

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2017  
FIRST DAY

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Charleston, West Virginia, Wednesday, February 8, 2017

The Senate met at 12 Noon.

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

Prayer was offered by Terry Liller, Vice President of the Mineral County Development Authority and Member of Keyser City Council.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Woelfel, a senator from the fifth district.

Pending the reading of the Journal of Wednesday, January 11, 2017,

On motion of Senator Gaunch, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Legislative Rule-Making Review Committee (§29A-3-12)

The Senate then proceeded to the third order of business.

### **Executive Communications**

Senator Carmichael (Mr. President) presented the following communication from His Excellency, the Governor, submitting the Executive Budget:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

January 11, 2017

EXECUTIVE MESSAGE NO. 1-T  
The Honorable Mitch Carmichael  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305  
Dear President Carmichael:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2017.

Sincerely,

Earl Ray Tomblin  
Governor

Which communication and enclosures were received and referred to the Committee on Finance.

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

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON  
January 11, 2017

### **Executive Message 2-T**

#### **2017 Regular Session**

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

Dear Mr. President:

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

Accountancy, West Virginia Board of: Annual Report - FY June 30, 2015-June 30, 2016

Aeronautics Commission, West Virginia Department of Transportation; Annual Report September 1, 2015-August 31, 2016

Architects, West Virginia Board of; Annual Report FY 2015 and FY 2016

Attorney General, Annual Report for Consumer Protection & Antitrust Division, West Virginia Office of; Annual Report

Attorney General, West Virginia Office of; Annual Report 2016

Barbers & Cosmetologists, West Virginia Board of; Annual Report 2016

Benedum Foundation; Annual Report

Chiropractic Examiners, West Virginia Board of; Annual Report FY July 1, 2014-June 30, 2016

Coal Mine Health and Safety, State of West Virginia Board of; Annual Report 2016

Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee, West Virginia Department of Transportation, Division of Highways; Annual Report 2016

Corrections, West Virginia Division of; Annual Report 2015

Counseling, West Virginia Board of; Annual Report 2014-2016

Counties, West Virginia Association of; Annual Report 2016

County Commissioners' Association of West Virginia; Annual Report 2015-2016

Crime, Delinquency, and Correction, Governor's Committee on; Annual Report on the Sexual Assault Forensic Examination Commission, FY 2016

Crime, Delinquency, and Correction, Governor's Committee on; Annual Report on Law Enforcement Professional Standards Subcommittee, FY 2016

Crime, Delinquency, and Correction, Governor's Committee on; Annual Report on Juvenile Justice & Delinquency Prevention Annual Report, FY 2016

Crime, Delinquency, and Correction, Governor's Committee on; Annual Report for Community Corrections Subcommittee, FY 2016

Deaf and Hard of Hearing, West Virginia Commission for the; Annual Report 2016

Dentistry, West Virginia Board of; Annual Report of the Biennium for Fiscal years 2015 & 2016

Engineers, West Virginia Board of Registration for Professional; FY 2016 Annual Report

Federal Communications Commission; Task Force on Optimal PSAP Architecture; Final Report

Financial Institutions, West Virginia Division of; Annual Report FY June 30, 2016

Goodwill Industries of Kanawha Valley, Inc.; Annual Report 2015

Halifax Community College President's Report to the Community; Report 2015-2016

Health and Human Resources, West Virginia Department of, Early Care and Education Child Care Provider; Annual Report FY 2016

Health and Human Resources, West Virginia Department of; Annual Report on Sanction Policy Change Data, FY 2016

Health and Human Resources, West Virginia Youth Services, West Virginia Department of Annual Report, FY 2016

Herbert Henderson Office of Minority Affairs; Annual Report ending December 30, 2016

Higher Education Policy Commission, West Virginia; WV Research Trust Fund Annual Report 2016

Independent Living Council, West Virginia Statewide; Annual Report – Oct 1, 2014-Sept 30, 2015, FY 2015

Insurance Commissioner, West Virginia Office of – Office of Consumer Advocate; Annual Report for Calendar year 2016

Insurance Commissioner, West Virginia Office of; Annual Report 2015 calendar year

Interstate Insurance Product Regulation Commission; Annual Report 2015

Interstate Mining Compact Commission; Annual Report 2015

Juvenile Justice Reform Oversight Committee, West Virginia; Annual Report 2016

Kanawha Valley Foundation, Greater; Annual Report 2015

Licensed Practical Nurses, West Virginia State Board of Examiners for; Biennium Report July 1, 2014-June 30, 2016

Lincoln Primary Care Center, Inc.; Annual Report 2016

Medical Imaging and Radiation Therapy Technology, West Virginia Board of Examiners; Annual Report FY 2016

Miners' Health, Safety and Training, West Virginia Office of; Annual Report FY 2016

Miners' Health, Safety and Training, West Virginia Office of; Coal Mine Safety Report

Miners' Health, Safety and Training, West Virginia Office of; Statistical Report and Directory of Mines for 2015

Municipal Bond Commission, West Virginia; Annual Report July 1, 2015-June 30, 2016

National Shooting Sports Foundation, Inc.; Firearms & Ammunition Industry Economic Impact Report 2016

Nursing Home Administrators Licensing Board, West Virginia; Financial Statement FY 2016

Occupational Therapy, West Virginia Board of; Annual Report 2014-2015 and 2015-2016

Ohio River Valley Water Sanitation Commission; Annual Report FY 2016

Osteopathic Medicine, West Virginia School of; Annual Report from Investment Report November 30, 2015

Osteopathic Medicine, West Virginia School of; Annual Report from Investment Report November 30, 2016

PACE Enterprises, Inc.; Annual Report 2015

Personnel, West Virginia Division of; Annual Report FY 2016

Privacy Office, West Virginia State; Annual Report 2016

Public Employees Grievance Board, West Virginia Annual Report FY 2016

Public Service Commission of West Virginia; Management Summary Report 2015; Forecast Reports for 2016-2025

Public Service Commission, Consumer Advocate Division, West Virginia; Annual Report 2015

Racing Commission, West Virginia; Annual Report 2015

Real Estate Appraiser Licensing and Certification Board, West Virginia; Annual Report FY 2015 and 2016

Region 4 Planning & Development Council; 2014-2018 Comprehensive Economic Development Strategy (CEDS) 2016 Update

Retirement Board, West Virginia State Police Disability Experience, West Virginia Consolidated Public; Annual Report FY 2016

Risk and Insurance Management, Board of; Annual Report 2016

Ron Yost Personal Assistance Services (RYPAS) Annual Report 2016, July 1, 2015-June 30, 2016

Senior Services, West Virginia Bureau of; Annual Report 2015

Southern Governors Association; 2015 Annual Report 2015

Southern Governors Association; Annual Report 2014

Southern States Energy Board; Annual Report 2016

Southern States Energy Board; Financial Statements & Compliance Reports June 30, 2016 & 2015

State University, West Virginia; President's Report 2016

Tourism, West Virginia Division of; Annual Report 2016

Treasury Investments, West Virginia Board of; Annual Financial Report FY 2016

Veterinary Medicine, West Virginia Board of; Fiscal Year 2016

Very truly yours,

Earl Ray Tomblin  
Governor

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

Senator Carmichael (Mr. President) next laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

January 13, 2017

**Senate Executive Message No. 3-T  
Regular Session 2017**

TO: The Honorable Members of the  
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Member, Veterans' Council, James McCormick, New Haven, Mason County, for the term ending June 30, 2022.
2. For Member, Veterans' Council, Jack Gerrard, Clarksburg, Harrison County, for the term ending June 30, 2019.
3. For Member, West Virginia State University Board of Governors, Charles E. Jones, Jr., Charleston, Kanawha County, for the term ending June 30, 2020.
4. For Member, Bluefield State College Board of Governors, Charlie Cole, Bluefield, Mercer County, for the term ending June 30, 2017.
5. For Member, Blue Ridge Community and Technical College Board of Governors, Keith Unger, Berkeley Springs, Morgan County, for the term ending June 30, 2020.
6. For Member, Blue Ridge Community and Technical College Board of Governors, Stephanie L. Harvey, Martinsburg, Berkeley County, for the term ending June 30, 2020.
7. For Member, Blue Ridge Community and Technical College Board of Governors, Bradley Close, Berkeley Springs, Morgan County, for the term ending June 30, 2018.

8. For Member, West Virginia Northern Community and Technical College Board of Governors, Jonathon H. Greer, Wheeling, Ohio County, for the term ending June 30, 2020.
9. For Member, West Virginia Northern Community and Technical College Board of Governors, David Artman, Weirton, Hancock County, for the term ending June 30, 2019.
10. For Member, West Virginia Northern Community and Technical College Board of Governors, Larry Lemon, New Martinsville, Wetzell County, for the term ending June 30, 2020.
11. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Cheryl Schreiber, Weirton, Brooke County, for the term ending June 30, 2020.
12. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Charles H. Davis, Stow, Ohio, for the term ending June 30, 2020.
13. For Member, West Virginia School of Osteopathic Medicine Board of Governors, David Rader, Gainesville, Florida, for the term ending June 30, 2019.
14. For Member, West Virginia University – Parkersburg Board of Governors, Donna M. Smith, Vienna, Wood County, for the term ending June 30, 2020.
15. For Member, West Virginia University – Parkersburg Board of Governors, Jeffrey Matheny, Mineral Wells, Wood County, for the term ending June 30, 2020.
16. For Member, West Virginia University – Parkersburg Board of Governors, Jason Landers, Vienna, Wood County, for the term ending June 30, 2020.
17. For Member, West Virginia University – Parkersburg Board of Governors, Joseph Oliverio, Belmont, Pleasants County, for the term ending June 30, 2020.
18. For Member, West Virginia University – Parkersburg Board of Governors, John P. Hushion, Vienna, Wood County, for the term ending June 30, 2020.
19. For Member, West Virginia Board of Architects, Edward W. Tucker, Huntington, Cabell County, for the term ending June 30, 2021.
20. For Member, West Virginia Board of Architects, Edsel Smith, Jane Lew, Lewis County, for the term ending June 30, 2017.
21. For Member, West Virginia University Board of Governors, Thomas A. Heywood, Charleston, Kanawha County, for the term ending June 30, 2019.
22. For Member, West Virginia University Board of Governors, Ben Statler, Naples, Florida, for the term ending June 30, 2019.
23. For Member, Southern West Virginia Community and Technical College Board of Governors, Howard E. Seufer, Jr., Charleston, Kanawha County, for the term ending June 30, 2020.

24. For Member, Tourism Commission, Kara D. Dense, Lewisburg, Greenbrier County, for the term ending May 1, 2019.
25. For Member, State Conservation Committee, Angela Rosser, Charleston, Kanawha County, for the term ending June 30, 2019.
26. For Member, State Conservation Committee, Roscoe Adkins, Logan, Logan County, for the term ending June 30, 2018.
27. For Member, Real Estate Commission, Joe L. Ellison, Greenville, Monroe County, for the term ending June 30, 2019.
28. For Member, Real Estate Commission, Densil Nibert, Shenandoah Junction, Jefferson County, for the term ending June 30, 2020.
29. For Member, Real Estate Commission, Cheryl Dawson, Hurricane, Putnam County, for the term ending June 30, 2018.
30. For Member, Real Estate Commission, Kathy L. Martin, Morgantown, Monongalia County, for the term ending June 30, 2018.
31. For Member, West Virginia State Board of Registration for Professional Engineers, Larry C. Nottingham, Duck, Clay County, for the term ending June 30, 2017.
32. For Member, West Virginia Board of Architects, Wendy Scatterday, Wheeling, Ohio County, for the term ending June 30, 2019.
33. For Member, West Virginia Massage Therapy Licensure Board, Roland Meffort, Nitro, Kanawha County, for the term ending June 30, 2017.
34. For Member, West Virginia Massage Therapy Licensure Board, Joan F. Wysong, Nitro, Kanawha County, for the term ending June 30, 2017.
35. For Member, West Virginia Massage Therapy Licensure Board, Marsha Starr, Hamlin, Lincoln County, for the term ending June 30, 2018.
36. For Member, West Virginia Massage Therapy Licensure Board, John Skelton, Shady Spring, Raleigh County, for the term ending June 30, 2018.
37. For Member, West Virginia Massage Therapy Licensure Board, Laurie Lively, Lewisburg, Greenbrier County, for the term ending June 30, 2017.
38. For Member, Regional Jail and Correctional Facility Authority, Tim P. McCormick, Wheeling, Ohio County, for the term ending June 30, 2020.
39. For Member, Regional Jail and Correctional Facility Authority, Michael M. Taylor, Elkins, Randolph County, for the term ending June 30, 2020.
40. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Karen McNealy, Huntington, Cabell County, for the term ending June 30, 2019.



41. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Gwen Bryant, St. Albans, Kanawha County, for the term ending June 30, 2019.
42. For Member, West Virginia Commission for the Deaf and Hard of Hearing, David Blaine, Daniels, Raleigh County, for the term ending June 30, 2017.
43. For Member, Economic Development Authority, Anne Barth, Charleston, Kanawha County, for the term ending June 30, 2020.
44. For Member, West Virginia Board of Veterinary Medicine, Keith B. Berkeley, Ranson, Jefferson County, for the term ending June 30, 2019.
45. For Member, West Virginia Board of Veterinary Medicine, John R. Wilson, Lewisburg, Greenbrier County, for the term ending June 30, 2020.
46. For Member, West Virginia Board of Veterinary Medicine, Ronald Lee Smith, Charleston, Kanawha County, for the term ending June 30, 2021.
47. For Member, West Virginia Board of Veterinary Medicine, Amy Runyon Meadows, Lewisburg, Greenbrier County, for the term ending June 30, 2021.
48. For Member, New River Community and Technical College Board of Governors, Jim Ferguson, Bluefield, Mercer County, for the term ending June 30, 2017.
49. For Member, New River Community and Technical College Board of Governors, Tom Cochran, Daniels, Raleigh County, for the term ending June 30, 2019.
50. For Member, Shepherd University Board of Governors, Henry M. Kayes, Jr., Martinsburg, Berkeley County, for the term ending June 30, 2018.
51. For Member, West Virginia Board of Medicine, Wes Steele, Fairmont, Marion County, for the term ending September 30, 2021.
52. For Member, West Virginia Board of Medicine, Carrie A. Lakin, Charleston, Kanawha County, for the term ending September 30, 2021.
53. For Member, Mountwest Community and Technical College Board of Governors, Cathy Burns, Huntington, Cabell County, for the term ending June 30, 2020.
54. For Member, Mountwest Community and Technical College Board of Governors, Anthony E. Martin, Huntington, Cabell County, for the term ending June 30, 2020.
55. For Member, Mountwest Community and Technical College Board of Governors, Rodney Wiles, Huntington, Cabell County, for the term ending June 30, 2020.
56. For Member, Mountwest Community and Technical College Board of Governors, Melvin Miller, Huntington, Cabell County, for the term ending June 30, 2018.
57. For Member, School Building Authority, T. Bart Willis, Logan, Logan County, for the term ending July 31, 2019.

58. For Member, School Building Authority, Tom Lange, Kearneysville, Jefferson County, for the term ending July 31, 2019.
59. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Rachel Phillips, Morgantown, Monongalia County, for the term ending June 30, 2019.
60. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Dean E. Dawson, Scott Depot, Putnam County, for the term ending June 30, 2019.
61. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Frank DeChiazza, Charleston, Kanawha County, for the term ending June 30, 2019.
62. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Darlene Dunn, Morgantown, Monongalia County, for the term ending June 30, 2019.
63. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Ann Wilson Worley, Beckley, Raleigh County, for the term ending June 30, 2019.
64. For Member, West Virginia Board of Respiratory Care, Eric O. Hawkins, Bluefield, Mercer County, for the term ending June 30, 2019.
65. For Member, West Virginia Board of Respiratory Care, Tracy S. Matthews, Sod, Lincoln County, for the term ending June 30, 2019.
66. For Member, West Virginia Board of Respiratory Care, Rayan E. Ihle, Charleston, Kanawha County, for the term ending June 30, 2017.
67. For Member, West Virginia Board of Respiratory Care, Barbara Hayden Folden, Mullens, Wyoming County, for the term ending June 30, 2018.
68. For Member, Board of Examiners for Registered Professional Nurses, Doris F. Burkey, Berkeley Springs, Morgan County, for the term ending June 30, 2021.
69. For Member, Public Employees Insurance Agency Finance Board, Philip Reale II, South Charleston, Kanawha County, for the term ending June 30, 2018.
70. For Member, Oil and Gas Conservation Commission, Barry K. Lay, Glenville, Gilmer County, for the term ending July 27, 2020.
71. For Member, Oil and Gas Conservation Commission, Robert L. Radabaugh, Sand Fork, Gilmer County, for the term ending July 27, 2022.
72. For Member, Oil and Gas Conservation Commission, Anthony Gum, Buckhannon, Upshur County, for the term ending July 27, 2018.

73. For Member, West Virginia Parkways Authority, Troy N. Giatras, Charleston, Kanawha County, for the term ending June 30, 2019.
74. For Member, Unemployment Compensation Board of Review, Jo Marie Chandler, Fairmont, Marion County, for the term ending January 1, 2023.
75. For Member, Unemployment Compensation Board of Review, Belinda Biafore, Fairmont, Marion County, for the term ending January 1, 2023.
76. For Member, Unemployment Compensation Board of Review, John A. Canfield, Charleston, Kanawha County, for the term ending January 1, 2023.
77. For Member, West Virginia Parole Board, Edward E. Wooton, Petersburg, Grant County, for the term ending June 30, 2019.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,

Earl Ray Tomblin  
Governor

cc: Clerk of the Senate  
Assistant Clerk of the Senate  
Senate Confirmations Chair

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

On motion of Senator Boley, consideration of the nominations immediately hereinbefore reported was made a special order of business for Thursday, March 9, 2017, at 11 a.m.

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, submitting the annual probation and parole report, which was received:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

January 13, 2017

**Executive Message No. 4-T**  
**Regular Session 2017**  
The Honorable Mitch Carmichael  
President, Senate of West Virginia  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. President:

Pursuant to section 11, article VII of the Constitution of West Virginia and section sixteen, article one, chapter five of the Code of West Virginia, I have extended clemency to the persons identified on the attached report. I submit this report in accordance with the above-cited provisions for the period March 8, 2016, through and including January 13, 2017.

Very truly yours,

Earl Ray Tomblin  
Governor

Attach.

cc: Clark Barnes, Senate Clerk  
Division of Archives and History

**PARDONS AND MEDICAL RESPITES GRANTED**  
**BY GOVERNOR EARL RAY TOMBLIN**  
**FOR THE PERIOD**  
**MARCH 8, 2016, THROUGH AND INCLUDING JANUARY 13, 2017**

**Bartsch, Timothy Michael**

**Decided January 13, 2017**

In 2007, Timothy Michael Bartsch pled guilty to a charge of Underage Consumption, in Mineral County, West Virginia. On August 27, 2007, he was sentenced to serve twelve hours in jail (suspended to four hours community service) and a fine of \$28.50. Mr. Bartsch successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding citizen, and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Bartsch be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Timothy Michael Bartsch for the offense of Underage Consumption.

**Carter, Chelsea Leigh Dolan**

**Decided January 13, 2017**

In 2009, Chelsea Leigh Dolan Carter pled guilty to the charges of Nighttime Burglary and Felony Conspiracy, in Boone County, West Virginia. On February 25, 2009, she was placed on sixty months' probation. Ms. Carter successfully fulfilled the terms imposed on her. Since that time, she has maintained herself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered her history and record, unanimously recommended that Ms. Carter be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Chelsea Leigh Dolan Carter for the offenses of Nighttime Burglary and Felony Conspiracy.

**Dawson, Christopher J.****Decided January 13, 2017**

In 2007, Christopher J. Dawson pled guilty to a charge of Underage Consumption, in Mineral County, West Virginia. On August 27, 2007, he was sentenced to serve twenty-four hours in jail and a fine of \$25.00. Mr. Dawson successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Dawson be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Christopher J. Dawson for the offense of Underage Consumption.

**Herron, Haley Lynn****Decided January 13, 2017**

In 2009, Haley Lynn Herron pled guilty to Conspiracy to Operate a Clandestine Drug Laboratory, in Kanawha County, West Virginia. On September 21, 2009, she was sentenced to a term of two years' probation. Ms. Herron successfully fulfilled the terms imposed on her. Since that time, she has maintained herself has a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered her history and record, unanimously recommended that Ms. Herron be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Haley Lynn Herron for the offense of Conspiracy to Operate a Clandestine Drug Laboratory.

**Maxwell, Patrick Joseph****Decided January 13, 2017**

In 2005, Patrick Joseph Maxwell pled guilty to a charge Fraudulent Schemes, in Harrison County, West Virginia. On June 8, 2005, he was sentenced to serve one to ten years' incarceration. Mr. Maxwell successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Maxwell be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Patrick Joseph Maxwell for the offense of Fraudulent Schemes.

**Mersing, Jamie Dawn****Decided January 13, 2017**

In 1999, Jamie Dawn Mersing pled guilty to a Misdemeanor Offense of Shoplifting, in Berkeley County, West Virginia. On December 17, 1999, a fine was assessed. Ms. Mersing successfully

fulfilled the terms imposed on her. Since that time, she has maintained herself as a responsible, law-abiding citizen, and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered her history and record, unanimously recommended that Ms. Mersing be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Jamie Dawn Mersing for the offense of Misdemeanor Offense of Shoplifting.

**Pickens, Joshua Oren**

**Decided January 13, 2017**

In 1997, Joshua Oren Pickens pled guilty to the charges of three counts Grand Larceny and one count Conspiracy, in Lewis County, West Virginia. On September 4, 1997, he was sentenced to serve a one to ten year term on each offense of Grand Larceny and one to five years for the offense of Conspiracy, to run concurrently. Mr. Pickens successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Pickens be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Joshua Oren Pickens for the offenses of Grand Larceny and Conspiracy.

**Powell, Keith Allen**

**Decided January 13, 2017**

In 1995, Keith Allen Powell pled guilty to a charge of Transporting Stolen Goods into the State, in Mercer County, West Virginia. On February 23, 1996, he was sentenced to serve one year in County Jail, suspended to two years' probation. Mr. Powell successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Powell be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Keith Allen Powell for the offense of Transporting Stolen Goods into the State.

**Rainey, Jr., Michael Allen**

**Decided January 13, 2017**

In 2008, Michael Allen Rainey, Jr. pled guilty to a charge of Delivery of a Controlled Substance, Marijuana, in Mason County, West Virginia. On March 2, 2009 he was sentenced to serve one to five years' incarceration. Mr. Rainey successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Rainey be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Michael Allen Rainey, Jr. for the offense of Delivery of a Controlled Substance, Marijuana.

**Robinson, Andrew E.**

**Decided January 13, 2017**

In 1973, Andrew E. Robinson pled guilty to a charge of Breaking and Entering, in Berkeley County, West Virginia. On October 22, 1973 he was sentenced to serve one to five years' incarceration. Mr. Robinson successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Robinson be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Andrew E. Robinson for the offense of Breaking and Entering.

**Whetzel, Christopher Lee**

**Decided January 13, 2017**

In 2005, Christopher Lee Whetzel entered an *Alford* Plea to the charges of Conspiracy to Enter Without Breaking and Accessory After the Fact of Second Degree Arson, in Hardy County, West Virginia. On October 22 1973 he was sentenced to serve one to five years' incarceration. Mr. Whetzel successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Whetzel be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Christopher Lee Whetzel for the offense of Breaking and Entering.

**NO MEDICAL RESPITES WERE GRANTED DURING THE PERIOD**

**MARCH 8, 2016, THROUGH JANUARY 13, 2017**

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The following communication was reported by the Clerk:

THE SENATE OF WEST VIRGINIA  
CHARLESTON

January 15, 2017

The Honorable Mitch Carmichael  
President of the West Virginia Senate  
State Capitol  
Charleston, WV 25305-0800

Dear President Carmichael:

Please accept this letter as my official resignation as a member of the West Virginia Senate, effective at midnight, January 15, 2017.

It was a great honor and privilege to serve in the Senate and I would like to thank the people of the 2nd senatorial district for the opportunity. As I continue my public service to the state of West Virginia as Agriculture Commissioner, I look forward to working with the members of the Senate to keep moving West Virginia forward.

Sincerely,

Kent Leonhardt

### **Executive Communications**

The following communication from His Excellency, the Governor, was reported by the Clerk:

JIM JUSTICE  
GOVERNOR OF WEST VIRGINIA  
January 28, 2017

The Honorable Mac Warner  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code ' 3-10-5, I have this day appointed Charles Clements, 242 East Thistle Court, New Martinsville, Wetzel County, West Virginia 26155, as a Senator representing the Second Senatorial District, to fill the vacancy created by the resignation of the Honorable Kent Leonhardt from this day through the remainder of the unexpired term of said office.

Sincerely,

Jim Justice  
Governor

cc: President of the Senate  
Speaker of the House of Delegates  
Clerk of the Senate  
Clerk of the House of Delegates  
West Virginia Ethics Commission

The several oaths of office prescribed by the Constitution were administered by the Honorable Mitch Carmichael, Senate President, to Charles H. Clements, of the County of Wetzel, on February 2, 2017.

The Senate proceeded to the sixth order of business.



On motions for leave, severally made, the following bills and joint resolutions were introduced, read by their titles and referred to the appropriate committees:

On motions for leave, severally made, the following bills and joint resolutions were introduced, read by their titles and referred to the appropriate committees:

**By Senators Trump and Jeffries:**

**Senate Bill 1**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-6-6c, relating to establishing an additional dedicated fee for 911.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Trump, Jeffries and Sypolt:**

**Senate Bill 2**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-13, relating to adding an amount to the appropriation for serving exceptional students with high-cost/high-acuity special needs that is based on the reduction in net enrollment multiplied by the average net state aid per pupil for the preceding school year; limiting the amount added; and providing for disbursement of amount added.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senators Trump, Plymale, Rucker, Jeffries, Sypolt and Woelfel:**

**Senate Bill 3**—A Bill to amend and reenact §18-8-4 and §18-8-8 of the Code of West Virginia, 1931, as amended, all relating generally to truancy intervention; expanding definition of “excused absence”; exempting absences for chronic medical condition or disability which may be reasonably accommodated by the school; requiring parent to request reasonable accommodation; defining “chronic medical condition or disability”; requiring written excuses or documentation from a medical provider in certain cases; limiting number of days which may be excused absences; defining “immediate family”; requiring verification of absence for judicial obligation or court appearance; allowing principal to authorize excused absences for other reason or for longer periods of time with the approval of the county superintendent; removing notice requirement after three days’ absence; requiring written excuses or documentation to be submitted within certain time frame; defining the term “reasonable accommodation”; and modifying the effect of student suspensions on enforcement of the provisions of compulsory attendance enforcement.

Referred to the Committee on Education.

**By Senators Gaunch, Trump, Boso, Blair, Rucker, Jeffries, Stollings, Woelfel and Sypolt:**

**Senate Bill 4**—A Bill to amend and reenact §30-3-10a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-4-15 of said code; to amend and reenact §30-5-17 of said code; to amend and reenact §30-7-6a of said code; to amend and reenact §30-8-16 of said code; to amend and reenact §30-14-12b of said code; to amend and reenact §30-20-13 of said code; to amend and reenact §30-21-17 of said code; and to amend and reenact §30-28-8a of said code, all relating to allowing licensed professionals to donate time to the care of indigent and needy in a clinical setting; and allowing for some of donated time to be counted against continuing education required hours.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senators Trump, Jeffries and Sybolt:**

**Senate Bill 5**—A Bill to amend and reenact §17E-1-13 of the Code of West Virginia, 1931, as amended, relating to disqualification of a commercial driver's license for a conviction of driving a motor vehicle under the influence of alcohol or a controlled substance; and providing that an offense committed before January 1, 1990, or before the initial issuance of a commercial instructional permit by any state may not be considered an offense in determining a lifetime disqualification.

Referred to the Committee on the Judiciary.

**By Senators Trump, Gaunch, Rucker, Karnes and Sybolt:**

**Senate Bill 6**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25b, relating to education; providing for the Tim Tebow Act; permitting students instructed at home, by a private tutor or enrolled in a private, parochial or church school or a school operated by a religious order who do not attend a school that is a member of the West Virginia Secondary School Activities Commission to participate in extracurricular athletic or other extracurricular activities at a school that is a member of the commission; providing requirements, standards and insurance coverage; and providing that accommodating schools may not be impeded from competing against other schools.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senators Trump, Blair, Rucker, Karnes and Sybolt:**

**Senate Bill 7**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to requiring the election by divisions in House of Delegates' districts that have two or more delegates.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 8**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-15, relating to candidates or candidate committees for legislative office disclosing contributions received while the Legislature is in session; requiring timely disclosure of certain contributions from persons while the Legislature is in session; clarifying that the legislative session includes interim and special sessions; requiring timely disclosure of fund-raising events, including contributions, of candidates or candidate committees for legislative office while the Legislature is in session; defining terms; imposing same reporting requirements upon former candidates or candidate committees for legislative office who are still in office; requiring Secretary of State to create a form for disclosure; requiring Secretary of State to publish information on the Secretary of State's website; authorizing Secretary of State to establish means for electronic filing and disclosure in the alternative; and authorizing Secretary of State to promulgate legislative and emergency rules.

Referred to the Committee on the Judiciary.

**By Senators Trump and Jeffries:**

**Senate Bill 9**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-2B-1, §29-2B-2, §29-2B-3, §29-2B-4, §29-2B-5, §29-2B-6

and §29-2B-7, all relating to regulation of unmanned aircraft systems; requiring compliance with federal laws and regulations relating to such vehicles; defining terms; creating criminal offenses for certain conduct using an unmanned aircraft system and setting penalties therefor; regulating law-enforcement use of unmanned aircraft systems; limiting uses by law enforcement of unmanned aircraft systems; requiring search warrants to be obtained before unmanned aircraft systems may be used in criminal investigations and creating exemptions thereto; requiring documentation of law-enforcement flights of unmanned aircraft systems and maintenance of records; precluding admissibility in civil, criminal and administrative proceedings of images or the evidence obtained in violation of the provisions of this article; and requiring the West Virginia Aeronautics Commission, the West Virginia Department of Military Affairs and Public Safety, the West Virginia Sheriffs' Bureau for Professional Standards and the West Virginia State Police to propose legislative rules and promulgate emergency rules.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 10**—A Bill to amend and reenact §17E-1-3 of the Code of West Virginia, 1931, as amended, relating generally to commercial driver's licenses; changing definition of "commercial motor vehicle"; and removing requirement for commercial driver's license when a towing vehicle is below a certain gross vehicle weight rating.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

**By Senators Palumbo, Facemire, Jeffries, Stollings and Beach:**

**Senate Bill 11**—A Bill to amend and reenact §3-10-5, §3-10-6, §3-10-7 and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to requiring vacancies in the House of Delegates, State Senate, circuit court clerk, county commission, county clerk, prosecuting attorney, sheriff, assessor or county surveyor be filled by a person affiliated with the same party as the person vacating the office was affiliated at the time of his or her last election to the office or if not elected at the time of his or her appointment.

Referred to the Committee on the Judiciary.

**By Senators Sypolt, Smith, Blair and Jeffries:**

**Senate Bill 12**—A Bill to amend and reenact §62-3-3 of the Code of West Virginia, 1931, as amended, relating to changing number of strikes in jury selection in felony cases to provide four strikes each to the accused and the prosecution; and setting forth the order the strikes are to be taken.

Referred to the Committee on the Judiciary.

**By Senators Sypolt, Smith, Plymale and Jeffries:**

**Senate Bill 13**—A Bill to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating to changing the qualifier for low income to three hundred percent or less of the federal poverty guideline from one hundred fifty percent or less of the federal poverty guideline for a senior citizens' homestead tax credit.

Referred to the Committee on Finance.

**By Senators Sypolt (By Request), Smith and Jeffries:**

**Senate Bill 14**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to authorizing county commissions to add a surcharge to county property tax bill of all residential property owners for the service of trash collection; and limiting disbursement of moneys collected.

Referred to the Committee on Government Organization.

**By Senators Sypolt, Smith and Boso:**

**Senate Bill 15**—A Bill to amend and reenact §17-27-9 of the Code of West Virginia, 1931, as amended, relating to eliminating sunset on Division of Highways public-private partnership agreements.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senators Sypolt and Smith:**

**Senate Bill 16**—A Bill to repeal §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to wind power projects.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on Finance.

**By Senators Sypolt, Rucker and Jeffries:**

**Senate Bill 17**—A Bill to amend and reenact §18B-9-3 of the Code of West Virginia, 1931, as amended, relating to temporary higher education classified employees annual salary schedule; providing that when developed and adopted by the Higher Education Policy Commission and the Council for Community and Technical College Education, a new salary structure will replace the schedule that currently exists for higher education classified employees; providing that any provision of law in conflict with the new salary structure is null and void; requiring the commission and council to recommend legislation in 2018 to enact the new salary structure into law; and requiring prior to adoption of the new structure the commission and council must seek comments from affected constituents.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senators Sypolt, Smith, Blair, Jeffries and Beach:**

**Senate Bill 18**—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to requiring ACT and ACT Aspire to be used as the comprehensive statewide student assessment.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Karnes:**

**Senate Bill 19**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4 and §5-11C-5, all relating to establishing the West Virginia Freedom of Conscience Protection Act; ensuring that, in all cases where state action burdens the exercise of religion, strict scrutiny is applied; providing a claim or defense to a person or persons whose exercise of religion is burdened by state action; providing a short title; providing definitions; and addressing applicability, construction, remedies and severability.

Referred to the Committee on the Judiciary.

**By Senators Karnes and Boso:**

**Senate Bill 20**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-11a, relating to limiting health insurance coverage for elective abortions to coverage provided through supplemental policies; and providing for elective abortion exceptions.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

**By Senators Karnes, Boso and Rucker:**

**Senate Bill 21**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §33-42-9 and §33-42-10, all relating to the care of aborted fetuses; requiring medical facilities that provide abortions to administer anesthesia to an unborn fetus when aborted if it is older than seven weeks; requiring all available medical means to be used to preserve the life of a fetus if it is alive when aborted; and providing criminal penalties.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senators Karnes, Blair and Sypolt:**

**Senate Bill 22**—A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8 and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to mandatory state inspections of motor vehicles.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

**By Senators Karnes and Rucker:**

**Senate Bill 23**—A Bill to amend and reenact §16-5-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5-10a, all relating to defining “midwife”, “certified midwife” and “midwifery”; and requiring persons practicing midwifery in West Virginia to make an annual report to the Bureau for Public Health as prescribed by the section of vital statistics.

Referred to the Committee on Health and Human Resources.

**By Senators Karnes, Rucker and Sypolt:**

**Senate Bill 24**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to creating income tax credits against personal income tax for educational expenses incurred by parents for a child under twenty-one years of age and for expenses incurred by teachers for the purchase of supplementary educational materials or professional development costs.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senators Karnes, Rucker and Sypolt:**

**Senate Bill 25**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6 and §11-13DD-7, all relating to creation of farm-to-food bank tax credit;

defining terms; providing method for calculation of value of tax credit; limiting tax credit; providing for certification by Department of Agriculture; allowing carryover of unused tax credits for four years; providing for rulemaking; and establishing effective date of tax credit.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

**By Senator Karnes:**

**Senate Bill 26**—A Bill to amend and reenact §5A-3-37 of the Code of West Virginia, 1931, as amended, relating to providing for resident farm vendor's bidding preference.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Government Organization.

**By Senators Karnes, Trump, Rucker and Sypolt:**

**Senate Bill 27**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-35-5, relating to permitting sale of home-based, micro-processed foods at farmers' markets; requiring seventy percent from vendor's garden or farm; requiring recordkeeping and labeling; clarifying foods requiring permit and exempted foods; establishing permit requirements and limitations; setting forth permit inspections and fees; and limiting sales to seven hundred fifty units per year.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Health and Human Resources.

**By Senator Karnes:**

**Senate Bill 28**—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10 and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4 and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; establishing trails for off-highway recreational vehicle use; providing for reimbursement by authority for natural resources police officers or county sheriffs; authorizing creation of regional recreation authority as joint development entity formed by three or more contiguous counties; setting forth findings and definitions; establishing powers and composition of governing board; providing for financial review and oversight of public funds; prohibiting certain conduct in regional recreation area; establishing requirements for bidding and purchasing; prohibiting conflicts of interest; limiting liability; clarifying duties and responsibilities of participants to landowners and lessors in the regional recreation area; and establishing criminal penalties and civil remedies.

Referred to the Committee on Natural Resources; and then to the Committee on Government Organization.

**By Senators Karnes, Jeffries and Rucker:**

**Senate Bill 29**—A Bill to amend and reenact §20-2-42x of the Code of West Virginia, 1931, as amended, relating to allowing a person to purchase a Class XS resident senior hunting, fishing and trapping license at the beginning of the year he or she becomes sixty-five, if otherwise eligible.

Referred to the Committee on Natural Resources; and then to the Committee on Government Organization.

**By Senator Karnes:**

**Senate Bill 30**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-8A-1, §11-8A-2, §11-8A-3, §11-8A-4, §11-8A-5 and §11-8A-6, all relating to allowing local units of government to lower personal property taxes by imposing local sales taxes; setting forth a purpose; not requiring an agreement among local levying bodies; setting the amount of sales tax permitted; determining levy setoff and implementation; establishing a trigger to prohibit the collection of future personal property taxes by any unit of state government; and providing for the sunset of article under certain conditions.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Karnes and Rucker:**

**Senate Bill 31**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16G-10, relating to prohibiting abortion coverage in qualified health care plans issued or renewed on or after January 1, 2018; and providing an exception to the prohibition when a mother's life is in danger.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senators Karnes and Jeffries:**

**Senate Bill 32**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18B-14-3 and §18B-14-4, all relating to increasing higher education student success; requiring that course catalogs include certain information relating to employment, compensation, in-state employment and student success rate; providing exception to requirement; requiring the Higher Education Policy Commission and Council for Community and Technical College Education to implement rules; creating a voluntary college completion incentive program whereby an institution of higher education accepts less state funding in return for certain incentive bonuses relating to student graduation and employment of graduates; and creating a tax credit for West Virginia resident students successfully completing certain courses of study.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Mullins:**

**Senate Bill 33**—A Bill to amend and reenact §3-5-1 and §3-5-7 of the Code of West Virginia, 1931, as amended, all relating to making the second Friday in February on even-numbered years the primary election day in West Virginia beginning in 2018; and changing the dates for filing announcements of the candidates.

Referred to the Committee on the Judiciary.

**By Senators Mullins, Jeffries and Cline:**

**Senate Bill 34**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-17A-8, relating to providing for special obligation notes to finance construction of completion of the Coalfields Expressway through West Virginia; providing for the repayment of the bonds by automated toll booth collections; directing the Commissioner of Highways to propose legislative rules designed to implement placement of automated toll booths; and authorizing the commissioner to enter into agreements, with the Governor's consent,

with the United States Department of Transportation to erect automated toll booths along interstate highways.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senators Stollings, Ojeda, Facemire and Jeffries:**

**Senate Bill 35**—A Bill to amend and reenact §29-26-2 of the Code of West Virginia, 1931, as amended, relating to modifying funding assistance from Courthouse Facilities Improvement Authority; and changing definition of facilities that are eligible for funding assistance from courthouse facilities that are occupied by county or judicial officials to ones that are currently occupied by those officials or upon renovation will be county owned and occupied by county or judicial officials or programs.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senators Stollings, Gaunch, Ojeda, Facemire, Jeffries and Beach:**

**Senate Bill 36**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-46-7, relating to permitting school nurses to possess and administer opioid antagonists on or near school premises.

Referred to the Committee on Health and Human Resources.

**By Senators Stollings, Jeffries and Beach:**

**Senate Bill 37**—A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to raising legal age for purchase of tobacco, tobacco products, tobacco-derived products, alternative nicotine products and vapor products to twenty-one.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Stollings, Ojeda, Jeffries and Beach:**

**Senate Bill 38**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2 and §11-28-3, all relating to creating five-year tax credit for new businesses locating on post-mine sites; defining terms; setting eligibility requirements for credit; establishing amount of tax credit allowed; and establishing how credit may be applied.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Stollings, Plymale, Ojeda, Facemire and Jeffries:**

**Senate Bill 39**—A Bill to amend and reenact §29-12-5a of the Code of West Virginia, 1931, as amended, relating to liability insurance for certain persons connected to county boards of education; requiring Board of Risk and Insurance Management cover volunteer workers and student teachers in the same manner as other board of education employees; defining “volunteer worker”; and limiting civil liability in certain circumstances.



Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Stollings, Ojeda and Jeffries:**

**Senate Bill 40**—A Bill to amend and reenact §18-9F-9 of the Code of West Virginia, 1931, as amended, relating to requiring that the State Board of Education include, in the legislative rule on a model school crisis plan that it promulgates, certain protocols for responding to injuries and other medical emergencies on school property after normal school hours in school crisis response plans by certain date; and providing the applicability and requirements of those protocols as they apply to sports injuries.

Referred to the Committee on Health and Human Resources; and then to the Committee on Education.

**By Senators Woelfel, Trump, Ojeda and Jeffries:**

**Senate Bill 41**—A Bill to amend and reenact §62-12-11 of the Code of West Virginia, 1931, as amended, relating to extending the total number of years that a person may be subject to a period of probation.

Referred to the Committee on the Judiciary.

**By Senator Boso:**

**Senate Bill 42**—A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to allowing well pad and road construction for oil and gas activities that are done pursuant to a stormwater permit; clarifying that the requirements of the section apply only to well work permits and not stormwater permits; and providing notice to property owners.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

**By Senator Boso:**

**Senate Bill 43**—A Bill to amend and reenact §22C-9-4 of the Code of West Virginia, 1931, as amended, relating to restricting the Oil and Gas Conservation Commission's authority to regulate setback and spacing between deep wells; prohibiting the commission from establishing spacing restrictions on wells that are operated by the same operator; limiting setbacks from unit boundaries between different operators; limiting the spacing between the wells of different operators; and, to the extent spacing and setback limits are controlled by the commission, limiting the distances that may be established to only those between the producing portions of horizontal wells and not the entire well bore.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

**By Senators Woelfel, Ojeda and Jeffries:**

**Senate Bill 44**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-6-2a, relating to ballots for the election of President and Vice President of the United States; requiring each such ballot to have an additional voting option following all the qualified candidates allowing a voter to express opposition to all of the candidates; providing that voter opposition to all of the candidates shall not count in determining the winner but shall be reported in the results of the election; and requiring that each sample ballot and instruction to voters include an explanation of the option to vote for none of these candidates.

Referred to the Committee on the Judiciary.

**By Senators Ferns and Facemire:**

**Senate Bill 45**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, §62-16-5, §62-16-6, §62-16-7, §62-16-8, §62-16-9, §62-16-10, §62-16-11, §62-16-12, §62-16-13 and §62-16-14, all relating to establishing a Mental Health, Veteran and Service Members Court within the Supreme Court of Appeals; defining terms; setting forth policy and goals of the Legislature in establishing the court; granting authority to oversee the court to the Administrator of the Supreme Court; setting forth structure of the court; providing for written agreement to participate in the court; setting forth incentives for successful participation; providing for sanctions for violation of provisions of the court; setting out disposition on successful completion; providing for teams to function within the court; setting forth eligibility requirements for participation; setting forth procedure to participate in the court; allowing for mental health and drug treatment services for participants; providing for governance of the court by the Supreme Court of Appeals; setting forth information to be maintained on participants; providing for funding mechanisms which may include court fees; providing for limitation of liability; and providing for statutory construction.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senators Ferns, Blair, Rucker and Stollings:**

**Senate Bill 46**—A Bill to amend and reenact §11-27-8 of the Code of West Virginia, 1931, as amended, relating to excluding mobile x-ray services from the health care provider tax.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Ferns:**

**Senate Bill 47**—A Bill to amend and reenact §21-3-19 of the Code of West Virginia, 1931, as amended, relating to exempting certain employers from discriminating against tobacco users.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senators Ferns and Jeffries:**

**Senate Bill 48**—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; including rebuttable presumptions for certain injuries and diseases for firefighters, including members of volunteer fire departments; and allowing coverage to employees for occupational pneumoconiosis or other occupational disease for work performed out of state.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senator Ferns:**

**Senate Bill 49**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-45-2a, relating to required provisions regarding prior authorization of drug benefits by insurers.

Referred to the Committee on Banking and Insurance; and then to the Committee on Health and Human Resources.

**By Senator Ferns:**

**Senate Bill 50**—A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended, relating to determining the assessed value of any share of natural resource property.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

**By Senator Ferns:**

**Senate Bill 51**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5A-6, relating to requiring health care providers and facilities to notify a patient when a mammogram indicates dense breast tissue; requiring certain information to be included; and specifying that it does not create a standard of care, obligation or duty that would provide the basis for a private cause of action.

Referred to the Committee on Health and Human Resources.

**By Senator Ferns:**

**Senate Bill 52**—A Bill to amend and reenact §16-2-3, §16-2-11 and §16-2-13 of the Code of West Virginia, 1931, as amended, all relating to powers and duties of local boards of health; granting county commissions authority to approve, modify or disapprove policies to be implemented by local boards of health; and allowing county commissions to review existing policies and approve, modify or void them.

Referred to the Committee on Government Organization.

**By Senators Ferns and Stollings:**

**Senate Bill 53**—A Bill to repeal §48-23-101, §48-23-102, §48-23-201, §48-23-202, §48-23-203, §48-23-204, §48-23-205, §48-23-206, §48-23-207, §48-23-208, §48-23-209, §48-23-301, §48-23-401, §48-23-402, §48-23-403, §48-23-404, §48-23-501, §48-23-502, §48-23-503, §48-23-504, §48-23-505, §48-23-506, §48-23-507, §48-23-601, §48-23-701 and §48-23-801 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5-16 of said code; and to amend said code by adding thereto a new section, designated §48-22-705, all relating to access to adoption records; allowing adopted adults or lineal descendants to access adoption records; clarifying what is included in a certificate of adoption maintained by the State Registrar; defining terms; setting forth rights and responsibilities of biological parents; requiring biological parents to provide social and medical information for inclusion in an adoption file; setting forth duties of the State Registrar with respect to adoption files; providing for confidentiality of adoption files; providing for rule-making authority for Secretary of the Department of Health and Human Resources; setting forth an effective date; and repealing the voluntary adoption registry.

Referred to the Committee on the Judiciary.

**By Senator Ferns:**

**Senate Bill 54**—A Bill to amend and reenact §56-6-31 of the Code of West Virginia, 1931, as amended, relating to rate of interest allowed for prejudgment and post-judgment interest.

Referred to the Committee on the Judiciary.

**By Senators Ferns and Sypolt:**

**Senate Bill 55**—A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to admissibility of certain evidence in a civil action for damages; and allowing

the admission of the use or nonuse of a safety belt on the issues of negligence, contributory negligence, comparative negligence and failure to mitigate damages.

Referred to the Committee on the Judiciary.

**By Senator Ferns:**

**Senate Bill 56**—A Bill to amend and reenact §33-45-2 of the Code of West Virginia, 1931, as amended, relating to defining the criteria which private insurance carriers operating in West Virginia must consider in setting rates to providers of health care services.

Referred to the Committee on Banking and Insurance; and then to the Committee on Health and Human Resources.

**By Senators Ferns, Plymale and Jeffries:**

**Senate Bill 57**—A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee.

Referred to the Committee on Finance.

**By Senator Ferns:**

**Senate Bill 58**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to product liability actions; limiting product liability action against seller other than the manufacturer of the product except in certain circumstances; and defining terms.

Referred to the Committee on the Judiciary.

**By Senators Ferns and Jeffries:**

**Senate Bill 59**—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; and including rebuttable presumptions for certain injuries and diseases for firefighters, volunteer firefighters and municipal, county and state police officers.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senators Gaunch, Trump, Boso, Blair, Facemire, Rucker, Jeffries and Sypolt:**

**Senate Bill 60**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, §9-8-12, §9-8-13 and §9-8-14, all relating to eligibility and fraud requirements for public assistance; defining terms; requiring the Department of Health and Human Resources to implement work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP); requiring discontinuance of a federal waiver; setting forth what meets work requirements; setting out exceptions to work requirements; providing for a good cause exception; allowing for a federal waiver to meet the requirements of this section; providing for rulemaking for suspension of benefits for noncompliance; providing for an asset test for SNAP benefits; requiring accessing information of various federal, state and miscellaneous sources; prohibiting payment of SNAP benefits in specified instances; requiring cooperation with the Bureau of Child Support Enforcement; requiring a design or establishment of a computerized

income, asset and identity verification system for Temporary Assistance to Needy Families (TANF); allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing information of various federal, state and miscellaneous sources for TANF; requiring identity authentication as a condition to receive public assistance; requiring a semi-annual case review of all public assistance cases; setting forth notice requirements and the right to a hearing; requiring referrals for fraud, misrepresentation and inadequate documentation; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; and providing for rulemaking.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Romano, Ojeda and Jeffries:**

**Senate Bill 61**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9o, relating to specifying exemption from the consumers sales and service tax and use tax for purchases of certain services and tangible personal property sold for the repair, remodeling and maintenance of certain specified aircraft; defining terms; and specifying method for claiming exemption.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Romano, Jeffries and Ojeda:**

**Senate Bill 62**—A Bill to amend and reenact §7-11B-7, §7-11B-10 and §7-11B-22 of the Code of West Virginia, 1931, as amended, all relating generally to tax increment financing districts; authorizing county commission or municipality to modify termination time of certain districts; extending length of certain districts; providing for the discharge of any tax increment financing obligations outstanding on termination date of a district; and extending maturation of tax increment financing obligations.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Romano, Facemire and Jeffries:**

**Senate Bill 63**—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-8 of said code, all relating to requiring school counselors in public schools to spend one hundred percent of their time on comprehensive school counseling programs; school counselor county funding ratio; allowing counties to set their own caseloads while requiring that counselors be equally distributed; and providing that counties with a funding ratio better than three hundred fifty to one are not to be penalized.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senators Romano, Ojeda, Facemire, Jeffries and Woelfel:**

**Senate Bill 64**—A Bill to amend and reenact §3-8-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-8-8a, all relating to requiring certain disclosures of election expenditures; clarifying when contributions are required to be disclosed; creating exceptions; clarifying that certain federal entities must make certain state disclosures; requiring disclosure of covered transfers; stating legislative findings; defining terms; providing requirements for disclosure of donations related to the transfer of certain

sums of money related to campaign-related disbursements; requiring certain disclosures be made within forty-eight hours; specifying information required in the disclosures; clarifying the relationship between covered transfers and other regulated areas of election expenditures; creating a misdemeanor offense; and authorizing rulemaking.

Referred to the Committee on the Judiciary.

**By Senators Romano, Facemire, Jeffries and Ojeda:**

**Senate Bill 65**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-1-18, relating to Department of Environmental Protection fines against governmental entities or political subdivisions of the state; creating the Department of Environmental Protection Public Improvements Fund, an interest-bearing escrow account managed by the Department of Environmental Protection; requiring a portion of all Department of Environmental Protection fines against governmental entities or political subdivisions of the state be deposited in the Department of Environmental Protection Public Improvements Fund for remediating the violation that gave rise to the fine; stating a process for application for funds; authorizing the release of the funds in certain circumstances; permitting the transfer of the interest accrued to the Department of Environmental Protection; and authorizing the transfer of the funds to the Department of Environmental Protection under certain circumstances.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Boso and Jeffries:**

**Senate Bill 66**—A Bill to amend and reenact §61-6-24 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of a “terrorist act” to include the intimidation directed to either an official or employee of any branch or level of government or to members of his or her family; and applying existing criminal penalties.

Referred to the Committee on the Judiciary.

**By Senator Boso:**

**Senate Bill 67**—A Bill to amend and reenact §51-1-17 of the Code of West Virginia, 1931, as amended, relating to reporting by Administrative Director of the Supreme Court of Appeals; and establishing an online case management system.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senators Boso and Jeffries:**

**Senate Bill 68**—A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-8-1a of said code, all relating generally to compulsory school attendance and early childhood education programs; changing age date of attending school and early childhood education programs from September 1 to July 1; and eliminating legislative findings portion of section relating to early childhood education programs.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senators Woelfel, Ojeda, Facemire and Jeffries:**

**Senate Bill 69**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11A-9, relating to creation of the Sexual Assault Survivors’ Bill of Rights; declaring additional rights bestowed upon sexual assault survivors regarding

medical forensic examinations, sexual assault evidence collection kits and other similar topics; clarifying the right of a victim to be accompanied by a personal representative during certain proceedings; creating a right of confidentiality and privileged communications between a victim and certain trained advocates; declaring certain people be informed or notified of certain rights; incorporating other rights contained in code; and defining terms.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senators Gaunch, Trump, Facemire, Jeffries and Woelfel:**

**Senate Bill 70**—A Bill to repeal §61-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9A-2 of said code; to amend said code by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8 and §61-14-9; and to amend and reenact §62-1D-8 of said code, all relating generally to human trafficking; designating the Division of Justice and Community Services to be the state administrative agency responsible for criminal justice and juvenile justice systems for the planning and development of state programs and grants relating to human trafficking; eliminating existing criminal offense and penalties for human trafficking; creating felony offenses and penalties for trafficking an individual; defining terms; creating felony offenses and penalties for using an individual in forced labor; creating felony offenses and penalties for using an individual in debt bondage; creating felony offenses and penalties for compelling an adult through coercion to engage in commercial sexual activity; creating a felony offense for maintaining or making available a minor for the purpose of engaging in commercial sexual activity; clarifying that consent of minor and misbelief as to age are not defenses to prosecution for sexual servitude offense; creating a felony offense of patronizing an individual to engage in commercial sexual activity; clarifying that each victim shall be considered a separate offense; limiting ability for parole in circumstances where the court makes a finding of aggravated circumstances; defining “aggravated circumstances”; providing for restitution to victims and the enforcement of a judgment order for restitution; directing unclaimed restitution to be paid to the Crime Victims Compensation Fund; providing for disgorgement of profits and debarment from state and local government contracts; making victims eligible for compensation under the Crime Victims Compensation Fund; providing for criminal immunity for offense of prostitution if individual was a minor at time of offense and was a victim at time of offense; providing for expungement of prostitution conviction for victims of trafficking; and authorizing law enforcement to use wiretaps to conduct investigations.

Referred to the Committee on the Judiciary.

**By Senators Gaunch, Facemire and Jeffries:**

**Senate Bill 71**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-11G-1, §62-11G-2, §62-11G-3, §62-11G-4, §62-11G-5, §62-11G-6, §62-11G-7, §62-11G-8 and §62-11G-9, all relating to creating the 24/7 Sobriety Program to be administered by the Office of the Attorney General; establishing the 24/7 Sobriety Fund and making an appropriation for the fund; providing that sheriffs, the Division of Corrections and the Administrative Office of the Supreme Court of Appeals may participate in the 24/7 Sobriety Program for electronic alcohol monitoring device testing of persons under their control; promulgating rules and distributing fees from the program; providing that participation in program may be made a condition of bond or pretrial release, of suspended sentence or probation, as condition of child placement or return or as condition of parole; when fees are to be paid; sanctions for failure to pay electronic alcohol monitoring or ignition interlock device testing fees; and providing for an annual review of the 24/7 Sobriety Program fees and collection procedures.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senators Maynard, Sypolt and Jeffries:**

**Senate Bill 72**—A Bill to amend and reenact §18B-5-4 of the Code of West Virginia, 1931, as amended, relating to higher education advance allowance accounts; authorizing the Auditor to require supporting documentation along with an accounting of an advance allowance account; permitting the Auditor to suspend an additional advance allowance request in certain situations; and authorizing rulemaking.

Referred to the Committee on Government Organization.

**By Senator Boso:**

**Senate Bill 73**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5-3a, relating to permitting employers to have compulsory direct deposits of wages paid to employees provided certain conditions are met.

Referred to the Committee on the Judiciary.

**By Senators Boso, Jeffries and Sypolt:**

**Senate Bill 74**—A Bill to amend and reenact §7-1-3d of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-17-12 of said code, all relating to county commissions authorizing reasonable fees charged for fire department or fire company response to fires or other calls for assistance; describing the means to be used for calculating and charging fees for responding to fires or other calls for assistance; prohibiting fire company or fire department from seeking reimbursement where the property is assessed a fire service levy or fire service fee; and establishing the methodology for revising and reauthorizing the county fire service fee by the county commission.

Referred to the Committee on Government Organization.

**By Senators Boso and Jeffries:**

**Senate Bill 75**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29A-8-1, §29A-8-2, §29A-8-3, §29A-8-4, §29A-8-5, §29A-8-6, §29A-8-7, §29A-8-8, §29A-8-9 and §29A-8-10, all relating generally to lessening regulatory burdens on small businesses; creating the Small Business Regulatory Review Board; establishing powers and duties of the board; establishing obligations of departments and agencies; requiring reports and analysis; establishing rule-making procedures; providing injunctive relief; requiring notice of hearings; providing for review of existing rules; and defining terms.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senators Jeffries, Romano, Miller, Ojeda, Woelfel, Beach, Gaunch, Facemire and Stollings:**

**Senate Bill 76**—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the creation of the West Virginia Second Chance for Employment Act; defining terms; expanding eligibility for criminal expungement to persons convicted of certain nonviolent felonies; defining “nonviolent felony”; providing exclusions to eligibility; establishing timing for filing a petition for expungement; creating petition requirements and court procedure for evaluating preliminary and final orders of expungement for nonviolent felonies; providing for preliminary orders of expungement; requiring a ten-year period under a preliminary order of expungement for a felony before one may obtain a final order of expungement; clarifying disclosure requirements with respect to the information sealed pursuant to an order of



expungement, including exemptions; providing standard for inspection of sealed records; and making technical changes.

Referred to the Committee on Economic Development; and then to the Committee on the Judiciary.

**By Senators Palumbo and Jeffries:**

**Senate Bill 77**—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices; prohibiting discrimination based upon age or sexual orientation in certain circumstances; adding sexual orientation as a protected class with respect to equal opportunity in employment, public accommodations and housing accommodations under the authority of the Human Rights Commission and in the Fair Housing Act; adding age as a protected class with respect to housing accommodations under the authority of the Human Rights Commission and in the Fair Housing Act; making stylistic changes; and defining terms.

Referred to the Committee on the Judiciary.

**By Senators Woelfel and Jeffries:**

**Senate Bill 78**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to creating the criminal offense of attempt or conspiracy to commit an offense within the Uniform Controlled Substances Act; setting a criminal penalty for a person who attempts or conspires to commit such an offense equivalent to the penalty for the underlying offense and thereby increasing criminal penalties; and defining terms by reference to similar offenses and common law.

Referred to the Committee on the Judiciary.

**By Senators Woelfel, Trump, Plymale and Jeffries:**

**Senate Bill 79**—A Bill to amend and reenact §60A-4-401, §60A-4-403, §60A-4-409 and §60A-4-411 of the Code of West Virginia, 1931, as amended, all relating to creating determinative penalties for certain felony controlled substance-related offenses without changing the range of years a person may be imprisoned in order to provide greater discretion to judges.

Referred to the Committee on the Judiciary.

**By Senators Woelfel, Plymale and Jeffries:**

**Senate Bill 80**—A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to burglary; and increasing the length of imprisonment for entering a dwelling house or adjoining outhouse during the daytime without breaking from one to ten years to one to fifteen years.

Referred to the Committee on the Judiciary.

**By Senators Sypolt and Jeffries:**

**Senate Bill 81**—A Bill to amend and reenact §38-5B-2 of the Code of West Virginia, 1931, as amended, relating to suggestions of salary and wages of persons engaged in public employment; increasing the amount of salary or wages of persons engaged in public employment that are protected from a suggestee execution from thirty times the federal minimum hourly wage then in effect to fifty times the federal minimum hourly wage then in effect; and making technical changes.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

[CLERK'S NOTE: Senate Bill 82 through Senate Bill 163 are recommended for introduction by the Legislative Rule-Making Review Committee and sponsored by Senator Maynard, Cochair.]

**By Senator Maynard:**

**Senate Bill 82**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 83**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to dangerous wild animals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 84**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to livestock care standards.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 85**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to captive cervids.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 86**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Architects to promulgate a legislative rule relating to the registration of architects.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 87**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 88**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 89**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Auditor's Office to promulgate a legislative rule relating to standards for requisitions for payment issued by state officers on the Auditor.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 90**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Auditor's Office to promulgate a legislative rule relating to the procedure for local levying bodies to apply for permission to extend time to meet as levying body.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 91**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to waxing specialists.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 92**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the operation of barber, beauty, nail and aesthetic shops/salons and schools of barbering and beauty culture.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 93**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to continuing education.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 94**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to barber apprenticeships.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 95**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to qualifications, training, examination and certification of instructors in barbering and cosmetology.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 96**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to licensing schools of barbering, cosmetology, nail technology and aesthetics.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 97**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to operational standards for schools of barbering, cosmetology, hair styling, nail technology and aesthetics.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 98**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to a schedule of fees.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 99**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist license renewal and continuing professional education requirements.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 100**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselor fees.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 101**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselor license renewal and continuing professional education requirements.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 102**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist fees.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 103**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Dangerous Wild Animal Board to promulgate a legislative rule relating to dangerous wild animals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 104**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to the board.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 105**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to alternative emission limitations during startup, shutdown and maintenance operations.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 106**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction, modification, relocation and operation of stationary sources of air pollutants, notification requirements, administrative updates, temporary permits, general permits, permission to commence construction and procedures for evaluation.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 107**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 108**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 109**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 110**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 111**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 112**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 113**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to awarding of matching grants for local litter control programs.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 114**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Ethics Commission to promulgate a legislative rule relating to private gain.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 115**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate a legislative rule relating to the regulation of fireworks and related explosive materials.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 116**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 117**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to the William R. Laird IV - Second Chance Driver's License Program.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 118**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to expedited partner therapy.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 119**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clinical laboratory technician and technologist licensure and certification.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 120**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clandestine drug laboratory remediation.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 121**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment—opioid treatment programs.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 122**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment—office-based, medication-assisted treatment.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 123**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to exemption from certificate of need.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 124**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to Rural Health Systems Grant Program.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 125**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to the Hospital Assistance Grant Program.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 126**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to certificate of need.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 127**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to adoption of a valuation manual.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 128**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to limited video lottery.



Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 129**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures: physicians; podiatrists.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 130**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education and physician assistants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 131**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to the dispensing of legend drugs by practitioners.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 132**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to certification, recertification and training of EMT-Miners and the certification of EMT-M instructors.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 133**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to revocation of hunting and fishing licenses.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 134**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to the point system for the revocation of hunting - repeal.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 135**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 136**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to the commercial sale of wildlife.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 137**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 138**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to continuing education.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 139**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 140**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 141**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure and practice of pharmacy.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 142**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to mail-order and nonresident pharmacies.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 143**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to a Controlled Substances Monitoring Program.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 144**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist assistant.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 145**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Public Service Commission to promulgate a legislative rule relating to telephone conduit occupancy.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 146**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 147**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to pari-mutuel wagering.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 148**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 149**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 150**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Risk and Insurance Management to promulgate a legislative rule relating to mine subsidence insurance.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 151**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Risk and Insurance Management to promulgate a legislative rule relating to the Patient Injury Compensation Fund.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 152**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Sanitarians to promulgate a legislative rule relating to practice of public health sanitation.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 153**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to voter registration at the Division of Motor Vehicles.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 154**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to voter registration list maintenance by the Secretary of State.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 155**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work Examiners to promulgate a legislative rule relating to continuing education for social workers and providers.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 156**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 157**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to the procedure for fees in collections by charge, credit or debit card or by electronic payment.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 158**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to procedures for providing services to political subdivisions.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 159**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to procedures for deposit of moneys with the State Treasurer's Office by state agencies.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 160**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to selection of state depositories for disbursement accounts through competitive bidding.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 161**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to selection of state depositories for receipt accounts.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 162**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to procedures for processing payments from the State Treasury.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 163**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to standards of practice.

Referred to the Committee on the Judiciary.

[CLERK'S NOTE: Senate Bill 82 through Senate Bill 163 are recommended for introduction by the Legislative Rule-Making Review Committee and sponsored by Senator Maynard, Cochair.]

**By Senators Blair and Jeffries:**

**Senate Bill 164**—A Bill to amend and reenact §17C-17-5 of the Code of West Virginia, 1931, as amended, relating to traffic regulations and special load limits; changing the load limitation of a digger or derrick line truck from forty feet to forty-five feet in length; increasing from six to nine feet the distance a load may extend beyond the foremost part of the truck; and increasing from nine to eleven feet the distance a load may extend beyond the rear of the body of the truck.

Referred to the Committee on Transportation and Infrastructure.

**By Senators Blair and Rucker:**

**Senate Bill 165**—A Bill to amend and reenact §7-1-3n of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-12-13 of said code, all relating to allowing county commissions and municipalities to adopt a building code provided it is no more stringent than the state building code.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senators Blair, Rucker and Jeffries:**

**Senate Bill 166**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-55, relating to requiring protective fencing on any newly constructed overpasses or overpasses that undergo significant construction; and requiring the commissioner to promulgate rules to effectuate purposes of section.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senators Woelfel, Ojeda and Jeffries:**

**Senate Bill 167**—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9 and §15-2B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-9B-4, all relating to DNA evidence; requiring the collection of DNA samples from individuals arrested for certain felony crimes for inclusion in and search of the DNA databank; defining terms; providing that DNA samples shall be taken by buccal swab rather than drawing blood; authorizing certain cooperative agreements; requiring qualified arrestees to submit to a DNA sample collection during the arrest intake; requiring a DNA sample be taken of any person convicted of a felony offense; authorizing the use of the DNA sample in accordance with this article; authorizing law-enforcement and corrections employees to use reasonable force to obtain a DNA sample when an individual refuses; limiting liability when a person obtaining a DNA sample acts in good faith and considering the sample taken in accordance with this article; setting forth a process for handling samples taken in error; requiring Superintendent of the State Police to submit emergency and legislative rules detailing the collection of DNA samples from qualifying arrestees; setting forth a process for expungement of the DNA sample; stating that any database match is not invalidated by a failure to or delay in expunging records; expanding authority of the Sexual Assault Forensic Examination Commission; requiring the commission to authorize a subgroup to establish protocols and propose legislative rules regarding the submission of sexual assault forensic examination kits in a timely manner from health care providers to law-enforcement agencies and from law-enforcement agencies to the West Virginia State Police, the Marshall University Forensic Science Center or certain other accredited laboratories with certain restrictions and requirements; authorizing promulgation of emergency rules with certain restrictions; requiring the rules to address testing of the kits, return of the kits and retention of the kits; permitting certain repackaging of kits not associated with an open case file pursuant to requirements of the commission; and ensuring that the changes and associated rules do not create a claim or right to relief by any person.

Referred to the Committee on the Judiciary.

**By Senators Romano, Ojeda and Jeffries:**

**Senate Bill 168**—A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to surcharge on fire and casualty insurance policies for purpose of funding volunteer fire departments; and providing that surcharge be increased to one percent.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries:**

**Senate Bill 169**—A Bill to repeal §16-28-1, §16-28-2, §16-28-3, §16-28-4, §16-28-5, §16-28-6, §16-28-7, §16-28-8, §16-28-9 and §16-28-10 of the Code of West Virginia, 1931, as amended, relating to repealing the article on providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants or herbicides or other causative agents, including Agent Orange.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries:**

**Senate Bill 170**—A Bill to repeal §16-24-1, §16-24-2, §16-24-3, §16-24-4, §16-24-5, §16-24-6 and §16-24-7 of the Code of West Virginia, 1931, as amended, relating to the creation of the state hemophilia program.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries:**

**Senate Bill 171**—A Bill to repeal §16-2K-1 and §16-2K-2 of the Code of West Virginia, 1931, as amended, relating to the Programs of All-Inclusive Care for the Elderly.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 172**—A Bill to amend and reenact §22C-1-4 of the Code of West Virginia, 1931, as amended, relating to the Water Development Authority; and eliminating the salary for board members.

Referred to the Committee on Government Organization.

**By Senators Blair and Sypolt:**

**Senate Bill 173**—A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new section, designated §17C-1-69; and to amend and reenact §17C-15-44 of said code, all relating to autocycles; defining “autocycle”; creating an autocycle exemption from motorcycle examination, licensing and endorsement requirements; allowing a person with a valid driver’s license to operate an autocycle; creating an autocycle exemption from helmet and certain other motorcycle or motor-driven cycle safety requirements; deleting obsolete language regarding the motorcycle safety and education committee; and making technical corrections.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

**By Senators Blair and Rucker:**

**Senate Bill 174**—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to exempting the transportation of household goods from the jurisdiction of the Public Service Commission.

Referred to the Committee on Government Organization.

**By Senators Ferns, Karnes, Takubo, Trump, Palumbo, Plymale, Prezioso, Stollings, Unger and Jeffries:**

**Senate Bill 175**—A Bill to repeal §16-2J-1, §16-2J-2, §16-2J-3, §16-2J-4, §16-2J-5, §16-2J-6, §16-2J-7, §16-2J-8 and §16-2J-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-3F-1, §30-3F-2, §30-3F-3, §30-3F-4 and §30-3F-5, all relating to direct primary care; defining terms; providing that insurance benefits are not forfeited by certain purchases; providing that certain products are not the offer of insurance; providing that direct primary care membership agreement is not considered insurance; providing that direct primary care provider is not required to obtain certain credentials; prohibiting the billing of third-party providers for direct primary care services; stating certain requirements for direct primary care membership agreement; providing rule-making authority; and providing civil penalties.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries:**

**Senate Bill 176**—A Bill to repeal §16-25-1, §16-25-2, §16-25-3 and §16-25-4 of the Code of West Virginia, 1931, as amended, relating to the detection of tuberculosis, high blood pressure and diabetes.

Referred to the Committee on Health and Human Resources.

**By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries:**

**Senate Bill 177**—A Bill to repeal §16-4A-1, §16-4A-2, §16-4A-3, §16-4A-4, §16-4A-5 and §16-4A-6 of the Code of West Virginia, 1931, as amended, relating to prenatal examination.

Referred to the Committee on Health and Human Resources.

**By Senators Jeffries, Ojeda and Woelfel:**

**Senate Bill 178**—A Bill to amend and reenact §17A-3-14 and §17A-3-15 of the Code of West Virginia, 1931, as amended, all relating to improving public safety by requiring registration license plates on the front and back of all vehicles; ensuring that two registration license plates shall be issued for specialty and regular plates; and updating other language to conform to these changes.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senators Plymale and Jeffries:**

**Senate Bill 179**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §32A-2-5a, relating to fees for certain currency transmission services; requiring such a fee be charged and collected; setting forth details related to the remission of said fees; authorizing the creation of forms; requiring submission of forms and remittances on a schedule; authorizing sharing of forms between the Division of Financial Institutions and the state Tax Department; creating penalties for failure to timely submit forms and remittances, up to and including suspension of the license; detailing the transfer of fees collected;



mandating a posting at all licensees relating to a tax credit that may be claimed by tax filers equivalent to the fees charged; and authorizing rule-making authority.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 180**—A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to Internet protocol-enabled service and voice-over Internet protocol-enabled service; prohibiting Public Service Commission jurisdiction of Internet protocol-enabled service and voice-over Internet protocol-enabled service; and limiting Public Service Commission jurisdiction of certain telephone company transactions.

Referred to the Committee on Government Organization.

**By Senator Trump:**

**Senate Bill 181**—A Bill to repeal §18-2-26a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-5b, §18-2-24 and §18-2-26 of said code; to amend and reenact §18-2E-5 of said code; and to amend and reenact §30-31-11 of said code, all relating to abolishing regional education service agencies; transferring duties, powers and services provided to state board; establishing that state board rules about regional education service agencies remain in effect until new rules are promulgated; transferring duties and powers previously belonging to the regional education service agencies to the state board; transferring all property and records of the regional education service agencies to the state board; providing that the rules previously promulgated by the state board regarding regional education service agencies shall remain in effect until new rules are promulgated; and deleting references to the regional education service agencies throughout the code.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senators Blair, Sypolt and Rucker:**

**Senate Bill 182**—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1D-5 of said code; and to amend and reenact §21-11-11 of said code, all relating to the submission of bids for government construction contracts; information and documents required for the awarding of certain contracts; providing procedures for the required submission of a list of subcontractors who will perform more than \$25,000 of work on certain projects; providing procedures for the required submission of a drug-free workplace affidavit for any solicitation for a public improvement contract; and providing procedures for the required submission of a contractor's license number with certain bid documents.

Referred to the Committee on Government Organization.

**By Senators Blair, Sypolt, Gaunch, Rucker and Trump:**

**Senate Bill 183**—A Bill to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend said code by adding thereto a new section, designated §19-1-3b; to amend and reenact §19-1A-5 of said code; to amend and reenact §19-1B-3 of said code; and to amend and reenact §19-12A-5 of said code, all relating to transferring the Division of Forestry from the Department of Commerce to the Department of Agriculture; eliminating references in code showing the Division of Forestry as part of the Department of Commerce; transferring all authorities, powers and duties of the Division of Forestry to the Department of Agriculture; ensuring all legislative rules currently in effect remain in effect as if they were proposed by the

Division of Forestry under the Department of Agriculture; making the Director of the Division of Forestry a position hired by the Commissioner of Agriculture rather than a position appointed by the Governor; and making the Director of the Division of Forestry a will and pleasure employee of the Commissioner of Agriculture rather than the Governor.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Government Organization.

**By Senators Blair, Boso, Rucker, Trump and Sypolt:**

**Senate Bill 184**—A Bill to repeal §18-22C-1 and §18-22C-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §12-1-12d of said code; to amend and reenact §16-28-7 of said code; to amend and reenact §18B-1B-5 and §18B-1B-6 of said code; to amend and reenact §18B-1D-2 and §18B-1D-7 of said code; to amend and reenact §18B-2-5 of said code; to amend and reenact §18B-2A-1 of said code; to amend said code by adding thereto a new article, designated §18B-2D-1, §18B-2D-2, §18B-2D-3, §18B-2D-4, §18B-2D-5, §18B-2D-6 and §18B-2D-7; and to amend and reenact §18B-14-10 of said code, all relating to transferring the West Virginia School of Osteopathic Medicine from a state-owned and -operated entity to a private not-for-profit corporation.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Blair, Boso and Rucker:**

**Senate Bill 185**—A Bill to amend and reenact §5A-3-45 of the Code of West Virginia, 1931, as amended, relating to the sale or transfer of surplus property; and allowing spending units to designate the fund into which proceeds from the sale or transfer of surplus property shall be deposited if the fund that was used to purchase the property no longer exists.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Jeffries, Ojeda, Facemire and Woelfel:**

**Senate Bill 186**—A Bill to amend and reenact §18-5-18 and §18-5-44 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-8-1a of said code, all relating to adjusting the date upon which children become eligible for certain school programs and school attendance requirements; changing the kindergarten age attainment requirement from age five prior to September 1 to age five prior to July 1; changing the early childhood education program age attainment date requirement from age four prior to September 1 to age four prior to July 1; and changing the age for which compulsory attendance begins to those who attain age six by July 1 of each year.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senators Takubo, Facemire, Jeffries and Woelfel:**

**Senate Bill 187**—A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating to confidentiality of medical records for patients' physical, mental or emotional conditions.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senators Takubo and Jeffries:**

**Senate Bill 188**—A Bill to amend and reenact §16-5Y-2 of the Code of West Virginia, 1931, as amended, relating to clarifying the definition of “telehealth” for purposes of medication-assisted treatment programs.

Referred to the Committee on Health and Human Resources.

**By Senators Blair, Gaunch, Rucker and Jeffries:**

**Senate Bill 189**—A Bill to repeal §48-1-210 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c and §48-1-239d; to amend and reenact §48-9-102, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-403 and §48-9-601 of said code; to amend said code by adding thereto a new section, designated §48-9-204a; and to amend said code by adding thereto a new section, designated §48-13-502a, all relating to establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senators Blair, Hall, Boso, Cline and Sypolt:**

**Senate Bill 190**—A Bill to repeal §5A-3-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-5-4 of said code, relating generally to eliminating preference for resident vendors bidding on state contracts for commodities or printing.

Referred to the Committee on Government Organization.

**By Senators Swope and Boso:**

**Senate Bill 191**—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, relating to tax credits for apprenticeship training in construction trades; and removing requirement that eligibility is limited to programs jointly administered by labor and management trustees.

Referred to the Committee on the Workforce; and then to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 192**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-12-3, relating to exempting licensed surveyors from liability for defamation or slander of title when performing their professional duties; and providing an exception.

Referred to the Committee on the Judiciary.

**By Senators Takubo and Jeffries:**

**Senate Bill 193**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-11, relating to prohibiting smoking of tobacco products in a motor vehicle while an individual sixteen years of age or less is present; defining terms; violation of section a secondary misdemeanor offense; providing penalties; and providing exceptions for local ordinances or regulations.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senators Ojeda, Facemire and Jeffries:**

**Senate Bill 194**—A Bill to amend and reenact §61-3A-3 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for shoplifting offenses.

Referred to the Committee on the Judiciary.

**By Senators Blair and Trump:**

**Senate Bill 195**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-23-31, relating to termination of the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners.

Referred to the Committee on Government Organization.

**By Senators Blair and Sypolt:**

**Senate Bill 196**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-37-12, relating to termination of the West Virginia Massage Therapy Licensure Board.

Referred to the Committee on Government Organization.

**By Senator Takubo:**

**Senate Bill 197**—A Bill to amend and reenact §57-5-4j of the Code of West Virginia, 1931, as amended, relating to preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay for medical care or treatment.

Referred to the Committee on the Judiciary.

**By Senators Takubo, Plymale and Jeffries:**

**Senate Bill 198**—A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to expansion of the Health Sciences Service Program to allow for persons who practice emergency medicine in underserved areas of the state.

Referred to the Committee on Health and Human Resources.

**By Senator Sypolt:**

**Senate Joint Resolution 1**—Proposing an amendment to the Constitution of the State of West Virginia, amending section six, article III thereof, relating to protecting the electronic communication and data of citizens from unreasonable searches and seizures; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary.

**By Senators Sypolt, Jeffries and Gaunch:**

**Senate Joint Resolution 2**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on Finance; and then to the Committee on the Judiciary.

**By Senators Karnes, Boso, Trump, Rucker, Woelfel and Sypolt:**

**Senate Joint Resolution 3**—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof by adding thereto a new section, designated section twenty-three, relating to the right to farm and ranch; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

Senators Karnes, Boso and Gaunch offered the following resolution:

**Senate Concurrent Resolution 3**—Urging Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress.

Whereas, Article IV, Section 4 of the Constitution of the United States guarantees to every state a republican form of government which gives each state equal standing when calling for an amendments convention. Article V of the Constitution of the United States reserves to the several states the right to call for a convention for the purpose of amending the United States Constitution when Congress or the courts or both Congress and the courts refuse to address an egregious wrong suffered by the people; and

Whereas, The states alone have the authority to “limit” the agenda and authority of a convention. The states alone can call for a “Single Issue” convention by agreeing among themselves the purpose, terms, conditions, duration and agenda for the convention. Congress does not have the authority to define a “Single Issue” convention. The authority of Congress, under Article V of the United States Constitution, empowers it to convene a convention as called for and defined by the several states; and

Whereas, The founders of our constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government which has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent, and the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, It is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal

government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress; and, be it

*Further Resolved*, That the State of West Virginia hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress and absolutely no other business will be authorized at this convention; and, be it

*Further Resolved*, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution and application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of West Virginia's congressional delegation and to the presiding officers of each of the legislative houses in the several states requesting their cooperation.

Which, under the rules, lies over one day.

Senators Stollings, Jeffries and Beach offered the following resolution:

**Senate Concurrent Resolution 4**—Requesting the Division of Highways to name the future bridge, 03-3/14-0.10 (design number 11082) (38.09778, -81.61498), carrying county route 3/14 over Big Coal River in Boone County, the “U. S. Navy MM2 Carl E. Keeney and U. S. Army PFC Carl M. Nicholas Memorial Bridge”.

Whereas, Carl Eugene Keeney was born to Dewey and Ruth Skeens Keeney on March 27, 1925, in Seth, West Virginia; he learned to repair engines and vehicles at an early age and became skilled as a machinist; and when this country sought skilled tradesmen in its armed forces, he enlisted in the United States Navy in 1942, eventually attaining the rank of Machinist's Mate Second Class; and

Whereas, U. S. Navy MM2 Carl Eugene Keeney served over three years in the Pacific Theater and saw combat in the Solomon Islands and at Okinawa; he was awarded three battle stars before he was honorably discharged in 1946; and

Whereas, After faithfully and honorably serving his country, Carl E. Keeney applied his machinist's skills in the coal industry, working as a driver, mechanic and machinist in Boone County until his retirement; and

Whereas, Carl M. Nicholas was born to Dan and Frona Cottrell Nicholas on September 27, 1922, in Bickmore, West Virginia, and, though he left school after eight years to help support his family, he became quite accomplished in a mining career that spanned five decades in the coalfields of southern West Virginia; and

Whereas, U. S. Army PFC Carl M. Nicholas answered his nation's call to service, joining the United States Army in World War II in the European Theater of Operations, where he was assigned to Company I, 12th Infantry Regiment, 4th Infantry Division from May 16, 1944, to

September, 1945, where he participated in the Invasion of Normandy on D-Day and in the Battle of the Bulge; and

Whereas, U. S. Army PFC Carl M. Nicholas was wounded in action on June 26, 1944, when he received and survived bullet wounds from a German sniper and for which he was awarded the Purple Heart; he also was awarded the Bronze Star for meritorious achievement in active ground combat; and

Whereas, Upon his return to civilian life, U. S. Army PFC Carl M. Nicholas continued his mining career with some of the most prominent companies in the industry and he became a successful businessman as proprietor of his own trucking company; he continued to support military veterans and was a leader of the effort to secure dedicated parking for veterans at our State Capitol; and

Whereas, After a life well lived in service to his community and his country, Carl M. Nicholas passed away on September 3, 2014; and

Whereas, Recognizing that both U. S. Navy MM2 Carl Eugene Keeney and U. S. Army PFC Carl M. Nicholas are lifelong residents of Boone County on Big Coal River, it is an appropriate recognition of their contributions to their country, state, community and Boone County to name a bridge over the Big Coal River in their honor; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the future bridge, 03-3/14-0.10 (design number 11082) (38.09778, -81.61498), carrying county route 3/14 over Big Coal River in Boone County, the “U. S. Navy MM2 Carl E. Keeney and U. S. Army PFC Carl M. Nicholas Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Navy MM2 Carl E. Keeney and U. S. Army PFC Carl M. Nicholas Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Woelfel, Plymale, Jeffries and Beach offered the following resolution:

**Senate Concurrent Resolution 5**—Requesting the Division of Highways name bridge number 06-35-3.83 (06A086) (38.36457, -82.37397), locally known as the Green Valley Bridge, along County Route 35 traversing Fourpole Creek in Cabell County, the “U. S. Army PFC John Ira Pinkerman Memorial Bridge”.

Whereas, John Ira Pinkerman was born in Huntington, West Virginia, in 1921 and was raised on Green Valley Road near Bowen Ridge in Cabell County; and

Whereas, John Ira Pinkerman married Geneva Frances Alley in 1941 and they had one child, John Alan Pinkerman, born May 19, 1943; and

Whereas, PFC John Ira Pinkerman was drafted into the U. S. Army on January 18, 1944; and

Whereas, PFC John Ira Pinkerman was killed in action in Northeast France on January 12, 1945; he is one of five thousand two hundred fifty-five soldiers laid to rest in the U. S. Military Cemetery in Epinal, France; and

Whereas, It is fitting and proper that PFC John Ira Pinkerman be remembered and acknowledged for his dedicated service to this country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 06-35-3.83 (06A086) (38.36457, -82.37397), locally known as the Green Valley Bridge, along County Route 35 traversing Fourpole Creek in Cabell County, the “U. S. Army PFC John Ira Pinkerman Memorial Bridge”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC John Ira Pinkerman Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Takubo, Jeffries and Beach offered the following resolution:

**Senate Concurrent Resolution 6**—Requesting the Division of Highways to name the portion of Route 119/19, beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County, as the “U. S. Army SSG Styish R. Morris Memorial Road”.

Whereas, Staff Sergeant Morris was born September 17, 1923, to John Morris and Rosie Morris of Clothier, West Virginia, the fifth of ten children; and

Whereas, Staff Sergeant Morris began work as an underground coal miner in Logan County, West Virginia. When World War II erupted, he enlisted, rather than being drafted, in the U. S. Army on January 23, 1942, and served in the 145th Infantry Regiment, 37th Infantry Division; and

Whereas, Staff Sergeant Morris was a very proud, patriotic first-generation American of Polish descent. His career was one of great honor and valor as shown by his numerous decorations which he earned while serving in the Pacific Theater; and

Whereas, Staff Sergeant Morris was decorated for his actions with the following awards: The Combat Infantry Badge, the Philippine Liberation Ribbon with one Bronze Star, the Asiatic-Pacific Theater Ribbon with two Bronze Stars, the Distinguished Unit Citation, two Purple Heart Awards and the Good Conduct Ribbon; and

Whereas, Most notably, on September 22, 1945, Staff Sergeant Morris was awarded the Silver Star by President Truman. The Citation reads: “The President of the United States, authorized by Act of Congress, July 9, 1918, takes pleasure in presenting the Silver Star to Staff Sergeant (then Sergeant) Styish R. Morris United States Army, for conspicuous gallantry and intrepidity in action against the enemy while serving with the 145th Infantry Regiment, 37th



Infantry Division in the Philippine Islands. Staff Sergeant Morris' squad was preparing for an attack at Mount Pacawagan on April 30, 1945, when an enemy soldier ran out of one of the many caves infesting the area. Catching the squad completely by surprise, the enemy knocked a soldier to the ground, tore a Browning Automatic Rifle from his hands and swung the weapon into position to fire on the squad. Staff Sergeant Morris, although unarmed, rushed the enemy so quickly that he was unable to fire the weapon. After a bitter struggle for possession of the gun, Staff Sergeant Morris with superior strength and weight overpowered the Japanese and forced him back into a deep foxhole, causing him to lose his grip on the rifle. Staff Sergeant Morris then managed to kill the enemy. Sergeant Morris' alertness, quick thinking and courageous action eliminated a dangerous menace to his squad and earned the complete confidence of his men. Staff Sergeant Morris' actions, without regard for his own safety, were in keeping with the highest traditions of military service, reflecting great credit on himself, the 37th Infantry Division, and the United States Army"; and

Whereas, Following his honorable discharge on October 3, 1945, Staff Sergeant Morris returned home to Clothier, where he went back to work in the underground coal mines of Boone and Logan counties and supported his aging parents. He never married and chose to take care of his parents until their deaths. He continued to work in the mining industry until he became disabled in the early 1970s from wounds he received during the war. He remained active by raising a garden and farm animals and he shared his plentiful harvests with his neighbors; and

Whereas, On April 3, 1987, Staff Sergeant Morris was called for his final and glorious award in the arms of his Lord; and

Whereas, Staff Sergeant Morris is survived by his sister-in-law JoAnn Morris, his nephews: Edward S. Morris, Mark A. Morris, Thomas Morris, Joe A. Morris, Randy Bently, John F. Morris, John Trammell, Paul Trammell and Joe L. Morris; and his nieces: Teresa Way, Katrina Mosman, Mary Collins, Kathy Weathersby, Rose Ann Reed and Mary Morris Cobbs; and

Whereas, It is fitting that an enduring memorial be established to commemorate Staff Sergeant Styish R. Morris, a native son who served his state and his country with great honor, by naming the portion of Route 119/19 beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County, as the "U. S. Army SSG Styish R. Morris Memorial Road"; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name the portion of Route 119/19, beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County, as the "U. S. Army SSG Styish R. Morris Memorial Road"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U. S. Army SSG Styish R. Morris Memorial Road"; and, be it

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

Which, under the rules, lies over one day.

Senators Sypolt, Smith, Plymale, Blair and Jeffries offered the following resolution:

**Senate Resolution 8**—Recognizing the contributions and dedicated public service of Gary K. Wilson to Mineral County and the state of West Virginia.

Whereas, Gary K. Wilson (1941-2013) was born in Piedmont, West Virginia, was a 1959 graduate of Keyser High School, a 1961 graduate of Potomac State College, a 1971 graduate of West Virginia University and a 1981 graduate of Frostburg State University; and

Whereas, Gary K. Wilson served his country with honor in the United States Navy and was a quartermaster during the Cuban Missile Crisis; and

Whereas, Following his military service, Gary K. Wilson was employed by PPG as a plant environmental control engineer for 13 years; and

Whereas, In 1975, Gary K. Wilson was named the vice president for finance and administration at the Burlington United Methodist Children's Home (now Burlington United Methodist Family Services, BUMFS), where he remained for the next 30 years before retiring as president and chief executive officer; and

Whereas, Under the leadership of Gary K. Wilson, BUMFS grew into a statewide organization that was not only nationally accredited, but widely recognized as a leading child welfare organization in West Virginia; and

Whereas, For his efforts, Gary K. Wilson received the 1999 Administrator of the Year national award from the United Methodist Association of Health and Welfare Ministries. He was named an Outstanding Mountaineer by then Governor Joe Manchin in 2005 and by Governor Earl Ray Tomblin in 2013; and

Whereas, Gary K. Wilson was active in the community, serving as president for both the Alliance for Children and the West Virginia Child Care Association; was a member of the Mineral County Building Commission; and United Methodist Association for Health and Welfare Ministries. He also served as chair for the Field Consultation Planning Committee and for the Mineral County Allocations Committee. He was an active Rotarian; a member of the Mineral County Chamber of Commerce; an instrumental member of the U. S. Wind Force Foundation; and served on the CYF Section, the EAGLE Program Accreditation Committee and Peer Review Team; and

Whereas, It is fitting to recognize Gary K. Wilson on Mineral County Day at the Capitol for his everlasting contributions to Mineral County; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the contributions and dedicated public service of Gary K. Wilson to Mineral County and the state of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Mineral County.

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

On motion of Senator Ferns, the Senate recessed for one minute.

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

Remarks were made by Senators Miller and Woelfel.

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senators Miller and Woelfel were ordered printed in the Appendix to the Journal.

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

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 4**—Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

Whereas, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

*Resolved by the Legislature of West Virginia:*

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 o'clock postmeridian this day; and, be it

*Further Resolved,* That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

The message further announced the appointment of the following committee on the part of the House of Delegates:

Delegates Sobonya, Arvon and Moye.

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

The question being on the adoption of the resolution, the same was put and prevailed.

Whereupon, the President appointed as Senate members of such committee, authorized by the foregoing resolution, the following:

Senators Ferns, Boley and Prezioso.

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

Pending announcement of meetings of standing committees of the Senate, including a minority party caucus,

On motion of Senator Ferns, the Senate recessed until 6:55 p.m. today.

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Upon expiration of the recess, the Senate reconvened.

The hour of 7 p.m. having arrived, that being the time set for the joint assembly to hear the address of His Excellency, the Governor, the Senate recessed until five minutes after adjournment of the joint assembly. Members of the Senate then repaired in a body to the hall of the House of Delegates.

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(NOTE: For formal procedure in the joint assembly and the address of His Excellency, the Governor, the Honorable Jim Justice, see the Journal of the House of Delegates for this day.)

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### Night Session

The joint assembly having been dissolved, the Senate returned to its chamber and resumed its regular session.

### Executive Communications

Senator Carmichael (Mr. President) presented the following communication from His Excellency, the Governor, submitting the executive budget and annual budget bill, which was received and read by the Clerk:

JIM JUSTICE  
GOVERNOR OF WEST VIRGINIA

February 8, 2017

EXECUTIVE MESSAGE NO. 1  
FIRST REGULAR SESSION  
The Honorable Mitch Carmichael  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear President Carmichael:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2017.

Sincerely,

Jim Justice  
Governor

Subsequently, Senator Carmichael (Mr. President) laid before the Senate the aforementioned annual budget bill,

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 199**—A Bill making appropriations of public money out of the treasury in accordance with section fifty-one, article VI of the constitution.

Which was read by its title and referred to the Committee on Finance.

The Senate proceeded to the thirteenth order of business.

Senator Carmichael (Mr. President) announced the appointment of Senator Clements to the Committees on Agriculture and Rural Development, Banking and Insurance, Government Organization, Health and Human Resources, the Judiciary and Military.

Senator Carmichael (Mr. President) then announced the appointment of the Select Committee on Tax Reform for this eighty-third Legislature and, at the request of Senator Blair, and by unanimous consent, the list was ordered printed in the Journal as follows:

Senators Karnes (*Chair*), Blair (*Vice Chair*), Boso, Ferns, Gaunch, Jeffries and Plymale.

At the request of Senator Jeffries, the name of Senator Jeffries was removed as a sponsor of Senate Bill 2 (*Providing additional funding for exceptional children with high-cost/high-acuity special needs*), Senate Bill 14 (*Authorizing county commissions to impose surcharge on residential property owners for trash collection*), Senate Bill 57 (*Continuing personal income tax adjustment for certain retirees*), Senate Bill 81 (*Increasing wages of judgment debtor that may be exempt from execution by judgment creditor*), Senate Bill 164 (*Relating to traffic regulations and special load limits*), Senate Bill 188 (*Correcting definition of "telehealth" in medication-assisted treatment programs*) and Senate Bill 189 (*Establishing that shared legal and physical custody of child in divorce cases is in best interest of child*).

On motion of Senator Blair, the Senate adjourned until tomorrow, Thursday, February 9, 2017, at 11 a.m.

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**SENATE CALENDAR**

**Thursday, February 09, 2017  
11:00 AM**

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**SPECIAL ORDER OF BUSINESS  
Thursday, March 9, 2017 – 11:00 AM**

Consideration of executive nominations

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**UNFINISHED BUSINESS**

- S. C. R. 3 - Urging Congress call convention of states to impose fiscal restraints on federal government.
- S. C. R. 4 - US Navy MM2 Carl E. Keeney and US Army PFC Carl M. Nicholas Memorial Bridge.
- S. C. R. 5 - US Army PFC John Ira Pinkerman Memorial Bridge.
- S. C. R. 6 - US Army SSG Styish R. Morris Memorial Road.

## **ANNOUNCED SENATE COMMITTEE MEETINGS**

### **Regular Session 2017**

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**Thursday, February 9, 2017**

9:30 a.m.	Finance	(Room 451M)
1 p.m.	Health & Human Resources	(Room 451M)
1 p.m.	Energy, Industry & Mining	(Room 208W)
2 p.m.	Education	(Room 451M)
2 p.m.	Government Organization	(Room 208W)
5 p.m.	LOCEA	(Room 451M)