688	Block: 540379727022040	26
11689	Block: 540379727022041	10
11690	Block: 540379727022042	0
11691	Block: 540379727022043	4
11692	Block: 540379727022044	27
11693	Block: 540379727022045	0
11694	Block: 540379727022046	0
11695	Block: 540379727022047	0
11696	Block: 540379727022048	141
11697	Block: 540379727022049	0
11698	Block: 540379727022050	8
11699	Block: 540379727022051	12
11700	Block: 540379727022052	29
11701	Block: 540379727022053	0
11702	Block: 540379727022054	4
11703	Block: 540379727022055	12
11704	Block: 540379727022056	17
11705	Block: 540379727022057	2
11706	Block: 540379727022058	1
11707	Block: 540379727023001	394
11708	Block: 540379727023002	10
11709	Block: 540379727023003	80
11710	Block: 540379727023004	32
11711	Block: 540379727023005	0
11712	Block: 540379727023006	22

2430

REDISTRICTING

[Ch. 3

11713	Block: 540379727023007	35
11714	Block: 540379727023008	27
11715	Block: 540379727023009	32
11716	Block: 540379727023010	0
11717	Block: 540379727023011	18
11718	Block: 540379727023012	48
11719	Block: 540379727023013	41
11720	Block: 540379727023014	34
11721	Block: 540379727023015	22
11722	Block: 540379727023016	87
11723	Block: 540379727023017	0
11724	Block: 540379727023018	51
11725	Block: 540379727023019	41
11726	Block: 540379727023020	28
11727	Block: 540379727023021	249
11728	Block: 540379727023022	13
11729	Block: 540379727023023	13
11730	Block: 540379727023024	11
11731	Block: 540379727023025	9
11732	Block: 540379727023026	24
11733	Block: 540379727023027	7
11734	Block: 540379727023028	21
11735	Block: 540379727023029	15
11736	Block: 540379727023030	2
11737	Block: 540379727023031	0
11738	Block: 540379727023032	7
11739	Block: 540379727023033	13
11740	Block: 540379727023034	4
11741	Block: 540379727023035	8
11742	Block: 540379727023036	6
11743	Block: 540379727023037	9

## Ch. 3]

## REDISTRICTING

2431

11744	Block: 540379727023038	14
11745	Block: 540379727023039	5
11746	Block: 540379727023040	7
11747	Block: 540379727023041	8
11748	Block: 540379727023042	10
11749	Block: 540379727023043	9
11750	Block: 540379727023044	15
11751	Block: 540379727023045	12
11752	Block: 540379727023046	37
11753	Block: 540379727023047	6
11754	Block: 540379727023048	5
11755	Block: 540379727023049	7
11756	Block: 540379727023050	7
11757	Block: 540379727023051	0
11758	Block: 540379727023052	12
11759	Block: 540379727023053	3
11760	Block: 540379727023054	0
11761	Block: 540379727023055	0
11762	Block: 540379727023056	4
11763	Block: 540379727023057	9
11764	Block: 540379727023058	12
11765	Block: 540379727023059	45
11766	Block: 540379727023060	6
11767	Block: 540379727023061	5
11768	Block: 540379727023062	4
11769	Block: 540379727023063	11
11770	Block: 540379727023064	4
11771	Block: 540379727023065	9
11772	Block: 540379727023066	2
11773	Block: 540379727023067	6
11774	Block: 540379727023068	0

2432	REDISTRICTING	[Ch. 3
11775	Block: 540379727023069	38
11776	Block: 540379727023070	20
11777	VTD 21 Subtotal	3,931
11778	VTD: 22	
11779	Block: 540379725011022	1
11780	Block: 540379725011076	0
11781	Block: 540379725011077	0
11782	Block: 540379725011078	2
11783	Block: 540379725011079	0
11784	Block: 540379725011080	5
11785	Block: 540379725011081	383
11786	Block: 540379728003000	15
11787	Block: 540379728003001	4
11788	Block: 540379728003002	62
11789	Block: 540379728003011	11
11790	Block: 540379728003012	7
11791	Block: 540379728003013	18
11792	Block: 540379728003014	224
11793	Block: 540379728003015	72
11794	Block: 540379728003016	38
11795	Block: 540379728003017	41
11796	Block: 540379728003018	20
11797	Block: 540379728003019	192
11798	Block: 540379728003020	0
11799	Block: 540379728003021	0
11800	Block: 540379728003022	0
11801	Block: 540379728003023	0
11802	Block: 540379728003024	0
11803	Block: 540379728003025	0
11804	Block: 540379728003026	0
11805	Block: 540379728003027	0



11806	Block: 540379728003028	0
11807	Block: 540379728003029	0
11808	Block: 540379728003030	0
11809	Block: 540379728003031	0
11810	Block: 540379728003032	0
11811	Block: 540379728003033	0
11812	Block: 540379728003034	0
11813	Block: 540379728003035	0
11814	Block: 540379728003036	0
11815	Block: 540379728003038	11
11816	Block: 540379728003039	45
11817	Block: 540379728003040	45
11818	Block: 540379728003041	10
11819	Block: 540379728003042	0
11820	Block: 540379728003043	8
11821	Block: 540379728003044	174
11822	Block: 540379728003045	21
11823	Block: 540379728003046	44
11824	Block: 540379728003047	0
11825	Block: 540379728003048	2
11826	Block: 540379728003049	41
11827	Block: 540379728003050	0
11828	Block: 540379728003051	5
11829	Block: 540379728003052	40
11830	Block: 540379728003053	36
11831	Block: 540379728003054	0
11832	Block: 540379728003055	5
11833	Block: 540379728003056	41
11834	Block: 540379728003057	30
11835	Block: 540379728003058	0
11836	Block: 540379728003059	7

2434	REDISTRICTING	[Ch. 3
11837	Block: 540379728003060	10
11838	Block: 540379728003061	5
11839	Block: 540379728004016	151
11840	Block: 540379728004017	13
11841	Block: 540379728004018	0
11842	Block: 540379728004019	89
11843	Block: 540379728004020	125
11844	Block: 540379728004021	31
11845	Block: 540379728004024	39
11846	Block: 540379728004025	29
11847	Block: 540379728004026	6
11848	Block: 540379728004027	1
11849	Block: 540379728004028	0
11850	Block: 540379728004029	0
11851	Block: 540379728004030	0
11852	Block: 540379728004031	0
11853	Block: 540379728004032	32
11854	Block: 540379728004033	38
11855	VTD 22 Subtotal	2,229
11856	VTD: 25	2,653
11857	VTD: 26	2,089
11858	VTD: 27	
11859	Block: 540379722041049	0
11860	Block: 540379722041050	24
11861	Block: 540379722041051	7
11862	Block: 540379723001000	123
11863	Block: 540379723001001	80
11864	Block: 540379723001002	0
11865	Block: 540379723001003	92
11866	Block: 540379723001004	0
11867	Block: 540379723001005	142

11868	Block: 540379723001006	30
11869	Block: 540379723001007	47
11870	Block: 540379723001008	47
11871	Block: 540379723001009	0
11872	Block: 540379723001010	38
11873	Block: 540379723001011	1
11874	Block: 540379723001012	110
11875	Block: 540379723001013	117
11876	Block: 540379723001015	7
11877	Block: 540379723001016	0
11878	Block: 540379723001017	24
11879	Block: 540379723001019	5
11880	Block: 540379723001020	21
11881	Block: 540379723001024	0
11882	Block: 540379723002000	0
11883	Block: 540379723002001	168
11884	Block: 540379723002002	29
11885	Block: 540379723002003	238
11886	Block: 540379723002004	2
11887	Block: 540379723002009	59
11888	Block: 540379723002015	460
11889	Block: 540379723002016	3
11890	Block: 540379723002017	51
11891	Block: 540379723002018	28
11892	Block: 540379723002019	37
11893	Block: 540379723002020	68
11894	Block: 540379723002021	46
11895	Block: 540379723002022	15
11896	Block: 540379723002023	16
11897	Block: 540379723002024	39
11898	Block: 540379723002025	31

2436

REDISTRICTING

[Ch. 3

11899	Block: 540379723002026	20
11900	Block: 540379723002027	26
11901	Block: 540379723002028	25
11902	Block: 540379723002029	39
11903	Block: 540379723002030	20
11904	Block: 540379723002031	30
11905	Block: 540379723002032	0
11906	Block: 540379723002033	48
11907	Block: 540379723002035	0
11908	Block: 540379723002038	0
11909	Block: 540379723002047	31
11910	Block: 540379724021003	236
11911	Block: 540379724021090	51
11912	Block: 540379724022000	36
11913	Block: 540379724022001	4
11914	Block: 540379724022007	0
11915	VTD 27 Subtotal	2,771
11916	VTD: 28	
11917	Block: 540379724022064	53
11918	Block: 540379724022065	108
11919	Block: 540379724022066	26
11920	Block: 540379724022068	13
11921	Block: 540379724022069	19
11922	VTD 28 Subtotal	219
11923	VTD: 3	
11924	Block: 540379725061101	86
11925	Block: 540379725061102	63
11926	Block: 540379725061103	34
11927	Block: 540379725061104	28
11928	VTD 3 Subtotal	211
11929	VTD: 31	

Ch. 3]	REDISTRICTING	2437
11930	Block: 540379722041026	15
11931	VTD 31 Subtotal	15
11932	VTD: 4	
11933	Block: 540379725061112	6
11934	Block: 540379725061114	191
11935	Block: 540379725061115	15
11936	Block: 540379725061116	1
11937	Block: 540379725061117	10
11938	Block: 540379725061118	0
11939	Block: 540379725061127	49
11940	Block: 540379725061134	8
11941	VTD 4 Subtotal	280
11942	Jefferson WV County Subtotal	17,612
11943	District 66 Subtotal	17,612
11944	District 67	
11945	Jefferson WV County	
11946	VTD: 12	
11947	Block: 540379722031051	30
11948	Block: 540379722031053	6
11949	Block: 540379722031054	13
11950	Block: 540379722031056	143
11951	Block: 540379722031057	0
11952	Block: 540379722041032	223
11953	Block: 540379722041056	55
11954	Block: 540379722041057	87
11955	Block: 540379722041058	20
11956	Block: 540379724021000	23
11957	Block: 540379724021001	0
11958	Block: 540379726022006	128
11959	Block: 540379726022007	31
11960	Block: 540379726022008	0

2438	REDISTRICTING	[Ch. 3
11961	Block: 540379726022011	55
11962	Block: 540379726022012	48
11963	Block: 540379726022013	18
11964	Block: 540379726022014	3
11965	Block: 540379726022015	0
11966	Block: 540379726022030	0
11967	Block: 540379726022033	150
11968	Block: 540379726022049	42
11969	Block: 540379726022050	26
11970	VTD 12 Subtotal	1,101
11971	VTD: 13	
11972	Block: 540379726011031	16
11973	Block: 540379726011063	0
11974	Block: 540379726011064	0
11975	Block: 540379726011067	60
11976	Block: 540379726011068	11
11977	Block: 540379726011069	0
11978	Block: 540379726011076	0
11979	Block: 540379726011077	0
11980	Block: 540379726011078	0
11981	Block: 540379726011079	0
11982	Block: 540379726011080	4
11983	Block: 540379726011081	0
11984	Block: 540379726011082	50
11985	Block: 540379726011083	0
11986	Block: 540379726011084	27
11987	Block: 540379726011085	10
11988	Block: 540379726011086	78
11989	Block: 540379726011087	0
11990	Block: 540379726011088	0
11991	Block: 540379726011089	105

11992	Block: 540379726011090	0
11993	Block: 540379726011091	0
11994	Block: 540379726011092	16
11995	Block: 540379726011093	77
11996	Block: 540379726011094	0
11997	Block: 540379726011098	0
11998	Block: 540379726011099	1
11999	Block: 540379726011124	0
12000	Block: 540379726021018	108
12001	Block: 540379726021019	0
12002	Block: 540379726021020	36
12003	Block: 540379726021024	0
12004	Block: 540379726022003	406
12005	Block: 540379726022004	22
12006	Block: 540379726022005	49
12007	Block: 540379726022009	30
12008	Block: 540379726022010	96
12009	Block: 540379726022016	566
12010	Block: 540379726022017	0
12011	Block: 540379726022018	1
12012	Block: 540379726022019	3
12013	Block: 540379726022020	24
12014	Block: 540379726022021	4
12015	Block: 540379726022022	32
12016	Block: 540379726022023	0
12017	Block: 540379726022025	48
12018	Block: 540379726022026	0
12019	Block: 540379726022028	0
12020	Block: 540379726022029	214
12021	Block: 540379726022031	3
12022	Block: 540379726022032	4

2440	REDISTRICTING	[Ch. 3
12023	Block: 540379726022034	0
12024	Block: 540379726022035	0
12025	Block: 540379726022036	126
12026	Block: 540379726022037	0
12027	Block: 540379726022042	0
12028	Block: 540379726022068	0
12029	VTD 13 Subtotal	2,227
12030	VTD: 14	284
12031	VTD: 15	1,047
12032	VTD: 16	
12033	Block: 540379727011047	35
12034	Block: 540379727011048	0
12035	Block: 540379727011052	0
12036	Block: 540379727012000	52
12037	Block: 540379727012001	59
12038	Block: 540379727012002	53
12039	Block: 540379727012003	3
12040	Block: 540379727012004	0
12041	Block: 540379727012006	397
12042	Block: 540379727012007	0
12043	Block: 540379727012008	0
12044	Block: 540379727012009	48
12045	Block: 540379727012010	3
12046	Block: 540379727012011	32
12047	Block: 540379727012014	17
12048	Block: 540379727012015	4
12049	Block: 540379727013029	0
12050	Block: 540379727013030	44
12051	Block: 540379727013031	15
12052	Block: 540379727013037	2
12053	Block: 540379727013046	3



Ch. 3]	REDISTRICTING	2441
12054	Block: 540379727013047	0
12055	VTD 16 Subtotal	767
12056	VTD: 17	1,985
12057	VTD: 21	
12058	Block: 540379727023000	84
12059	VTD 21 Subtotal	84
12060	VTD: 31	
12061	Block: 540379722031000	0
12062	Block: 540379722031001	0
12063	Block: 540379722031002	0
12064	Block: 540379722031003	15
12065	Block: 540379722031005	194
12066	Block: 540379722031006	0
12067	Block: 540379722031008	0
12068	Block: 540379722031011	96
12069	Block: 540379722031012	18
12070	Block: 540379722031013	202
12071	Block: 540379722031014	0
12072	Block: 540379722031015	79
12073	Block: 540379722031016	13
12074	Block: 540379722031017	58
12075	Block: 540379722031027	9
12076	Block: 540379722031028	0
12077	Block: 540379722031029	0
12078	Block: 540379722031030	143
12079	Block: 540379722031031	0
12080	Block: 540379722031032	157
12081	Block: 540379722031033	75
12082	Block: 540379722031034	4
12083	Block: 540379722031044	162
12084	Block: 540379722031045	0

2442	REDISTRICTING	[Ch. 3
12085	Block: 540379722031046	37
12086	Block: 540379722031047	8
12087	Block: 540379722031048	0
12088	Block: 540379722031049	0
12089	Block: 540379722031050	40
12090	Block: 540379722031052	0
12091	Block: 540379722031055	0
12092	Block: 540379722031058	5
12093	Block: 540379722031059	2
12094	Block: 540379722041011	24
12095	Block: 540379722041012	75
12096	Block: 540379722041019	93
12097	Block: 540379722041020	28
12098	Block: 540379722041023	0
12099	Block: 540379722041024	7
12100	Block: 540379722041025	39
12101	Block: 540379722041027	8
12102	Block: 540379722041028	4
12103	Block: 540379722041029	0
12104	Block: 540379722041030	68
12105	Block: 540379722041031	12
12106	Block: 540379722041040	0
12107	Block: 540379722042035	0
12108	VTD 31 Subtotal	1,675
12109	VTD: 32	1,900
12110	VTD: 33	1,210
12111	VTD: 34	2,002
12112	VTD: 35	3,343
12113	Jefferson WV County Subtotal	17,625
12114	District 67 Subtotal	17,625
12115	State totals	1,852,994

12116 (d) Regardless of the changes in delegate district  
12117 boundaries made by the provisions of subsection (c) of this  
12118 section, the delegates elected at the general election held in  
12119 the year 2010 continue to hold their offices as members of  
12120 the House of Delegates for the term, and as representatives of  
12121 the county or delegate district, for which each was elected.  
12122 Any appointment made to fill a vacancy in the office of a  
12123 member of the House of Delegates shall be made for the  
12124 remainder of the term, and as representative of the county or  
12125 delegate district, for which the vacating delegate was elected  
12126 or appointed.



DISPOSITION OF BILLS

**DISPOSITION OF BILLS ENACTED**

The first column gives the number of the bill and the second column gives the chapter assigned to it.

**Regular Session, 2011**

**HOUSE BILLS**

<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>
2001. ....	141	2695. ....	68	2971. ....	167
2012. ....	11	2696. ....	186	2981. ....	130
2013. ....	64	2697. ....	121	2986. ....	69
2075. ....	123	2708. ....	105	2989. ....	93
2159. ....	133	2709. ....	49	2990. ....	90
2248. ....	106	2745. ....	97	2993. ....	165
2362. ....	39	2750. ....	22	3000. ....	94
2368. ....	144	2752. ....	124	3004. ....	187
2437. ....	24	2763. ....	177	3021. ....	76
2451. ....	42	2765. ....	152	3028. ....	45
2464. ....	67	2766. ....	32	3054. ....	47
2475. ....	71	2818. ....	37	3064. ....	23
2479. ....	143	2845. ....	96	3075. ....	74
2498. ....	142	2853. ....	62	3094. ....	78
2505. ....	29	2860. ....	36	3100. ....	2
2517. ....	182	2863. ....	159	3105. ....	116
2520. ....	184	2864. ....	38	3114. ....	135
2522. ....	136	2871. ....	17	3116. ....	52
2525. ....	156	2876. ....	103	3119. ....	147
2532. ....	185	2879. ....	154	3126. ....	148
2539. ....	160	2882. ....	15	3134. ....	20
2542. ....	19	2885. ....	73	3137. ....	176
2550. ....	56	2888. ....	25	3143. ....	3
2551. ....	66	2918. ....	163	3144. ....	41
2556. ....	57	2935. ....	26	3145. ....	151
2557. ....	188	2936. ....	61	3163. ....	183
2562. ....	12	2939. ....	150	3185. ....	33
2586. ....	113	2949. ....	162	3196. ....	137
2613. ....	111	2953. ....	164	3202. ....	149
2626. ....	115	2955. ....	166	3204. ....	65
2639. ....	114	2958. ....	92	3205. ....	30
2648. ....	51	2959. ....	91	3225. ....	18
2663. ....	146	2962. ....	14	3271. ....	181
2693. ....	13	2969. ....	75		

**DISPOSITION OF BILLS ENACTED**

The first column gives the number of the bill and the second column gives the chapter assigned to it.

**Regular Session, 2011****SENATE BILLS**

<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>
35. ....	170	254. ....	4	458. ....	117
60. ....	140	255. ....	5	460. ....	70
61. ....	104	256. ....	155	461. ....	46
93. ....	40	263. ....	120	465. ....	161
96. ....	31	282. ....	153	472. ....	98
112. ....	108	285. ....	138	474. ....	1
121. ....	109	295. ....	110	484. ....	81
177. ....	112	328. ....	48	486. ....	80
184. ....	44	330. ....	79	488. ....	87
186. ....	43	335. ....	122	492. ....	174
192. ....	139	342. ....	6	495. ....	60
193. ....	107	349. ....	77	507. ....	16
200. ....	82	356. ....	102	514. ....	85
205. ....	172	357. ....	95	532. ....	119
213. ....	63	358. ....	180	538. ....	83
215. ....	169	366. ....	175	544. ....	128
216. ....	21	371. ....	173	546. ....	129
219. ....	178	373. ....	54	550. ....	72
222. ....	126	375. ....	84	560. ....	145
228. ....	53	376. ....	28	563. ....	125
234. ....	127	382. ....	131	570. ....	134
235. ....	34	391. ....	58	581. ....	59
238. ....	157	392. ....	88	582. ....	27
239. ....	86	408. ....	100	592. ....	55
241. ....	158	413. ....	89	612. ....	50
243. ....	132	428. ....	35	617. ....	7
245. ....	179	435. ....	99	618. ....	8
247. ....	168	436. ....	171	619. ....	9
253. ....	101	439. ....	118	620. ....	10

**DISPOSITION OF BILLS ENACTED**

The first column gives the chapter assigned and the second column gives the bill number.

**Regular Session, 2011**

House Bills = 4 Digits

Senate Bills = 2,3 Digits

<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>
1. ....	474	28. ....	376	55. ....	592
2. ....	3100	29. ....	2505	56. ....	2550
3. ....	3143	30. ....	3205	57. ....	2556
4. ....	254	31. ....	96	58. ....	391
5. ....	255	32. ....	2766	59. ....	581
6. ....	342	33. ....	3185	60. ....	495
7. ....	617	34. ....	235	61. ....	2936
8. ....	618	35. ....	428	62. ....	2853
9. ....	619	36. ....	2860	63. ....	213
10. ....	620	37. ....	2818	64. ....	2013
11. ....	2012	38. ....	2864	65. ....	3204
12. ....	2562	39. ....	2362	66. ....	2551
13. ....	2693	40. ....	93	67. ....	2464
14. ....	2962	41. ....	3144	68. ....	2695
15. ....	2882	42. ....	2451	69. ....	2986
16. ....	507	43. ....	186	70. ....	460
17. ....	2871	44. ....	184	71. ....	2475
18. ....	3225	45. ....	3028	72. ....	550
19. ....	2542	46. ....	461	73. ....	2885
20. ....	3134	47. ....	3054	74. ....	3075
21. ....	216	48. ....	328	75. ....	2969
22. ....	2750	49. ....	2709	76. ....	3021
23. ....	3064	50. ....	612	77. ....	349
24. ....	2437	51. ....	2648	78. ....	3094
25. ....	2888	52. ....	3116	79. ....	330
26. ....	2935	53. ....	228	80. ....	486
27. ....	582	54. ....	373	81. ....	484

**DISPOSITION OF BILLS ENACTED**

The first column gives the chapter assigned and the second column gives the bill number.

**Regular Session, 2011**

**Page Two**

House Bills = 4 Digits

Senate Bills = 2,3 Digits

<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>
82.	200	108.	112	134.	570
83.	538	109.	121	135.	3114
84.	375	110.	295	136.	2522
85.	514	111.	2613	137.	3196
86.	239	112.	177	138.	285
87.	488	113.	2586	139.	192
88.	392	114.	2639	140.	60
89.	413	115.	2626	141.	2001
90.	2990	116.	3105	142.	2498
91.	2959	117.	458	143.	2479
92.	2958	118.	439	144.	2368
93.	2989	119.	532	145.	560
94.	3000	120.	263	146.	2663
95.	357	121.	2697	147.	3119
96.	2845	122.	335	148.	3126
97.	2745	123.	2075	149.	3202
98.	472	124.	2752	150.	2939
99.	435	125.	563	151.	3145
100.	408	126.	222	152.	2765
101.	253	127.	234	153.	282
102.	356	128.	544	154.	2879
103.	2876	129.	546	155.	256
104.	61	130.	2981	156.	2525
105.	2708	131.	382	157.	238
106.	2248	132.	243	158.	241
107.	193	133.	2159	159.	2863



**DISPOSITION OF BILLS ENACTED**

The first column gives the chapter assigned and the second column gives the bill number.

**Regular Session, 2011****Page Three**

House Bills = 4 Digits

Senate Bills = 2,3 Digits

<b>Chapter Bill No.</b>	<b>Chapter Bill No.</b>	<b>Chapter Bill No.</b>
160. .... 2539	170. .... 35	180. .... 358
161. .... 465	171. .... 436	181. .... 3271
162. .... 2949	172. .... 205	182. .... 2517
163. .... 2918	173. .... 371	183. .... 3163
164. .... 2953	174. .... 492	184. .... 2520
165. .... 2993	175. .... 366	185. .... 2532
166. .... 2955	176. .... 3137	186. .... 2969
167. .... 2971	177. .... 2763	187. .... 3004
168. .... 247	178. .... 219	188. .... 2557
169. .... 215	179. .... 245	

**DISPOSITION OF BILLS ENACTED**

The first column gives the number of the bill and the second column gives the chapter assigned to it.

**First Extraordinary Session, 2011****SENATE BILLS**

<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>
1001. ....	7	1004. ....	1	1007. ....	3
1002. ....	8	1005. ....	2	1008. ....	5
1003. ....	4	1006. ....	6		

**DISPOSITION OF BILLS ENACTED**

The first column gives the chapter assigned and the second column gives the bill number.

**First Extraordinary Session, 2011**

Senate Bills = 4 Digits

<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>
1. ....	1004	4. ....	1003	7. ....	1001
2. ....	1005	5. ....	1008	8. ....	1002
3. ....	1007	6. ....	1006		

**DISPOSITION OF BILLS ENACTED**

The first column gives the number of the bill and the second column gives the chapter assigned to it.

**Second Extraordinary Session, 2011**

**HOUSE BILLS**

	<b>Bill No. Chapter</b>	
	201. . . . . 3	

**DISPOSITION OF BILLS ENACTED**

The first column gives the number of the bill and the second column gives the chapter assigned to it.

**Second Extraordinary Session, 2011****SENATE BILLS**

	<b>Bill No. Chapter</b>	
	2001. . . . . 1	
	2002. . . . . 2	

**DISPOSITION OF BILLS ENACTED**

The first column gives the chapter assigned and the second column gives the bill number.

**Second Extraordinary Session, 2011**

House Bill = 3 Digits

Senate Bills = 4 Digits

<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>	<b>Chapter</b>	<b>Bill No.</b>
1. ....	2001	2. ....	2002	3. ....	201

# INDEX

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## Regular Session, 2011

---

	Ch.	Page
<b>ACTIONS AND SUITS:</b>		
Prescription drug warnings		
Liability claims. . . . .	1	1
<b>ALCOHOLIC LIQUOR:</b>		
Election day		
Sale of liquor		
Permitting. . . . .	2	2
<b>ANIMALS:</b>		
Used by law-enforcement officers		
Causing injury or death		
Penalties		
Increasing. . . . .	3	3
<b>APPROPRIATIONS:</b>		
Budget Bill. . . . .	11	33
Index to, by accounts. . . . .	11	39
Supplemental		
Agriculture, Department of. . . . .	10	25
Auditor's Office. . . . .	10	24
Consolidated Medical Services Fund. . . . .	10	27
Corrections, Division of. . . . .	9	19
Correctional Units. . . . .	10	30
Development Office. . . . .	4	6
Education and the Arts, Department of		
Office of the Secretary. . . . .	7	14
Education, State Department of. . . . .	10	27
Ethics Commission. . . . .	10	25
Governor's Office. . . . .	5	8
Civil Contingent Fund. . . . .	6	12
Health Care Authority. . . . .	5	9
Health, Division of –		
Safe Drinking Water Treatment. . . . .	7	14
Higher Education Policy Commission. . . . .	10	31
Highways, Division of. . . . .	8	16
Human Services, Division of. . . . .	5, 10	10, 28
Energy Assistance. . . . .	4	7

**APPROPRIATIONS - (Continued):**

Parole Board.....	10	29
Public Defender Services.....	10	26
Public Port Authority.....	5	11
Special Railroad and Intermodal Enhancement Fund.	9	21
Rehabilitation Services, Division of. ....	5	9
Revenue, Department of		
Office of the Secretary.....	9	21
State Police, West Virginia. ....	9	20
Veterans' Affairs, Division of. ....	10	30

**ATHLETIC COMMISSION:**

Mixed martial arts		
Regulating. ....	12	241

**AUTISM:**

Autism spectrum disorders		
Insurance coverage		
Requiring. ....	13	244

**BANKS AND BANKING:**

Commissioner of Banking		
Assessment and Examination Fund. ....	15	268
Residential Mortgage Lender, Broker and Servicer Act		
Violating		
Residential mortgage brokers and lenders		
Imposing a fine or penalty. ....	14	265

**BOONE COUNTY:**

County Commission		
Boone Memorial Hospital		
Transfer interest. ....	186	1891

**BROADBAND DEPLOYMENT COUNCIL:**

Continuing. ....	16	273
------------------	----	-----

**BROWNFIELD ECONOMIC DEVELOPMENT:**

Municipalities and counties		
Regulatory and oversight authority. ....	17	277

**BULLYING:**

Harassment, intimidation or bullying		
Expanding definition. ....	18	280

**CEMETERIES:**

Private lands		
Access to. ....	19	284
Definitions. ....	19	286



**CHILD SUPPORT ENFORCEMENT:**

Arrearages or past due support		
Defining.....	20	289
Child support		
Calculation of interest.....	20	290
Defining.....	20	289

**CHILD WELFARE:**

Sexual assault or sexual abuse		
Custody of minor child or children		
Temporary or permanent		
Denying.....	22	304
“Imminent danger to the physical well-being of a child”		
Definition		
Modifying.....	21	295

**CLAIMS:**

Claims against the State.....	23	317
-------------------------------	----	-----

**COAL MINE HEALTH AND SAFETY:**

Coal Mine Health and Safety, Board of		
Whistleblower protections		
Requiring study of.....	25	336
Underground mining machines		
Methane detecting shut-off devices		
Requiring study of.....	24	335

**CODE AMENDED:**

Ch.	Art.	Sec.	Bill No.	Page
3	3	2 a	SB391.....	612
3	3	3	SB581.....	616
3	4 A	2	SB495.....	620
3	4 A	3	SB495.....	621
3	4 A	4	SB495.....	621
3	4 A	6	SB495.....	623
3	4 A	9	SB495.....	624
3	4 A	9 a	SB495.....	629
3	4 A	9 b	SB495.....	632
3	4 A	10	SB495.....	634
3	4 A	10 a	SB495.....	635
3	4 A	13	SB495.....	636
3	4 A	17	SB495.....	638
3	4 A	19	SB495.....	638
3	4 A	20	SB495.....	642
3	4 A	27	SB495.....	643
3	5	17	HB2936.....	647
3	10	2	HB2853.....	650
4	10	8	SB238.....	1643

**CODE AMENDED - (Continued):**

5	10	2	HB2939.....	1550
5	10	18	HB2939.....	1557
5	10	21	HB2939.....	1560
5	10	22 k*	HB3145.....	1571
5	10	24	HB2939.....	1562
5	10	25	HB2939.....	1563
5	10	44	HB2939.....	1565
5	10	48	HB2939.....	1566
5	10 D	10*	HB2765.....	1573
5	16	7	HB2693.....	245
5	16 B	6 e*	HB2693.....	252
5 B	1	1 a	SB241.....	1662
5 B	1	2	SB241.....	1664
5 B	2	6 a	HB2871.....	277
5 B	2	8	SB241.....	1666
5 B	2	8 a*	SB241.....	1667
5 B	2	9	SB241.....	1668
5 B	2 H*	1	SB465.....	1690
5 B	2 H*	2	SB465.....	1690
5 F	1	2	SB238.....	1644
5 F	2	1	HB2695.....	1671
5 F	2	1	SB238.....	1645
5 F	2	1	SB241.....	782
6	7	2 a	HB2879.....	1578
6	7	2 a	SB238.....	1654
6 B	2	6	HB2464.....	770
6 B	2	7	HB2464.....	773
6 B	3	2	HB2464.....	778
7	7	2	SB96.....	368
7	7	3	SB96.....	369
7	7	4	SB96.....	371
7	7	4 a	SB96.....	374
7	7	6 b	SB96.....	375
7	7	6 d	SB96.....	375
7	7	7	SB96.....	377
7	7	7 a	SB96.....	380
7	7	9	SB96.....	380
7	7	11	SB96.....	381
7	7	12	SB96.....	381
7	7	13	SB96.....	382
7	7	14	SB96.....	383
7	7	15	SB96.....	383
7	7	16	SB96.....	383
7	7	16 a	SB96.....	384
7	7	20	SB96.....	384
7	14 D	7	HB2766.....	385

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

7	20	7 a*	HB3185.....	388
7	22	3	SB235.....	391
7	22	4	SB235.....	392
7	22	5	SB235.....	392
7	22	7	SB235.....	395
7	22	10	SB235.....	401
7	22	12	SB235.....	405
7	22	14	SB235.....	408
7	22	15	SB235.....	411
7	22	17	SB235.....	412
7	22	20	SB235.....	416
8	9	3	HB2697.....	1354
8	12	5 f*	SB335.....	1356
8	13	4	HB2075.....	1357
8	14	12	HB2752.....	1359
8	22	16	SB544.....	1399
8	22	18 a	SB546.....	1411
8	22	20	SB544.....	1402
8	22	25 a*	SB563.....	1361
8	22 A	12	SB222.....	1366
8	22 A	28	SB544.....	1406
8	22 A	28	SB546.....	1416
8	38	3	SB234.....	1369
8	38	4	SB234.....	1371
8	38	5	SB234.....	1371
8	38	7	SB234.....	1373
8	38	10	SB234.....	1380
8	38	12	SB234.....	1383
8	38	15	SB234.....	1388
8	38	16	SB234.....	1389
8	38	17	SB234.....	1392
8	38	20	SB234.....	1396
9	2	6	HB3094.....	871
9	5	21*	HB2693.....	255
9	7	1	SB532.....	1343
9	7	2	SB532.....	1345
9	7	3	SB532.....	1346
9	7	3 a*	SB532.....	1348
9	7	4	SB532.....	1348
9	7	5	SB532.....	1348
9	7	5 a*	SB532.....	1349
9	7	6	SB532.....	1350
9	7	6 a*	SB532.....	1350
9	7	8	SB532.....	1351
9 A	1	1	SB238.....	1657
9 A	1	1 a*	SB238.....	1658

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

9 A	1	1 b*	SB238.....	1659
9 A	1	1 c*	SB238.....	1659
9 A	1	1 d*	SB238.....	1659
9 A	1	2	SB238.....	1660
9 A	1	4	SB238.....	1660
10	5	1	HB2695.....	791
10	5	2	HB2695.....	793
10	5	3	HB2695.....	794
10	5	4	HB2695.....	796
10	5	6*	HB2695.....	797
11	1 C	11 c*	SB465.....	1692
11	6 D	1	SB465.....	1692
11	6 D	2	SB465.....	1693
11	6 D	3	SB465.....	1696
11	6 D	4	SB465.....	1697
11	6 D	5	SB465.....	1697
11	6 D	6	SB465.....	1698
11	6 D	7	SB465.....	1700
11	6 D	8	SB465.....	1700
11	6 D	9*	SB465.....	1701
11	6 F	2	SB465.....	1701
11	6 F	3	SB465.....	1704
11	12	3	HB2918.....	1743
11	12	5	HB2918.....	1747
11	12	86	HB2918.....	1753
11	13	3 f	HB2663.....	1524
11	13 A	20 a	HB2953.....	1755
11	13 F	1	HB2663.....	1525
11	13 J	4 a	SB243.....	1422
11	13 J	6	SB243.....	1429
11	13 J	8	SB243.....	1431
11	13 J	12	SB243.....	1432
11	13 Q	20	SB465.....	1704
11	13 R	3	SB465.....	1705
11	13 S	3	SB465.....	1710
11	13 S	4	SB465.....	1713
11	13AA	3	HB2993.....	1762
11	13AA	4	HB2993.....	1768
11	13AA	5	HB2993.....	1772
11	13AA	7	HB2993.....	1774
11	13AA	11	HB2993.....	1776
11	13AA	12	HB2993.....	1776
11	13BB*	1	HB2955.....	1778
11	13BB*	2	HB2955.....	1778
11	13BB*	3	HB2955.....	1778
11	13BB*	4	HB2955.....	1782

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

11	13BB*	5	HB2955.....	1784
11	13BB*	6	HB2955.....	1787
11	13BB*	7	HB2955.....	1788
11	13BB*	8	HB2955.....	1789
11	13BB*	9	HB2955.....	1790
11	13BB*	10	HB2955.....	1790
11	13BB*	11	HB2955.....	1791
11	13BB*	12	HB2955.....	1792
11	13BB*	13	HB2955.....	1792
11	13BB*	14	HB2955.....	1792
11	15	3 a	HB2971.....	1806
11	15	8 d	SB247.....	1809
11	15	8 d	SB465.....	1721
11	15	9 i	HB2971.....	1807
11	15	9 n*	SB247.....	1811
11	21	9	SB215.....	1822
11	21	10 a	SB35.....	1824
11	21	12 d	SB436.....	1826
11	21	21	HB2949.....	1730
11	21	23	HB2949.....	1732
11	21	24	HB2949.....	1735
11	24	3	SB205.....	1827
11	24	3 b	SB371.....	1829
11	24	11	HB2663.....	1525
11	27	38*	SB492.....	1831
12	1	12 d	SB330.....	880
12	4	14 a*	HB3271.....	1864
12	6 D*	1	HB3204.....	665
12	6 D*	2	HB3204.....	665
12	6 D*	3	HB3204.....	667
12	6 D*	4	HB3204.....	668
12	6 D*	5	HB3204.....	669
12	6 D*	6	HB3204.....	670
14	2 A	3	HB2818.....	426
15	1 B	21	HB2981.....	1418
15	1 F	1	SB382.....	1420
15	2	5	HB2879.....	1582
15	2	31	HB2863.....	1681
15	2 A	11	HB2863.....	1683
15	2 B	3	HB2539.....	1685
15	2 B	3	HB3054.....	463
15	2 B	5	HB2539.....	1687
15	2 B	6	HB3054.....	465
15	2 B	7	HB3054.....	467
15	2 B	9	HB3054.....	467
15	2 B	10	HB3054.....	469

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

15	2 B	12	HB3054.....	471
15	2 B	15*	HB3054.....	472
15	2 B	16*	HB3054.....	472
15	9	5*	HB2860.....	424
15	10	3	SB460.....	802
15	10	4	HB2708.....	1230
15	10	5	HB2248.....	1233
15	12	10	SB256.....	1611
16	1	4	HB3075.....	851
16	2 D	5 b*	HB3114.....	1444
16	3 C	1	SB488.....	1043
16	3 C	2	SB488.....	1046
16	3 C	3	SB488.....	1053
16	5 C	8	HB2522.....	1446
16	5 C	10	HB2522.....	1448
16	5 C	12	HB2522.....	1452
16	5 C	12 a*	HB2522.....	1453
16	5 W	5	SB285.....	1470
16	9 D	6	HB2969.....	862
16	13 A	7	HB3119.....	1536
16	29 B	20 a*	SB560.....	1522
16	42	3	HB3021.....	865
16	42	5	HB3021.....	868
16	42	7	HB3021.....	868
16	43*	1	SB349.....	869
16	43*	2	SB349.....	869
17	2 D	2	SB282.....	1575
17	2 D	5	SB282.....	1577
17 A	6	10 d*	SB263.....	1352
17 E	1	3	SB328.....	474
17 E	1	6	SB328.....	484
17 E	1	9	SB328.....	485
17 E	1	10	SB328.....	487
17 E	1	11	SB328.....	489
17 E	1	12	SB328.....	490
17 E	1	13	SB328.....	494
17 E	1	14 a*	SB328.....	513
17 E	1	17	SB328.....	514
17 E	1	20	SB328.....	514
18	2 C	2	HB3225.....	280
18	2 C	3	HB3225.....	281
18	5	9 a	HB2709.....	516
18	5 A	3 a*	SB612.....	520
18	5 A	5	HB2648.....	524
18	5 A	6	HB3116.....	530
18	5 B	10	SB612.....	521

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

18	5 B	11*	SB228.....	535
18	7 A	26 v*	HB3145.....	1572
18	8	3	SB228.....	541
18	8	6	SB228.....	542
18	9 D	4 c*	SB373.....	553
18	9 D	15	SB373.....	554
18	9 D	19 a*	SB373.....	563
18	9 F	1	SB592.....	567
18	9 F	9*	SB592.....	568
18	10 F*	1	HB2550.....	574
18	10 F*	2	HB2550.....	574
18	28	2	SB592.....	572
18 A	2	3	HB2556.....	605
18 A	4	2	HB2879.....	1588
18 A	4	5	HB2879.....	1591
18 A	4	8 a	HB2879.....	1593
18 B	1	2	SB200.....	1019
18 B	1	2	SB330.....	882
18 B	1	6	SB330.....	888
18 B	1 B	4	SB330.....	891
18 B	1 B	5	SB330.....	904
18 B	1 F*	1	SB484.....	1010
18 B	1 E*	1	SB486.....	998
18 B	1 F*	2	SB484.....	1011
18 B	1 E*	2	SB486.....	1000
18 B	1 F*	3	SB484.....	1012
18 B	1 E*	3	SB486.....	1003
18 B	1 F*	4	SB484.....	1013
18 B	1 E*	4	SB486.....	1007
18 B	1 F*	5	SB484.....	1015
18 B	1 F*	6	SB484.....	1016
18 B	1 F*	7	SB484.....	1017
18 B	1 F*	8	SB484.....	1017
18 B	1 F*	9	SB484.....	1018
18 B	2 A	1	SB200.....	1025
18 B	2 A	3	SB330.....	909
18 B	2 A	4	SB330.....	910
18 B	2 A	8	SB330.....	917
18 B	2 B	3	SB330.....	918
18 B	3	1	SB330.....	920
18 B	3	3	SB330.....	922
18 B	3	4	SB330.....	923
18 B	3 D	5	SB538.....	1032
18 B	3 D	6*	SB538.....	1032
18 B	4	1	SB330.....	925
18 B	4	2 a*	SB330.....	926

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

18 B	4	7	SB375.....	1035
18 B	5	9	SB330.....	930
18 B	7	1	SB330.....	935
18 B	7	2	SB330.....	936
18 B	7	3	SB330.....	938
18 B	7	4	SB330.....	941
18 B	7	5	SB330.....	941
18 B	7	6	SB330.....	943
18 B	7	7	SB330.....	944
18 B	7	8	SB330.....	945
18 B	7	9	SB330.....	950
18 B	7	10	SB330.....	951
18 B	7	11	SB330.....	952
18 B	7	12	SB330.....	955
18 B	7	13*	SB330.....	956
18 B	7	14*	SB330.....	956
18 B	7	15*	SB330.....	959
18 B	7	16*	SB330.....	959
18 B	8	1	SB330.....	960
18 B	8	2*	SB330.....	961
18 B	8	3	SB330.....	962
18 B	8	4	SB330.....	962
18 B	8	5	SB330.....	963
18 B	8	6	SB330.....	964
18 B	9	1	SB330.....	964
18 B	9	2	SB330.....	965
18 B	9	3	SB330.....	966
18 B	9	4	SB330.....	970
18 B	9 A*	1	SB330.....	971
18 B	9 A*	2	SB330.....	972
18 B	9 A*	3	SB330.....	974
18 B	9 A*	4	SB330.....	975
18 B	9 A*	5	SB330.....	978
18 B	9 A*	6	SB330.....	980
18 B	9 A*	7	SB330.....	982
18 B	9 A*	8	SB330.....	989
18 B	10	1	SB330.....	991
18 B	17	2	SB514.....	1038
18 B	18 A	9	SB239.....	1041
19	1 A	4	SB460.....	803
19	1 B	3	SB458.....	1332
19	1 B	4	SB458.....	1333
19	1 B	5	SB458.....	1334
19	1 B	7	SB458.....	1336
19	1 B	11	SB458.....	1338
19	1 B	12 a	SB458.....	1339

\* Indicates new chapter, article or section.



**CODE AMENDED - (Continued):**

19	20	24	HB3143. ....	3
19	23	3	SB392. ....	1058
19	23	5	SB413. ....	1063
19	23	6	SB413. ....	1064
19	23	8	HB2990. ....	1069
19	23	12 d*	SB550. ....	814
19	23	13 b	HB2959. ....	1073
19	23	14	HB2958. ....	1080
19	23	16	HB2989. ....	1082
20	2	4	SB358. ....	1862
20	2	5	HB3000. ....	1086
20	2	21	SB357. ....	1094
20	2	27	HB2845. ....	1095
20	2	28	HB2845. ....	1096
20	2	42 x*	HB2845. ....	1100
20	3	5	HB2986. ....	799
20	7	1	SB460. ....	804
20	7	1 c	HB2879. ....	1603
21	9	11 a	SB439. ....	1341
21	15*	1	HB2532. ....	1883
21	15*	2	HB2532. ....	1884
21	15*	3	HB2532. ....	1885
21	15*	4	HB2532. ....	1886
21	15*	5	HB2532. ....	1887
21	15*	6	HB2532. ....	1887
21	15*	7	HB2532. ....	1887
21	15*	8	HB2532. ....	1888
21	15*	9	HB2532. ....	1889
21	15*	10	HB2532. ....	1890
21	15*	11	HB2532. ....	1890
21	15*	12	HB2532. ....	1891
21	15*	13	HB2532. ....	1891
21	15*	14	HB2532. ....	1891
21 A	6 A	1	HB3137. ....	1836
21 A	7	11	HB2763. ....	1845
21 A	8	1	SB219. ....	1849
21 A	8	10	SB219. ....	1849
21 A	8	16*	SB219. ....	1850
22	3	7	HB2955. ....	1792
22	3	8	HB2955. ....	1795
22	3	19	HB2955. ....	1797
22	17	20	SB366. ....	1834
22 A	1	4	HB2955. ....	1800
22 A	6	11*	HB2437. ....	335
22 A	6	12*	HB2888. ....	337
22 A	11	3	HB2955. ....	1803

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

22 C	1	27	SB245.....	1852
23	4	1 e	HB2517.....	1870
24	1	3	HB2663.....	1527
24	1	4	HB2663.....	1530
24	1	6	HB2663.....	1531
24	2 A	2	HB2663.....	1532
24	2 A	5*	HB2663.....	1532
24	2 F	3	SB465.....	1723
24	3	2	HB2663.....	1535
24	6	5	HB2013.....	661
25	4	6	HB2520.....	1880
25	7	14	HB2517.....	1871
25	7	16	HB2517.....	1873
29	4	15	SB582.....	339
29	5 A	3 a*	HB2562.....	241
29	22	18 d*	SB245.....	1853
29	22 A	6	SB550.....	822
29	22 A	10	SB550.....	828
29	22 A	10 c	SB550.....	839
29	25	19	SB550.....	840
29	25	22	SB550.....	842
29	29*	1	SB570.....	1435
29	29*	2	SB570.....	1435
29	29*	3	SB570.....	1436
29	29*	4	SB570.....	1438
29	29*	5	SB570.....	1441
29	29*	6	SB570.....	1442
29	29*	7	SB570.....	1443
29 B	1	4	HB2475.....	808
30	4	19	HB2498.....	1493
30	4	20	HB2498.....	1493
30	4	23	HB2498.....	1497
30	4	28	HB2498.....	1497
30	4	29	HB2498.....	1498
30	4 A	4	HB2479.....	1501
30	4 A	5	HB2479.....	1501
30	4 A	6 a*	HB2479.....	1502
30	4 A	6 b*	HB2479.....	1505
30	4 A	6 c*	HB2479.....	1508
30	4 A	6 d*	HB2479.....	1512
30	4 A	8	HB2479.....	1517
30	6	22	SB184.....	453
30	7 D*	1	HB3196.....	1458
30	7 D*	2	HB3196.....	1459
30	7 D*	3	HB3196.....	1459
30	7 D*	4	HB3196.....	1460

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

30	7 D*	5	HB3196. ....	1460
30	7 D*	6	HB3196. ....	1461
30	7 D*	7	HB3196. ....	1463
30	7 D*	8	HB3196. ....	1464
30	7 D*	9	HB3196. ....	1466
30	7 D*	10	HB3196. ....	1467
30	7 D*	11	HB3196. ....	1468
30	7 D*	12	HB3196. ....	1469
30	7 D*	13	HB3196. ....	1469
30	27	8 a*	HB2368. ....	1518
30	27	11 a*	HB2368. ....	1520
30	29	1	SB193. ....	1237
30	29	2	SB193. ....	1239
30	29	3	SB193. ....	1240
30	29	5	SB193. ....	1243
30	29	11*	SB193. ....	1249
30	30	1	HB2525. ....	1614
30	30	2	HB2525. ....	1614
30	30	3	HB2525. ....	1614
30	30	4	HB2525. ....	1615
30	30	5	HB2525. ....	1617
30	30	6	HB2525. ....	1619
30	30	7	HB2525. ....	1621
30	30	8	HB2525. ....	1621
30	30	9	HB2525. ....	1622
30	30	10	HB2525. ....	1623
30	30	11	HB2525. ....	1625
30	30	12	HB2525. ....	1626
30	30	13*	HB2525. ....	1628
30	30	14*	HB2525. ....	1628
30	30	15*	HB2525. ....	1629
30	30	16*	HB2525. ....	1630
30	30	17*	HB2525. ....	1632
30	30	18*	HB2525. ....	1633
30	30	19*	HB2525. ....	1634
30	30	20*	HB2525. ....	1634
30	30	21*	HB2525. ....	1635
30	30	22*	HB2525. ....	1635
30	30	23*	HB2525. ....	1636
30	30	24*	HB2525. ....	1636
30	30	25*	HB2525. ....	1637
30	30	26*	HB2525. ....	1638
30	30	27*	HB2525. ....	1640
30	30	28*	HB2525. ....	1641
30	30	29*	HB2525. ....	1641
31	2	16*	HB3126. ....	1539

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

31	15 A	9	SB245.....	1854
31	15 A	16	HB2953.....	1760
31	15 A	17 b*	SB245.....	1858
31	15 C	3	SB507.....	273
31	15 C	14	SB507.....	276
31	17	12	HB2962.....	266
31	20	5 d	HB3205.....	364
31 A	2	8	HB2882.....	269
33	2	21 a*	HB3163.....	1877
33	4	14	HB2745.....	1103
33	4 A*	1	HB2745.....	1107
33	4 A*	2	HB2745.....	1109
33	4 A*	3	HB2745.....	1110
33	4 A*	4	HB2745.....	1111
33	4 A*	5	HB2745.....	1112
33	4 A*	6	HB2745.....	1113
33	4 A*	7	HB2745.....	1113
33	4 A*	8	HB2745.....	1114
33	12	32 a*	SB472.....	1116
33	12 C	3	SB435.....	1125
33	12 C	5	SB435.....	1132
33	12 C	7	SB435.....	1140
33	12 C	8	SB435.....	1145
33	16	3 v*	HB2693.....	256
33	16 G*	1	SB408.....	1148
33	16 G*	2	SB408.....	1148
33	16 G*	3	SB408.....	1149
33	16 G*	4	SB408.....	1150
33	16 G*	5	SB408.....	1152
33	16 G*	6	SB408.....	1156
33	16 G*	7	SB408.....	1156
33	16 G*	8	SB408.....	1156
33	16 G*	9	SB408.....	1157
33	24	7 k*	HB2693.....	259
33	25 A	8 j*	HB2693.....	262
33	27	2	SB253.....	1159
33	27	2 a	SB253.....	1161
33	27	3	SB253.....	1165
33	27	3 a*	SB253.....	1174
33	27	4	SB253.....	1182
33	27	5	SB253.....	1188
33	27	6	SB253.....	1196
33	27	6 a*	SB253.....	1198
33	27	7	SB253.....	1199
33	27	9	SB253.....	1202
33	27	11	SB253.....	1204

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

33	27	14	SB253.....	1205
33	31	1	SB356.....	1206
33	31	2	SB356.....	1209
33	31	6	SB356.....	1214
33	31	7	SB356.....	1218
33	31	8	SB356.....	1219
33	31	10	SB356.....	1220
33	31	11	SB356.....	1220
33	31	15	SB356.....	1221
33	31	16	SB356.....	1222
33	31	16 a*	SB356.....	1222
33	31	20	SB356.....	1222
33	36	2	SB356.....	1223
33	48	7 b	HB2876.....	1225
36 B	3	102	SB376.....	340
37	6 A*	1	HB3202.....	1542
37	6 A*	2	HB3202.....	1544
37	6 A*	3	HB3202.....	1547
37	6 A*	4	HB3202.....	1547
37	6 A*	5	HB3202.....	1547
37	6 A*	6	HB3202.....	1548
37	13 A	1	HB2542.....	285
37	13 A	2	HB2542.....	286
37	13 A	5	HB2542.....	287
38	1	13	HB2551.....	673
44	4	22*	HB2551.....	674
44	5	1	HB2551.....	675
44	5	7	HB2551.....	676
44	5	11	HB2551.....	676
44	5 A	2	HB2551.....	676
44	5 A	3	HB2551.....	677
44	5 A	4	HB2551.....	689
44	5 A	5*	HB2551.....	690
44	5 A	6*	HB2551.....	693
44	5 A	7*	HB2551.....	694
44	6	1	HB2551.....	696
44	6	2	HB2551.....	697
44	6	11*	HB2551.....	702
44	6 C	1	HB2551.....	702
44	6 C	2	HB2551.....	702
44	6 C	9	HB2551.....	704
44	7	1	HB2551.....	705
44	7	4*	HB2551.....	706
44 A	1	8	HB2885.....	846
44 A	1	15*	HB2885.....	849
44 D*	1	101	HB2551.....	707

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

44 D*	1	102	HB2551.....	707
44 D*	1	103	HB2551.....	707
44 D*	1	104	HB2551.....	711
44 D*	1	105	HB2551.....	712
44 D*	1	106	HB2551.....	713
44 D*	1	107	HB2551.....	713
44 D*	1	108	HB2551.....	714
44 D*	1	109	HB2551.....	715
44 D*	1	110	HB2551.....	716
44 D*	1	111	HB2551.....	716
44 D*	1	112	HB2551.....	718
44 D*	2	201	HB2551.....	718
44 D*	2	202	HB2551.....	719
44 D*	2	203	HB2551.....	719
44 D*	2	204	HB2551.....	719
44 D*	3	301	HB2551.....	720
44 D*	3	302	HB2551.....	721
44 D*	3	303	HB2551.....	721
44 D*	3	304	HB2551.....	722
44 D*	3	305	HB2551.....	722
44 D*	4	401	HB2551.....	722
44 D*	4	402	HB2551.....	723
44 D*	4	403	HB2551.....	724
44 D*	4	404	HB2551.....	725
44 D*	4	405	HB2551.....	725
44 D*	4	406	HB2551.....	726
44 D*	4	407	HB2551.....	726
44 D*	4	408	HB2551.....	726
44 D*	4	409	HB2551.....	727
44 D*	4	410	HB2551.....	727
44 D*	4	411	HB2551.....	728
44 D*	4	412	HB2551.....	729
44 D*	4	413	HB2551.....	730
44 D*	4	414	HB2551.....	730
44 D*	4	415	HB2551.....	731
44 D*	4	416	HB2551.....	731
44 D*	4	417	HB2551.....	731
44 D*	5	501	HB2551.....	732
44 D*	5	502	HB2551.....	732
44 D*	5	503	HB2551.....	732
44 D*	5	504	HB2551.....	733
44 D*	5	505	HB2551.....	734
44 D*	5	506	HB2551.....	736
44 D*	5	507	HB2551.....	736
44 D*	6	601	HB2551.....	736
44 D*	6	602	HB2551.....	737

---

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

44 D*	6	603	HB2551. ....	738
44 D*	6	604	HB2551. ....	739
44 D*	7	701	HB2551. ....	740
44 D*	7	702	HB2551. ....	741
44 D*	7	703	HB2551. ....	741
44 D*	7	704	HB2551. ....	743
44 D*	7	705	HB2551. ....	744
44 D*	7	706	HB2551. ....	745
44 D*	7	707	HB2551. ....	746
44 D*	7	708	HB2551. ....	746
44 D*	7	709	HB2551. ....	747
44 D*	8	801	HB2551. ....	747
44 D*	8	802	HB2551. ....	748
44 D*	8	803	HB2551. ....	751
44 D*	8	804	HB2551. ....	751
44 D*	8	805	HB2551. ....	751
44 D*	8	806	HB2551. ....	751
44 D*	8	807	HB2551. ....	751
44 D*	8	808	HB2551. ....	752
44 D*	8	809	HB2551. ....	753
44 D*	8	810	HB2551. ....	753
44 D*	8	811	HB2551. ....	754
44 D*	8	812	HB2551. ....	754
44 D*	8	813	HB2551. ....	754
44 D*	8	814	HB2551. ....	755
44 D*	8	815	HB2551. ....	757
44 D*	8	816	HB2551. ....	757
44 D*	8	817	HB2551. ....	757
44 D*	9	901	HB2551. ....	758
44 D*	10	1001	HB2551. ....	758
44 D*	10	1002	HB2551. ....	759
44 D*	10	1003	HB2551. ....	760
44 D*	10	1004	HB2551. ....	760
44 D*	10	1005	HB2551. ....	760
44 D*	10	1006	HB2551. ....	761
44 D*	10	1007	HB2551. ....	761
44 D*	10	1008	HB2551. ....	762
44 D*	10	1009	HB2551. ....	762
44 D*	10	1010	HB2551. ....	763
44 D*	10	1011	HB2551. ....	763
44 D*	10	1012	HB2551. ....	764
44 D*	10	1013	HB2551. ....	765
44 D*	11	1101	HB2551. ....	767
44 D*	11	1102	HB2551. ....	767
44 D*	11	1103	HB2551. ....	767
44 D*	11	1104	HB2551. ....	768

\* Indicates new chapter, article or section.

**CODE AMENDED - (Continued):**

44 D*	11	1105	HB2551.....	768
46 A	6 J	2	SB192.....	1471
46 A	6 J	3	SB192.....	1473
46 A	6 J	6	SB192.....	1474
48	1	204	HB3134.....	289
48	1	244	HB3134.....	289
48	1	302	HB3134.....	290
48	14	408	HB3134.....	291
48	14	410	HB3134.....	294
48	24	106	HB3134.....	295
48	25 A	1	HB3028.....	454
48	25 A	2	HB3028.....	455
48	25 A	3	HB3028.....	457
48	27	903	SB461.....	460
49	1	3	SB216.....	296
49	5	2 b	SB61.....	1227
49	6	3	HB2750.....	304
49	6	5	HB2750.....*	309
50	1	3	HB2879.....	1606
51	1	10 a	HB2879.....	1608
51	2	13	HB2879.....	1608
51	2 A	6	HB2879.....	1609
55	7	26*	HB3105.....	1330
55	8	16*	SB474.....	1
57	3	10*	HB2159.....	1433
59	1	4	SB428.....	418
59	1	11	SB428.....	418
59	1	13	SB428.....	422
60	3 A	18	HB3100.....	2
60 A	1	101	HB2505.....	343
60 A	2	204	HB2505.....	349
60 A	4	401	HB2505.....	361
61	2	14 g*	HB2864.....	433
61	2	28	HB2864.....	434
61	2	29 b	HB2362.....	438
61	3 C	14 a	SB213.....	657
61	3 E	6	HB3143.....	4
61	5	12 b	SB93.....	441
61	8	15*	HB3144.....	442
61	8	16	SB213.....	659
61	11 A	2	HB2451.....	444
62	1 G*	1	SB186.....	447
62	1 G*	2	SB186.....	447
62	12	5	SB60.....	1475
62	12	13	HB2001.....	1482
62	12	26	SB60.....	1477

\* Indicates new chapter, article or section.



**CODE AMENDED - (Continued):**

62	15	4	SB61.....	1227
64	2	1	SB112.....	1253
64	2	2	SB112.....	1256
64	2	3	SB112.....	1258
64	3	1	SB121.....	1260
64	5	1	SB295.....	1268
64	5	2	SB295.....	1278
64	6	1	HB2613.....	1280
64	7	1	SB177.....	1283
64	7	2	SB177.....	1284
64	7	3	SB177.....	1289
64	7	4	SB177.....	1291
64	8	1	HB2586.....	1293
64	8	2	HB2586.....	1294
64	8	3	HB2586.....	1294
64	9	1	HB2639.....	1298
64	9	2	HB2639.....	1304
64	9	3	HB2639.....	1312
64	9	4	HB2639.....	1313
64	9	5	HB2639.....	1314
64	9	6	HB2639.....	1316
64	9	7	HB2639.....	1317
64	9	8	HB2639.....	1319
64	9	9	HB2639.....	1324
64	9	10	HB2639.....	1325
64	9	11	HB2639.....	1325
64	10	1	HB2626.....	1327
64	10	2	HB2626.....	1327
64	10	3	HB2626.....	1328

**CODE REPEALED:**

<b>Ch.</b>	<b>Art.</b>	<b>Sec.</b>	<b>Bill No.</b>	<b>Page</b>
3	4	1	HB2935.....	337
3	4	2	HB2935.....	337
3	4	3	HB2935.....	337
3	4	4	HB2935.....	337
3	4	5	HB2935.....	337
3	4	6	HB2935.....	337
3	4	7	HB2935.....	337
3	4	8	HB2935.....	337
3	4	9	HB2935.....	337
3	4	10	HB2935.....	337
3	4	11	HB2935.....	337
3	4	12	HB2935.....	337
3	4	12 a	HB2935.....	337
3	4	13	HB2935.....	337
3	4	14	HB2935.....	337
3	4	15	HB2935.....	337
3	4	16	HB2935.....	337
3	4	17	HB2935.....	337

**CODE REPEALED - (Continued):**

3	4	18	HB2935.....	337
3	4	19	HB2935.....	337
3	4	20	HB2935.....	337
3	4	21	HB2935.....	337
3	4	22	HB2935.....	337
3	4	23	HB2935.....	337
3	4	24	HB2935.....	337
3	4	25	HB2935.....	337
3	4	26	HB2935.....	337
3	4	27	HB2935.....	337
3	4	28	HB2935.....	337
3	4	29	HB2935.....	337
3	4	30	HB2935.....	337
3	4	31	HB2935.....	337
3	4	32	HB2935.....	337
3	4 A	13 a	SB495.....	619
11	6I	1	HB2949.....	1729
11	6I	2	HB2949.....	1729
11	6I	3	HB2949.....	1729
11	6I	4	HB2949.....	1729
11	6I	5	HB2949.....	1729
11	6I	6	HB2949.....	1729
11	6I	7	HB2949.....	1729
11	6I	8	HB2949.....	1729
11	6I	9	HB2949.....	1729
11	6I	10	HB2949.....	1729
11	6I	11	HB2949.....	1729
16	3 C	7	SB488.....	1042
18	13	1	SB330.....	876
18	23	4 a	SB330.....	876
18 A	4	5 c	HB2879.....	1577
18 A	4	5 d	HB2879.....	1577
18 B	8	3 a	SB330.....	876
18 B	9	2 a	SB330.....	876
18 B	9	5	SB330.....	876
18 B	9	7	SB330.....	876
18 B	9	8	SB330.....	876
18 B	9	9	SB330.....	876
18 B	9	10	SB330.....	876
18 B	9	12	SB330.....	876
30	4 A	6	HB2479.....	1500
30	30	8 a	HB2525.....	1612
36	1	4	HB2551.....	670
36	1	6	HB2551.....	670
36	1	17	HB2551.....	670
36	1	18	HB2551.....	670
44	5	12	HB2551.....	670
44	5	13	HB2551.....	670
44	5	14	HB2551.....	670

**CODE REPEALED - (Continued):**

44	5	15	HB2551.....	670
44	6	2 a	HB2551.....	670
44	14	1	HB2551.....	670
44	14	2	HB2551.....	670
44	14	3	HB2551.....	670
44	14	4	HB2551.....	670
44	14	5	HB2551.....	670

**CODE REPEALED (STATUTORY):**

Elections

Voting machines

Obsolete sections

Repealing.....	26	337
----------------	----	-----

**COMMISSIONER SEALS:**

Commissioners appointed by Governor

Acknowledgment of seals.....	27	338
------------------------------	----	-----

**COMMON INTEREST OWNERSHIP ACT:**

Unit owners' associations

Powers.....	28	340
-------------	----	-----

**CONTROLLED SUBSTANCES:**

Schedule I List

Cannabinoids, hallucinogens and stimulants

Adding.....	29	343
-------------	----	-----

**CORRECTIONS:**

Education and rehabilitation programs

Successful completion

Jail sentences

Reducing.....	30	364
---------------	----	-----

**COUNTIES:**

County elected officials

Compensation of

Outmoded language

Eliminating.....	31	367
------------------	----	-----

**COUNTY COMMISSIONS:**

County Economic Opportunity Development District Act

Revising.....	34	390
---------------	----	-----

Deputy Sheriff Retirement System

Contribution rate

Increasing.....	32	385
-----------------	----	-----

Impact and capital improvement fees

Waiver or reduction

Allowing.....	33	387
---------------	----	-----

**COURT FEES:**

Clerk of a circuit court	
Medical professional liability actions	
Increasing and reallocating fees.....	35
	417

**CRIME, DELINQUENCY AND CORRECTION:**

Governor's Committee on	
Promulgation of certain rules	
Authorizing. ....	36
	423

**CRIME VICTIMS:**

Crime Victims Award Program	
Allowable expense	
Increasing.....	37
	426

**CRIMES AND THEIR PUNISHMENT:**

Elderly or incapacitated adult	
Financial exploitation	
Penalties	
Increasing.....	39
	438
Funerals	
Demonstrations, certain	
Prohibiting. ....	41
	442
Juvenile Services, Director of	
Escape from custody	
Penalties.....	40
	440
Unlawful restraint	
First and second degree	
Misdemeanor crime	
Creating. ....	38
	433
Victim impact statements	
Defining "victim".....	42
	444

**CRIMINAL PROCEDURE:**

Crimes against minors	
Criminal investigations	
Issuing subpoenas. ....	43
	446

**DECEASED MILITARY MEMBERS:**

Active service members	
Disposition of remains.....	44
	452

**DOMESTIC RELATIONS:**

Maternal Mortality Review Team	
Responsibilities	
Expanding. ....	45
	454
Restraining orders	
Violation of	
Criminalizing.....	46
	460

**DNA DATA:**

Database exchange.....	47	469
Confidentiality.....	47	471
Definitions.....	47	463
Prisoners, certain		
Sample required.....	47	465

**DRIVERS LICENCES:**

Commercial driver's license		
Applications for.....	48	487
Classifications, endorsements and restrictions.....	48	489
Definitions.....	48	474
Disqualification.....	48	494
Employer responsibilities.....	48	484
Qualification standards.....	48	485
Texting		
Prohibiting.....	48	513

**EDUCATION:**

County boards of education		
Energy savings measures		
Lease purchase contracts		
Authorizing.....	49	515
Crisis response plans		
Requiring.....	55	566
Interstate Compact on Educational Opportunity		
for Military Children Enactment of.....	56	573
Local Solution Dropout Prevention and Recovery Act		
Creating.....	53	534
School Building Authority		
Comprehensive middle schools		
Vocational programs		
Allocation of moneys		
Requiring.....	54	552
School curriculum teams		
Authority of.....	52	529
School Innovation Zones Act		
Exceptions to statutes granted.....	50	521
School personnel		
Substitute and retired teachers		
Employment of.....	57	605
Teachers and librarians		
Faculty senate allotments		
Increasing.....	51	524

**ELECTIONS:**

Community voting locations		
Authorizing.....	58	611

**ELECTIONS - (Continued):**

Early voting		
Saturday		
Allowing. . . . .	59	616
Electronic voting systems		
Definitions. . . . .	60	620
Procedures		
For adopting. . . . .	60	621
For terminating. . . . .	60	621
Office of Governor		
Filling vacancy. . . . .	62	649
Primary elections		
Canvassing of votes		
Changing the date. . . . .	61	647

**ELECTRONIC COMMUNICATION DEVICE CRIMES:**

Communications		
Obscene, anonymous, harassing and threatening		
Penalties. . . . .	63	657

**EMERGENCY TELEPHONE SYSTEMS:**

Enhanced emergency telephone systems		
Requirements. . . . .	64	661

**ENTERPRISE RESOURCE PLANNING SYSTEM:**

Board		
Composition. . . . .	65	665
Creating. . . . .	65	665
Powers. . . . .	65	665
Steering committee		
Creating. . . . .	65	668
Powers and authority. . . . .	65	668
Management and control. . . . .	65	667

**ESTATES AND TRUSTS:**

Administration of. . . . .	66	674
Fiduciaries		
Powers of. . . . .	66	676
Personal representatives. . . . .	66	675
Uniform Trust Code		
Creation, validity, modification and termination of trusts	66	722
General provisions and definitions. . . . .	66	707
Judicial proceedings. . . . .	66	718
Miscellaneous provisions. . . . .	66	767
Representation. . . . .	66	720
Revocable trusts. . . . .	66	736
Spendthrift and discretionary trusts. . . . .	66	732
Trustee		
Duties and powers. . . . .	66	747

INDEX

2479

**ESTATES AND TRUSTS - (Continued):**

Liability. . . . .	66	758
Office of. . . . .	66	740
Uniform Prudent Investor Act. . . . .	66	758

**ETHICS:**

Ethics Act		
Requirements		
Adding. . . . .	67	769

**EXECUTIVE BRANCH:**

Agencies and departments		
Organization and authority of. . . . .	68	781
Educational Broadcasting Authority		
Definitions. . . . .	68	791
Expenses. . . . .	68	793
Legislative findings. . . . .	68	791
Meetings. . . . .	68	793
Members. . . . .	68	793
Officers. . . . .	68	793
Private nonprofit corporations		
Cooperation with. . . . .	68	797

**FOREST FIRE SEASONS:**

Fire times and forest fire seasons		
Prohibited and permissible		
Modifying. . . . .	69	798

**FORESTRY:**

Forestry, Division of		
Natural Resources police officers		
Supervision of		
Clarifying. . . . .	70	801

**FREEDOM OF INFORMATION:**

Juvenile Services, Division of		
Exemptions from disclosure		
Certain records		
Including. . . . .	71	808

**GAMING:**

Historic resort hotel		
Simulcast races and pari-mutuel wagering		
Authorizing. . . . .	72	814

**GUARDIANS OR CONSERVATORS:**

Behavioral health providers		
Employment by		
Allowing. . . . .	73	845

**HEALTH:**

Comprehensive Behavioral Health Commission		
Members		
Adding. . . . .	76	864
Engine coolants and antifreezes		
Bittering agents		
Requiring. . . . .	77	868
Local health departments		
Hold-harm provisions		
Increasing the time period. . . . .	74	851
Tobacco master settlement agreement		
Enforcement of statutes. . . . .	75	861

**HEALTH AND HUMAN RESOURCES:**

Health and Human Services, Department of		
Secretary		
Powers. . . . .	78	871

**HIGHER EDUCATION:**

Higher Education Policy Commission		
Higher education institutions		
Information concerning		
Collecting and disseminating. . . . .	84	1034
Legislative rule		
Authorizing . . . . .	85	1037
Management agreements. . . . .	81	1010
Learn and Earn Cooperative Education Program		
Establishing. . . . .	83	1031
Public higher education		
Governance. . . . .	79	876
Personnel. . . . .	79	876
State institutions		
Correcting names. . . . .	82	1019
Research endowments		
Deposit moneys		
Extending time periods. . . . .	86	1040
West Virginia University Institute of Technology		
Revitalization project		
Creating. . . . .	80	998

**HIV TESTING:**

HIV testing statutes		
Revising. . . . .	87	1042

**HORSE AND DOG RACING:**

Accredited thoroughbred horse		
Definition		
Changing. . . . .	88	1057



**HORSE AND DOG RACING - (Continued):**

Racing Commission		
Administration and promotion account		
Additional funds		
Providing. . . . .	91	1072
Executive director		
Racing secretary		
Changing title. . . . .	89	1062
Occupational permits		
Renewal date		
Changing. . . . .	90	1068
Salaries and other budgeted expenses		
Permit and registration fees		
Allowing the use of. . . . .	92	1080
Stay requests		
Granting		
Process		
Creating. . . . .	93	1081

**HUNTING AND FISHING:**

Beavers and otters		
Taken, tagged and checked		
Reporting. . . . .	95	1094
Coyotes		
Lawful to hunt		
Green colored light. . . . .	94	1085
License		
Hunting, fishing and trapping		
Senior resident		
Lifetime		
Creating. . . . .	96	1095

**HUNTINGTON:**

Greater Huntington Park and Recreation District		
Public hearing		
Requiring. . . . .	187	1894

**INSURANCE:**

Captive insurance companies		
Organized as a risk retention group		
Subjecting to certain code provisions. . . . .	102	1205
Health Benefit Exchange Act, West Virginia		
Definitions. . . . .	100	1148
Duties. . . . .	100	1150
Establishing. . . . .	100	1149
Funding. . . . .	100	1156
Governing board. . . . .	100	1152
Purpose. . . . .	100	1148

**INSURANCE - (Continued):**

Rules. . . . .	100	1156
Special revenue account		
Creating. . . . .	100	1157
Holding company systems		
Definitions. . . . .	101	1159
Investment authority. . . . .	101	1161
Filing requirements. . . . .	101	1165
Subsidiaries of insurers. . . . .	101	1161
Insurance Commissioner		
Insurance companies		
Certain information provided by		
Confidential. . . . .	97	1102
Model Health Plan for Uninsurable Individuals Act		
Enrollees		
Eligibility for subsidies		
Expanding. . . . .	103	1225
Portable electronics insurance		
Vendors		
Insurance licensing requirements		
Exempting. . . . .	98	1115
Surplus lines insurance		
Definitions. . . . .	99	1125

**JUVENILE DRUG COURTS:**

Additional courts		
Authorizing. . . . .	104	1226
Hearing officers		
Appointment of. . . . .	104	1226

**LAW ENFORCEMENT:**

Federal law-enforcement officers		
Law-enforcement authority		
Extending. . . . .	106	1233
Law-enforcement agencies		
Agreements between		
Twelve-month limitation		
Removing. . . . .	105	1229

**LAW-ENFORCEMENT CERTIFICATION:**

Definitions. . . . .	107	1237
Professional standards subcommittee. . . . .	107	1239
Duties. . . . .	107	1240

**LEGISLATIVE RULES:**

Promulgation of		
Administration, Department of. . . . .	108	1252
Commerce, Department of. . . . .	115	1326

INDEX

2483

**LEGISLATIVE RULES - (Continued):**

Environmental Protection, Department of. . . . .	109	1258
Health and Human Resources, Department of. . . . .	110	1267
Military Affairs and Public Safety, Department of. . . . .	111	1279
Miscellaneous boards and agencies. . . . .	114	1297
Revenue, Department of. . . . .	112	1281
Transportation, Department of. . . . .	113	1292

**LIABILITY IMMUNITY:**

Civil or criminal		
First responders. . . . .	116	1329

**LOCAL LAWS:**

Boone County		
County Commission		
Boone Memorial Hospital		
Transfer interest. . . . .	186	1891
Huntington		
Greater Huntington Park and Recreation District		
Public hearing		
Requiring. . . . .	187	1894
Upshur County		
Board of Education		
Levying body		
Extending time. . . . .	188	1915

**LOGGING SEDIMENT CONTROL ACT:**

Definitions. . . . .	117	1332
Timbering operations		
License required. . . . .	117	1333
Person supervising		
Certification of. . . . .	117	1336

**MANUFACTURED HOUSING:**

Lawsuit		
State regulatory board		
Manufactured housing complaint		
Prerequisite filing. . . . .	118	1341

**MEDICAID FRAUD:**

Civil remedies. . . . .	119	1349
Criminal offenses		
Venue for. . . . .	119	1349
Definitions. . . . .	119	1345
Investigations. . . . .	119	1346
Legislative findings. . . . .	119	1344

**MOTOR VEHICLES:**

Nonprofit corporations		
Special plates		
Authorizing. . . . .	120	1351

**MUNICIPALITIES:**

Deferred retirement option plans		
Authorizing. . . . .	125	1361
Municipal business license		
Acquisition of. . . . .	123	1357
Municipal Economic Opportunity Development District Act		
Revising. . . . .	127	1368
Municipal police civil system		
Persons applying for		
Increasing maximum age. . . . .	124	1358
Police Officers and Firefighters Retirement System		
Continued qualification		
Ensuring. . . . .	126	1365
Recordkeeping requirements		
Updating. . . . .	121	1354
Taxis and taxi stands		
Ordinance		
Regulation of		
Authorizing. . . . .	122	1355

**MUNICIPAL POLICE AND FIREFIGHTERS:**

Pension and relief funds		
Actuarial services		
Authorizing. . . . .	129	1410
Financing		
Additional methods		
Providing. . . . .	128	1398

**NATIONAL GUARD:**

Members		
Leave of absences		
Specifying activities. . . . .	131	1420
Trade certifications		
Payments for. . . . .	130	1417
Tuition assistance		
Allowing certain. . . . .	130	1417

**NEIGHBORHOOD INVESTMENT PROGRAM ACT:**

Advisory board. . . . .	132	1422
Annual credit allowance		
Application for. . . . .	132	1429
Expiration of. . . . .	132	1432

INDEX

2485

**NEWS MEDIA:**

Legal proceeding		
Being compelled to give testimony		
Members of the press		
Prohibiting. ....	133	1433

**NONPROFIT YOUTH ORGANIZATION VOLUNTEERS:**

Nonprofit Youth Organization Volunteers Act		
Definitions. ....	134	1436
Legislative purpose. ....	134	1435
Powers and duties. ....	134	1441
Professional licensure		
Exempting. ....	134	1438
Short title. ....	134	1435

**NURSING HOMES:**

Administrative appeals		
Complaint procedures. ....	136	1446
Critical Access Hospital		
Development and operation of		
Allowing. ....	135	1444
Medication assistive persons		
Certifications		
Renewal. ....	137	1463
Requiring. ....	137	1459
Definitions. ....	137	1459
Designated facilities. ....	137	1460
Disciplinary actions. ....	137	1464
Pilot program. ....	137	1458
Qualifications. ....	137	1460

**PRESCRIPTIONS:**

Official Prescription Program Act		
Legislative rules. ....	138	1470

**PRICE GOUGING:**

State of emergency		
During and shortly after		
Price gouging and unfair pricing practices		
Protection of consumers. ....	139	1471

**PROBATION AND PAROLE:**

Circuit probation officers		
Duties. ....	140	1475
Parole		
Board of		
Powers and duties. ....	141	1482
Eligibility. ....	141	1482

**PROFESSIONS AND OCCUPATIONS:**

Barbers and Cosmetologists, Board of		
Barber apprenticeship program		
Authorizing . . . . .	144	1518
Dental Board		
Anesthesia		
Permit		
Classes . . . . .	143	1501
Requirements . . . . .	143	1501
Dentist's death		
Notification . . . . .	142	1492

**PUBLIC HEALTH:**

Health Care Authority		
Rate-setting model		
Confidentiality . . . . .	145	1522

**PUBLIC SERVICE COMMISSION:**

PSC hearing		
Must be present		
At least one commissioner		
Requiring . . . . .	146	1523

**PUBLIC SERVICE DISTRICTS:**

Construction and purchase contracts		
Expenditure limit		
Increasing . . . . .	147	1536

**RAILROADS:**

Pesticide safety information		
Railroad companies to provide		
Requiring . . . . .	148	1538

**RESIDENTIAL RENTAL SECURITY DEPOSITS:**

Definitions . . . . .	149	1542
Landlords		
Maintenance of records . . . . .	149	1547
Noncompliance . . . . .	149	1547
Rental agreements		
Prohibited agreements . . . . .	149	1547
Security deposits . . . . .	149	1544

**RETIREMENT:**

Consolidated Public Retirement Board		
Retirement plans		
Continued qualification		
Ensuring . . . . .	152	1572
Public Employees Retirement System		

INDEX

2487

**RETIREMENT - (Continued):**

Annuitants, certain		
One-time bonus		
Providing. . . . .	151	1570
Final average salary		
Changing definition. . . . .	150	1553
Membership		
Termination of. . . . .	150	1557

**ROADS AND HIGHWAYS:**

Highway Design-Build Pilot Program		
Continuing. . . . .	153	1575

**SALARIES:**

State employees, eligible		
One-time, non-base building increase		
Providing. . . . .	154	1577

**SEX OFFENDER REGISTRATION ACT:**

Sex offenders		
Information		
Requiring verification. . . . .	155	1611

**SOCIAL WORK:**

Practice of social work		
Without a license		
Prohibiting. . . . .	156	1612

**STATE AGENCIES:**

Agency structures		
Clarifying. . . . .	157	1642
Organization and authority. . . . .	158	1661
Veterans' Affairs, Division of		
Veterans' Assistance, Department of		
Renaming. . . . .	157	1642

**STATE POLICE:**

Mental disability examinations		
Payment of medical costs		
Providing. . . . .	159	1680
Marshall University Forensic Science Center		
Agreements with		
Authorizing. . . . .	160	1685
Physical disability examinations		
Payment of medical costs		
Providing. . . . .	159	1680

**TAXATION:**

Business registration certificates		
Suspending, revoking or canceling		
Changing the procedure for. . . . .	163	1742
Commercial Patents Incentives Tax Act		
Modifying provisions. . . . .	165	1762
Consumers sales and services tax		
Construction contractor purchases		
Exempting. . . . .	168	1808
Food tax		
Reducing. . . . .	167	1806
Corporation Net Income Tax Act		
Tax havens		
List of jurisdictions		
Updating. . . . .	173	1829
Terms		
Updating. . . . .	172	1827
Innovative Mine Safety Technology Tax Credit Act		
Amount allowed. . . . .	166	1784
Definitions. . . . .	166	1778
Legislative findings and purpose. . . . .	166	1778
Qualified investment. . . . .	166	1787
Short title. . . . .	166	1778
Unused tax credits		
Forfeiture of. . . . .	166	1788
Marcellus Gas and Manufacturing Development Act		
Creating. . . . .	161	1688
Legislative findings. . . . .	161	1690
Short title. . . . .	161	1690
Medicaid program		
Federal funding		
Maximizing. . . . .	174	1830
Methane severance tax proceeds		
Dedicating. . . . .	164	1754
Personal Income Tax Act		
Nonfamily adoptions		
Tax credit		
Raising. . . . .	170	1824
Retirees, certain		
Gross income		
Personal income tax adjustment		
Continuing. . . . .	171	1825
Updating terms. . . . .	169	1822
Property tax		
Relief programs		
“Low income”		
Proving definition. . . . .	162	1729



INDEX

2489

**UNDERGROUND STORAGE TANKS:**

Underground Storage Tank Administrative Fund

Allowable balance

Raising. . . . . 175 1834

**UNEMPLOYMENT COMPENSATION:**

Extended Benefits Program

Definitions. . . . . 176 1836

Workforce West Virginia

Claim procedure. . . . . 177 1845

**UNEMPLOYMENT COMPENSATION FUND:**

Solvency

Maintaining. . . . . 178 1848

**UPSHUR COUNTY:**

Board of Education

Levying body

Extending time. . . . . 188 1915

**WATER DEVELOPMENT AUTHORITY:**

Bonding authority

Increasing. . . . . 179 1852

**WILDLIFE:**

Electronic registration

Authorizing. . . . . 180 1862

**WORKERS' COMPENSATION:**

Prison Industry Enhancement Certification Program

Participants

Providing. . . . . 182 1869

State government entities

Workers' compensation coverage

Providing. . . . . 183 1876

Volunteer fire companies and departments

State funds

Distribution of. . . . . 181 1864

**YOUTHFUL OFFENDERS:**

Correctional facilities

Assignment to

Age criteria

Modifying. . . . . 184 1880

**ZIPLINE REGULATION:**

## Zipline and Canopy Tour Responsibility Act

Definitions. . . . .	185	1884
Inspection and permit fees. . . . .	185	1887
Inspectors. . . . .	185	1888
Legislative purpose. . . . .	185	1883
Operators		
Duties of. . . . .	185	1885
Liability. . . . .	185	1887
Participants		
Prohibited acts. . . . .	185	1886
Responsibilities of. . . . .	185	1886

---

**FIRST EXTRAORDINARY SESSION, 2011**


---

**APPROPRIATIONS:**

## Supplemental

Agriculture, Department of. . . . .	1	1920
Consolidated Medical Services Fund. . . . .	1	1924
Education and the Arts, Department of. . . . .	1	1922
Education, State Department of. . . . .	1	1921
Environmental Protection, Division of. . . . .	1	1923
Health, Division of. . . . .	1	1923
Highways, Division of. . . . .	2	1927
Human Services, Division of. . . . .	1	1924
Secretary of State. . . . .	3	1929
West Virginia State Police. . . . .	1	1925

**CODE AMENDED:**

Ch.	Art.	Sec.	Bill No.	Page
1	2	1	SB1006 . . . . .	1933
1	2	2b	SB1006 . . . . .	2033
1	2	2b	SB1008 . . . . .	1931
1	2	3	SB1008 . . . . .	1932
11	13A	6a*	SB1002 . . . . .	2042
11	15	3a	SB1001 . . . . .	2035
11B	2	20	SB1001 . . . . .	2037
18B	19	10	SB1003 . . . . .	1930

**HIGHER EDUCATION:**

## Real property

Sale, lease, conveyance or other disposal		
Proceeds from. . . . .	4	1930

INDEX

2491

**REDISTRICTING:**

Congressional districts		
Apportionment of.....	5	1931
Senatorial districts		
Apportionment of.....	6	1933

**TAXATION:**

Consumers sales and service tax		
Food and food ingredients		
Sales, purchases and uses of		
Reducing.....	7	2034

---

SECOND EXTRAORDINARY SESSION, 2011

---

**APPROPRIATIONS:**

Supplemental		
Highways, Division of.....	2	2049
Transportation, Department of		
Expiring funds.....	1	2047

**CODE AMENDED:**

Ch.	Art.	Sec.	Bill No.	Page
1	2	2	HB201 .....	2050

**REDISTRICTING:**

House of Delegates		
Apportionment of membership.....	3	2050