

WEST VIRGINIA LEGISLATURE  
**SENATE JOURNAL**

EIGHTY-SECOND LEGISLATURE  
REGULAR SESSION, 2015  
FIRST DAY

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Charleston, W. Va., Wednesday, January 14, 2014

Pursuant to section eighteen, article six of the Constitution of the State of West Virginia, which prescribes that the Legislature shall convene annually on the second Wednesday in January, the Legislature assembled in the state capitol in the City of Charleston on this the fourteenth day of January, two thousand fifteen, for the first annual session of the eighty-second Legislature.

The Senate met in its chamber at 12 o'clock Noon.

Pending organization of the Senate by the election of a President, under the provisions of section twenty-four, article six of the Constitution, the Senate was called to order by the Honorable Donna J. Boley, a senator from the third senatorial district, being the oldest member in point of continuous service.

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Kent Leonhardt, a senator from the second district.

The following communication was reported by the Clerk:

THE SENATE OF WEST VIRGINIA  
CHARLESTON

November 13, 2014

The Honorable Jeffrey V. Kessler  
President, West Virginia Senate  
State Capitol  
Charleston, West Virginia

Dear President Kessler:

Please accept this letter as official notification of my resignation as a member of the West Virginia Senate effective November 14, 2014.

It has been a great honor and privilege to serve in the Senate and represent the citizens of the 17th Senatorial District. I look forward to continuing my public service as a member of the West Virginia Public Service Commission.

Sincerely,

Brooks F. McCabe, Jr.

**Executive Communications**

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

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

November 25, 2014

The Honorable Natalie E. Tennant  
Secretary of State  
State Capitol  
Charleston, West Virginia

Dear Secretary Tennant:

Pursuant to W. Va. Code §3-10-5, I have this day appointed Opal Eloise Jack, #4 Greenview Drive, South Charleston, Kanawha County, West Virginia 25309, as a Senator representing the Seventeenth Senatorial District, to fill the vacancy created by the resignation of the Honorable Brooks F. McCabe, Jr., from this day through the remainder of the unexpired term of said office.

Sincerely,

Earl Ray Tomblin,  
*Governor.*

cc: The Honorable Jeffrey V. Kessler

The several oaths of office prescribed by the Constitution were administered by the Honorable Jennifer F. Bailey, Judge of the Thirteenth Judicial Circuit of West Virginia, to Opal Eloise Jack, of the County of Kanawha, on December 1, 2015.

The following communication was next reported by the Clerk:

THE SENATE OF WEST VIRGINIA  
CHARLESTON

December 15, 2014

The Honorable Joseph M. Minard  
Clerk, West Virginia Senate  
State Capitol  
Charleston, West Virginia

Dear Mr. Clerk:

Please be advised that I changed my party registration from Democrat to Republican on November 5, 2014.

Sincerely,

Daniel J. Hall,  
Ninth Senatorial District.

The Honorable Natalie E. Tennant, Secretary of State, appeared at the bar of the Senate and presented the official returns of the election held on the fourth day of November, two thousand fourteen, for members of the Senate for the State of West Virginia.

**CANDIDATES FOR STATE SENATOR  
FOR THE STATE OF WEST VIRGINIA  
APPEARING TO HAVE BEEN ELECTED  
NOVEMBER 4, 2014**

First Senatorial District: Ryan J. Ferns, of the County of Ohio;

Second Senatorial District: Kent Leonhardt, of the County of Monongalia;

Third Senatorial District: David C. Nohe, of the County of Wood;

Fourth Senatorial District: Mike Hall, of the County of Putnam;

Fifth Senatorial District: Michael A. Woelfel, of the County of Cabell;

Sixth Senatorial District: Mark R. Maynard, of the County of Wayne;

Seventh Senatorial District: Ron Stollings, of the County of Boone;

Eighth Senatorial District: C. Edward Gaunch, of the County of Kanawha;

Ninth Senatorial District: Jeff Mullins, of the County of Raleigh;

Tenth Senatorial District: Ronald F. Miller, of the County of Greenbrier;

Eleventh Senatorial District: Robert Karnes, of the County of Upshur;

Twelfth Senatorial District: Michael J. Romano, of the County of Harrison;

Thirteenth Senatorial District: Robert D. Beach, of the County of Monongalia;

Fourteenth Senatorial District: Dave Sypolt, of the County of Preston;

Fifteenth Senatorial District: Charles S. Trump IV, of the County of Morgan;

Sixteenth Senatorial District: John R. Unger II, of the County of Berkeley;

Seventeenth Senatorial District: Tom Takubo, of the County of Kanawha.

From the foregoing official returns of the election of members of the Senate, it appears that the persons therein named were elected to the Senate at the election held on the Tuesday next after the first Monday in November, two thousand fourteen.

Whereupon,

On the call of the roll of the Senate, the following members and members-elect answered to their names:

Barnes, Beach, Blair, Boley, Carmichael, Cole, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Yost.

Thirty-four present and prospective members having answered to their names, the Chair declared the presence of a quorum.

The following members-elect came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by the Constitution, which oaths were administered by the Honorable Allen H. Loughry II, Justice of the Supreme Court of Appeals of West Virginia: Ryan J. Ferns, of the County of Ohio; Kent Leonhardt, of the County of Monongalia; David C. Nohe, of the County of Wood; Mike Hall, of the County of Putnam; Michael A. Woelfel, of the County of Cabell; Mark R. Maynard, of the County of Wayne; Ron Stollings, of the County of Boone; C. Edward Gaunch, of the County of Kanawha; Jeff Mullins, of the County of Raleigh; Ronald F. Miller, of the County of Greenbrier; Robert Karnes, of the County of Upshur; Michael J. Romano, of the County of Harrison; Robert D. Beach, of the County of Monongalia; Dave Sypolt, of the County of Preston; Charles S. Trump IV, of the County of Morgan; John R. Unger II, of the County of Berkeley; and Tom Takubo, of the County of Kanawha.

The Senate then proceeded to its biennial organization.

The first order of business in the organization of the Senate being the election of a President,

For that office, Senator Carmichael nominated the Honorable William P. Cole III, of the County of Mercer; seconded by Senator Gaunch.

Senator Snyder then nominated the Honorable Jeffrey V. Kessler, of the County of Marshall; seconded by Senator Yost.

There being no further nominations, the Senate proceeded to the vote for the election of a President.

On the call of the roll, those voting for Senator Cole were: Barnes, Blair, Boley, Carmichael, Cole, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Leonhardt, Maynard, Mullins, Nohe, Plymale, Sypolt, Takubo, Trump and Walters—19.

Those voting for Senator Kessler were: Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel and Yost—15.

The Chair announced the vote and declared that Senator Cole, having received a majority of the votes of all the members elected to the Senate had been elected President of the Senate.

On motion of Senator Carmichael, the Senate reconsidered the vote as to the election of the Office of President of the Senate.

The vote thereon having been reconsidered,

The question again being on the election of the Office of President of the Senate.

At the request of Senator Snyder, and by unanimous consent, Senator Snyder's nomination of the Honorable Jeffrey V. Kessler as President of the Senate was withdrawn.

At the request of Senator Yost, unanimous consent being granted, Senator Yost's seconding of Senator Snyder's nomination of the Honorable Jeffrey V. Kessler as President of the Senate was withdrawn.

The question now being on the nomination of the Honorable William P. Cole III as President of the Senate.

On motion of Senator Kessler, Senator Cole was elected President of the Senate by acclamation.

Whereupon, the Chair appointed Senators Carmichael, M. Hall and D. Hall a committee to escort the President-elect to the Chair.

A standing ovation was then accorded the President-elect, as he proceeded to the rostrum accompanied by the foregoing select committee.

Whereupon, Senator Cole qualified as President, by taking the several oaths of office prescribed by law and administered by the Honorable Allen H. Loughry II, Justice of the Supreme Court of Appeals of West Virginia.

Senator Cole (Mr. President) assumed the Chair and addressed the Senate as follows:

SENATOR COLE: Thank you. Thank you all. I am honored. I'm humbled to stand at this podium as the person you have elected to be the leader of this distinguished body. It has been a tremendous privilege to serve this state as a Senator, and I am grateful to you for placing your trust in me to lead us through this historic session of our Legislature.

Before I get into further remarks, I need to first recognize my family: My wife Brownie. I've been missing in action since about November 5. She's held down the homefront, and I am forever grateful. My daughters Elizabeth and Taylor. Son Jason, his wife Jessica. Other son Lee, his wife Laura. My mom and dad, who without their diligent hard work, today wouldn't have been possible. I appreciate that, Mom and Dad. My brother Mayor Tom Cole, Mayor of Bluefield. My brother Charlie, his wife Terri. Extended family. All my friends who have come to share with me this day. Thank you all so very much.

Cass Gilbert was one of the greatest architects in the United States if not the world. As most of you are aware, he designed the spectacular building where we sit today. Gilbert once wrote about how a building such as this one was not just a building. It was, he wrote, also "an inspiration toward patriotism and good citizenship,



it encourages just pride in the state and is an education to oncoming generations to see these things, imponderable elements of life and character, set before the people for their enjoyment and betterment. . . . It is a symbol of the civilization, culture, and ideals of our country.”

As beautiful as our capitol is, as majestic as it stands as our seat of state government, Gilbert was disappointed because he felt as if it was still not finished. He believed that there was still work to be done. I believe the very same thing can be said about this great state of ours.

As beautiful and majestic as our state is, it is still an unfinished work of art. To put it bluntly, the time for studies is over. I do not believe the problems we face as West Virginians are ones that can be solved by commissioning another study that will tell us what we already know: We have work to do.

As members of this dignified, revered body, we must rise to the level of trust and responsibility we have been given by those who elected us to be their voice. We must speak for those who cannot speak for themselves, and we must defend with honor the values of life and liberty that all West Virginians cherish.

The voters of this state demanded a change in November. Change can be difficult to navigate, and it will not be easy. There will be growing pains along the way, and we will not be perfect in every decision. But we cannot fall into the comfortable routines that have weighed us down in the past.

We must embrace this change with fresh eyes and open minds. Solutions to our problems will not be found in silence. Instead, solutions will be found through open and honest dialogue, and I encourage all of us to remember that when we tackle the challenges that lay before us. We must communicate. Both with our fellow legislators and with the people who have sent us here to be their representatives.

I believe a good government starts with a transparent government. I'd like to thank my predecessor, Senator from Marshall, for helping bring these cameras into the Senate Chamber. Completion of the installation is scheduled for mid-session. When the system is up and running, people will be able to see our efforts from anywhere in the state. The work we do in this Chamber will be watched by many, and we must expect for them to hold us accountable.

What we as the Senate do today becomes history. Legislation that we pass during this session will guide the future of this state and, in turn, chart its course. It is up to us to choose our direction. While we may not always agree on how to get there, I am confident that we all want the same thing and that is a brighter future for our state.

Just a few weeks ago, families across this state gathered to celebrate Christmas. Parents and grandparents had their loved ones under the same roof sharing in fellowship and in time-honored family traditions. And, then, at the end of the weekend, many of those children and grandchildren got into their cars, said their goodbyes and went back to the cities and the states that they now call home.

It is time our children no longer call West Virginia the place they visit on special occasions or the place that they were from. It should be a place they and their children can forever call their home.

It is time our children finish school and look with anticipation toward the bountiful opportunities that lay before them in these hills and not look with anticipation to the interstate highway that will take them away.

It is time, quite simply, for us to work together to find every way possible to keep our kids home. We will do this by realizing that, first and foremost, before we're Democrats, before we're Republicans, we're all West Virginians.

Now is the time to address the causes of West Virginians: Schools that prepare our children to compete, businesses that provide our

hardworking men and women with a great living, the development of our state's abundant natural resources and a legal and regulatory environment that invites job-creating companies to call West Virginia home.

Winston Churchill said, "We shape our buildings; thereafter they shape us." As we sit at these desks—the same desks that generations of Senators before us have used—and we debate in this Chamber, we must let its dignity and its majesty shape us.

We must rise to these challenges with respect and reverence, and we must prove that we are worthy of the privilege that we have been given.

We have a short window of time to accomplish these goals, and I hope you share my sentiment. It's time for us to get to work!

May God bless all of you, and may God bless our great State of West Virginia. Thank you.

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At the request of Senator Carmichael, and by unanimous consent, the foregoing acceptance remarks by Senator Cole (Mr. President) were ordered extended in the Journal.

The next order of business being the election of a Clerk,

For that office, Senator Sypolt nominated the Honorable Clark S. Barnes, of the County of Randolph; seconded by Senator Nohe.

Senator Facemire then nominated the Honorable Joseph M. Minard; seconded by Senator Kessler.

There being no further nominations, the Senate proceeded to the vote for the election of a Clerk.

On the call of the roll, those voting for Senator Barnes were: Barnes, Blair, Boley, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Takubo, Trump, Walters and Cole (Mr. President)—18.

Those voting for the Honorable Joseph M. Minard were: Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel and Yost—16.

The Chair announced the vote and declared that Senator Barnes, having received a majority of the votes of all the members elected to the Senate had been elected Clerk of the Senate.

The following communication was reported by the Clerk:

THE SENATE OF WEST VIRGINIA  
CHARLESTON

January 14, 2015

The Honorable William P. Cole III  
President, West Virginia Senate  
State Capitol  
Charleston, West Virginia

Dear Mr. President:

It has been a sincere pleasure to have served in this Body for the past 10 years. I thank the people of West Virginia, and particularly those from Senate Districts 15 and 11 for allowing me to serve and for the support I have been afforded.

Following thoughtful consideration and deliberation, I offer my resignation as the Senior Senator from the 11th Senatorial District effective immediately.

I wish you and the members of this Body all the best.

Sincerely,

Clark S. Barnes

Whereupon, Mr. Barnes came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by the Constitution, which oaths were administered by the Honorable Allen H. Loughry II, Justice of the Supreme Court of Appeals of West Virginia.

The next order of business being the election of a Sergeant at Arms,

For that office, Senator M. Hall nominated the Honorable Howard L. Wellman, of the County of Mercer; seconded by Senator Prezioso.

On motion of Senator Kessler, Mr. Wellman was reelected Sergeant at Arms of the Senate by acclamation.

Whereupon, Mr. Wellman came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by the Constitution, which oaths were administered by the Honorable Allen H. Loughry II, Justice of the Supreme Court of Appeals of West Virginia.

The last order of business in the biennial organization of the Senate being the election of a Doorkeeper,

For that office, Senator D. Hall nominated the Honorable Anthony Gallo, of the County of Kanawha; seconded by Senator Walters.

On motion of Senator Kessler, Mr. Gallo was reelected Doorkeeper of the Senate by acclamation.

Whereupon, Mr. Gallo came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by the Constitution, which oaths were administered by the Honorable Allen

H. Loughry II, Justice of the Supreme Court of Appeals of West Virginia.

With the completion of organization of the Senate, by the election of officers for the eighty-second Legislature,

The first organizing resolution was then offered, Senator Carmichael submitting the following:

**Senate Resolution No. 1—Adopting Rules of the Senate.**

*Resolved by the Senate:*

That the Rules of the Senate be adopted as follows and shall govern the proceedings of the Senate during the eighty-second Legislature, subject to amendment as provided in the rules:

**RULES OF THE SENATE**

**QUORUM**

1. A majority of the members elected to the Senate shall constitute a quorum and a quorum shall be necessary to proceed to business, but two members may adjourn, and three members may order a call of the Senate, send for absentees and make any order for their censure or discharge. On a call of the Senate, the doors shall not be closed against any member until his or her name shall have been twice called.

2. In case a less number than a quorum of the Senate shall convene, the members present are hereby authorized to send the Sergeant at Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of

the Senate. This rule shall apply, as well to the first meeting of the Senate at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

### OFFICERS

3. The Senate, at the commencement of each new Legislature, shall elect as its officers a President, Clerk, Sergeant at Arms and Doorkeeper. If at any time the President is obligated to act as Governor pursuant to Article VII, Section 16 of the Constitution of West Virginia Constitution, the Senate shall immediately elect one of its remaining members to serve as Acting President. The Acting President shall act and serve at all times when the duly elected President is acting as Governor and shall perform all of the duties of the office of Senate President without limitation, including any duties imposed by the Constitution of West Virginia Constitution, any statute, the Senate Rules and any adopted Joint Rules of the Senate and House of Delegates, and he or she shall receive the compensation and expenses of the President of the Senate as provided in article two-a, chapter four of the Code of West Virginia. The Acting President shall not be in the line of succession to act as Governor under the provisions of Article VII, Section 16 of the Constitution of West Virginia Constitution. ~~The vote of a majority~~ vote of all the members elected to the Senate shall be necessary for the election of these officers and the vote shall be by voice vote and be ~~entered upon~~ recorded in the Journal.

4. The President of the Senate or ~~acting~~ Acting President shall appoint a President *pro Tempore*, who, during the absence of the President or ~~acting~~ Acting President, if any, shall preside and perform all the duties of the President.

5. The ~~President~~ presiding officer may call a member to the chair who shall perform the duties of the chair until the ~~President~~ presiding officer returns to the chair, but no member by virtue of such appointment shall preside for a longer period than three consecutive legislative days.

6. The Clerk of the Senate shall not allow any records or papers to be taken from the table or out of his or her custody except by a ~~chairperson~~ chair of a committee to which they may have been referred and then only upon a proper receipt therefor and except as required by these rules or by the Joint Rules of the Senate and House of Delegates.

#### ORDER OF BUSINESS AND PROCEDURE

7. The order of business of the Senate shall be:

1. To read, correct and approve the Journal.
2. Introduction of guests.
3. To dispose of communications from the House of Delegates and the Executive.
4. To receive reports from standing committees.
5. To receive reports from select committees.
6. To receive bills, resolutions, motions and petitions.
7. To act upon unfinished business of the preceding day and resolutions lying over from the previous day, and no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.
8. Senate and House bills and joint resolutions on third reading.
9. Senate and House bills and joint resolutions on second reading.
10. Senate and House bills and joint resolutions on first reading.



11. Introduction of guests.
12. Remarks by members of the Senate.
13. Miscellaneous business.

8. Every member desiring to speak shall stand in his or her own place, address the **President presiding officer** and, upon being recognized, shall proceed, confining oneself to the question under debate, avoiding all indecorous or disrespectful language. The **President presiding officer** may recognize the member by name; but no member in debate or remarks shall designate another by name.

9. If the question in debate contains several points, any member may have the same divided. On motion to strike out and insert, it shall not be in order to move for a division of the question.

10. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition and shall not prevent a subsequent motion to simply strike out. The rejection of a motion simply to strike out shall not prevent a subsequent motion to strike out and insert.

11. No question shall be debated until it has been propounded by the **President presiding officer**. The **President presiding officer**, after calling a member to assume the chair, the mover of the question, the **chairperson chair** of the committee that reported the matter or the sponsor of the bill or resolution, in that order of preference, shall have the right to explain his or her views in preference to any other member.

12. No member shall speak more than twice upon the same question without leave of the Senate or more than once until every member choosing to speak shall have spoken, except that the mover of the question shall have the right to close the debate thereon.

13. While the **President presiding officer** is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.

## BILLS AND RESOLUTIONS

14. No Senate bill, other than a Senate supplementary appropriation bill, and no Senate joint resolution shall be introduced in the Senate after the forty-first day of a regular session unless permission to introduce the bill or the joint resolution be given by a Senate resolution, setting out the title to the bill or the joint resolution and adopted by a two-thirds vote of the ~~Senate~~ members present. When permission is requested to introduce a bill or joint resolution under the provisions of this rule, duplicate copies of the bill or the joint resolution shall accompany the resolution when introduced and all such bills or joint resolutions shall be filed electronically with the Clerk's office.

~~A standing committee~~ Standing and select committees of the Senate may originate a bill or joint resolution and report the same after the forty-first day.

The forty-first day of the regular session held in the year one thousand nine hundred seventy-seven and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years.

15. Each bill or resolution for introduction shall be presented in duplicate and electronically, bearing the name of the member or members by whom it is to be introduced, and shall be filed with the Clerk not later than twelve o'clock meridian on the legislative day next preceding its introduction: *Provided*, That the pre-filing requirement shall not apply to the first day of any session of the Legislature. A bill may be introduced by request. All bills introduced by request shall bear the words "~~by request~~" "By Request", following the designation of the name or names of the bill sponsor or sponsors.

The Clerk shall designate one copy of a bill or resolution the official copy and it shall constitute the official bill or resolution for use of committees and for the permanent files of the Senate. One copy shall be used for printing.

Each bill or resolution shall be numbered, edited and corrected as to form by the Clerk and reported by the Clerk to the Senate on the next legislative day, under the sixth order of business. In case of urgency, on motion for leave agreed to by a majority of the members present, a member may introduce a bill or resolution from the floor.

~~15a. Prior to final consideration, by any committee in the Senate, of reporting a bill to the floor, any bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, if available, which "Fiscal Note" shall conform to the requirements as to form and content prescribed by the "Fiscal Note Manual", prepared and adopted by the Committee on Rules to govern preparation of fiscal notes to bills introduced in the Senate.~~

~~It shall be the responsibility of the legislator introducing a bill to obtain such note when required. Such note shall be attached to the bill when filed for introduction, if at all possible, and shall accompany any bill requiring such note when the same is reported from committee, which shall conform to the requirements as to form and content as prescribed by the Clerk.~~

The jackets of all measures with fiscal notes attached or requiring such notes shall have the words "Fiscal Note" or the initials "FN" clearly stamped or endorsed thereon.

15b. Upon the introduction of any legislation which has a potential impact on the state's economy, the presiding officer may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including, but not limited to, West Virginia University and Marshall University, a review of the proposed legislation for purposes of preparing a "Jobs Impact Statement". Any such statement shall be based on generally accepted methodology and shall conform to the requirements as to form and content as prescribed by the Clerk.

The phrase “Jobs Impact Statement” or the initials “JS” must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. No act is void or voidable if it does not contain a “Jobs Impact Statement” even when requested.

16. All concurrent and simple resolutions when introduced shall lie on the table at least one day, and then be referred to the appropriate committee unless the Senate directs otherwise by ~~a vote~~ of a majority vote of the members present.

It is hereby declared to be the policy of the Senate that concurrent resolutions be limited to the general purposes of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

Concurrent resolutions shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Concurrent resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: *Provided*, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

~~Before any concurrent resolution is introduced, it shall be submitted to the Clerk for determination of compliance with this rule.~~

~~If the Clerk determines that it is in compliance with this rule, the concurrent resolution shall be introduced. If the Clerk determines that it is not in compliance with this rule, or if the Clerk is in doubt about its compliance, the Clerk shall submit it to the Committee on Rules for this determination, and then the concurrent resolution shall be introduced only if the Committee determines that it is in compliance with this rule.~~

17. Unless otherwise directed by the Committee on Rules all bills, resolutions or business originating in the Senate shall be considered at the appropriate order of business in the order in which they are introduced, and all bills and resolutions received from the House of Delegates shall be introduced in the order in which they are received and shall be considered at the appropriate order of business in their numerical order.

~~18. All bills and resolutions passed or adopted by and reported from the House of Delegates shall be read by their titles and referred to the appropriate committee unless the Senate directs otherwise by a vote of a majority of the members present. They shall then be proceeded with in the same manner as Senate bills or resolutions. All bills and joint resolutions introduced shall be read by their titles and referred to the appropriate committee ~~without printing~~ and shall be treated in committee as resolutions of inquiry. If the committee reports a bill or resolution different, either by amendment or substitution, from the one introduced, it shall be received and treated by the Senate as the original bill or resolution. All Senate bills and joint resolutions reported by a committee shall be printed made available, with the proposed committee amendments printed on the foot thereof, and shall be then read a first time, unless in any of the aforesaid cases the Senate directs otherwise by a ~~vote of a majority~~ vote of the members present. All bills and resolutions passed or adopted by and reported from the House of Delegates shall be read by their titles and referred to the appropriate committee unless the Senate directs otherwise by majority vote of the members present.~~

18a. Any bill, resolution or business which does not follow the procedures of Rule Nos. 17 and 18 shall remain in the possession of the ~~Senate~~ Committee on Rules.

19. All bills shall be read on three different days, unless in case of urgency, by ~~a vote of four-fifths~~ four-fifths vote of the members present, taken by yeas and nays, on each bill, this rule be dispensed with. Joint resolutions proposing amendments to the Constitution of West Virginia shall be read on three different days which readings shall not be suspended.

20. All engrossed bills shall be fully and distinctly read when put upon their passage.

21. On each reading of the bill the Clerk shall state whether it is the first, second or third reading of such bill, but no bill shall be put upon its second reading until the same shall have been ~~printed and delivered~~ made available to the members of the Senate at least one day previous to such reading, unless the Senate directs otherwise by ~~a vote of a majority~~ vote of the members present.

21a. Upon motion of any member, on any legislative day or the day preceding, the Senate may, by ~~a vote of two-thirds~~ two-thirds vote of those present, establish a period of time known as "Bill Reading Docket".

Such motion shall state each bill to be read, the time and order for such bill reading docket to commence and to conclude, and may provide for the adjournment or recess of the Senate for not more than one legislative day, during which reading of the docket no motion, except a motion to postpone the reading of the bills, by two-thirds vote of those elected, shall be heard. A quorum shall not be required during the reading of the docket. Any and all members requesting that a bill be read shall be present at all times in the Chamber during its reading.

All bills read on the bill reading docket shall be considered as having been read fully and distinctly.

22. On the first reading of a bill, a motion to reject the bill shall be in order.

23. If a committee shall have reported adversely to a bill or resolution, the President presiding officer immediately after the report of said committee is read shall put the question, “Shall the bill be rejected?” or “Shall the resolution be rejected?” which question shall have precedence over all motions, except a motion to adjourn.

24. A bill or joint resolution shall be amended only on second reading: Provided, That after the passage of a bill or adoption of a joint resolution, amendments to its title may be offered. When a bill or joint resolution is being read for amendment, it shall be read section by section on the demand of any two members. When the amendments which may be moved shall be disposed of, the question shall be taken on ordering a Senate bill or joint resolution to be engrossed and ordered to third reading and on ordering a House bill or joint resolution to third reading. If a Senate bill or joint resolution should be ordered to its engrossment and third reading, and amendments thereto have been made, ~~the type from which the bill was originally printed~~ or joint resolution shall be changed to conform to the amendments. ~~The bill shall then be reprinted and shall be become~~ the engrossed bill or joint resolution. If no amendments are made, the original bill ~~as originally printed~~ or joint resolution may be ordered to its third reading and shall become the engrossed bill or joint resolution. All Senate bills or joint resolutions so ordered shall be jacketed, endorsed with their number, title, by whom introduced, and if the bill or joint resolution is finally passed or adopted, the date of its passage or adoption and the signature of the Clerk. If a Senate bill or joint resolution should be passed or adopted by the House and returned to the Senate without amendments, or if amended, and the amendments should be agreed to, the bill or joint resolution shall be enrolled by the Clerk, ~~and~~ Enrolled Senate bills shall be delivered to the Joint Committee on Enrolled Bills. In the case of a House bill or joint resolution on second reading if the same be amended, the amendment or amendments shall be noted in full ~~in typewriting on slips of paper~~ and attached to the bill or joint resolution at the proper place by the Clerk before the bill or joint resolution is returned to the House, and all amendments shall appear in the Senate Journal.

25. When a bill or joint resolution is put upon its passage or adoption, respectively, the ~~President~~ presiding officer shall propound the question, "Shall the bill pass?" or "Shall the resolution be adopted?" On the passage or adoption, respectively, of every bill or joint resolution, the vote shall be taken by yeas and nays. ~~When the bill or joint resolution is on second reading and the question is upon striking out, the President shall propound the question, "Shall these words be stricken out?"~~

26. When a Senate bill or Senate joint resolution passed by the Senate shall be amended by the House of Delegates, the question on agreeing to the bill or joint resolution, as amended, shall be again voted on by yeas and nays in the Senate. In all such cases the affirmative ~~vote of a majority~~ vote of all the members elected to the Senate shall be necessary.

### COMMITTEES

27. At the commencement of each Legislature, the following standing committees shall be appointed, each committee to and shall consist of the number of members indicated in the parentheses following the naming name of the committee. ~~The following committees shall be named:~~

1. On Agriculture and Rural Development (11).
2. On Banking and Insurance (13).
3. On Confirmations (9).
4. On Economic Development (14).
5. On Education (14).
6. On Energy, Industry and Mining (13).
7. On Enrolled Bills (5).



8. On Finance (17).
9. On Government Organization (14).
10. On Health and Human Resources (13).
11. On Interstate Cooperation (7); ~~(the presiding officer of the Senate is to be ex officio co-chairperson).~~
12. On the Judiciary (17).
13. On Labor (11).
14. On Military (9).
15. On Natural Resources (13).
16. On Pensions (7).
17. On Rules (11); (the presiding officer of the Senate is to be ex officio chairperson chair).
18. On Transportation and Infrastructure (9).

28. All standing committees shall be appointed by the President. The President shall designate the chairperson chair of each standing committee and may also designate a vice chairperson chair of any standing committee ~~when the President may deem it advisable.~~

The chairperson chair of each standing committee of the Senate shall cause a record to be kept of every meeting of such committee, wherein shall be entered:

- (a) The time and place of each committee meeting and every hearing had before the committee.
- (b) The attendance of members of the committee at each meeting thereof.

(c) The name of any person appearing before the committee and the interest represented by him or her.

(d) The vote of each member of the committee when a ye and nay vote is taken.

Any member of such standing committee may cause a notation to be made upon the record aforesaid of the reason for his or her absence at any former meeting of the committee; and, in the absence of any such explanatory note, the presumption shall be that his or her absence was without reasonable cause.

The ~~chairperson~~ chair of each standing committee shall, upon request, make the record of any ye and nay vote taken, in open or executive session, available for public inspection no later than the next legislative day after the close of the standing committee meeting at which such ye and nay vote was taken.

The several standing committees ~~shall have leave to~~ may report by bill, resolution or otherwise bills, resolutions, amendments, or any proposed legislation proposal originating therein, as well as to report back a committee substitute substitutes for a Senate bill or resolution bills, resolutions, or otherwise other proposals, which may be referred to additional committees. A committee substitute, with the consent of the original sponsor, shall carry the name of the original sponsor. Reports of committees shall be advisory only. All committees shall submit their reports to the Senate in writing and the same shall be ~~printed~~ recorded in the Journal.

On the adjournment of each session of the Legislature, the ~~chairperson~~ chair of the respective committees shall deliver to the Clerk of the Senate the record book herein provided for, and it shall be the duty of such Clerk to preserve the same among the archives of his or her office.

29. The ~~President~~ presiding officer shall refer bills and resolutions introduced, and such other matters as the ~~President~~

presiding officer shall deem appropriate, to a standing committee or select committees.

30. Select committees shall consist of not less than three nor more than five members, unless the Senate directs otherwise by a ~~vote of~~ a majority vote of the members present.

31. The Committee on Rules shall examine the oaths taken by each member and the evidence of their election and report to the Senate.

The Committee on Rules shall report in all cases of privileges and contested elections, the principles and reasons on which their resolutions are founded.

The Committee on Rules shall see that all papers belonging to the Clerk's Office are properly labeled and filed and that the books belonging to the office are chronologically arranged.

32. All meetings of Senate standing committees, other than executive sessions, shall be open to the public, and an executive session may be held only ~~upon a~~ by majority vote of the members present.

33. When the Senate shall resolve itself into the Committee of the Whole, the ~~President~~ presiding officer shall leave the chair and appoint a ~~chairperson~~ member to preside in the committee.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The ~~rules~~ Rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable, except the rules limiting the number of times speaking, concerning the previous question and taking the yeas and nays. The proceedings in the Committee of the Whole shall not be recorded ~~on~~ in the Journal of the Senate, except so far as reported to the Senate by the ~~chairperson~~ chair of the committee.

34. Any bill, resolution or business may, by ~~a vote of the~~ majority vote of the members present, be withdrawn from the committee to which it had been referred or be taken from the table, and placed upon the calendar of the Senate in such order of business as the Senate may direct: *Provided*, That those bills, resolutions or business referred to the ~~Senate~~ Committee on Rules under authority of Rule No. 17 may by ~~a vote of two thirds~~ two-thirds vote of the members present be withdrawn from the ~~Senate~~ Committee on Rules.

### DECORUM AND DEBATE

35. If a member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the Senate, for words spoken in debate if any other member has spoken or other business has intervened after the words spoken and before the exception to them was taken.

36. While the ~~President~~ presiding officer is reporting or putting a question, no one shall entertain private discourse or walk into, out of or across the ~~Senate~~ Chamber. When a member is addressing the presiding officer, no one shall entertain private discourse or pass between the member and the presiding officer.

37. No member or other person except the Clerk and the Clerk's assistants shall visit or remain by the Clerk's table while the yeas and nays are being taken.

38. During any debate, any Senator, though he or she has spoken to the matter, may arise and speak to the orders of the Senate, if they be transgressed, in case the ~~President~~ presiding officer does not.

38a. Smoking and the use of other tobacco products shall be prohibited in the Chamber.

38b. The use of electronic devices in the Chamber shall be limited to official legislative business when at all possible and any such devices shall be muted at all times.

38c. Proper business dress attire shall be worn by all those admitted to the floor of the Chamber while the Senate is in session, which includes a coat and tie for men.

### MOTIONS

39. When a question is pending, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone the question to a different day.
5. To commit.
6. To amend.
7. To postpone indefinitely.

These several motions shall have precedence in order in which they are arranged.

40. The following motions shall be decided without debate, and shall not be amended:

1. To adjourn.
2. To fix the time to which the Senate shall adjourn.

3. To lay on the table.
4. For the previous question.
5. To suspend the constitutional rule requiring bills to be read on three different days.
6. To recess.

41. There shall be a motion for the previous question, which being ordered by a majority of the members present, shall have the effect to cut off all debate and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending a motion for, or after the previous question shall have been ordered on its passage, for the President presiding officer to entertain and submit a motion to commit with or without instructions to a standing or select committee. A motion to lay upon the table pending a motion for the previous question shall be in order only when the previous question has been moved on the second or third reading of a bill.

A call of the Senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the President presiding officer that a quorum is not present.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

#### RECONSIDERATION OF VOTE

42. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the

prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. ~~When the yeas and nays have not been recorded in the Journal, any member, irrespective of whether he or she voted with the prevailing side or not, Any member~~ may make the motion to reconsider, when the yeas and nays have not been taken. If the Senate refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table or for the previous question.

The motion to reconsider may be put and acted upon when made. If seconded, it shall take precedence of all other questions, except the consideration of a conference report and the motion to adjourn, and unless by motion postponed until some future date be acted upon at once. When a motion to reconsider is made and not acted upon at the time, it shall be placed upon the calendar, under unfinished business, and be acted upon the next succeeding day of actual session. A motion to reconsider shall not be withdrawn without leave of the Senate.

No bill, resolution, message, report, amendment or motion, upon which a motion is pending to reconsider the vote thereon, shall be taken out of the possession of the Senate until final disposition of the motion to reconsider. No motion for reconsideration of the vote on any question, which has gone out of the possession of the Senate, shall be in order unless subsequently recalled by vote of the Senate and in possession of the Clerk.

When a motion to reconsider has been ~~carried~~ adopted, its effect shall be to place before the Senate the original question in the exact position it occupied before it was voted upon.

## VOTING

43. Every member within the ~~Senate~~ Chamber, when a question is put, shall vote unless he or she is immediately and particularly

interested therein, meaning an interest that affects the member directly and not as one of a class, or the Senate excuses him or her. All motions to excuse a member from voting must be made by the member requesting to be excused before the Senate divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion to be excused from voting may briefly state the reason why it ought to be adopted.

44. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and distinctly read on three different days; ~~and on fixing~~ setting the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of ~~the State~~ West Virginia; on the passage of a bill notwithstanding the objections of the Governor; on the passage of a supplementary appropriation bill; on the passage of a Senate bill or Senate joint resolution amended by the House; on all questions where a specific vote is required by the Constitution of West Virginia, the Joint Rules of the Senate and House of Delegates, or by these rules; on the passage of a bill; and on quorum calls: *Provided*, That the yeas and nays shall be taken on demand of any member on any question unless another member objects. Upon any such objection the ~~President~~ presiding officer shall inquire of the membership if the demand for the yeas and nays is sustained. If the demand is so sustained by one tenth of the members present, the yeas and nays shall be taken, and, if the demand is not sustained by one tenth of the members present, then the yeas and nays shall not be taken.

The result of all votes taken by yeas and nays shall be ~~entered on~~ recorded in the Journal. When the yeas and nays are ~~inserted on~~ recorded in the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, with the names of the Senators voting yeas or nays, and those absent.

When the yeas and nays are ordered, or a call of the Senate is directed, the names of the members shall be called in alphabetical



order; excepting, however, the name of the President presiding officer, which shall be called last.

After completion of a roll call vote, no member shall speak to explain his or her vote. A member's vote explanation shall not be ~~printed~~ recorded in the daily Journal. A member may have his or her vote explanation ~~printed~~ recorded in the bound Journal provided the member obtains the floor and makes this request immediately following announcement of the results of the roll call vote and disposition of the matter and delivers his or her written vote explanation to the Clerk within three legislative days during the session or, if there are less than three legislative days remaining in the session, within seventy-two hours after adjournment *sine die*. The Clerk shall note on the daily Journal for the day of the roll call vote that the member has reserved the privilege of having his or her vote explanation ~~printed~~ recorded later in the bound Journal.

45. On all roll calls of the yeas and nays when the voting machine is not used, and before the result is announced, the Clerk shall at the request of any member read either the names of those who voted yea or of those who voted nay, whichever is the smaller number, and the names of those absent and not voting, if any, and shall announce that all others voted either yea or nay, whichever is the larger number. In the event of a tie vote, the Clerk shall upon such request read the names of those who voted yea and the names of those absent and not voting, if any, and shall announce that all others voted nay. At that time any member shall have the right to correct any mistake committed in enrolling his or her name. The vote then shall be announced and the count ~~entered on~~ recorded in the Journal.

45a. The voting machine may be used in taking the yeas and nays on any question. ~~It may also be used for, including~~ quorum calls ~~and for determining the result when a division is demanded.~~ When the machine is used for ~~calling the attendance roll~~ quorum calls, a member shall indicate "present" by use of the green "yea" button.

When ~~a vote is to be taken on~~ using the voting machine, the President presiding officer shall announce the question to be voted

upon and direct the Clerk to prepare the machine. ~~When the machine is ready for voting, the President~~ The presiding officer shall ~~then~~ state, "The members will now vote." After reasonable time has been given for all members to vote, the ~~President~~ presiding officer shall ask, "Have all members voted?" ~~After a brief pause, the President~~ The presiding officer shall ~~then~~ direct the Clerk to close the machine and ascertain the result. The ~~Clerk shall hand the record of the vote to the President who~~ presiding officer shall promptly announce the result. Voting shall be continuous and shall be permitted until the result thereof is announced by the ~~President~~ presiding officer: *Provided*, That any vote cast after the machine has been closed shall be stated by the ~~President~~ presiding officer as having been cast and such shall be ~~entered on~~ recorded in the Journal: *Provided, however*, That no vote may be cast after the vote has been announced.

While the members are voting and before the machine is closed, the wall display boards shall continuously display the vote of each member and the total pending vote.

Under no circumstance shall a member or nonmember vote on behalf of another member.

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine.

## MESSAGES

46. The Clerk of the Senate may interchange messages with the Clerk of the House of Delegates ~~during sessions of the Senate and between the hours of adjournment and that of meeting on the following legislative day~~ at any time.

47. Messages may be received in any stage of business except when a question is being put by the ~~President~~, the presiding officer is reporting or putting a question or while the yeas and nays are being called by the Clerk ~~or while the votes are being counted~~ taken.

48. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of its passage or rejection, with the bill or resolution shall be communicated to the House of Delegates.

### JOURNAL

49. The Journal of the Senate shall be daily ~~drawn up~~ prepared by the Clerk and shall be read, corrected and approved the succeeding day. It shall be ~~printed~~ published under the supervision of the Clerk and ~~delivered~~ made available to the members without delay. After the ~~printed~~ Journal has been approved and fully marked for corrections, ~~the type from which it was printed shall be changed in accordance therewith, and~~ regular bound volumes of the Journal from the type so corrected shall be printed ~~the number of copies required by law for the regular bound volumes of the Journal~~. In addition thereto ~~ten~~ six copies shall be printed on 6 x 9 heavy weight bond paper with a certificate at the end thereof signed by the ~~President~~ presiding officer and Clerk of the Senate certifying that the same is the Official Journal of the Senate. They shall be bound in flexible binding and bear the imprint on the back, "Official Journal of the Senate of West Virginia", with designation of regular or extraordinary session and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Division of Archives and History and one with the Clerk of the House of Delegates.

### ABSENCE OF MEMBERS

50. No member shall absent himself or herself from the service of the Senate during its sittings without leave of the Senate, except in case of his or her sickness or other unavoidable cause which may prevent his or her attendance.

### POWER OVER MEMBERS

51. No Senator shall be taken into custody by the Sergeant at Arms on any question of complaint of breach of privilege until the

matter is examined by the Committee on Rules and reported to the Senate, unless by order of the ~~President of the Senate~~ presiding officer.

52. The Senate may punish its own members for disorderly behavior; and, with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense.

### POWER OVER OTHERS

53. The Senate may punish by imprisonment; any person not a member; for disrespectful behavior in its presence; ~~;~~ ; for obstructing any of its officers in the discharge of their duties, or for any assault, threat or abuse of any member for words spoken in debate; ~~;~~ ; but such imprisonment shall not extend beyond the termination of the session.

### GUESTS AND PRIVILEGE OF THE FLOOR

54. No person except members of the House of Delegates, former members of the West Virginia Legislature who are not lobbyists, duly accredited representatives of the press, radio and television and legislative officers, ~~and~~ and ~~employees~~ and interns engaged in the proper discharge of their duties shall be admitted ~~within the Senate~~ to the floor of the Chamber while the Senate is in session. The rear or east balcony of the ~~Senate~~ Chamber shall be reserved for guests of the members of the Senate, and admission thereto shall be by pass signed by the ~~President~~ presiding officer and the member seeking admission of the guest.

### LOBBYING

55. No person, not a member of the Senate, shall, ~~while within the Chamber~~ when the Senate is in session, seek in any manner whatsoever, including electronic communications, to influence the vote or opinion of any Senator on any subject of legislative consideration, under penalty of disbarment from the Chamber for the remainder of the legislative session. No employee of the Senate

shall, at any time, engage in such activity, under penalty of immediate dismissal by the Committee on Rules.

~~56. Repealed by S. R. 16, February 1, 1978.~~

## NOMINATIONS AND CONFIRMATIONS

~~57. 56.~~ Unless the Senate directs otherwise by ~~a vote of a~~ majority vote of the members present, when nominations shall be made in writing ~~by the Governor~~ to the Senate, a future day shall be assigned for taking them into consideration and the nominations shall be referred to the Committee on Confirmations.

When considering and acting on the nominations ~~of the Governor~~, the Senate shall be in open session. The voting on each nomination shall be by yeas and nays. The result of Senate action upon any nomination ~~by the Governor~~ shall be forthwith certified ~~to the Governor~~ in a formal communication signed by the President presiding officer and attested by the Clerk.

~~57a. 57.~~ The phrase “next meeting of the Senate” contained in ~~article seven, section nine~~ Article VII, Section 9 of the Constitution of West Virginia means any time the full Senate is convened and includes, but is not limited to, any regular session, any extraordinary session called during any recess or adjournment of the Legislature, during any impeachment proceeding or any time the Senate is convened ~~pursuant to section ten-a, article one, chapter four of the code of West Virginia~~ for the purpose of electing a presiding officer.

## CONSTITUTIONAL AMENDMENT

58. When an amendment to be proposed to the Constitution of West Virginia is under consideration, the ~~vote of a~~ majority vote of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions. A proposed amendment to the Constitution of West Virginia, to be adopted, must shall be agreed to by a two-thirds vote of the members elected to the Senate.

## ADJOURNMENT

59. When the Senate adjourns each day, it shall stand adjourned to ~~2~~ 11 o'clock ~~P.M.~~ A.M. the next day, unless the Senate directs otherwise by a ~~vote of a majority~~ vote of the members present, and every member shall keep his or her seat until the ~~President~~ presiding officer leaves the chair.

## AMENDING RULES

60. All propositions to amend these standing rules or any order of the Senate shall be by resolution and be at once referred, without debate, to the Committee on Rules and shall be reported therefrom within seven legislative days. Any such resolution may be adopted by a majority vote.

## SUSPENSION OF RULES OR ORDERS

61. ~~No~~ Unless there be unanimous consent, no standing rule or order of the Senate shall be suspended except by a ~~vote of two thirds~~ two-thirds vote of ~~all~~ the members ~~of the Senate~~ present.

## PARLIAMENTARY PROCEDURE

62. In all cases not provided for by the Rules of the Senate or any adopted Joint Rules of the Senate and House of Delegates, the Senate shall be governed by *Jefferson's Manual* and *Rules of the House of Representatives of the United States Congress* and practices thereunder.

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

On motion of Senator Unger, the following amendments to the resolution (S. R. No. 1) were reported by the Clerk, considered simultaneously, and adopted:

On page six, section fifteen-b, after the word “Jobs” by inserting the words “and Wages”;

On page six, section fifteen-b, after the words “and shall conform to the requirements as to form prescribed by the Clerk” by changing the period to a colon and inserting the following proviso: *Provided*, That the Clerk shall prescribe that all Jobs and Wages Impact Statements shall include an analysis of both the jobs that are projected to be gained or lost if the legislation is adopted and any wage impact associated with the projected job changes, including wage increases or decreases in existing jobs, wages of jobs lost, wages of new jobs and the net impact on wages.;

On page six, section fifteen-b, after the words “The phrase ‘Jobs’” by inserting the words “and Wages”;

On page six, section fifteen-b, by striking out “JS” and inserting in lieu thereof “JWS”;

And,

On page six, section fifteen-b, after the words “contain a ‘Jobs’” by inserting the words “and Wages”.

The question now being on the adoption of the resolution (S. R. No. 1), as amended, the same was put and prevailed.

At the request of Senator Carmichael, and by unanimous consent, the provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to permit the Senators to have members of their families as guests during today’s session.

Senator Carmichael then offered the following resolution:

**Senate Resolution No. 2**—Raising a committee to notify the House of Delegates the Senate has assembled and completed its organization.

*Resolved by the Senate:*

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled, with a quorum present, organized by the election of the Honorable Bill Cole as President and Mr. Clark S. Barnes as Clerk, and is ready to proceed with the business of this regular session.

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

Whereupon, the President appointed as members of such committee, the following:

Senators Blair, Nohe and Williams.

Subsequently, Senator Blair reported that the committee had performed the duty assigned to it.

The first message this session from the House of Delegates, by

Delegates Deem, Storch and Rowe, announced that the House of Delegates has assembled, with a quorum present, organized by the election of the Honorable Tim Armstead as Speaker, and Mr. Steve Harrison as Clerk, and is ready to proceed with the business of this first regular session of the eighty-second Legislature.

Senator Carmichael then offered the following resolution:

**Senate Resolution No. 3**—Raising a committee to inform the Governor that the Legislature is organized.

*Resolved by the Senate:*

That a committee of three on the part of the Senate, to join with a committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that the



Legislature has assembled in regular session and organized by the election of officers as required by the Constitution and is ready, with a quorum of each house present, to proceed with the business of this session and to receive any communication or message he may desire to present.

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

Whereupon, the President appointed as members of such committee, the following:

Senators Sypolt, Walters and Plymale.

A message from the House of Delegates, by

Delegates Arvon, Hamrick and Hartman, announced that the Speaker had appointed them a committee of three to join with the similar committee on the part of the Senate under the provisions of Senate Resolution No. 3 to wait upon the Governor. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Sypolt reported that the joint Senate and House committee had performed the duty assigned to it.

Senator M. Hall offered the following resolution:

**Senate Resolution No. 4**—Relating to the mailing of bills and journals.

*Resolved by the Senate:*

That during the regular and any extraordinary session of the eighty-second Legislature the Clerk of the Senate is hereby authorized to have mailed from the Senate document room copies of

bills and daily journals of the Senate; the expenses of such mailing, including postage, to be paid out of the contingent fund of the Senate by the Auditor of West Virginia, in advance of the appropriation therefor, under requisition drawn by the Clerk of the Senate.

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

Senators Cole (Mr. President), M. Hall and Kessler offered the following resolution:

**Senate Concurrent Resolution No. 1**—Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-second Legislature.

*Resolved by the Legislature of West Virginia:*

That for the regular and any extraordinary session of the eighty-second Legislature, the Auditor of West Virginia, in advance of the appropriation for such purposes, is hereby authorized, upon proper requisition of the Clerk of the Senate and the Clerk of the House of Delegates, to pay bills for supplies and for services furnished to the Legislature preparatory to the beginning of, during and following the adjournment of sessions, including contingent expenses of the respective houses; the per diem of officers, other than the President of the Senate and the Speaker of the House of Delegates, and employees of the Senate and of the House of Delegates; travel expenses of members as authorized by law; bills for legislative printing as the accounts for same become due; and any other authorized contingent and other expenses of the Legislature or the respective houses.

At the request of Senator Carmichael, unanimous consent being granted, 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.

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

Senator Cole (Mr. President) presented a communication from the Legislative Rule-Making Review Committee, submitting its annual report, in accordance with chapter twenty-nine-a, article three, section twelve of the code of West Virginia.

Which communication and report were received and filed with the Clerk.

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:

**By Senators Cole (Mr. President), Boley, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Trump, Walters, Blair, Plymale, Kirkendoll, Stollings and Takubo:**

**Senate Bill No. 1**—A Bill to repeal §24-2F-1, §24-2F-2, §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6, §24-2F-7, §24-2F-8, §24-2F-9, §24-2F-10, §24-2F-11 and §24-2F-12 of the Code of West Virginia, 1931, as amended, all relating to the Alternative and Renewable Energy Portfolio Act.

Referred to the Committee on Energy, Industry and Mining.

**By Senators Gaunch, Carmichael, Ferns, Karnes, Maynard, Mullins, Nohe, Sypolt, Trump, Blair and Cole (Mr. President):**

**Senate Bill No. 2**—A Bill to repeal §55-7-13 and §55-7-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §55-7-13a, §55-7-

13b, §55-7-13c and §55-7-13d, all relating to predicating actions for damages upon principles of comparative fault; establishing comparative fault standard; abolishing joint liability and implementing several liability; establishing how to consider fault of nonparties; establishing how to consider fault of, and amounts paid by, settling parties; providing for use of special interrogatories; clarifying fault may be imputed to another person who was acting as an agent or servant of another; allowing assessment of a percentage of fault for failing to take reasonable precautionary measures that were available; precluding allocation of fault to a person such as a seller, distributor or installer on a strict product liability theory where that person did not contribute to the alleged defect; providing for burden of proof and limitations; and defining terms.

Referred to the Committee on the Judiciary.

**By Senators Palumbo, Leonhardt, Boley, Ferns, D. Hall, Karnes, Maynard, Nohe, Sypolt, Trump, Blair, Williams, Plymale, Kirkendoll, Stollings and Cole (Mr. President):**

**Senate Bill No. 3**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to liability of possessor of real property for harm to a trespasser.

Referred to the Committee on the Judiciary.

**By Senators Mullins, Boley, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Leonhardt, Sypolt, Blair, Kirkendoll, Stollings and Cole (Mr. President):**

**Senate Bill No. 4**—A Bill to amend and reenact §22-5-20 of the Code of West Virginia, 1931, as amended, relating to development of a state plan under Section 111(d) of the Clean Air Act; requiring the Department of Environmental Protection to study feasibility of a state plan; requiring the Department of Environmental Protection to submit report to the Legislature determining whether a state plan is feasible and, if so, recommending a proposed state plan to the Legislature; and requiring approval of the Legislature before any state plan is submitted to the United States Environmental Protection Agency.

Referred to the Committee on Energy, Industry and Mining.

**By Senators Nohe, Karnes, Sypolt, Trump, Walters, Blair, Plymale, Cole (Mr. President) and Takubo:**

**Senate Bill No. 5**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18A-3-1d and §18A-3-1e; and to amend and reenact §18A-3-2a of said code, all relating to creating a teacher corps program; providing for teacher certificates; setting forth qualifications and conditions to be met; providing for recommendation for professional certification of teacher corps teachers; requiring evaluation reports; permitting state superintendent to issue teacher corps teaching certificate; and defining terms.

Referred to the Committee on Education.

**By Senators Ferns, Boley, Carmichael, Gaunch, Leonhardt, Mullins, Nohe, Trump, Blair, Plymale, Stollings, Cole (Mr. President) and Takubo:**

**Senate Bill No. 6**—A Bill to amend and reenact §55-7B-1, §55-7B-2, §55-7B-7, §55-7B-8, §55-7B-9, §55-7B-9a, §55-7B-9c and §55-7B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §55-7B-7a and §55-7B-9d, all relating to medical professional liability; adding provisions to control the increase in the cost of liability insurance and to maintain access to affordable health care services for West Virginians; providing mechanism to increase the limitation on civil damages in medical malpractice cases to account for inflation by linking increases to the Consumer Price Index; requiring appellate courts to review de novo certain decisions made by circuit court judges; adding provisions limiting the admissibility and use of certain information; and requiring adjustment of verdicts for past medical expenses.

Referred to the Committee on the Judiciary.

**By Senators Stollings, Boley, Ferns, Gaunch, D. Hall, M. Hall, Walters, Blair, Plymale, Unger, Kirkendoll, Kessler, Facemire, Cole (Mr. President), Takubo and Williams:**

**Senate Bill No. 7**—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required course of instruction in all public schools in West Virginia; and requiring instruction in cardiopulmonary resuscitation and care for conscious choking.

Referred to the Committee on Education.

**By Senators Blair, Boley, Carmichael, Ferns, Gaunch, Karnes, Leonhardt, Maynard, Nohe, Sypolt, Trump, Walters and Cole (Mr. President):**

**Senate Bill No. 8**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6a, relating to auditing the Division of Highways.

Referred to the Committee on Government Organization.

**By Senators Stollings, Boley, Ferns, Gaunch, D. Hall, Karnes, Mullins, Nohe, Sypolt, Walters, Snyder, Trump, Blair, Williams, Kirkendoll, Kessler, Facemire, Palumbo, Cole (Mr. President) and Takubo:**

**Senate Bill No. 9**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-4C-24 and §16-4C-25; and to amend and reenact §30-1-7a of said code, all relating generally to administration of an opioid antagonist; allowing State Police, police, sheriffs and fire and emergency service personnel to possess naloxone or other approved opioid antagonist to administer in opioid drug overdoses; defining terms; providing for training; establishing training requirements for first responders who may administer opioid antagonists; establishing criteria under which a first responder may administer an opioid antagonist; granting immunity to health care providers who prescribe, dispense or distribute naloxone or other approved opioid antagonist related to a training program; granting immunity to initial responders who administer or fail to administer an opioid antagonist; providing for data gathering and reporting; allowing prescription for an opioid antagonist in certain circumstances; establishing responsibility of licensed prescribers; providing for patient, family

and caregiver education; requiring continuing education of licensed prescribers for administration of an opioid antagonist; and authorizing emergency and legislative rulemaking.

Referred to the Committee on Health and Human Resources.

**By Senators Trump, Boley, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Mullins, Nohe, Sypolt, Blair and Cole (Mr. President):**

**Senate Bill No. 10**—A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend said code by adding thereto four new sections, designated §3-5-6a, §3-5-6b, §3-5-6c and §3-5-6d; to amend and reenact §3-5-7, §3-5-13 and §3-5-13a of said code; to amend said code by adding thereto a new section, designated §3-6-2a; to amend and reenact §50-1-1 of said code; to amend and reenact §51-2-1 of said code; and to amend and reenact §51-2A-5 of said code, all relating to requiring the election of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division; providing for the timing and frequency of election; establishing ballot design and printing; requiring separation from partisan ballot; establishing filing announcement of candidacies; permitting the withdrawal of announcement of candidacies; refunding of paid filing fees; and establishing ballot content.

Referred to the Committee on the Judiciary.

**By Senators Gaunch, M. Hall, Karnes, Blair, Sypolt and Cole (Mr. President):**

**Senate Bill No. 11**—A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended, relating to disbursements from the Workers' Compensation Fund where injury is self inflicted or intentionally caused by employer and permitting recovery in private lawsuit; requiring trier of fact to find that alleged specific unsafe working condition in issue was a violation of a state or federal safety statute, rule or regulation, or of a commonly accepted and well-known safety standard within the industry or business of

the employer, that was intended to address the specific hazard(s) presented by the alleged specific unsafe work condition; requiring that trier of fact to also find that any governmental agency regulating safety practices or premises of an employer has confirmed in a written investigative report the existence of other specified facts that trier of fact must find; providing that “actual knowledge” requirement of safety statute, rule, regulation, or commonly accepted and well-known safety standard may not be presumed by its mere existence; and requiring that “actual knowledge” must be proven by employee or other person(s) entitled to recover in order that the employer’s immunity from a lawsuit is lost.

Referred to the Committee on the Judiciary.

**By Senators Carmichael, Boley, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Mullins, Sypolt, Nohe, Trump, Blair and Cole (Mr. President):**

**Senate Bill No. 12**—A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to payment of wages by employers and when final wages are required to be paid; requiring payment of wages to be by next regular payday; providing exception; providing that bonuses and fringe benefits are not covered; reducing amount of liquidated damages available; providing instance when liquidated damages are not available; clarifying that section does not address whether overtime pay is due; and authorizing payment by mail if requested by the employee.

Referred to the Committee on the Judiciary.

**By Senators Nohe, Boley, Ferns, D. Hall, Karnes, Maynard, Mullins, Sypolt, Trump, Blair, Williams and Cole (Mr. President):**

**Senate Bill No. 13**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to the liability of a possessor of real property for injuries caused by open and obvious hazards.



Referred to the Committee on the Judiciary.

**By Senators Sypolt, Walters, Blair, Cole (Mr. President) and Takubo:**

**Senate Bill No. 14**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6, §18-33-7, §18-33-8, §18-33-9, §18-33-10, §18-33-11, §18-33-12, §18-33-13, §18-33-14, §18-33-15 and §18-33-16, all relating to creating the West Virginia Public Charter Schools Act of 2015; providing purpose and intent; defining terms; establishing that charter schools are subject to certain requirements and exempt from certain requirements; providing for creation or conversion of charter schools; providing application process; providing approval for approval and denials of applications; providing for governing bodies and their duties; providing what charter school must do; providing for funding; providing for enrollment; providing for student transportation; requiring state superintendent to provide information on charter schools to the public; providing for school personnel policies; providing for termination of charter school; and providing for charter school evaluations.

Referred to the Committee on Education.

**By Senators Blair, Boley, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Nohe, Sypolt, Trump, Walters and Cole (Mr. President):**

**Senate Bill No. 15**—A Bill to amend and reenact §4-2-1, §4-2-2, §4-2-4, §4-2-8 and §4-2-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §4-2-13, all relating to the Legislative Auditor; requiring that the Legislative Auditor conduct audits of all spending units, including members of the Board of Public Works and the Legislature, within at least two years of the effective date of this section, if practicable, but no later than four years from the effective date of this section, and thereafter on a regular basis; requiring public disclosure of any and all reviews performed pursuant to this

section; and permitting the Legislative Auditor to seek the assistance of the Attorney General's Office in performing the duties set forth within this section.

Referred to the Committee on Government Organization.

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

**Senate Bill No. 16**—A Bill to amend and reenact §30-5-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-5-35, all relating to specialty drugs; defining “specialty drug”, “pharmacy benefits manager” and “pharmacy benefits management”; requiring State Board of Pharmacy to develop a list of specialty drugs; requiring pharmacy benefits managers to follow list developed by the Board of Pharmacy; providing certain pharmacies and pharmacists with the opportunity to dispense specialty drugs; and specifying reimbursement requirements for pharmacy benefits managers for specialty drugs.

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

**By Senators Stollings, Beach, Plymale, Kirkendoll, Facemire and Romano:**

**Senate Bill No. 17**—A Bill to amend and reenact §17F-1-3 of the Code of West Virginia, 1931, as amended, relating to authorization and regulation of unlicensed off-road motorcycles upon public streets, roads and highways by municipalities and counties within the Hatfield-McCoy Recreation Area.

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

**By Senators Stollings, Laird, Plymale, Kirkendoll and Kessler:**

**Senate Bill No. 18**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2 and §16-46-3, all relating to creating the

Overdose Prevention Act; stating legislative findings; defining terms; providing immunity from citation, arrest or prosecution of certain offenses for certain persons who seek appropriate medical attention upon an overdose of drugs or alcohol; prohibiting seeking appropriate medical attention from constituting violation of condition of pretrial release, probation, furlough or parole; requiring certain action from persons seeking appropriate medical attention; providing that seeking medical attention is a mitigating factor at sentencing of any offense arising from request for medical attention; allowing persons to plead guilty to certain exempted offenses if desired; providing certain exceptions to immunity for evidence found from independent source; and providing immunity to law-enforcement officers who cite or arrest a person who receives immunity under this section unless the officer acted recklessly or intentionally.

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

**By Senator Plymale:**

**Senate Bill No. 19**—A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to setting forth minimum days per week, number of instructional minutes per week and minimum instructional days per year for early childhood education programs.

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

**By Senator Stollings:**

**Senate Bill No. 20**—A Bill to amend and reenact §16-3C-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4-19 of said code, all relating to removing limitations on billing patients for HIV and sexually transmitted disease (STD) testing done by state or local public health agencies; and clarifying provisions relating to performing HIV or STD tests on person accused of sexual offense.

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

**By Senators Beach, Blair and Leonhardt:**

**Senate Bill No. 21**—A Bill to amend and reenact §30-7-15a, §30-7-15b and §30-7-15c of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-15-7, §30-15-7a, §30-15-7b and §30-15-7c of said code, all relating to expanding prescriptive authority of advanced nurse practitioners and certified nurse-midwives; removing requirement for collaborative relationships with physicians; removing certain notifications; removing minimum requirements for certain legislative rules; and permitting certain fees to be set by rule.

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

**By Senator Beach:**

**Senate Bill No. 22**—A Bill to amend and reenact §30-7-3 of the Code of West Virginia, 1931, as amended, relating to increasing membership of the Board of Examiners for Registered Professional Nurses from five to ten members; providing that nine members be registered nurses and one member a public consumer; and setting forth qualifications of those nurses who may serve.

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

**By Senator Blair:**

**Senate Bill No. 23**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60-6A-1 and §60-6A-2, all relating to requiring that bartenders be licensed by the Alcohol Beverage Control Commissioner.

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

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

**Senate Bill No. 24**—A Bill to amend and reenact §6B-1-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6B-2-5 of said code, all relating to governmental ethics; prohibiting public officials and employees from using public funds for self promotion; prohibiting knowingly and intentionally placing the names or likenesses of public officials and employees on trinkets; prohibiting knowingly and intentionally placing the names or likenesses of public officials and employees on certain publically financed advertising during an election period; and defining terms.

Referred to the Committee on the Judiciary.

**By Senators Boley and Blair:**

**Senate Bill No. 25**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-5, relating to public school curricular standards and assessments; establishing a Legislative Common Core Study Committee to study issues relating to implementation of Common Core standards and assessments in West Virginia and report to the Governor and Legislature no later than six months after the final public hearing, or on or before the first day of the 2017 Regular Session of the Legislature, whichever comes first; requiring State Board of Education to undertake a study of fiscal costs associated with implementing Common Core standards and assessments and report to the Governor and Legislature on or before the first day of the 2017 Regular Session; placing two-year moratorium on implementation of Common Core assessments; prohibiting State Board of Education from sharing personally identifiable information of students or teachers except as provided; and providing definitions.

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

**By Senators D. Hall and Karnes:**

**Senate Bill No. 26**—A Bill to amend and reenact §20-2-23a of the Code of West Virginia, 1931, as amended, relating to discontinuing the moratorium on issuance of commercial rafting licenses on a section of the New River.

Referred to the Committee on Natural Resources.

**By Senator D. Hall:**

**Senate Bill No. 27**—A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15-11 of said code; to amend and reenact §22-16-4 of said code; and to amend and reenact §22C-4-30 of said code, all relating to county solid waste disposal fees generally; raising county solid waste assessment fee to seventy-five cents; and exempting from the fee solid waste that is transported by rail to solid waste disposal facility located in a county bordering another state.

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

**By Senator D. Hall:**

**Senate Bill No. 28**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7f; to amend said code by adding thereto a new section, designated §33-15-4l; to amend said code by adding thereto a new section, designated §33-16-3x; to amend said code by adding thereto a new section, designated §33-24-7m; to amend said code by adding thereto a new section, designated §33-25-8j; and to amend said code by adding thereto a new section, designated §33-25A-8l, all relating generally to requiring health insurance coverage for nonnarcotic pain relief systems, driven by an elastomeric pump that automatically and continuously delivers local anesthetic by way of a catheter for targeted pain relief, or other similar device or method, when determined to be medically suitable treatment for pain.

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

**By Senator D. Hall:**

**Senate Bill No. 29**—A Bill to amend and reenact §3-10-7 and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to elections for vacancies in county offices; and providing that a county employee may run for a vacant county office without giving up his or her current position.

Referred to the Committee on the Judiciary.

**By Senators D. Hall, Trump, Blair, Williams and Karnes:**

**Senate Bill No. 30**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e, relating to permitting the sale of raw milk; and authorizing rulemaking.

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

**By Senator D. Hall:**

**Senate Bill No. 31**—A Bill to amend and reenact §62-1C-14 of the Code of West Virginia, 1931, as amended, relating to bailpiece; and providing that surety shall be relieved of acting collateral on the case for which bailpiece was applied.

Referred to the Committee on the Judiciary.

**By Senator D. Hall:**

**Senate Bill No. 32**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to property, casualty or surety insurance carriers; and requiring at least seventy-five percent of claims investigated and settled in West Virginia to be investigated and settled by resident West Virginia licensed adjuster.

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

**By Senator D. Hall:**

**Senate Bill No. 33**—A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating to limiting student-to-teacher ratio in preschool through twelfth grades; and adding additional pay to aides in classrooms over maximum class size.

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

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

**Senate Bill No. 34**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9o, relating to exempting sales of precious metals from sales tax under certain conditions.

Referred to the Committee on Finance.

**By Senators Leonhardt and Karnes:**

**Senate Bill No. 35**—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-6 and §61-7-6a of said code, all relating to exceptions to prohibitions against carrying one or more concealed deadly weapons and reciprocity agreements for licenses to carry concealed weapons; and providing that any law-abiding person twenty-one years of age or older may carry a concealed deadly weapon anywhere within the boundaries of the state, including on or within municipally owned or controlled buildings, recreation centers or properties, without first obtaining a license to carry concealed deadly weapons.

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

**By Senators Palumbo, Laird and Facemire:**

**Senate Bill No. 36**—A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to correcting incorrect code reference resulting from recent amendment to said code requiring certain court personnel to complete certain handgun safety and training requirements before carrying a concealed handgun.

Referred to the Committee on the Judiciary.

**By Senator Palumbo:**

**Senate Bill No. 37**—A Bill to amend and reenact §55-10-1, §55-10-2, §55-10-3, §55-10-4, §55-10-5, §55-10-6, §55-10-7 and



§55-10-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twenty-three new sections, designated §55-10-9, §55-10-10, §55-10-11, §55-10-12, §55-10-13, §55-10-14, §55-10-15, §55-10-16, §55-10-17, §55-10-18, §55-10-19, §55-10-20, §55-10-21, §55-10-22, §55-10-23, §55-10-24, §55-10-25, §55-10-26, §55-10-27, §55-10-28, §55-10-29, §55-10-30 and §55-10-31, all relating generally to arbitration; defining terms; defining notice under article; defining when article applies; proscribing effect of agreements to arbitrate and defining nonwaivable provisions; allowing for application for judicial relief under article; making agreement to arbitrate valid unless legal or equitable reason for revocation exists; providing for terms by which arbitration may continue if challenged; providing for process for motions to compel or stay arbitration; providing for provisional remedies to protect effectiveness of arbitration proceedings; providing process for initiation of arbitration; providing for consolidation of separate arbitration proceedings; providing for appointment of arbitrator and default process if not agreed by the parties; requiring neutrality of arbitrators; requiring disclosure by arbitrators of matters affecting impartiality; requiring majority of arbitrators to agree to exercise powers; providing immunity for arbitrators; requiring competency to testify; providing for attorneys' fees and costs for challenges from which arbitrators are immune; providing general process for arbitration; allowing parties to be represented by a lawyer in arbitrations; outlining procedure for witnesses, subpoenas, depositions and discovery in arbitrations; providing for judicial enforcement of preaward ruling by arbitrator; providing for record of an award and requirements for an award; allowing change of an award by arbitrator upon motion under certain conditions; providing that certain remedies and fees and costs of arbitration may be a part of arbitration award; allowing for confirmation by court of an award upon motion; providing process and grounds for vacating an award by a court; providing process and grounds for modification or correction of an award upon motion; providing that court shall enter a judgment upon confirmation of an award and may add reasonable attorneys' fees and costs; providing for jurisdiction over arbitration agreements by a court of this state; providing venue; providing that appeals may be

taken from orders related to arbitration proceedings; requiring uniform construction of act; providing that this act complies with the Electronic Signatures in Global and National Commerce Act; and providing effective date.

Referred to the Committee on the Judiciary.

**By Senator Palumbo:**

**Senate Bill No. 38**—A Bill to amend and reenact §55-7-24 of the Code of West Virginia, 1931, as amended, relating to apportionment of damages in causes of action involving tortious conduct; adopting several liability in tortious actions unless certain exceptions apply; increasing period for a motion for reallocation; removing certain limits on reallocation; and setting date after which accrual of a cause of action will use changes made to this section.

Referred to the Committee on the Judiciary.

**By Senator Beach:**

**Senate Bill No. 39**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1A-6, relating to closure and sale of Clements State Tree Nursery.

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

**By Senators Beach and D. Hall:**

**Senate Bill No. 40**—A Bill to amend and reenact §20-2-5 and §20-2-6a of the Code of West Virginia, 1931, as amended, all relating to clarifying circumstances under which a person may possess certain firearms while afield engaging in outdoor recreational activities.

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

**By Senator Beach:**

**Senate Bill No. 41**—A Bill to repeal §17-20-1 and §17-20-2 of the Code of West Virginia, 1931, as amended, relating to repealing the placing of memorial markers along highways and rights-of-way.

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

**By Senators Beach and Williams:**

**Senate Bill No. 42**—A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to allowing restaurants, private clubs and wineries to sell alcohol at 10:00 a.m. on Sundays.

Referred to the Committee on the Judiciary.

**By Senator Palumbo:**

**Senate Bill No. 43**—A Bill to amend and reenact §55-2-21 of the Code of West Virginia, 1931, as amended, relating to tolling statute of limitations in certain cases; limiting circumstances within which statute of limitations is tolled for institution of third-party complaints associated with pending civil actions; and clarifying that this section does not limit the doctrine of equitable tolling or the discovery rule.

Referred to the Committee on the Judiciary.

**By Senator Yost:**

**Senate Bill No. 44**—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Fairness in Competitive Bidding Act; and lowering threshold amount, from \$250,000 to \$100,000, for triggering a low bidder's duty to submit list of subcontractors on government contracts.

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

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

**Senate Bill No. 45**—A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended, relating to co-owner of real property becoming sole owner when he or she pays all of the property taxes on the real property for a minimum of five years.

Referred to the Committee on the Judiciary.

**By Senator Yost:**

**Senate Bill No. 46**—A Bill to amend and reenact §18A-4-8b of the Code of West Virginia, 1931, as amended, relating to county boards of education; temporary reassignment of injured or ill service personnel under specified conditions; compensation and benefits; vacancies and job postings; and expiration of reassignments.

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

**By Senators Yost, Snyder, D. Hall, Laird, Facemire and Romano:**

**Senate Bill No. 47**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-19a, relating to providing a fifty-percent discount to members of the West Virginia National Guard and the West Virginia National Guard reserve for campground rental fees in state parks.

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

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

**Senate Bill No. 48**—A Bill to amend and reenact §23-4-3b of the Code of West Virginia, 1931, as amended, relating to workers' compensation; and modifying the health care guidelines for reasonable and necessary medical treatment.

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

**By Senator Yost:**

**Senate Bill No. 49**—A Bill to amend and reenact §23-4-1g of the Code of West Virginia, 1931, as amended, relating to weighing of evidence; and providing for liberal weighing of the evidence during any part of workers' compensation claim.

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

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

**Senate Bill No. 50**—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to 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 Banking and Insurance; and then to the Committee on the Judiciary.

**By Senator Yost:**

**Senate Bill No. 51**—A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended, relating to workers' compensation benefits; and providing an award for occupational pneumoconiosis when there is a finding of no measurable pulmonary impairment.

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

**By Senator Yost:**

**Senate Bill No. 52**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-5a; to amend and reenact §15-2-10 of said code; to amend said code by adding thereto a new section, designated §18-2-23b; and to amend and reenact §18B-5-4 of said code, all relating to

requiring all uniforms purchased by the state to be used or worn by employees of the state, including State Police officers, State Board of Education employees and employees of state institutions of higher education, to be manufactured in the United States; providing effective date; and removing outdated provision.

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

**By Senators Yost, D. Hall, Miller and Nohe:**

**Senate Bill No. 53**—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting all military, National Guard and reserve income from state income taxes.

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

**By Senator Yost:**

**Senate Bill No. 54**—A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-17-7, §17-17-16 and §17-17-17 of said code, all relating to certification requirements for applicators who paint state bridges.

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

**By Senator Yost:**

**Senate Bill No. 55**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3 and §5B-2I-4, all relating to creating the Keep Jobs in West Virginia Act; requiring all work performed for the state by contractors be performed in the United States; making legislative findings; permitting the state to seek damages and void contracts for work done outside the country; and providing exceptions.

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

**By Senator Yost:**

**Senate Bill No. 56**—A Bill to amend and reenact §23-1-1 of the Code of West Virginia, 1931, as amended, relating generally to workers' compensation; acknowledging that deficit crisis is over; recognizing that West Virginia's labor force is its greatest asset and resource; stating that injured workers should receive preeminent and efficient treatment; and stating that it is the intent of the Legislature that a rule of liberal construction based on any remedial basis of workers' compensation legislation shall be applied when deciding cases.

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

**By Senator Yost:**

**Senate Bill No. 57**—A Bill to amend and reenact §23-4-6 of the Code of West Virginia, 1931, as amended, relating to classification and criteria for disability benefits.

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

**By Senator Yost:**

**Senate Bill No. 58**—A Bill to amend and reenact §23-4-3 of the Code of West Virginia, 1931, as amended, relating generally to workers' compensation benefits; providing quick and efficient delivery of medical benefits to injured workers; providing for medical treatment that is reasonably and causally related to injury; ensuring that treating doctor's opinion is not superseded by guidelines; and allowing for diagnosis updates based on diagnostic testing that is consistent with legislative intent set forth in said code.

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

**By Senators Yost and Miller:**

**Senate Bill No. 59**—A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to crashes involving death or personal injuries; creating crime of knowingly leaving scene of a crash resulting in serious bodily injury; establishing presumption of knowledge based upon crash conditions; and providing criminal penalties of fine and imprisonment.

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

**By Senators Williams and Sypolt:**

**Senate Bill No. 60**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-25, relating to food handler examinations and cards; requiring accredited food safety certification program; requiring food handler card within thirty days of being hired; and establishing that cards are valid for three years and in all counties.

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

**By Senator Walters:**

**Senate Bill No. 61**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1F-10, relating to creating and funding establishment of facility that studies and creates solutions to separate individual chemicals out of water; and providing funding from Legislature's Tax Reduction and Federal Funding Increased Compliance Fund.

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



**By Senators Unger and Miller:**

**Senate Bill No. 62**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-36, relating to State Board of Education; requiring professional development opportunities for dyslexia and other reading disabilities; and requiring certain school personnel annually complete two hours of that training.

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

**By Senators Stollings and Kirkendoll:**

**Senate Bill No. 63**—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 owned and occupied by those officials or upon renovation will be owned and occupied by those officials.

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

**By Senators Stollings, Plymale and Kirkendoll:**

**Senate Bill No. 64**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2D-5d, relating to creating exemption from moratorium on skilled nursing beds for speciality skilled nursing beds; defining terms; and setting forth limitations.

Referred to the Committee on Health and Human Resources.

**By Senators M. Hall and Karnes:**

**Senate Bill No. 65**—A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing an additional circuit court judge for the fifth judicial circuit consisting of Mason, Jackson, Roane and Calhoun counties.

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

**By Senator Stollings:**

**Senate Bill No. 66**—A Bill to amend and reenact §60A-3-301 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60A-3-301a, all relating to setting registration fees for manufacture, distribution, dispensing and conducting research of controlled substances; and providing certain boards with rule-making authority.

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

**By Senator Stollings:**

**Senate Bill No. 67**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto six new sections, designated §48-14-1101, §48-14-1102, §48-14-1103, §48-14-1104, §48-14-1105 and §48-14-1106, all relating to establishing a child support insurance match program that will assist the Bureau for Child Support Enforcement in determining whether a claimant has a child support obligation; requiring certain insurance companies to notify the bureau of nonrecurring insurance settlements; providing exemptions; setting forth additional information insurance companies must provide; setting forth the bureau's and the insurance companies' respective obligations; requiring health insurance companies to participate in data-matching program with the bureau to assist in determining availability of sources of health care insurance or coverage for beneficiaries of the child support program; setting forth what information is to be supplied by insurance companies and providing exceptions; exempting insurance companies from liability for providing requested information; granting the bureau enforcement responsibilities; establishing monetary penalties; and authorizing rulemaking.

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

**By Senators Unger, Laird, Miller and Kirkendoll:**

**Senate Bill No. 68**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4 and §16-46-5, all relating to the Healthy Children and Healthy Communities Act; providing short title; providing legislative findings and purpose; defining terms; permitting Bureau for Public Health to consult with Division of Highways and municipal governments; providing options and opportunities for development of healthy communities; encouraging physical activity and physical education; and requiring that governmental entities consider collaborative agreements and submit reports.

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

**By Senators Unger, Laird, Miller and Kirkendoll:**

**Senate Bill No. 69**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-36, relating to the State Board of Education; requiring county boards of education to screen for dyslexia and other reading disabilities; requiring the Department of Education to provide information on screening instruments; and providing for assessment and intervention.

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

**By Senators Williams and Sypolt:**

**Senate Bill No. 70**—A Bill to amend and reenact §51-2A-3 of the Code of West Virginia, 1931, as amended, relating to courts and their officers; family courts; and adding one family court judge to the twenty-third family court circuit.

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

**By Senators Williams, Beach, Laird and Miller:**

**Senate Bill No. 71**—A Bill to amend and reenact §3-6-4a of the Code of West Virginia, 1931, as amended, relating to elections; requiring write-in candidates for public office to pay filing fee for office sought; and providing for distribution of fee in same manner as other candidates.

Referred to the Committee on the Judiciary.

**By Senator Yost:**

**Senate Bill No. 72**—A Bill to amend and reenact §22A-1A-1 of the Code of West Virginia, 1931, as amended, relating to employers' substance abuse screening policies and programs for safety-sensitive positions in mining operations; and providing for certificate suspension and revocation proceedings when certified individual is denied employment, withdraws application for employment, is discharged or resigns for violation of employer's substance abuse screening policy and program.

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

**By Senator Yost:**

**Senate Bill No. 73**—A Bill to amend and reenact §18A-2-13 of the Code of West Virginia, 1931, as amended, relating to establishing cook-meal ratios for full-day and half-day cooks in schools.

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

**By Senator Yost:**

**Senate Bill No. 74**—A Bill to amend and reenact §23-4-1c of the Code of West Virginia, 1931, as amended, relating to workers' compensation; requiring covered employee to be paid maximum temporary total disability benefits for lost time without penalty to employee; and eliminating any offset to employers for employees who have a wage replacement plan.

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

**By Senators Yost, D. Hall, Miller, Facemire and Romano:**

**Senate Bill No. 75**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-11b; to amend said code by adding thereto a new section, designated §11-12-87; to amend and reenact §29-3-23 and §29-3-24 of said code; and to amend and reenact §61-3E-1 of said code, all relating to legalizing and regulating sale and use of fireworks; creating the West Virginia Veterans Program Fund; imposing ten-percent fee for sale of fireworks; and using proceeds of that fee to fund the Veterans Program Fund.

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

**By Senator Yost:**

**Senate Bill No. 76**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to the creation of Equal Pay Coordinator within the Division of Personnel to ensure pay equity among state employees; making legislative findings; setting forth qualifications for position; providing powers and duties of coordinator; providing for development of strategic plan to ensure pay equity in state government; authorizing other agencies to share necessary information with coordinator; requiring reports; and providing rule-making authority.

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

**By Senator Yost:**

**Senate Bill No. 77**—A Bill to amend and reenact §20-2-42c of the Code of West Virginia, 1931, as amended, relating to allowing members of the West Virginia National Guard or its reserve to obtain free hunting and fishing licenses while serving in the West

Virginia National Guard or its reserve and, upon full retirement, licenses for life.

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

**By Senator Yost:**

**Senate Bill No. 78**—A Bill to amend and reenact §48-23-601 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-23-602, all relating to compiling and making available nonidentifying social and medical histories of birth parents prior to an adoption.

Referred to the Committee on the Judiciary.

**By Senator Yost:**

**Senate Bill No. 79**—A Bill to amend and reenact §20-2-42c of the Code of West Virginia, 1931, as amended, relating to allowing members of the West Virginia National Guard or its reserve to obtain Class C hunting and fishing licenses for a one-time fee while serving in the West Virginia National Guard or its reserve and all veterans of the armed forces with an honorable discharge or full retirement to obtain license for life upon full retirement or honorable discharge.

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

**By Senator Yost:**

**Senate Bill No. 80**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-6A-1, §29-6A-2, §29-6A-3, §29-6A-4, §29-6A-5, §29-6A-6, §29-6A-7, §29-6A-8, §29-6A-9, §29-6A-10, §29-6A-11, §29-6A-12, §29-6A-13, §29-6A-14, §29-6A-15, §29-6A-16, §29-6A-17, §29-6A-18, §29-6A-19, §29-6A-20, §29-6A-21, §29-6A-22, §29-6A-23 and §29-6A-24, all relating to promoting orderly and constructive employment relations between the state and its

employees; increasing efficiency of the state; ensuring health and safety of citizens of this state; requiring state to recognize, negotiate and bargain with employee organizations representing state employees and to enter into written agreements evidencing result of bargaining; and encouraging labor peace through establishment of standards and procedures which protect the rights of the state, the state's employees and citizens of this state.

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

**By Senators Plymale and Beach:**

**Senate Bill No. 81**—A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing penalty for illegally transporting Schedule I and II narcotic controlled substances into the state by making penalty a determinate sentence of not more than fifteen years; and exempting from coverage of statute certain methamphetamine precursors.

Referred to the Committee on the Judiciary.

**By Senators Plymale and D. Hall:**

**Senate Bill No. 82**—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia Secondary School Activities Commission to promulgate rules that allow college preparatory team to elect to be recognized as a member; and setting forth provisions rule shall include.

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

**By Senator Stollings:**

**Senate Bill No. 83**—A Bill to amend and reenact §30-6-8, §30-6-10 and §30-6-17 of the Code of West Virginia, 1931, as amended, all relating to funeral service and embalming licenses; modifying educational requirements; prohibiting funeral director

who is currently on probation or other disciplinary action from supervising an apprentice during period of disciplinary action; and extending certain time frames.

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

**By Senators Stollings and Plymale:**

**Senate Bill No. 84**—A Bill to amend and reenact §33-46-2 and §33-46-18 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §33-46-21, §33-46-22, §33-46-23 and §33-46-24, all relating to regulation of pharmacy benefits managers; defining terms; providing that pharmacy benefits managers conducting audits for public health programs are not exempt from pharmacy audit restrictions; imposing restrictions upon audits conducted by pharmacy benefits managers; providing internal review process applicable to disputed findings of pharmacy benefits manager upon audit; requiring pharmacy benefits managers to provide notice to purchasers, pharmacists and pharmacies of information relating to maximum allowable costs; and requiring pharmacy benefits managers to provide a process relating to the appropriate use of maximum allowable cost pricing.

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

**By Senators Yost, Beach, D. Hall, Laird, Facemire and Romano:**

**Senate Bill No. 85**—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; and increasing adjustments to gross income for military, National Guard and reserve retirement income of resident individuals.

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



**By Senators Unger and Beach:**

**Senate Bill No. 86**—A Bill to amend and reenact §19-33-1 and §19-33-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-33-6, all relating to equine facilities; defining a term; establishing standards for equine boarding facilities and contracts; and requiring rulemaking for equine facilities.

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

**By Senator Plymale:**

**Senate Bill No. 87**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-13-1, §17A-13-2, §17A-13-3, §17A-13-4 and §17A-13-5, all relating generally to standards for conversion and retrofits of alternative-fuel motor vehicles; defining key terms for standards; setting forth conversion and retrofit standards for conversion of diesel and gasoline vehicles to alternative fuels; and setting forth training requirements for facilities converting and retrofitting vehicles to be capable of running on compressed natural gas.

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

**By Senators Stollings and Plymale:**

**Senate Bill No. 88**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4, §16-46-5, §16-46-6, §16-46-7, §16-46-8 and §16-46-9, all relating to requiring background checks for individuals who have direct access to residents, members or beneficiaries of covered providers participating in the West Virginia Clearance for Access: Registry and Employment Screening program; defining terms; requiring the Secretary of the Department of Health and Human Resources to develop a plan and a program for conducting background checks; requiring centralized database to maintain criminal history record

information and results; establishing prescreening process conducted by covered providers; requiring applicants to provide fingerprints and undergo criminal background check; establishing procedures and criteria for obtaining and reviewing criminal history record information; establishing criteria for approving applicants as covered individuals; authorizing contractors and fees; creating special revenue account for administrative fees; providing for protests of the secretary's decisions and permitting variances; creating exceptions; authorizing legislative rules; providing monetary penalties; and providing civil and criminal immunity.

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

**By Senators Laird and Miller:**

**Senate Bill No. 89**—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-4-6 of said code, all relating to providing that the salary of the Executive Director of the West Virginia Prosecuting Attorneys Institute shall be established by the executive council of the institute, with a minimum salary of \$70,000.

Referred to the Committee on Finance.

**By Senators Laird, Snyder, D. Hall, Unger, Facemire and Romano:**

**Senate Bill No. 90**—A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to development of corporate sponsorships for state parks and recreational areas managed by the parks and recreation section.

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

**By Senators Laird, Miller, Stollings, Facemire and Romano:**

**Senate Bill No. 91**—A Bill to amend and reenact §17B-3-3c and §17B-3-9 of the Code of West Virginia, 1931, as amended; and to

amend said code by adding thereto a new section, designated §17B-3-9a, all relating to creating amnesty program for certain persons with suspended licenses to allow reinstatement; establishing time period and certain procedures for amnesty program; creating exceptions to amnesty period; making certain technical corrections; requiring certain tickets amnestied remain listed as unsatisfied on court records; requiring certain suspension or revocation time remaining be waived in certain situations; requiring public awareness campaign regarding amnesty program; and providing for rule-making authority.

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

**By Senators Laird, Snyder, D. Hall, Sypolt, Plymale, Unger and Miller:**

**Senate Bill No. 92**—A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing increase in compensation for natural resources police officers.

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

**By Senators Laird, Beach, D. Hall, Unger, Miller, Stollings, Facemire and Romano:**

**Senate Bill No. 93**—A Bill to amend and reenact §48-9-103 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-10-403 and §48-10-502 of said code, all relating to grandparent's rights; permitting grandparent or psychological parent to institute action for custodial or decision-making responsibility of a child; allowing guardian ad litem to recommend psychological evaluation; increasing importance of the factor considering grandparent's significant caretaking of the child; and minimizing parent's bias toward a grandparent as a factor in visitation.

Referred to the Committee on the Judiciary.

**By Senators Laird, Miller, Stollings, Facemire and Romano:**

**Senate Bill No. 94**—A Bill to repeal §17B-3-3c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17B-3-14; and to amend and reenact §17B-4-3 of said code, all relating to suspension or revocation of driver's licenses; making legislative findings; establishing driver's license restoration program; waiving certain reinstatement requirements to restore driving privileges; reducing period for suspension upon receipt of notice of driving while suspended for offenses other than driving under the influence; and granting rule-making authority.

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

**By Senators Laird, Beach, Stollings, Facemire, Romano and Nohe:**

**Senate Bill No. 95**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to creating a West Virginia personal income tax modification reducing federal adjusted gross income for persons who choose to spay or neuter their dogs or cats.

Referred to the Committee on Finance.

**By Senator Laird:**

**Senate Bill No. 96**—A Bill to amend and reenact §29A-5-1 of the Code of West Virginia, 1931, as amended, relating to providing that hearing examiners conducting state agency administrative hearings be selected from a panel of five hearing examiners by a process in which the state agency first strikes two hearing examiners and the respondent subsequently strikes two hearing examiners; and making stylistic changes.

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

**By Senator Laird:**

**Senate Bill No. 97**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8a, relating to air-ambulance fees paid by the West Virginia Public Employees Insurance Agency; and establishing maximum amount permitted to be collected.

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

**By Senator Carmichael:**

**Senate Bill No. 98**—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, §11-28-3, §11-28-4, §11-28-5 and §11-28-6, all relating to creating the Tax Revenue Act of 2015; increasing taxes on tobacco, beer, wine and liquor; providing for assessment of business machinery and equipment to be assessed at salvage value; establishing special account for the increased revenue; providing that the first \$1 million received from increases be directed to the West Virginia Department of Agriculture to assist farmers with tobacco crop replacement programs; and permitting counties to make application for distribution of an amount equal to the 2014 revenue received by the county from personal property tax on business machinery and equipment.

Referred to the Committee on Finance.

**By Senators Carmichael, D. Hall and Blair:**

**Senate Bill No. 99**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-1B-1, §4-1B-2 and §4-1B-3; to amend said code by adding thereto a new section, designated §9-3-6; and to amend said code by adding thereto a new section, designated §21A-6-18, all relating to mandatory drug testing and treatment for members of the Legislature; and implementing random drug testing for recipients of federal, state, state assistance or unemployment compensation benefits.

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

**By Senators Carmichael, Blair and Mullins:**

**Senate Bill No. 100**—A Bill to amend and reenact §21-5A-5 of the Code of West Virginia, 1931, as amended, relating to establishing prevailing hourly rates are to be used in connection with construction of public improvements; and providing for review and appeal.

Referred to the Committee on the Judiciary.

**By Senators Carmichael and Gaunch:**

**Senate Bill No. 101**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to limiting amount of punitive damages recoverable in personal injury or wrongful death action.

Referred to the Committee on the Judiciary.

**By Senator Carmichael:**

**Senate Bill No. 102**—A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to extending period that wages must be paid after termination.

Referred to the Committee on the Judiciary.

**By Senators Carmichael and Mullins:**

**Senate Bill No. 103**—A Bill to repeal §55-7-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §55-7-13a, §55-7-13b and §55-7-13c, all relating to comparative fault; abolishing joint liability; providing that damages be allocated to defendant held liable in direct proportion to that defendant's percentage of fault; providing for method of assessing fault of parties; providing exceptions; providing for severability; and defining terms.

Referred to the Committee on the Judiciary.

**By Senator Carmichael:**

**Senate Bill No. 104**—A Bill to amend and reenact §55-7-24 of the Code of West Virginia, 1931, as amended, relating to increasing threshold of defendant's liability in tort action involving more than one defendant, from thirty percent at fault or less to sixty percent at fault or less, to qualify for several liability and not joint and several liability.

Referred to the Committee on the Judiciary.

**By Senators Carmichael and Karnes:**

**Senate Bill No. 105**—A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to disqualification for unemployment benefits; and providing that an individual shall be disqualified for benefits for any week, or portion of a week, in which he or she did not work as a result of a strike.

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

**By Senator Carmichael:**

**Senate Bill No. 106**—A Bill to amend and reenact §16-13-18 of the Code of West Virginia, 1931, as amended, relating to supervision of works by a sanitary board; and providing that if a professional engineer is under contract for a project, an engineer is not required to serve on the sanitary board.

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

**By Senator Carmichael:**

**Senate Bill No. 107**—A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers of warranties with respect to goods which are the subject of or are intended to become the subject of a consumer transaction; prohibition against exclusion, modification or limitation of any warranty or remedy; waiver of warranty on used motor vehicle as to

particular defect or malfunction which dealer has disclosed; conditions permitting as-is sale of used motor vehicle; conspicuous disclosure of as-is sale; as-is sale does not waive express warranties made by dealer; and dealer to conform to federal regulations.

Referred to the Committee on the Judiciary.

**By Senator Carmichael:**

**Senate Bill No. 108**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, §55-19-7, §55-19-8, §55-19-9, §55-19-10, §55-19-11 and §55-19-12, all relating to actions and suits; creating loser-pays civil justice system; providing for recovery of attorney's fees by prevailing party and applicability to causes of action and parties; procedure for recovery of attorney's fees; rebuttable presumption; election by plaintiff and defendant; revocation of election; dismissal or nonsuit of action; award of litigation costs; liability of attorney; and when this article controls over any other law relating to the award of attorney's fees or other costs of litigation in connection with civil action.

Referred to the Committee on the Judiciary.

**By Senators Blair and Leonhardt:**

**Senate Bill No. 109**—A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended, relating to exempting certain veterans' organizations and active duty United States military organizations from local health boards' rules restricting indoor smoking.

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

**By Senator D. Hall:**

**Senate Bill No. 110**—A Bill to repeal §11-12-86 of the Code of West Virginia, 1931, as amended; to repeal §29-3-23, §29-3-24,



§29-3-25 and §29-3-26 of said code; to amend said code by adding thereto a new article, designated §29-3E-1, §29-3E-2, §29-3E-3, §29-3E-4, §29-3E-5, §29-3E-6, §29-3E-7, §29-3E-8, §29-3E-9, §29-3E-10, §29-3E-11, §29-3E-12 and §29-3E-13; and to amend and reenact §61-3E-1 and §61-3E-11 of said code, all relating to regulation of fireworks; defining terms; setting forth State Fire Marshal's authority; requiring registration, certification or permit; establishing requirements for registration, certification and permit; establishing special revenue account; setting forth State Fire Marshal's rule-making authority; providing authority to investigate complaints; and providing criminal penalties.

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

**By Senator Plymale:**

**Senate Bill No. 111**—A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, all relating to allocation of certain amount of net terminal income from racetrack video lottery currently distributed to the Development Office Promotion Fund to the Cultural Facilities and Capitol Resources Matching Grant Program Fund; and making technical changes.

Referred to the Committee on Finance.

**By Senator Laird:**

**Senate Bill No. 112**—A Bill to amend and reenact §18B-19-6 and §18B-19-7 of the Code of West Virginia, 1931, as amended, all relating generally to higher education capital spending projects; requiring a legislative rule be promulgated that establishes level of capital project of higher education institution, other than Marshall University and West Virginia University, before it must be approved; requiring rule to delineate between repair projects and new construction; requiring rule to provide for annual increases that are consistent with increases in consumer price index; and providing that institutions that have entered into construction contracts

averaging less than \$20 million over the most recent rolling five-year period and capital projects exceeding \$1 million for community and technical colleges be monitored instead of managed.

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

**By Senator Laird:**

**Senate Bill No. 113**—A Bill to amend and reenact §10-1-2 of the Code of West Virginia, 1931, as amended, relating to permitting counties to impose additional levy on property within the county for the sole purpose of funding public libraries.

Referred to the Committee on the Judiciary.

**By Senators Laird, D. Hall and Miller:**

**Senate Bill No. 114**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-14-3a, relating to requiring municipal law-enforcement officers to wear certain armor vests when feasible; and requiring municipal police chiefs to create policy regarding mandatory use of certain armor vests.

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

**By Senators Miller, Snyder and D. Hall:**

**Senate Bill No. 115**—A Bill to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended, relating to providing a \$2,008 increase in the annual salary of employees of the Division of Corrections.

Referred to the Committee on Finance.

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

**Senate Bill No. 116**—A Bill to amend and reenact §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6 and §24-2F-10 of the Code of West

Virginia, 1931, as amended, all relating to alternative and renewable energy portfolio standards; defining terms; establishing standards for sale of electricity generated from solar renewable energy resources; providing for compliance assessments; creating system of tradable solar renewable energy resource credits; providing for awarding of solar renewable energy resource credits based upon electricity generated or purchased from solar renewable energy resource facilities; and establishing a distributed solar renewable energy requirement.

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

**By Senators Miller, Palumbo, Beach, Plymale and Unger:**

**Senate Bill No. 117**—A Bill to amend and reenact §17C-5-2 and §17C-5-2b of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-5A-1, §17C-5A-2 and §17C-5A-3 of said code, all relating to making it a felony to drive a vehicle while under the influence of alcohol, controlled substance or other drug and cause death or serious bodily injury to another person; eliminating misdemeanor offense of driving a vehicle while under the influence of alcohol, controlled substance or other drug and causing death; amending internal code references; and establishing criminal and administrative penalties.

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

**By Senators Beach, D. Hall, Williams, Facemire and Romano:**

**Senate Bill No. 118**—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds if vehicles are locked and weapons are out of normal view.

Referred to the Committee on the Judiciary.

**By Senator Yost:**

**Senate Bill No. 119**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-15B-1, §8-15B-2, §8-15B-3, §8-15B-4 and §8-15B-5, all relating to meeting and conference rights for members of police or fire departments employed by political subdivisions; providing for right of these members to self organization; allowing designation of exclusive representative agent; imposing duty to meet and confer with employees; allowing deduction of employee organization dues and assessments; providing for compulsory arbitration of disputes; listing prohibited acts; allowing hearings before Civil Service Commission; providing judicial review; specifying powers and duties of Civil Service Commission; and allowing injunctive relief.

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

**By Senators Stollings and Plymale:**

**Senate Bill No. 120**—A Bill to repeal §9-2-1a, §9-2-6a, §9-2-9b, §9-2-9c and §9-2-12a of the Code of West Virginia, 1931, as amended; to repeal §9-4C-2, §9-4C-3, §9-4C-4, §9-4C-5, §9-4C-6, §9-4C-7, §9-4C-8, §9-4C-9, §9-4C-10 and §9-4C-11 of said code; to repeal §9-5-8a, §9-5-11a, §9-5-11b, §9-5-11c and §9-5-16a of said code; to repeal §9-6-7, §9-6-8, §9-6-9, §9-6-10, §9-6-11, §9-6-12, §9-6-13 and §9-6-14 of said code; to repeal §9-7-3a, §9-7-5a and §9-7-6a of said code; to amend and reenact §9-1-1 and §9-1-2 of said code; to amend said code by adding thereto two new sections, designated §9-1-3 and §9-1-4; to amend and reenact §9-2-1, §9-2-4, §9-2-5, §9-2-7, §9-2-8, §9-2-9, §9-2-10, §9-2-11 and §9-2-12 of said code; to amend said code by adding thereto three new sections, designated §9-2-13, §9-2-14 and §9-2-15; to amend and reenact §9-3-1, §9-3-2, §9-3-3, §9-3-4 and §9-3-5 of said code; to amend and reenact §9-4-1, §9-4-2, §9-4-3 and §9-4-4 of said code; to amend said code by adding thereto nine new sections, designated §9-4-5, §9-4-6, §9-4-7, §9-4-8, §9-4-9, §9-4-10, §9-4-11, §9-4-12 and §9-4-13; to amend and reenact §9-4A-1, §9-4A-2 and §9-4A-4 of said code; to amend said code by adding thereto two new

sections, designated §9-4A-3 and §9-4A-5; to amend and reenact §9-4B-1, §9-4B-2, §9-4B-3, §9-4B-4 and §9-4B-7 of said code; to amend said code by adding thereto three new sections, designated §9-4B-5, §9-4B-6 and §9-4B-8; to amend and reenact §9-4C-1 of said code; to amend and reenact §9-4D-1, §9-4D-2, §9-4D-3, §9-4D-4, §9-4D-5, §9-4D-6, §9-4D-7, §9-4D-8 and §9-4D-9 of said code; to amend said code by adding thereto a new section, designated §9-4D-10; to amend and reenact §9-4E-1, §9-4E-2 and §9-4E-3 of said code; to amend said code by adding thereto nine new sections, designated §9-4E-4, §9-4E-5, §9-4E-6, §9-4E-7, §9-4E-8, §9-4E-9, §9-4E-10, §9-4E-11 and §9-4E-12; to amend and reenact §9-5-1, §9-5-2, §9-5-3, §9-5-4, §9-5-5, §9-5-6, §9-5-7, §9-5-8, §9-5-9, §9-5-10, §9-5-11, §9-5-12, §9-5-13, §9-5-14, §9-5-15, §9-5-16, §9-5-17, §9-5-18, §9-5-19, §9-5-20 and §9-5-21 of said code; to amend said code by adding thereto a new section, designated §9-5-24; to amend and reenact §9-6-1, §9-6-2, §9-6-3, §9-6-4, §9-6-5 and §9-6-6 of said code; to amend and reenact §9-7-1, §9-7-2, §9-7-3, §9-7-4, §9-7-5, §9-7-6, §9-7-7, §9-7-8 and §9-7-9 of said code; and to amend said code by adding thereto seven new sections, designated §9-7-10, §9-7-11, §9-7-12, §9-7-13, §9-7-14, §9-7-15 and §9-7-16, all relating to the Department of Health and Human Resources.

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

**By Senators Snyder, Miller, Williams, Facemire and Romano:**

**Senate Bill No. 121**—A Bill to amend and reenact §19-21A-4a of the Code of West Virginia, 1931, as amended, relating to administration of the West Virginia Conservation Agency programs; providing that conservation district supervisors have their applications to participate in West Virginia Conservation Agency financial assistance programs evaluated and approved or rejected by the West Virginia Conservation Agency; prohibiting conservation district supervisor from voting for authorization, approval or ratification of a contract in which he or she or an

immediate family member is beneficially interested; and requiring the State Conservation Committee to propose rules for legislative approval.

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

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

**Senate Bill No. 122**—A Bill to amend and reenact §5A-3-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6-13-1 of said code, all relating to disabled veteran's preference eligibility in hiring for state civil service jobs; resident vendor bidding on state contracts; and redefining "disabled veteran" to meet federal definition.

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

**By Senators Snyder, Blair and Romano:**

**Senate Bill No. 123**—A Bill to amend and reenact §47-11A-8 of the Code of West Virginia, 1931, as amended, relating to unfair trade practices; and adding motor fuel to the list of products exempted from unfair trade practices.

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

**By Senator Snyder:**

**Senate Bill No. 124**—A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to redistributing an existing excise tax paid upon transfer of real property so that tax is paid to the county where the property is situate instead of to the state; providing this be accomplished incrementally over five-year period; requiring counties to dedicate excise tax to support regional jails; and making stylistic changes.

Referred to the Committee on Finance.

**By Senators Kessler, Beach and Snyder:**

**Senate Bill No. 125**—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; and defining “sexual orientation”.

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

**By Senator Beach:**

**Senate Bill No. 126**—A Bill to repeal §30-21-7a, §30-21-7b, §30-21-7c, §30-21-7d, §30-21-7e, §30-21-8a and §30-21-10a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-21-1, §30-21-2, §30-21-3, §30-21-4, §30-21-5, §30-21-6, §30-21-7, §30-21-8, §30-21-9, §30-21-10, §30-21-11, §30-21-12, §30-21-13, §30-21-14 and §30-21-17 of said code; and to amend said code by adding thereto twelve new sections, designated §30-21-16, §30-21-18, §30-21-19, §30-21-20, §30-21-21, §30-21-22, §30-21-23, §30-21-24, §30-21-25, §30-21-26, §30-21-27 and §30-21-28, all relating to the practice of psychology; prohibiting practice of psychology without a license; providing other applicable sections; defining terms; continuing and renaming board; providing for board composition, appointments, qualifications, terms of office, filling of vacancies and holding meetings; providing for compensation and reimbursement for board members; setting forth powers and duties of the board; clarifying rule-making authority; continuing special revenue account; establishing license and certification requirements; setting forth scopes of practices; providing for licensure for persons licensed in another state; establishing renewal requirements; establishing delinquent, expired and inactive license requirements; providing temporary permit requirements; requiring license to be displayed; providing for privileged communications and exceptions; providing board may issue notices to cease and desist; providing that circuit courts may issue injunctions; setting forth grounds for disciplinary actions;

allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; and providing for criminal penalties.

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

**By Senator Carmichael:**

**Senate Bill No. 127**—A Bill to amend and reenact §11-10-14a of the Code of West Virginia, 1931, as amended, relating to including on the state personal income tax return a checkoff option to donate some or all of any tax refund to the Cedar Lakes Foundation Checkoff Program.

Referred to the Committee on Finance.

**By Senator Yost:**

**Senate Bill No. 128**—A Bill to amend and reenact §61-8A-1, §61-8A-2, §61-8A-3, §61-8A-4 and §61-8A-5 of the Code of West Virginia, 1931, as amended, all relating generally to prohibition on preparation, distribution or exhibition of harmful matter to minors; revising definition of “obscene matter” to contain specific matter that is harmful to minors; and revising article to reflect definition change.

Referred to the Committee on the Judiciary.

**By Senators Carmichael, Gaunch, Blair, Leonhardt, Karnes and Mullins:**

**Senate Bill No. 129**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §51-1B-1, §51-1B-2, §51-1B-3, §51-1B-4, §51-1B-5, §51-1B-6, §51-1B-7, §51-1B-8, §51-1B-9 and §51-1B-10, all relating to authorizing a new court to be known as the Intermediate Court of Appeals; setting forth who may serve on court and how judges are



selected; providing that judges may not receive additional compensation; setting forth court's jurisdictional authority; providing that Supreme Court of Appeals controls its pleading, practice, procedure, scheduling of terms and adjournment; authorizing hiring of a clerk of the court and other employees; setting forth duties of clerk; providing that court's budget be part of Supreme Court of Appeals' budget; and permitting appeals to Supreme Court of Appeals.

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

**By Senators Miller and Beach:**

**Senate Bill No. 130**—A Bill to amend and reenact §11-13Z-1 and §11-13Z-3 of the Code of West Virginia, 1931, as amended, all relating to residential solar energy tax credits; applying credit to residential installation of solar energy system or systems; and extending tax credit until July 1, 2022.

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

**By Senators Miller, Snyder, Romano and Facemire:**

**Senate Bill No. 131**—A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-6-2 of said code, all relating to compensation and expenses for attorneys appointed by circuit courts in child abuse and neglect proceedings.

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

**By Senators Miller and Beach:**

**Senate Bill No. 132**—A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to requirements for employment of nurses in public schools; changing student-school nurse staffing ratio; expanding its coverage to all

grades; and eliminating county's ability to obtain contract services for nursing.

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

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

**Senate Bill No. 133**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9A-4, relating to funding of civil legal services to low-income persons.

Referred to the Committee on Finance.

**By Senator M. Hall:**

**Senate Bill No. 134**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §55A-1-1, §55A-1-2, §55A-1-3, §55A-1-4, §55A-2-1, §55A-2-2, §55A-2-3, §55A-2-4, §55A-2-5, §55A-2-6, §55A-2-7, §55A-2-8, §55A-2-9, §55A-3-1, §55A-3-2, §55A-4-1, §55A-4-2, §55A-4-3, §55A-4-4, §55A-4-5, §55A-4-6, §55A-5-1, §55A-5-2, §55A-5-3, §55A-5-4, §55A-5-5, §55A-5-6, §55A-5-7, §55A-5-8, §55A-6-1, §55A-6-2, §55A-6-3, §55A-6-4, §55A-6-5, §55A-7-1, §55A-7-2, §55A-7-3, §55A-7-4, §55A-7-5, §55A-7-6, §55A-7-7, §55A-7-8, §55A-8-1, §55A-8-2, §55A-9-1, §55A-9-2, §55A-10-1, §55A-10-2, §55A-10-3, §55A-11-1, §55A-11-2, §55A-11-3, §55A-11-4, §55A-11-5, §55A-11-6, §55A-11-7, §55A-11-8, §55A-11-9, §55A-11-10, §55A-11-11, §55A-11-12, §55A-12-1, §55A-12-2, §55A-12-3, §55A-12-4, §55A-12-5 and §55A-12-6, all relating to reforming the civil justice system; limiting amount of recoverable damages; authorizing a new court to be known as the Intermediate Court of Appeals; requiring court to be operational by January 1, 2017; establishing northern and southern districts; providing three judges for each district; providing short title; stating legislative findings; excepting certain actions; defining terms; establishing qualifications for judges; establishing jurisdiction of court; providing for review; providing that Supreme Court will either keep the appeal

or transfer it to Intermediate Court; providing that appeals in certain administrative cases are discretionary; authorizing appeals from Intermediate Court to the Supreme Court; authorizing Governor to make initial appointments by July 1, 2016; creating staggered terms; providing for elections for ten-year terms after initial appointments; authorizing a Chief Judge of the Intermediate Court; authorizing staff for court and judges; providing for compensation and expenses of judges and staff; providing for temporary assignment of circuit court judges; authorizing Supreme Court to provide facilities, furniture, fixtures and equipment for Intermediate Court; establishing precedential effect of Intermediate Court orders and decisions; providing that budget of Intermediate Court will be part of Supreme Court budget; prohibiting medical monitoring relief absent manifest present injury or disease caused by defendant; providing for venue reform; relating to application of doctrine of *forum non conveniens* when civil actions have both resident and nonresident plaintiff; providing for parties to make a motion that a case would more properly be heard in a forum outside this state; providing for statute of limitations expiring in alternative forum while claim is pending in this state; providing for proper dismissal of an action for *forum non conveniens* purposes; providing for application to class representatives; requiring courts granting motions to stay or dismissal actions for *forum non conveniens* purposes to set forth specific findings of fact and conclusions of law; providing standards to determine competency of expert witnesses; providing standards for opinion testimony by lay witnesses; providing standards of admission for expert witness testimony; requiring basis for expert witness testimony; barring certain types of expert witness testimony; mandating pretrial hearings and disclosures of expert testimony; providing for interpretation of competency of expert witnesses; establishing standard of review; establishing when punitive damages may be recovered; providing maximum amounts which may be awarded on multiple punitive damages awards for same course of conduct; providing for bifurcation of a civil action in which punitive damages are sought when requested by defendant; stating conditions under which punitive damages may be assessed against a principal or employer

for an act of an agent or employee and against an association, limited liability entity or partnership for the acts of a member or partner; predicating actions for damages upon principles of comparative fault; establishing comparative fault standard; abolishing joint liability and implementing several liability; establishing how to consider fault of nonparties; establishing how to consider fault of, and amounts paid by, settling parties; providing for use of special interrogatories; clarifying fault may be imputed to another person who was acting as an agent or servant of another; allowing assessment of a percentage of fault for failing to take reasonable precautionary measures that were available; precluding allocation of fault to a person such as a seller, distributor or installer on a strict product liability theory where that person did not contribute to alleged defect; providing for burden of proof and limitations; providing for immunity of premises owners from civil liability in certain circumstances; reducing damage awards by collateral source payments; providing how damage reductions shall be determined; stating effects of such determinations upon trial; providing losers-pay provision; providing statute of repose; establishing general eighteen-year warranty for products' liability actions and an exception for cases where there is an express warranty for more than eighteen years; providing that noneconomic damages are recoverable in actions where damages were authorized at the time this bill became law; providing maximum amounts that may be recovered for noneconomic losses based on physical injury and nonphysical injury; providing for costs by nonprevailing party; establishing procedure for recovery of attorney's fees; providing courts may take judicial notice of the usual and customary attorney's fees; providing for liability of attorneys; providing for applicability of other law; requiring the West Virginia Supreme Court adopt rules to implement this chapter; providing for repeal of conflicting laws; providing for applicability and severability of this chapter; clarifying no additional cause of action is created by this chapter; and providing this chapter becomes effective immediately upon passage by the Legislature and approval by the Governor.

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

**By Senators Miller and Williams:**

**Senate Bill No. 135**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7, §5B-2I-8, §5B-2I-9, §5B-2I-10, §5B-2I-11 and §5B-2I-12, all relating to the Creative Communities Development Pilot Program; providing legislative findings and intent; creating the Creative Communities Development Fund; establishing Creative Communities Development Board; providing requirements for applications for use of matching funds from Creative Communities Development Fund; providing for review of applications by West Virginia Development Office; establishing that Creative Communities Development Board shall have authority to approve matching grants from Creative Communities Development Fund; establishing matching requirements from applicants; establishing eligible expenditures; defining parameters of agreement between West Virginia Development Office and a community for use of grant funds; providing for review and audit of expenditures by West Virginia Development Office; and providing for review of Creative Communities Development Pilot Program.

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

**By Senators Plymale and Beach:**

**Senate Bill No. 136**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-11-5a; to amend said code by adding thereto a new section, designated §8-21-10a; to amend and reenact §19-25-3 of said code; and to amend said code by adding thereto a new section, designated §20-5-3a, all relating to limiting liability of the section of Parks and Recreation of the Division of Natural Resources, county parks and recreation commissions, boards of parks and recreation commissioners, any officer or agent of a nonprofit state park of forest foundation and owners of land used for public parks and recreation purposes under an agreement with any of the foregoing entities.

Referred to the Committee on the Judiciary.

**By Senator Plymale:**

**Senate Bill No. 137**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-6D-7, relating to exempting the Higher Education Policy Commission, the Council for Community and Technical College System of West Virginia and their institutions from the West Virginia Enterprise Resource Planning Board.

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

**By Senators Williams, Beach, Snyder, D. Hall and Sypolt:**

**Senate Bill No. 138**—A Bill to amend and reenact §20-2-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-3B-1 of said code, all relating to posting of property to prohibit hunting or trespassing; and allowing posting by certain clearly visible paint markings.

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

**By Senators Palumbo, Kessler and Beach:**

**Senate Bill No. 139**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-5-7, relating to prohibiting impersonation of a member, staff or person under direction of the Commission on Special Investigations; creating misdemeanor offense; and establishing penalties.

Referred to the Committee on the Judiciary.

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

**Senate Bill No. 140**—A Bill to repeal §29A-2-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §29A-1-2 of said code; to amend said code by adding thereto two new sections, designated §29A-1-3a and §29A-1-3b; and to amend and

reenact §29A-3-1a, §29A-3-4, §29A-3-8, §29A-3-13 and §29A-3-15 of said code, all relating generally to the State Administrative Procedures Act; defining “legislative exempt rule”; providing certain technical amendments; providing for nullification and voiding of rules; setting forth requirements for amendments to existing rules, proposed new rules and repeal of existing rules; establishing filing and adoption requirements for legislative exempt rules; making legislative rules effective upon filing; requiring agency to provide a list of interested parties with emergency rules; and changing the number of copies required when filing an emergency rule.

Referred to the Committee on the Judiciary.

[CLERK’S NOTE: Senate Bill No. 141 through Senate Bill No. 229 are recommended for introduction by the Legislative Rule-Making Review Committee and sponsored by Senator Snyder, Cochair.]

**By Senator Snyder:**

**Senate Bill No. 141**—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state-owned vehicles.

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

**By Senator Snyder:**

**Senate Bill No. 142**—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to the Purchasing Division.

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

**By Senator Snyder:**

**Senate Bill No. 143**—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to the state plan for the operation of the West Virginia State Agency for Surplus Property.

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

**By Senator Snyder:**

**Senate Bill No. 144**—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to refund, reinstatement, retroactive service, loan and employer error interest factors.

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

**By Senator Snyder:**

**Senate Bill No. 145**—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Deputy Sheriffs Retirement System.

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

**By Senator Snyder:**

**Senate Bill No. 146**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping rules.



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

**By Senator Snyder:**

**Senate Bill No. 147**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, trapping and fishing license and stamp fees.

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

**By Senator Snyder:**

**Senate Bill No. 148**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to general hunting.

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

**By Senator Snyder:**

**Senate Bill No. 149**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping and fishing licenses.

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

**By Senator Snyder:**

**Senate Bill No. 150**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to wildlife damage control agents.

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

**By Senator Snyder:**

**Senate Bill No. 151**—A Bill to amend and reenact article 10, chapter 64 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 boating.

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

**By Senator Snyder:**

**Senate Bill No. 152**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters.

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

**By Senator Snyder:**

**Senate Bill No. 153**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the Amusement Rides and Amusement Attractions Safety Act.

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

**By Senator Snyder:**

**Senate Bill No. 154**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to child labor.

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

**By Senator Snyder:**

**Senate Bill No. 155**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the supervision of plumbing work.

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

**By Senator Snyder:**

**Senate Bill No. 156**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to verifying the legal employment status of workers.

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

**By Senator Snyder:**

**Senate Bill No. 157**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the regulation of heating, venting and cooling work.

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

**By Senator Snyder:**

**Senate Bill No. 158**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to weights and measures calibration fees.

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

**By Senator Snyder:**

**Senate Bill No. 159**—A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Forestry to promulgate a legislative rule relating to ginseng.

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

**By Senator Snyder:**

**Senate Bill No. 160**—A Bill to amend and reenact article 3, chapter 64 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 awarding of WV Stream Partners Program grants.

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

**By Senator Snyder:**

**Senate Bill No. 161**—A Bill to amend and reenact article 3, chapter 64 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 hazardous waste management system.

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

**By Senator Snyder:**

**Senate Bill No. 162**—A Bill to amend and reenact article 3, chapter 64 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 Snyder:**

**Senate Bill No. 163**—A Bill to amend and reenact article 3, chapter 64 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 Snyder:**

**Senate Bill No. 164**—A Bill to amend and reenact article 3, chapter 64 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 Snyder:**

**Senate Bill No. 165**—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to waste management.

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

**By Senator Snyder:**

**Senate Bill No. 166**—A Bill to amend and reenact article 3, chapter 64 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 WV/NPDES rule for coal mining facilities.

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

**By Senator Snyder:**

**Senate Bill No. 167**—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards.

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

**By Senator Snyder:**

**Senate Bill No. 168**—A Bill to amend and reenact article 3, chapter 64 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 Snyder:**

**Senate Bill No. 169**—A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits.

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

**By Senator Snyder:**

**Senate Bill No. 170**—A Bill to amend and reenact article 3, chapter 64 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 the safety of those employed in and around quarries in West Virginia.

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

**By Senator Snyder:**

**Senate Bill No. 171**—A Bill to amend and reenact article 5, chapter 64 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 chronic pain management clinic licensure.

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

**By Senator Snyder:**

**Senate Bill No. 172**—A Bill to amend and reenact article 5, chapter 64 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 the Fatality and Mortality Review Team.

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

**By Senator Snyder:**

**Senate Bill No. 173**—A Bill to amend and reenact article 5, chapter 64 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 administration and performance of health maintenance tasks by approved medication assistive personnel.

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

**By Senator Snyder:**

**Senate Bill No. 174**—A Bill to amend and reenact article 5, chapter 64 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 the nurse aid abuse and neglect registry.

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

**By Senator Snyder:**

**Senate Bill No. 175**—A Bill to amend and reenact article 5, chapter 64 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 public water systems.

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

**By Senator Snyder:**

**Senate Bill No. 176**—A Bill to amend and reenact article 5, chapter 64 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 nursing home licensure.

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

**By Senator Snyder:**

**Senate Bill No. 177**—A Bill to amend and reenact article 5, chapter 64 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 the statewide trauma/emergency care system.

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



**By Senator Snyder:**

**Senate Bill No. 178**—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Family Protection Services Board to promulgate a legislative rule relating to domestic violence program licensure standards.

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

**By Senator Snyder:**

**Senate Bill No. 179**—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Family Protection Services Board to promulgate a legislative rule relating to the Monitored Parenting and Exchange Program certification.

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

**By Senator Snyder:**

**Senate Bill No. 180**—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Family Protection Services Board to promulgate a legislative rule relating to the operation of the board.

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

**By Senator Snyder:**

**Senate Bill No. 181**—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Family Protection Services Board to promulgate a legislative rule relating to perpetrator intervention programs licensure for correctional institutions.

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

**By Senator Snyder:**

**Senate Bill No. 182**—A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Police to promulgate a legislative rule relating to the regulations and procedures pertaining to the West Virginia DNA databank.

Referred to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 183**—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Technology to promulgate a legislative rule relating to the procedures for sanitization, retirement and disposition of information technology equipment.

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

**By Senator Snyder:**

**Senate Bill No. 184**—A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training, equipment and operating standards.

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

**By Senator Snyder:**

**Senate Bill No. 185**—A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work.

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

**By Senator Snyder:**

**Senate Bill No. 186**—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to the appointment of special assessors by the State Tax Commissioner.

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

**By Senator Snyder:**

**Senate Bill No. 187**—A Bill to amend and reenact article 7, chapter 64 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 Government Organization; and then to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 188**—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to recognizing annuity mortality tables for use in determining reserve liabilities for annuities.

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

**By Senator Snyder:**

**Senate Bill No. 189**—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to annuity disclosure.

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

**By Senator Snyder:**

**Senate Bill No. 190**—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to nonintoxicating beer licensing and operations procedures.

Referred to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 191**—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing.

Referred to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 192**—A Bill to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the examination and issuance of driver's licenses.

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

**By Senator Snyder:**

**Senate Bill No. 193**—A Bill to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Administrative Hearings to promulgate a legislative rule relating to appeal procedures.

Referred to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 194**—A Bill to amend and reenact article 9, chapter 64 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 Snyder:**

**Senate Bill No. 195**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Conservation Committee to promulgate a legislative rule relating to financial assistance programs.

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

**By Senator Snyder:**

**Senate Bill No. 196**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to the requirements for registration and renewal of appraisal management companies.

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

**By Senator Snyder:**

**Senate Bill No. 197**—A Bill to amend and reenact article 9, chapter 64 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 Government Organization; and then to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 198**—A Bill to amend and reenact article 9,

chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Enterprise Resource Planning Board to promulgate a legislative rule relating to the enterprise resource planning system user fee.

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

**By Senator Snyder:**

**Senate Bill No. 199**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registration for Professional Engineers to promulgate a legislative rule relating to the examination, licensure and practice for professional engineers.

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

**By Senator Snyder:**

**Senate Bill No. 200**—A Bill to amend and reenact article 9, chapter 64 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 therapists and physical therapist assistants.

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

**By Senator Snyder:**

**Senate Bill No. 201**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathy to promulgate a legislative rule relating to fees for services rendered by the board.

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

**By Senator Snyder:**

**Senate Bill No. 202**—A Bill to amend and reenact article 9, chapter 64 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 Government Organization; and then to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 203**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists.

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

**By Senator Snyder:**

**Senate Bill No. 204**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the registration of pharmacy technicians.

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

**By Senator Snyder:**

**Senate Bill No. 205**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring.

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

**By Senator Snyder:**

**Senate Bill No. 206**—A Bill to amend and reenact article 9,

chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the formation and approval of professional limited liability companies.

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

**By Senator Snyder:**

**Senate Bill No. 207**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the board.

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

**By Senator Snyder:**

**Senate Bill No. 208**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to dental recovery networks.

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

**By Senator Snyder:**

**Senate Bill No. 209**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the formation and approval of dental corporations and dental practice ownership.

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



**By Senator Snyder:**

**Senate Bill No. 210**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to frozen desserts and imitation frozen desserts.

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

**By Senator Snyder:**

**Senate Bill No. 211**—A Bill to amend and reenact article 9, chapter 64 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 Agriculture and Rural Development; and then to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 212**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers.

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

**By Senator Snyder:**

**Senate Bill No. 213**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the fee structure for the Pesticide Control Act of 1990.

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

**By Senator Snyder:**

**Senate Bill No. 214**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the West Virginia Plant Pest Act.

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

**By Senator Snyder:**

**Senate Bill No. 215**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the inspection of meat and poultry.

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

**By Senator Snyder:**

**Senate Bill No. 216**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the West Virginia Spay Neuter Assistance Program.

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

**By Senator Snyder:**

**Senate Bill No. 217**—A Bill to amend and reenact article 9, chapter 64 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 Agriculture and Rural Development; and then to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 218**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to equine rescue facilities.

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

**By Senator Snyder:**

**Senate Bill No. 219**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Loan Program.

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

**By Senator Snyder:**

**Senate Bill No. 220**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to aquaculture importation.

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

**By Senator Snyder:**

**Senate Bill No. 221**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp.

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

**By Senator Snyder:**

**Senate Bill No. 222**—A Bill to amend and reenact article 9, chapter 64 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 Agriculture and Rural Development; and then to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 223**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and the practice of pharmacy.

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

**By Senator Snyder:**

**Senate Bill No. 224**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to the procedures for recount of election results.

Referred to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 225**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to the standards and guidelines for electronic notarization.

Referred to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 226**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating

to authorizing the Secretary of State to promulgate a legislative rule relating to notaries public.

Referred to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 227**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to a schedule of fees for notaries public.

Referred to the Committee on the Judiciary.

**By Senator Snyder:**

**Senate Bill No. 228**—A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Family Protection Services Board to promulgate a legislative rule relating to perpetrator intervention programs licensure.

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

**By Senator Snyder:**

**Senate Bill No. 229**—A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to service credit for accrued and unused sick and annual leave.

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

[CLERK'S NOTE: Senate Bill No. 141 through Senate Bill No. 229 are recommended for introduction by the Legislative Rule-Making Review Committee and sponsored by Senator Snyder, Cochair.]

**By Senators Stollings, Laird, Cole (Mr. President), Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Walters, Yost, Boley, M. Hall and Unger:**

**Senate Bill No. 230**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1 and §16-46-2, all relating to creating the Overdose Prevention Act; defining terms; providing immunity from citation, arrest or prosecution of certain offenses for certain persons who seek appropriate medical attention upon an overdose of drugs or alcohol; prohibiting seeking appropriate medical attention from constituting a violation of a condition of pretrial release, probation, furlough or parole; requiring certain action from persons seeking appropriate medical attention; providing that seeking medical attention is a mitigating factor at sentencing of any offense arising from the request for medical attention; allowing persons to plead guilty to certain exempted offenses if desired; providing certain exceptions to immunity for evidence found from an independent source; and providing immunity to law-enforcement officers who cite or arrest a person who receives immunity unless the officer acted recklessly or with intentional misconduct.

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

**By Senators Stollings, Laird, Cole (Mr. President), Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Walters, Yost, Boley, M. Hall, Snyder, Gaunch, Blair and Williams:**

**Senate Bill No. 231**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-4C-24 and §16-4C-25; and to amend and reenact §30-1-7a of said code, all relating generally to administration of opioid antagonist; allowing State Police, police, sheriffs and fire and emergency service personnel to possess Naloxone or other approved opioid antagonist to administer in opioid drug overdoses; defining terms; providing for training; establishing training requirements for first responders who may administer opioid antagonists; establishing criteria under which first responder may administer opioid

antagonist; granting immunity to health care providers who prescribe, dispense or distribute naloxone or other approved opioid antagonist related to a training program; granting immunity to initial responders who administer or fail to administer opioid antagonist; providing for data gathering and reporting; allowing prescription for opioid antagonist in certain circumstances; establishing responsibility of licensed prescribers; providing for patient, family, caregiver or designee education; requiring continuing education of licensed prescribers for administration of opioid antagonist; and authorizing emergency and legislative rulemaking.

Referred to the Committee on Health and Human Resources.

**By Senators Stollings, Laird, Cole (Mr. President), Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Walters, Yost, Boley, M. Hall and Sybolt:**

**Senate Bill No. 232**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4F-1, §16-4F-2, §16-4F-3, §16-4F-4 and §16-4F-5; to amend and reenact §30-3-14 of said code; to amend and reenact §30-3E-3 of said code; to amend and reenact §30-5-14 of said code; to amend and reenact §30-7-15a of said code; and to amend and reenact §30-14-11 of said code, all relating to treatment for sexually transmitted diseases; providing for expedited partner therapy; defining terms; permitting prescribing of antibiotics to sexual partners of patient without prior examination of partner; requiring patient counseling; establishing counseling criteria; requiring informational materials be prepared by the Department of Health and Human Resources; providing limited liability for providing expedited partnership therapy; requiring rulemaking; and providing that physicians, physician assistants, pharmacists and advanced practice registered nurses are not subject to disciplinary action for providing certain treatment for sexually transmitted diseases for sexual partners of patient.

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

**By Senator Boley**

**Senate Joint Resolution No. 1**—Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article twelve thereof, relating to reforming the West Virginia Board of Education so that its membership is made up of elected and appointed members; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

**By Senators Kessler, Williams, Laird and Miller:**

**Senate Joint Resolution No. 2**—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section twelve, relating to the West Virginia Future Fund; prohibiting spending of principal; permitting spending of investment income in certain instances from the West Virginia Future Fund; defining “investment income”; 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; and then to the Committee on Finance.

**By Senators Snyder and Miller:**

**Senate Joint Resolution No. 3**—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 the Judiciary; and then to the Committee on Finance.



Senator D. Hall and Stollings offered the following resolution:

**Senate Concurrent Resolution No. 2**—Requesting the Division of Highways to name U. S. Route 54/6 in Wyoming County the “Virginia & U. S. Army Major Woodrow Cook Memorial Road”.

Whereas, Virginia Cook was born on August 25, 1918, in Mullens, Wyoming County, to Bob and Gertrude Wildey. She graduated from Mullens High School in 1935 as the salutatorian of her class and then became a West Virginia University Mountaineer in 1937. Virginia returned to her beloved native town, married Woodrow Cook at the Presbyterian Church in August, 1940, and served as an inspirational home economics teacher for over thirty-three years at Mullens High School. Woodrow Cook was an educated and dedicated citizen, who served five years in the United States Army during WWII, where he attained the rank of Major. He became a successful businessman and served as Mayor of Mullens for eight years and on the Wyoming County Commission for eighteen years; and

Whereas, Virginia and Woodrow Cook continued their outstanding public service to Wyoming County and the City of Mullens following their retirements. Virginia Cook, since the death of Woodrow, has continued to remain a passionate and community-minded woman, including establishing an endowment at the Beckley Area Foundation for the beautification of Mullens for future generations. The contributions of these two community leaders and loyal West Virginians should not go unnoticed and should be remembered; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name U. S. Route 54/6 in Wyoming County the “Virginia & U. S. Army Major Woodrow Cook Memorial Road”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the roadway

as the “Virginia & U. S. Army Major Woodrow Cook Memorial Road”; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of Transportation, to the Commissioner of Highways, to the Wyoming County Commission and to Mrs. Virginia Cook and her children, Barbara Cook Bean and Lucinda Cook Chagnon.

Which, under the rules, lies over one day.

Senators Palumbo, Blair and Stollings offered the following resolution:

**Senate Concurrent Resolution No. 3**—Requesting the Division of Highways to name the portion of Route 25, from its intersection at West 11th Street to its intersection at Republic Way, in Kanawha County, West Virginia, the “U. S. Army Sgt. James Lawrence Taylor Memorial Road”.

Whereas, Sergeant James Lawrence Taylor was born on June 9, 1943, the son of Monte and Ruth Taylor of Nitro, and brother of Monte, Jr., Kent, Jerry and David; and

Whereas, Sergeant James Lawrence Taylor attended Nitro High School, but left in 1960 before graduating to enlist in the Army, serving in Germany and Vietnam; and

Whereas, While in Vietnam, Sergeant James Lawrence Taylor was a member of the 5th Mobile Strike Force Command, Detachment A-503, known as the Green Berets; and

Whereas, On March 9, 1966, Sergeant James Lawrence Taylor was on a special mission to reinforce a special force detachment located at Camp A Shau in South Vietnam when Camp A Shau came under attack by Viet Cong; and

Whereas, Sergeant James Lawrence Taylor assumed command when the company commander was killed by enemy fire; and

Whereas, Sergeant James Lawrence Taylor was injured by Viet Cong rifle fire, and he was carried out of Camp A Shau when troops were forced to abandon the evacuation; and

Whereas, Sergeant James Lawrence Taylor's body was never recovered, and he was presumed dead by the military; and

Whereas, Sergeant James Lawrence Taylor was awarded the Purple Heart medal posthumously and the Award of the Silver Star posthumously in 1966; and

Whereas, It is only fitting and proper that this stretch of road, in the county of his birth and the area in which he lived all his young life, be named in his honor so that Sergeant James Lawrence Taylor's supreme sacrifice will be memorialized and not forgotten; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the portion of Route 25, from its intersection at West 11th Street to its intersection at Republic Way, in Kanawha County, West Virginia, the "U. S. Army Sgt. James Lawrence Taylor Memorial Road"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the portion of Route 25 as the "U. S. Army Sgt. James Lawrence Taylor Memorial Road"; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation, the Commissioner of Highways and to the family of the late Sergeant James Lawrence Taylor.

Which, under the rules, lies over one day.

On motion of Senator Carmichael, the Senate recessed until 2 p.m. today.

Upon expiration of the recess, the Senate reconvened.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Carmichael, the Senate recessed until 6:40 p.m. today.

Upon expiration of the recess, the Senate reconvened.

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 No. 1**—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 Arvon, Hamrick and Hartman.

At the request of Senator Carmichael, and by unanimous consent, the message was taken up for immediate consideration and reference of the resolution 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 Carmichael, Boley and Kessler.

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

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 Earl Ray Tomblin, 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 Cole (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:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

January 14, 2015

#### Senate Executive Message No. 1

The Honorable William P. Cole III  
President, West Virginia Senate  
State Capitol  
Charleston, West Virginia

Dear President Cole:

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, 2015.

Very truly yours,

Earl Ray Tomblin,  
*Governor.*

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

**By Senators Cole (Mr. President) and Kessler (By Request of the Executive):**

**Senate Bill No. 233**—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.

Senator Cole (Mr. President) announced appointment of the standing committees of the Senate for this eighty-second Legislature, and at the request of Senator Carmichael, and by unanimous consent, the complete list was ordered printed in the Journal as follows:

## **STANDING COMMITTEES OF THE SENATE 2015**

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### **AGRICULTURE AND RURAL DEVELOPMENT**

Senators D. Hall (*Chair*), Trump (*Vice Chair*), Blair, Karnes, Maynard, Sypolt, Beach, Laird, Miller, Williams and Woelfel.

### **BANKING AND INSURANCE**

Senators Nohe (*Chair*), Gaunch (*Vice Chair*), Ferns, D. Hall, M. Hall, Mullins, Trump, Facemire, Palumbo, Prezioso, Romano, Snyder and Woelfel.

### **CONFIRMATIONS**

Senators Boley (*Chair*), Mullins, Nohe, Takubo, Kessler, Miller, Palumbo, Plymale and Junior from the Eleventh.

## **ECONOMIC DEVELOPMENT**

Senators Takubo (*Chair*), Ferns (*Vice Chair*), Blair, D. Hall, Leonhardt, Maynard, Mullins, Walters, Kessler, Plymale, Romano, Stollings, Woelfel and Yost.

## **EDUCATION**

Senators Sypolt (*Chair*), Boley (*Vice Chair*), Carmichael, D. Hall, M. Hall, Karnes, Takubo, Trump, Beach, Laird, Plymale, Romano, Stollings and Unger.

## **ENERGY, INDUSTRY AND MINING**

Senators Mullins (*Chair*), Nohe (*Vice Chair*), Blair, Boley, D. Hall, Maynard, Sypolt, Facemire, Kirkendoll, Snyder, Williams, Woelfel and Yost.

## **ENROLLED BILLS**

Senators Maynard (*Chair*), Gaunch (*Vice Chair*), Miller, Unger, and Junior from the Eleventh.

## **FINANCE**

Senators M. Hall (*Chair*), Walters (*Vice Chair*), Blair, Boley, Carmichael, D. Hall, Sypolt, Takubo, Facemire, Kessler, Laird, Plymale, Prezioso, Stollings, Unger, Yost and Junior from the Eleventh.

## **GOVERNMENT ORGANIZATION**

Senators Blair (*Chair*), Walters (*Vice Chair*), Ferns, Gaunch, Leonhardt, Maynard, Mullins, Facemire, Miller, Palumbo, Snyder, Williams, Yost and Junior from the Eleventh.



## **HEALTH AND HUMAN RESOURCES**

Senators Ferns (*Chair*), Takubo (*Vice Chair*), Karnes, Leonhardt, Trump, Walters, Laird, Palumbo, Plymale, Prezioso, Stollings, Unger and Junior from the Eleventh.

## **INTERSTATE COOPERATION**

Senators Gaunch (*Chair*), Karnes (*Vice Chair*), Maynard, Kirkendoll, Palumbo, Unger and Junior from the Eleventh.

## **JUDICIARY**

Senators Trump (*Chair*), Nohe (*Vice Chair*), Carmichael, Ferns, Gaunch, Karnes, Leonhardt, Maynard, Mullins, Beach, Kirkendoll, Miller, Palumbo, Romano, Snyder, Williams and Woelfel.

## **LABOR**

Senators D. Hall (*Chair*), Ferns (*Vice Chair*), Blair, Gaunch, Karnes, Maynard, Laird, Prezioso, Stollings, Williams and Yost.

## **MILITARY**

Senators Leonhardt (*Chair*), Boley (*Vice Chair*), Nohe, Sypolt, Walters, Facemire, Laird, Romano and Yost.

## **NATURAL RESOURCES**

Senators Karnes (*Chair*), Maynard (*Vice Chair*), M. Hall, Leonhardt, Nohe, Takubo, Beach, Facemire, Laird, Miller, Snyder, Williams and Junior from the Eleventh.

## **PENSIONS**

Senators Gaunch (*Chair*), Trump (*Vice Chair*), M. Hall, Mullins, Kirkendoll, Plymale and Unger.

**RULES**

Senators Cole (*Chair*), Blair, Carmichael, M. Hall, Sypolt, Trump, Kessler, Plymale, Prezioso, Stollings and Williams.

**TRANSPORTATION AND INFRASTRUCTURE**

Senators Walters (*Chair*), Leonhardt (*Vice Chair*), Boley, Gaunch, Mullins, Beach, Kirkendoll, Plymale and Woelfel.

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The President then announced the appointment of Senator Carmichael, of the County of Jackson, as majority leader of the Senate;

Senator Kessler, of the County of Marshall, as minority leader of the Senate;

Senator D. Hall, of the County of Wyoming, as the majority whip of the Senate;

Senator Unger, of the County of Berkeley, as minority whip of the Senate;

And,

Senator Boley, of the County of Pleasants, as President *pro Tempore* of the Senate.

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On motion of Senator Carmichael, the Senate adjourned until tomorrow, Thursday, January 15, 2015, at 11 a.m.

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# **SENATE CALENDAR**

**Thursday, January 15, 2015**

**11:00 A.M.**

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## **UNFINISHED BUSINESS**

- S. C. R. No. 2 - Requesting DOH name US Rt. 54/6 in Wyoming County "Virginia & U. S. Army Major Woodrow Cook Memorial Road".
  
- S. C. R. No. 3 - Requesting DOH name portion of Rt. 25 in Kanawha County "U. S. Army Sgt. James Lawrence Taylor Memorial Road".

# **ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2015**

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Thursday, January 15, 2015

9:30 a.m.	Finance	(Room No. 451M)
1 p.m.	Health & Human Resources	(Room No. 451M)
1 p.m.	Energy, Industry and Mining	(Room No. 208W)
2 p.m.	Government Organization	(Room No. 208W)
3 p.m.	Judiciary	(Room No. 208W)