

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2018
FIRST DAY

Charleston, West Virginia, Wednesday, January 10, 2018

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 Senate assembled in its chamber in the state capitol in the City of Charleston, West Virginia, on this tenth day of January, two thousand eighteen, for the second annual sixty-day session of the eighty-third Legislature, and at 12 o'clock Noon was called to order by the President, the Honorable Mitch Carmichael.

Prayer was offered by the Reverend Ford Price, Epworth United Methodist Church, Ripley, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan J. Ferns, a senator from the first district.

On the call of the roll, the following answered to their names:

Senators Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President).

Thirty-two members having answered to their names, the President declared the presence of a quorum.

At the request of Senator Ferns, unanimous consent being granted, Senator Ferns offered the following resolution from the floor:

Senate Resolution 1—Raising a committee to notify the House of Delegates that the Senate has assembled in regular session.

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 in regular sixty-day session, with a quorum present, organized by the election of Mr. Lee Cassis as Clerk, and is ready to proceed with the business of this regular session.

At the request of Senator Ferns, 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 Weld, Sypolt, and Beach.

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

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

Delegates Foster, Hollen, and Pethtel, announced that the House of Delegates has assembled, with a quorum present, and is ready to proceed with the business of this second regular session of the eighty-third Legislature.

At the request of Senator Ferns, unanimous consent being granted, Senator Ferns offered the following resolution from the floor:

Senate Resolution 2—Providing for the appointment of a committee to inform the Governor that the Legislature has assembled in regular session.

Resolved by the Senate:

That a committee of three on the part of the Senate be appointed by the President, to join with a similar committee on the part of the House of Delegates, to notify His Excellency, the Governor, that the Legislature has assembled in regular sixty-day session, with a quorum of each house present, and is ready to receive any communication or message that he may desire to present.

At the request of Senator Ferns, 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 Drennan, Karnes, and Romano.

A message from the House of Delegates, by

Delegates Jennings, Sobonya, and Campbell, announced that the Speaker had appointed them a committee of three to join with a similar committee on the part of the Senate under the provisions of Senate Resolution 2 to wait upon the Governor. Senate and House members of this select committee then proceeded to the executive offices.

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

At the request of Senator Ferns, unanimous consent being granted, Senator Blair offered the following resolution from the floor:

Senate Resolution 3—Authorizing the appointment of permanent and per diem employees for the Second Regular Session of the Eighty-Third Legislature and payment of their compensation.

Resolved by the Senate:

That the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate is hereby authorized to appoint employees to receive the per diem compensation, as herein provided, during this regular sixty-day session of the Eighty-Third Legislature, and any extension thereof as follows:

Up to thirty Class I secretaries at a rate of seventy-five dollars per diem to one hundred five dollars per diem;

Up to three Class II secretaries at a rate of eighty dollars per diem to one hundred dollars per diem;

Up to five legislative analysts at a rate of eighty dollars per diem to two hundred dollars per diem;

One page at a rate of eighty dollars per diem;

Up to ten legal counselors at a rate of two hundred five dollars per diem to two hundred eighty dollars per diem; assignments and salary to be determined by the presiding officer of the Senate;

One bill and journal clerk to the Senate Clerk at a rate of seventy-five dollars per diem to one hundred dollars per diem;

Up to four proofreaders at a rate of eighty dollars per diem to one hundred dollars per diem;

One Sergeant at Arms at a rate not to exceed one hundred fifty-five dollars per diem;

Up to two assistants to the Sergeant at Arms at a rate of seventy dollars per diem to one hundred dollars per diem;

One Doorkeeper at a rate not to exceed one hundred fifty dollars per diem;

Up to six assistants to the Doorkeeper at a rate of seventy dollars per diem to one hundred dollars per diem;

Up to three mail clerks at a rate of sixty-five dollars per diem to one hundred dollars per diem;

One night custodian at a rate of seventy dollars per diem to seventy-five dollars per diem;

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such per diem staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel; and, be it

Further Resolved, That the appointment of salaried full-time employees of the Senate for the year two thousand eighteen and their compensation, at the following amounts per month, for such periods of time as they are employed in the positions designated, is hereby authorized, as follows:

Clerk	7,500.00
Assistant Clerk	4,585.77
Executive Secretary to Clerk	3,166.67
Fiscal Officer	5,241.67
Fiscal Officer	5,241.67
Technical Support	4,583.33
Chief Desk Clerk	5,165.45
Chief Journal Clerk.....	4,498.27
Bill Clerk.....	3,083.33
Clerk to Minor Committees.....	3,238.27
Counsel to Minor Committees	6,750.00
Counsel to President	9,083.33
Executive Assistant to President	3,750.00
Legislative Analyst to President.....	3,579.17
Secretary to President.....	2,666.67
Director of Communications	6,295.83
Parliamentarian	4,916.67
Administrative Assistant to Majority Leader	3,000.00
Counsel to Minority Leader.....	6,833.33
Administrative Assistant to Minority Leader	2,500.00
Counsel to Education Committee	7,375.00
Clerk/Analyst to Education Committee	3,166.67
Counsel to Finance Committee	7,083.33
Budget-Policy Analyst to Finance Committee	6,500.00
Budget Analyst to Finance Committee	3,754.17
Assistant to Finance Chairman/Clerk	3,448.27
Counsel to Government Organization	7,375.00
Clerk to Government Organization Committee	3,229.17
Secretary to Government Organization Committee	3,554.14
Counsel to Health and Human Resources Committee.....	7,000.00
Clerk to Health and Human Resources Committee	3,166.67
Counsel to Judiciary Committee.....	7,000.00
Clerk/Analyst to Judiciary Committee	3,150.00
Supervisor, Materials & Supplies.....	4,465.83
Purchasing & Procurement Clerk	3,730.02
Mail Clerk	2,250.00
Custodian.....	2,354.52

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such full-time staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate,

or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel.

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

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 Weld, Cline, Woelfel, Baldwin, Maroney, Takubo, and Trump:

Senate Bill 1—A Bill to amend and reenact §30-5-27 of the Code of West Virginia, 1931, as amended, relating to partial filling of prescriptions; permitting partial filling of prescriptions for controlled substances listed in Schedule II under certain circumstances; setting conditions for partial filling of prescriptions for controlled substances listed in Schedule II; permitting remaining portion of prescription to be filled within thirty days of first partial filling; setting forth steps to be followed if pharmacist is unable to fill remaining portion of prescription; prohibiting further quantities from being supplied beyond 72 hours in absence of new prescription; providing that remaining portions of a partially filled prescription for controlled substances listed in Schedule II may be filled in emergency situations; and defining “emergency situation”.

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

By Senators Trump, Takubo, Rucker, Weld, Palumbo, Plymale, Prezioso, Unger, Woelfel, Cline, Baldwin, and Maroney:

Senate Bill 2—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-52-1, §16-52-2, §16-52-3, §16-52-4, §16-52-5, §16-52-6, §16-52-7, §16-52-8 and §16-52-9; to amend and reenact §30-3-14 of said code; to amend and reenact §30-3A-1, §30-3A-2, §30-3A-3, and §30-3A-4 of said code; to amend and reenact §30-4-19 of said code; to amend and reenact §30-5-6 of said code; to amend and reenact §30-7-11 of said code; to amend and reenact §30-8-18 of said code; to amend and reenact §30-14-12a of said code; to amend and reenact §30-36-2 of said code; to amend and reenact §60A-2-204, §60A-2-206, and §60A-2-210 of said code; and to amend and reenact §60A-9-4, §60A-9-5, and §60A-9-5a of said code, all relating to reducing the use of certain prescription drugs; limiting the amount of opioid prescriptions; providing reports to licensing boards regarding abnormal prescribing practices; changing the standard of evidence required to discipline a physician; requiring insurance coverage to treat chronic pain; requiring the Board of Pharmacy to report quarterly to various licensing boards; exempting the Board of Pharmacy to certain purchasing requirement; permitting the investigation and discipline for abnormal prescribing and dispensing of prescription drugs; updating the schedule of controlled substances; and allowing licensing boards who regulate prescribers to investigate abnormal prescribing and dispensing of prescription drugs based upon information.

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

By Senators Trump and Cline:

Senate Bill 3—A Bill to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating to venue for certain claims against the state; allowing civil actions for which

insurance coverage administered by the State Board of Risk and Insurance Management exists to be brought in the circuit court of any county where the acts or omissions giving rise to the suit occurred; and allowing civil actions filed under West Virginia's Open Meetings Act against a public agency to be brought and prosecuted in the circuit court of any county where the public agency regularly meets.

Referred to the Committee on the Judiciary.

By Senators Weld, Cline, and Woelfel:

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

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

By Senators Trump, Cline, Woelfel, and Takubo:

Senate Bill 5—A Bill to amend and reenact §9-7-1, §9-7-3, §9-7-6, and §9-7-6a of the Code of West Virginia, 1931, as amended, all relating to Medicaid fraud and abuse; Medicaid Fraud Control Unit; transferring the Medicaid Fraud Control Unit, all powers and duties of the unit and employees of the unit from the Department of Health and Human Resources to the Attorney General effective October 1, 2018; requiring, on or before December 31, 2021, that the Legislative Auditor study and report to the Joint Committee on Government and Finance on the performance of the Medicaid Fraud Control Unit within the Office of the Attorney General compared to the performance of the unit while established within the Department of Health and Human Resources; requiring the Department of Health and Human Resources cooperate with and provide information to the Attorney General on Medicaid fraud and abuse investigations, prosecutions or civil actions; providing that a civil action related to Medicaid fraud and abuse may be prosecuted and maintained on behalf of the Department of Health and Human Resources by the Attorney General or by an attorney in contract with or employed by the Attorney General; providing that a civil action related to Medicaid fraud and abuse may be prosecuted and maintained by a prosecuting attorney and the prosecuting attorney's assistants or by any attorney contracted with or employed by the Department of Health and Human Resources if the Attorney General declines to prosecute and maintain such action; and exempting the Attorney General and employees or agents from civil liability for certain good faith actions.

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

By Senators Maynard, Rucker, and Karnes:

Senate Bill 6—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2F-1, §18-2F-2, §18-2F-3, §18-2F-4, §18-2F-5, §18-2F-6, §18-2F-7,

§18-2F-8, §18-2F-9 and §18-2F-10, all relating generally to establishing education savings accounts for West Virginia students; defining terms; authorizing establishment of education savings accounts; granting of funds; providing restrictions on use of funds; financial management of education savings funds; establishing terms of eligibility for participation in program; imposing testing and data collection requirements; and reaffirming independence of nonpublic schools.

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

By Senators Trump, Cline, and Takubo:

Senate Bill 7—A Bill to amend and reenact §21-5-12 of the Code of West Virginia, 1931, as amended, relating to wage payment and collection; requiring an employee to provide written notice to his or her employer of any alleged nonpayment of wages; providing the employer with an opportunity to cure the alleged violation; providing a tolling of the statute of limitations; providing judicial remedies; and making the written notice a jurisdictional requirement.

Referred to the Committee on the Judiciary.

By Senators Gaunch, Trump, and Cline:

Senate Bill 8—A Bill to amend and reenact §18A-4-7a of the Code of West Virginia, 1931, as amended, relating to permitting a county board of education to base its employment decisions, transfers, reassignments, reductions in number of professional personnel, reductions in classroom teaching positions and reductions in the workforce on an individual's qualifications; and setting forth the factors to be considered when determining an individual's qualifications.

Referred to the Committee on Education.

By Senator Trump:

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

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

By Senators Sypolt, Clements, Rucker, Smith, Maroney, Cline, and Gaunch:

Senate Bill 10—A Bill to amend and reenact §8-19-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-19-2b; and to amend and reenact §24-2-1, §24-2-2, §24-2-3, and §24-2-4b of said code, all relating generally to the jurisdiction of the Public Service Commission; excluding the setting and adjustment of rates, fees, and charges of municipal power systems from the jurisdiction of the Public Service Commission; and clarifying the commission's jurisdiction as modified by chapters 161 and 209, Acts of the Legislature, regular session, 2017, over Internet protocol-enabled service, voice-over Internet protocol-enabled service, storm water services by a public service district, political subdivisions providing separate or combined water and/or sewer services, and certain telephone company transactions.

Referred to the Committee on Government Organization.

By Senators Stollings, Ojeda, Prezioso, Plymale, and Takubo:

Senate Bill 11—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-41; to amend and reenact §18-10A-15 of said code; and to amend said code by adding thereto a new section, designated §18B-14-3, all relating to

traumatic brain injury; setting forth findings; requiring State Board of Education, Higher Education Policy Commission and Council for Community and Technical College Education rules establishing Return-to-Learn protocols; requiring concussion management team any time a student suffers a concussion; setting forth members; prohibiting student from returning to participation in regular classroom activities without adaptive academic accommodations until authorized; requiring appropriate parental releases to foster communication and to allow data to be submitted to the Statewide Concussion Surveillance System; requiring county superintendent designee or designee of institution president, as applicable, to perform certain duties; requiring all school districts or state institutions of higher education, as applicable, to report certain information for inclusion in the Statewide Concussion Surveillance System; expanding provisions relating to the West Virginia University Center for Excellence in Disabilities central registry of persons who sustain certain head injuries; and requiring the West Virginia University Center for Excellence in Disabilities to establish a Statewide Concussion Surveillance System to house certain data.

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

By Senators Stollings, Ojeda, and Beach:

Senate Bill 12—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2 and §11-28-3, all relating to creating five-year tax credits for businesses locating on post-coal mine sites; defining terms; setting eligibility requirements for the tax credit; establishing amount of tax credit allowed; establishing how the credit may be applied; and providing rule-making authority.

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

By Senators Stollings, Prezioso, Woelfel, Baldwin, and Beach:

Senate Bill 13—A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to raising legal age for purchase of tobacco, tobacco products, tobacco-derived products, alternative nicotine products and vapor products to twenty-one.

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

By Senators Maynard, Cline, Maroney, and Beach:

Senate Bill 14—A Bill to amend and reenact §20-2-22a of the Code of West Virginia, 1931, as amended, relating to natural resources; and permitting bear hunting with guides.

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

By Senators Ojeda, Baldwin, and Beach:

Senate Bill 15—A Bill to amend and reenact §21-5F-1, §21-5F-2, §21-5F-3 and §21-5F-4 of the Code of West Virginia, 1931, as amended, all relating to amending the West Virginia Nurse Overtime and Patient Safety Act to include nurses employed in nursing homes as well as those employed in hospitals; establishing limits on hours such nurses may be mandated to work by their employers; and establishing enforcement offenses, penalties and a private cause of action for violations of the act.

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

By Senator Ojeda:

Senate Bill 16—A Bill to amend and reenact §61-3A-3 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for shoplifting offenses.

Referred to the Committee on the Judiciary.

By Senators Ojeda and Beach:

Senate Bill 17—A Bill to amend and reenact §60-3-24 of the Code of West Virginia, 1931, as amended, relating to permitting appointees or employees of the Alcohol Beverage Control Commission who inspect bars to carry firearms at work after completing training at the State Police Academy.

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

By Senators Ojeda and Beach:

Senate Bill 18—A Bill to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-20-27 of said code, all relating to creating incentives for the hiring and retention of Division of Corrections and Regional Jail and Correctional Facility Authority correctional officers; providing pay increases; and providing educational incentives.

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

By Senator Maynard:

Senate Bill 19—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5A-7, relating to teachers posting online a required calendar of scheduled activities in their classes that can be viewed by the parents of their students.

Referred to the Committee on Education.

By Senators Maynard and Cline:

Senate Bill 20—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-6-13; and to amend and reenact §18-2-1 of said code, all relating to requiring that all members of the State Board of Education be elected to their positions; and establishing an election procedure.

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

By Senator Maynard:

Senate Bill 21—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-2-24, relating to requiring the Commissioner of the Division of Motor Vehicles to create a special registration plate for full-size special purpose off-road vehicles, self-assembled or modified original equipment manufactured vehicles, that would give the vehicles the same limited access to roads as all-terrain vehicles; establishing a fee; and requiring rulemaking.

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

By Senator Maynard:

Senate Bill 22—A Bill to amend and reenact §11-13-2o of the Code of West Virginia, 1931, as amended, relating to adjusting the tax on the business of generating or producing or selling electricity from wind turbine facilities to match that of other power generation facilities recently placed into service.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

By Senator Maynard:

Senate Bill 23—A Bill to amend and reenact §24-6-12 of the Code of West Virginia, 1931, as amended, relating to requiring emergency service organizations to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services within an area currently served by an organization are dispatched on a rotating basis; continuing the Public Service Commission's jurisdiction over the towing service providers themselves; and defining a term.

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

By Senator Maynard:

Senate Bill 24—A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to requiring the Director of the Division of Natural Resources to study the feasibility of using a nonemployee workforce to perform improvements in state parks and forests.

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

By Senator Maynard:

Senate Bill 25—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-5-30, relating to making it a crime for doctors and lawyers to knowingly file a fraudulent claim for disability benefits or providing substantive information in support of a fraudulent claim; and establishing the penalties.

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

By Senator Maynard:

Senate Bill 26—A Bill to amend and reenact §15-5-4c of the Code of West Virginia, 1931, as amended, relating to emergency services; and authorizing the West Virginia Disaster Recovery Board to intervene to restore access to private property, real estate or other premises when the access is destroyed as the direct result of damage from flooding or other natural or man-made causes.

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

By Senators Maynard and Rucker:

Senate Bill 27—A Bill to amend and reenact §18-9D-15 of the Code of West Virginia, 1931, as amended, relating generally to limiting the School Building Authority's discretion to disburse funds on an ad hoc basis by requiring that the School Building Authority distribute specific funds

to county boards on the basis of a county's net student enrollment; and requiring that county boards deposit certain funds into a savings account and only use those funds to facilitate school maintenance, construction or improvement projects.

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

By Senator Maynard:

Senate Bill 28—A Bill to amend and reenact §18A-2-1 of the Code of West Virginia, 1931, as amended, relating to hiring of professional personnel; permitting posting of vacancies; and providing for job applications.

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

By Senator Maynard:

Senate Bill 29—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to county boards of education and school counselors; requiring all counselors to inform graduating high school students of the availability of student aid; and requiring all graduating high school students to apply for student aid.

Referred to the Committee on Education.

By Senator Maynard:

Senate Bill 30—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i; and to amend and reenact §20-2-16 of said code, all relating to hunting; using leashed dogs to track mortally wounded deer or bear; and clarifying the handling of dogs caught chasing deer.

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

By Senators Maynard and Plymale:

Senate Bill 31—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-17A-8, relating to providing for special obligation notes to finance construction of completion of Interstate 73 and Interstate 74 through West Virginia; and providing for the repayment of the bonds by unmanned toll booth collections.

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

By Senator Maynard:

Senate Bill 32—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-8-1, §5B-8-2, §5B-8-3, §5B-8-4, §5B-8-5 and §5B-8-6, all relating to creating a grant fund to encourage production of film and entertainment in West Virginia; defining terms; requiring production company to apply for grant funds; requiring substantiation of production costs; establishing reporting requirements; and requiring production company to file a notice of intent to apply for grant funds.

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

By Senators Maynard and Beach:

Senate Bill 33—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-16, relating to creating the West Virginia Race Relations

Committee; setting forth who serves on the committee; setting forth its duties; requiring meetings and hearings; and requiring reports.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 34—A Bill to amend and reenact §17A-4-10 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that a reconstructed vehicle must be inspected before being titled or registered provided that no structural parts were replaced on the vehicle.

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

By Senator Woelfel:

Senate Bill 35—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 and §55-19-7, all relating to requiring presuit mediation for civil actions filed in circuit courts; allowing tolling of statutes of limitations pending presuit mediation; setting forth the substance of any demand for mediation and the substance of the response; providing for the selection of mediators; requiring the West Virginia State Bar to appoint mediators under certain circumstances; outlining the mediation procedure; and including penalties for failing to demand presuit mediation.

Referred to the Committee on the Judiciary.

By Senators Woelfel and Plymale:

Senate Bill 36—A Bill to amend and reenact §15-2B-2, §15-2B-5, §15-2B-6 and §15-2B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-9B-4, all relating generally to DNA testing; allowing the West Virginia State Police Forensic Laboratory to use qualified outside entities for DNA testing; clarifying that the State Police shall attempt to contract with the Marshall University Forensic Science Center for certain DNA testing when outsourcing such testing; granting legislative and emergency rule-making authority to the Sexual Assault Forensic Examination Commission; directing the commission to promulgate time frames for sample submission, sample testing and reporting of DNA testing results; expanding types of testing the West Virginia State Police Forensic Laboratory may outsource; authorizing law-enforcement and correctional officers to use reasonable force to obtain DNA samples; creating presumption that DNA samples taken by law-enforcement and corrections personnel are obtained in good faith; exempting law-enforcement and correctional officers from civil and criminal liability; directing that erroneously obtained DNA samples be removed from database and samples destroyed; and clarifying that judicial expungement proceeding proceed by petition.

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

By Senators Woelfel, Trump, and Ojeda:

Senate Bill 37—A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to burglary; eliminating the offense of daytime burglary; making breaking and entering or entering without breaking into a dwelling or outbuilding thereof a felony regardless of time of day; and establishing the penalty for burglary.

Referred to the Committee on the Judiciary.

By Senators Maynard and Cline:

Senate Bill 38—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to allowing county commissions to set standards for certain road construction projects within their counties.

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

By Senators Woelfel, Baldwin, Plymale, and Beach:

Senate Bill 39—A bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11A-9, relating to creating the Sexual Assault Victims' Bill of Rights; declaring additional rights bestowed upon sexual assault survivors regarding medical forensic examinations, sexual assault evidence collection kits and other similar topics; clarifying the right of a victim to be accompanied by a personal representative during certain proceedings; requiring certain people be informed or notified of certain rights; incorporating other rights contained in code; and defining terms.

Referred to the Committee on the Judiciary.

By Senators Romano, Ojeda, Baldwin, and Woelfel:

Senate Bill 40—A Bill to amend and reenact §3-8-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-8-8a, all relating to requiring certain disclosures of election expenditures; clarifying when contributions are required to be disclosed; creating exceptions; clarifying that certain federal entities must make certain state disclosures; requiring disclosure of covered transfers; stating legislative findings; defining terms; providing requirements for disclosure of donations related to the transfer of certain sums of money related to campaign-related disbursements; requiring certain disclosures be made within 48 hours; specifying information required in the disclosures; clarifying the relationship between covered transfers and other regulated areas of election expenditures; creating a misdemeanor offense; and authorizing rulemaking.

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

By Senator Woelfel:

Senate Bill 41—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to increasing the amount of time school counselors spend on direct counseling; reducing the maximum amount of time school counselors may spend on administrative activities; and clarifying that school counselors work includes programs to identify problems associated with the use of opioids and other drug abuse issues.

Referred to the Committee on Education.

By Senators Romano, Ojeda, Maroney, and Beach:

Senate Bill 42—A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to surcharge on fire and casualty insurance policies for purpose of funding volunteer fire departments; providing that surcharge be increased to one percent beginning January 1, 2019; and deleting obsolete language.

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

By Senators Cline and Beach:

Senate Bill 43—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-6-1a, relating to authorizing the Commissioner of the Division of Highways or local authorities to establish minimum speed limits in certain congested areas; and imposing fines.

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

By Senator Cline:

Senate Bill 44—A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalties for malicious assault, unlawful assault and assault on a law-enforcement officer.

Referred to the Committee on the Judiciary.

By Senator Cline:

Senate Bill 45—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate for realtors; and establishing a fee.

Referred to the Committee on Transportation and Infrastructure.

By Senators Cline and Takubo:

Senate Bill 46—A Bill to amend and reenact §30-5-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-5-12c, all relating to permitting pharmacists to inform customers about lower cost alternatives to prescribed drugs; and limiting the ability of pharmacists and pharmacy benefit managers to charge retail prices for drugs in excess of the price paid for the drugs by those pharmacists or pharmacy benefit managers.

Referred to the Committee on Health and Human Resources.

By Senators Romano and Ojeda:

Senate Bill 47—A Bill to amend and reenact §49-2-802 of the Code of West Virginia, 1931, as amended, relating to requiring Department of Defense family advocacy groups to be notified about any abuse or neglect of a child of a military person.

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

By Senator Cline:

Senate Bill 48—A Bill to amend and reenact §48-10-802 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-10-803, all relating to specifying forms of grandparent visitation; allowing daytime and overnight visits, as well as electronic communication; and defining the term “electronic communication”.

Referred to the Committee on the Judiciary.

By Senators Boso, Woelfel, Cline, and Maroney:

Senate Bill 49—A Bill to amend and reenact §7-1-3d of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-17-12 of said code, all relating to funding sources for fire companies and departments; modifying procedures for county commissions to authorize reasonable fees charged for fire department or fire company response to fires or other calls for assistance; providing for reasonable reimbursement fees for fire services and the means to be used for calculating and charging fees for responding to fires or other calls for assistance; providing that an insurance company shall not be deemed liable for payment of reimbursement fees for fire services where coverage is limited or excluded by an insurance contract; modifying the maximum fee that may be charged for responding to any single incident involving certain property and material types; prohibiting fire company or fire department from seeking reimbursement where the property is assessed a fire service levy or fire service fee; and modifying procedures for increasing a county fire service fee by a county commission.

Referred to the Committee on Government Organization.

By Senator Boso:

Senate Bill 50—A Bill to amend and reenact §51-1-17 of the Code of West Virginia, 1931, as amended, relating to reporting by Administrative Director of the Supreme Court of Appeals; and establishing an online case management system.

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

By Senators Gaunch and Cline:

Senate Bill 51—A Bill to amend and reenact §48-6-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-205 and §48-9-206 of said code, all relating to domestic relations; removing language related to child support from code section governing the awarding of spousal support and separate maintenance; directing court to consider certain factors to decide amount and duration of spousal support and separate maintenance; providing alimony guideline worksheet for calculating monthly payments; permitting court to disregard or adjust guideline-based award for good cause shown; requiring court to state reason for deviation on record and in writing; setting forth purpose of requiring court to give reason for deviation; removing the 24-month time frame for a description of the allocation of caretaking and other parenting responsibilities performed from the matters contained in permanent parenting plan; directing court to allocate custodial responsibility so that custodial time spent with each parent achieves certain objectives; directing courts to consider which parent will encourage and accept a positive relationship between child and other parent and which parent is more likely to keep other parent involved in child's life and activities; and eliminating language prohibiting court from considering divisions of functions arising from temporary arrangements after separation in determining proportion of caretaking functions each person previously performed for child.

Referred to the Committee on the Judiciary.

By Senators Gaunch and Cline:

Senate Bill 52—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18f, relating to county boards of education; providing that maximum licensed school psychologist-pupil ratio is 1,500 pupils for each licensed school psychologist; and defining a term.

Referred to the Committee on Education.

By Senator Palumbo:

Senate Bill 53—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 Senators Palumbo, Trump, Stollings, Prezioso, Baldwin, and Woelfel:

Senate Bill 54—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to creating an Independent Redistricting Commission; designating duties of the commission; providing that members are nominated by State Election Commission; setting forth required traits and restrictions of members; providing for how commission members are appointed; setting forth a process for determining the chair of the commission; providing for the filling of vacancies of commission; requiring members to conduct an organizational meeting and select a vice chairperson; providing for the removal of a member for cause; providing for the filling of vacancies that may occur on commission; setting forth certain requirements of the commission; providing that three members constitute a quorum; providing that members are ineligible for public office or registration as paid lobbyist for three years after completing their last term on commission; requiring that commission plan and propose congressional and legislative districts; providing specific criteria that commission must observe in proposing district mappings; requiring commission to advertise a proposed draft map of districts to the public; permitting legislators to make inquiry of commission members regarding their methodology and proposed redistrict mapping; requiring that commission publish its proposals for district boundaries; requiring the commission to recommend redistricting plans to the Legislature; authorizing a vote on the plans in an extraordinary session called by the Governor; requiring the full Legislature to vote on the first proposal plan ratification without amendment; setting forth a process for subsequent proposed plans, amendment restrictions and vote requirements; authorizing the West Virginia Supreme Court of Appeals to make the final determination between three plans proposed by the independent redistricting commission if the Legislature and Governor cannot agree; requiring that the commission certify to Secretary of State that its proposals for district boundaries is in accordance with constitutional and legal requirements; providing for reimbursement of expenses and per diem allowances for commission members; authorizing the commission to contract for staffing and consultants; prohibiting certain persons from influencing or attempting to influence district mapping proposals of the commission; and providing for the expiration of commission appointments.

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

By Senators Romano, Ojeda, and Beach:

Senate Bill 55—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-10-1 and §9-10-2, all relating to providing continued eligibility for developmental disability services to dependents of military service members; defining terms; establishing dependents retention of rights for developmental disability services provided conditions are met; providing dependents be placed on waiting list for services; establishing a process to reestablish services for dependent upon return to state; prohibiting payment for services rendered outside state; and rulemaking.

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

By Senators Romano, Ojeda, Stollings, and Maroney:

Senate Bill 56—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-2a, relating to increasing pay to state employees over a two-year period.

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

By Senator Romano:

Senate Bill 57—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22B-1-7a; and to amend said code by adding thereto a new section, designated §24-1-7a, all relating to requiring disclosure of attorney source payment in certain administrative hearings; requiring a person involved in a proceeding before the environmental boards to disclose who is paying the person's attorney's fees; and requiring a person involved in a proceeding before the Public Service Commission to disclose who is paying the person's attorney's fees.

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

By Senators Romano, Ojeda, Stollings, and Woelfel:

Senate Bill 58—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22i; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to a \$1,000 cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the state Teachers Retirement System by June 30, 2018; and providing for the pro rata distribution of the cost-of-living adjustment to certain beneficiaries.

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

By Senators Romano, Ojeda, and Beach:

Senate Bill 59—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-3-33b, relating to creating a surcharge on fire and casualty insurance policies in order to relieve the burden from municipalities and counties of certain fire-related cleanup and demolition; requiring the assessment of a surcharge on certain policies; creating exceptions; setting forth collection and remittance requirements; authorizing penalties; creating the Political Subdivisions Fire Cleanup Relief Fund; permitting municipalities and counties to apply to the Treasurer for a disbursement from the fund; authorizing the Treasurer to disburse funds; and granting rule-making authority.

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

By Senators Rucker, Maynard, and Karnes:

Senate Bill 60—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, relating to providing compensation to victims of abusive lawsuits; and providing that a party in a civil action is entitled to recover attorney's fees and costs after a court dismisses a claim as lacking any basis in law or fact.

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

By Senators Takubo, Stollings, Prezioso, Woelfel, and Baldwin:

Senate Bill 61—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-11, relating to prohibiting smoking of tobacco products in a motor vehicle while an individual sixteen years of age or less is present; defining terms; violation of section a secondary misdemeanor offense; and providing a penalty.

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

By Senator Prezioso:

Senate Bill 62—A Bill to amend and reenact §18-8-3 of the Code of West Virginia, 1931, as amended, relating to school attendance directors; and adjusting requirements for hiring an attendance director.

Referred to the Committee on Education.

By Senators Prezioso, Ojeda, Woelfel, and Baldwin:

Senate Bill 63—A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session if the budget bill has not been enacted.

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

By Senators Prezioso and Boso:

Senate Bill 64—A Bill to amend and reenact §21-11-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §21-11-10b and §21-11-10c, all relating to requiring any newly constructed, state-assisted, detached single-family house, a townhouse or multilevel dwelling unit, whether detached or attached to other units or structures, or a ground floor unit in a building of three or fewer dwelling units to meet minimum standards of universal design for persons with disabilities.

Referred to the Committee on Government Organization.

By Senators Weld, Cline, and Takubo:

Senate Bill 65—A Bill to amend and reenact §60A-9-5 of the Code of West Virginia, 1931, as amended, relating to access to controlled substance monitoring information.

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

By Senators Weld, Prezioso, Cline, and Plymale:

Senate Bill 66—A Bill to amend and reenact §18B-10-1a of the Code of West Virginia, 1931, as amended, relating generally to in-state residency tuition rates; providing that members of a reserve unit in West Virginia shall qualify as residents for purposes of calculating tuition rates; striking the requirement that members of the National Guard participate in the National Guard education services program; and providing that current members of the United States armed forces shall qualify as residents for purposes of calculating tuition rates.

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

By Senators Weld and Cline:

Senate Bill 67—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to pension benefits exempt from state income taxation; and including Division of Natural Resources police officers into the class of law-enforcement officers exempted.

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

By Senators Ojeda and Stollings:

Senate Bill 68—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1, §5B-2J-2, §5B-2J-3 and §5B-2J-4, all relating to creating the Returning Veterans and Displaced Miners Jobs Act; providing a short title and legislative findings and declaration; establishing a Veterans Job Coordinating Team and composition of the team; powers and duties, including reporting a plan to the Legislature; and providing for termination of the Veterans Job Coordinating Team unless the Legislature determines otherwise.

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

By Senators Weld, Boso, and Cline:

Senate Bill 69—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to exempting certain persons from fees for hunting, fishing and trapping licenses and permits; providing that fees for hunting, trapping and fishing licenses and permits are waived for certain volunteer firefighters; including eligibility requirements; requiring compliance with all other requirements to obtain license; and granting rule-making authority.

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

By Senators Weld, Boso, Prezioso, Cline, and Takubo:

Senate Bill 70—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; providing a criminal penalty for the offense; and defining a term.

Referred to the Committee on the Judiciary.

By Senators Weld, Prezioso, and Cline:

Senate Bill 71—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to defining the term “veteran” as that term pertains to veteran-owned businesses.

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

By Senators Weld and Cline:

Senate Bill 72—A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees receiving pensions from defined benefit pension plans that

have been terminated with a consequent reduced benefit; and reinstating the effective period of the allowed adjustment.

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

By Senators Weld and Cline:

Senate Bill 73—A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to modifying the crime of fleeing the scene of an accident involving injuries; and increasing criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Trump, Cline, Woelfel, and Baldwin:

Senate Bill 74—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-3F-1, §29-3F-2, §29-3F-3, §29-3F-4, §29-3F-5, §29-3F-6 and §29-3F-7, all relating to creating the West Virginia Volunteer Fire and Rescue Act of 2018; providing a short title; making findings; stating a purpose; establishing certification requirements for ambulance drivers, emergency medical technicians and paramedics; providing a waiver of certain fees; and establishing a tax credit.

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

By Senators Ferns and Maroney:

Senate Bill 75—A Bill to amend and reenact §29-22B-501 of the Code of West Virginia, 1931, as amended, relating to video lottery in general; providing that a limited video lottery retailer may sell or transfer ownership of one or more locations, including the limited video lottery retailer's license associated with that location; providing that a purchaser or transferee shall satisfy the requirements for a limited video lottery retailer's license; and providing that the state Lottery Commission be given prior written notice of the sale or transfer.

Referred to the Committee on the Judiciary.

By Senator Ferns:

Senate Bill 76—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended, all relating to the manner of computing retirement benefits for certain members of the Legislature under the West Virginia Public Employees Retirement Act; and requiring that the final average salary for members of the Legislature taking office after June 30, 2018, and thereafter participating in the retirement system as a member of the Legislature be the average of the member's annual rate of compensation during his or her total years of credited service.

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

By Senators Ferns and Cline:

Senate Bill 77—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; and including rebuttable presumptions for certain injuries and diseases for firefighters, volunteer firefighters and municipal, county and state police officers.

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

By Senators Ferns and Cline:

Senate Bill 78—A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee.

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

By Senators Ferns, Stollings, and Cline:

Senate Bill 79—A Bill to repeal §48-23-101, §48-23-102, §48-23-201, §48-23-202, §48-23-203, §48-23-204, §48-23-205, §48-23-206, §48-23-207, §48-23-208, §48-23-209, §48-23-301, §48-23-401, §48-23-402, §48-23-403, §48-23-404, §48-23-501, §48-23-502, §48-23-503, §48-23-504, §48-23-505, §48-23-506, §48-23-507, §48-23-601, §48-23-701 and §48-23-801 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5-16 of said code; and to amend said code by adding thereto a new section, designated §48-22-705, all relating to access to adoption records; allowing adopted adults or lineal descendants to access adoption records; clarifying what is included in a certificate of adoption maintained by the State Registrar; defining terms; setting forth rights and responsibilities of biological parents; requiring biological parents to provide social and medical information for inclusion in an adoption file; setting forth duties of the State Registrar with respect to adoption files; providing for confidentiality of adoption files; providing for rule-making authority for Secretary of the Department of Health and Human Resources; setting forth an effective date; and repealing the voluntary adoption registry.

Referred to the Committee on the Judiciary.

By Senator Ferns:

Senate Bill 80—A Bill to amend and reenact §16-2-3, §16-2-11 and §16-2-13 of the Code of West Virginia, 1931, as amended, all relating to powers and duties of local boards of health; granting county commissions authority to approve, modify or disapprove policies to be implemented by local boards of health; and allowing county commissions to review existing policies and approve, modify or void them.

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

By Senator Ferns:

Senate Bill 81—A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended, relating to determining the assessed value of any share of natural resource property.

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

By Senators Ferns and Cline:

Senate Bill 82—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; including rebuttable presumptions for certain injuries and diseases for firefighters, including members of volunteer fire departments; and allowing coverage to employees for occupational pneumoconiosis or other occupational disease for work performed out of state.

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

By Senator Karnes:

Senate Bill 83—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18B-14-3 and §18B-14-4, all relating to increasing higher education student success; requiring that course catalogs include certain information relating to employment, compensation, in-state employment and student success rate; providing exception to requirement; requiring the Higher Education Policy Commission and Council for Community and Technical College Education to implement rules; creating a voluntary college completion incentive program whereby an institution of higher education accepts less state funding in return for certain incentive bonuses relating to student graduation and employment of graduates; and creating a tax credit for West Virginia resident students successfully completing certain courses of study.

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

By Senators Karnes, Boso, Rucker, and Maynard:

Senate Bill 84—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16G-10, relating to prohibiting abortion coverage in qualified health care plans issued or renewed on or after January 1, 2019; and providing an exception to the prohibition when a mother's life is in danger.

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

By Senator Karnes:

Senate Bill 85—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-8A-1, §11-8A-2, §11-8A-3, §11-8A-4, §11-8A-5 and §11-8A-6, all relating to allowing local units of government to lower personal property taxes by imposing local sales taxes; setting forth a purpose; not requiring an agreement among local levying bodies; setting the amount of sales tax permitted; determining levy setoff and implementation; establishing a trigger to prohibit the collection of future personal property taxes by any unit of state government; and providing for the sunset of article under certain conditions.

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

By Senators Karnes, Trump, Cline, and Takubo:

Senate Bill 86—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-35-5, relating to permitting sale of home-based, micro-processed foods at farmers markets; requiring 70 percent from vendor's garden or farm; requiring recordkeeping and labeling; clarifying foods requiring permit and exempted foods; establishing permit requirements and limitations; setting forth permit inspections and fees; and limiting sales to 750 units per year.

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

By Senators Karnes and Cline:

Senate Bill 87—A Bill to amend and reenact §20-2-42x of the Code of West Virginia, 1931, as amended, relating to allowing a person to purchase a Class XS resident senior hunting, fishing and trapping license at the beginning of the year he or she becomes 65, if otherwise eligible.

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

By Senator Karnes:

Senate Bill 88—A Bill to amend and reenact §5A-3-37 of the Code of West Virginia, 1931, as amended, relating to providing a resident farm vendor's bidding preference.

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

By Senators Karnes and Takubo:

Senate Bill 89—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to creating income tax credits against personal income tax for educational expenses incurred by parents for a child under 21 years of age and for expenses incurred by teachers for the purchase of supplementary educational materials or professional development costs.

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

By Senator Karnes:

Senate Bill 90—A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8 and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to mandatory state inspections of motor vehicles.

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

By Senator Karnes:

Senate Bill 91—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §33-42-9 and §33-42-10, all relating to the care of aborted fetuses; requiring medical facilities that provide abortions to administer anesthesia to an unborn fetus when aborted if it is older than seven weeks; requiring all available medical means to be used to preserve the life of a fetus if it is alive when aborted; and providing criminal penalties.

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

By Senators Karnes, Boso, Rucker, and Maynard:

Senate Bill 92—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-11a, relating to limiting health insurance coverage for elective abortions to coverage provided through supplemental policies; and providing for elective abortion exceptions.

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

By Senators Karnes, Rucker, and Maynard:

Senate Bill 93—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4 and §5-11C-5, all relating to establishing the West Virginia Freedom of Conscience Protection Act; ensuring that, in all cases where state action burdens the exercise of religion, strict scrutiny is applied; providing a claim or defense to a person or persons whose exercise of religion is burdened by state action;

providing a short title; providing definitions; and addressing applicability, construction, remedies and severability.

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

By Senator Karnes:

Senate Bill 94—A Bill to amend and reenact §29-3E-10 of the Code of West Virginia, 1931, as amended, relating to fireworks safety; and prohibiting counties from regulating the sale and use of consumer fireworks within their boundaries.

Referred to the Committee on Government Organization.

By Senators Karnes, Rucker, and Maynard:

Senate Bill 95—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3, §3-11A-4 and §3-11A-5, all relating to providing procedure for West Virginia to select delegates to an article V convention for proposing amendments to the Constitution of the United States of America; defining terms; directing Legislature to establish committee of correspondence for article V convention; authorizing participation by delegates in article V convention only when each state has equal vote; setting forth delegate duties and responsibilities; setting forth oath for candidate for delegate or alternate; designating delegates and alternates as public officials and subject to West Virginia Governmental Ethics Act; providing for immediate recall of delegate casting unauthorized vote and replacement with alternate; directing Legislature to certify certain information to article V convention; making violation of delegate's oath a felony; and providing criminal penalties for violation of a delegate's oath.

Referred to the Committee on the Judiciary.

By Senators Karnes and Maynard:

Senate Bill 96—A Bill to amend and reenact §17C-6-2 of the Code of West Virginia, 1931, as amended, relating to the establishment of an 80 miles per hour speed limit on interstate highways and four-lane limited access highways in this state; and providing an exception for portions of those highways passing through city limits.

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

By Senator Karnes:

Senate Bill 97—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13D-1, §11-13D-2, §11-13D-3 and §11-13D-4, all relating to creating a fixed-income credit for low income senior citizens; establishing procedures for claiming credit; and defining terms.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

By Senators Palumbo, Gaunch, Drennan, Takubo, and Beach:

Senate Bill 98—A Bill to amend and reenact §7-11B-3, §7-11B-4 and §7-11B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-2-4 of said code; to amend said code by adding thereto a new section, designated §7A-2-5; and to amend and reenact §31-20-10a of said code, all relating to incentives for consolidating local governments; amending certain

terms to include municipalities that successfully consolidated; allowing consolidation of local governments to include public school districts, library districts and fire districts; creating certain incentives for municipalities that consolidate; creating certain incentives for counties that consolidate; creating certain incentives for municipalities and counties that form metro governments by consolidation; and requiring the Division of Corrections to pay for regional jail bills of counties that consolidate from the point of a felony conviction, rather than after sentencing.

Referred to the Committee on Government Organization.

By Senators Palumbo, Ojeda, and Beach:

Senate Bill 99—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices; prohibiting discrimination based upon age or sexual orientation in certain circumstances; adding sexual orientation as a protected class with respect to equal opportunity in employment, public accommodations and housing accommodations under the authority of the Human Rights Commission and in the Fair Housing Act; adding age as a protected class with respect to housing accommodations under the authority of the Human Rights Commission and in the Fair Housing Act; making stylistic changes; and defining terms.

Referred to the Committee on the Judiciary.

By Senator Romano:

Senate Bill 100—A Bill to amend and reenact §11-15-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-15-3d; and to amend and reenact §11-15A-2 and §11-15A-10 of said code, all relating to imposing the consumers sales and service tax and the use tax on digital goods, digital products and digital services as of a specified date; defining terms; establishing what is subject to the tax and what is exempted; requiring the sales of taxable digital code and digital products to be subject to certain transaction sourcing rules in current code; and clarifying the calculation for remittance of the use tax.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

By Senators Trump, Takubo, and Woelfel:

Senate Bill 101—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-16-11b, relating to creating a one-day special license for charitable events to sell nonintoxicating beer; setting fee for license; and authorizing commissioner to waive certain restrictions by rule or order.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 102—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §44-5B-1, §44-5B-2, §44-5B-3, §44-5B-4, §44-5B-5, §44-5B-6, §44-5B-7, §44-5B-8, §44-5B-9, §44-5B-10, §44-5B-11, §44-5B-12, §44-5B-13, §44-5B-14, §44-5B-15, §44-5B-16, §44-5B-17, §44-5B-18 and §44-5B-19, all relating to the West Virginia Uniform Fiduciary Access to Digital Assets Act; providing a short title; defining certain terms; setting forth to whom the article applies; providing for user direction for disclosure of assets; addressing terms of service agreements; setting forth procedure for disclosing digital assets; providing for disclosure of content of electronic communications and other digital assets of deceased users;

providing for disclosure of content of electronic communications of a principal; addressing disclosure of digital assets of a principal; addressing disclosure of digital assets held in trust when the trustee is an original owner or user; addressing disclosure of digital assets held in trust when trustee is not an original owner or user; addressing disclosure of digital assets to conservator of a protected person; setting forth fiduciary's duties and authority; providing for custodian's compliance and immunity; providing for uniformity of application and construction of article; addressing relation of article to Electronic Signatures in Global and National Commerce Act; providing for severability of article; and setting date when article takes effect.

Referred to the Committee on the Judiciary.

By Senator Takubo:

Senate Bill 103—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2, §11-13EE-3, §11-13EE-4, §11-13EE-5, §11-13EE-6, §11-13EE-7, §11-13EE-8 and §11-13EE-9, all relating to establishing a tax credit for certain physicians who locate in this state to practice; providing for criteria for the tax credit; establishing education requirements; setting forth a time limit to claim the tax credit; setting forth length of residency requirements; setting forth findings; defining terms; authorizing the credit; specifying the amount of the tax credit; providing how the credit may be asserted; specifying no tax credit carryover; allowing forms and schedules to be established by the Tax Commissioner in rule; setting maximum amount per taxpayer per year; authorizing the Tax Commissioner to promulgate rules; and setting effective date.

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

By Senators Baldwin, Ojeda, Prezioso, and Plymale:

Senate Bill 104—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2A-5a, relating to drug testing of legislators.

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

By Senators Baldwin and Ojeda:

Senate Bill 105—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated §18-2-41; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the Stay in State tax credit against personal income for higher education tuition for certain state residents; creating credit for student loan payments for all in-state community college, college or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility for payments against student loans for employees; defining terms; and providing for the board of education, state Board of Education and governing boards of colleges promotion of the program.

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

By Senators Baldwin and Maroney:

Senate Bill 106—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-25A-1, §29-25A-2 and §29-25A-3, all relating to legalizing sport pool betting; authorizing the state Lottery Commission to promulgate legislative rules

establishing sports betting; finding that federal law prohibiting sports betting in West Virginia is unconstitutional; authorizing assessment of fees and other necessary requirements; authorizing a tax on bets; establishing a special revenue account; and allowing incorporation of current laws and the promulgation of further requirements for sports betting by legislative rule.

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

By Senator Ferns:

Senate Bill 107—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, §62-16-5, §62-16-6, §62-16-7, §62-16-8, §62-16-9, §62-16-10, §62-16-11, §62-16-12, §62-16-13 and §62-16-14, all relating to establishing a Mental Health, Veteran and Service Members Court within the Supreme Court of Appeals; defining terms; setting forth policy and goals of the Legislature in establishing the court; granting authority to oversee the court to the Administrator of the Supreme Court; setting forth structure of the court; providing for written agreement to participate in the court; setting forth incentives for successful participation; providing for sanctions for violation of provisions of the court; setting out disposition on successful completion; providing for teams to function within the court; setting forth eligibility requirements for participation; setting forth procedure to participate in the court; allowing for mental health and drug treatment services for participants; providing for governance of the court by the Supreme Court of Appeals; setting forth information to be maintained on participants; providing for funding mechanisms which may include court fees; providing for limitation of liability; and providing for statutory construction.

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

By Senators Ojeda and Beach:

Senate Bill 108—A Bill to amend and reenact §5H-1-2 and §5H-1-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-15-8d; to amend said code by adding thereto a new section, designated §11-21-8i; and to amend and reenact §20-2-28 of said code, all relating to creating the Volunteer Firefighter Appreciation Act of 2018; increasing the death benefit for survivors of firefighters, EMS, or law-enforcement providers killed in the performance of his or her duties; stating a retroactive effective date for the increase to the death benefits; setting forth legislative findings; detailing eligibility and participation requirements for newly created incentives for volunteer firefighters; allowing certain volunteer firefighters to hunt, trap or fish in season in West Virginia without obtaining a license; allowing certain volunteer firefighters a waiver of fees for a special volunteer firefighter registration plate on his or her primary vehicle used for responding to emergencies; declaring a discount on lodging at state parks for certain volunteer firefighters; authorizing a refundable tax credit for certain volunteer firefighters with respect to certain expenses associated with being a volunteer firefighter; detailing the calculation of the refundable tax credit; setting a cap on the maximum credit permitted per person; stating effective date of the tax credit; authorizing the Tax Commissioner to promulgate procedural rules in order to implement the credit; and detailing the procedure for hunting, trapping, or fishing without a license.

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

By Senator Trump:

Senate Bill 109—A Bill to amend and reenact §36-8-13 of the Code of West Virginia, 1931, as amended, relating to limiting the amount of funds from the Unclaimed Property Fund that may

be deducted during a fiscal year for the purpose of paying expenses of administering the Unclaimed Property Fund and the Unclaimed Property Trust Fund.

Referred to the Committee on Finance.

By Senator Trump:

Senate Bill 110—A Bill to amend and reenact §60-7-13 of the Code of West Virginia, 1931, as amended, relating to requiring a private club licensee to timely notify emergency medical services or law enforcement of a life-threatening medical emergency occurring on the licensee's premises; requiring the licensee to notify the Alcohol Beverage Control Administration within 48 hours of the emergency's occurrence; and permitting the commissioner to revoke, suspend or otherwise sanction a licensee for failing to comply with the 48-hour notification requirement.

Referred to the Committee on the Judiciary.

By Senators Trump, Rucker, Maynard, and Karnes:

Senate Bill 111—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-20-1, §18B-20-2, §18B-20-3, §18B-20-4, §18B-20-5, §18B-20-6, §18B-20-7, §18B-20-8, §18B-20-9, §18B-20-10, §18B-20-11, §18B-20-12, §18B-20-13 and §18B-20-14, all relating to enacting the Forming Open and Robust University Minds Act; and addressing the exercise of First Amendment rights on public university campuses.

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

By Senators Trump and Boso:

Senate Bill 112—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to natural resources police officers; finding that the administrative and law-enforcement activities of the natural resources police officers are important to the state's conservation of fish and wildlife; and clarifying that the subsistence allowance is pensionable.

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

By Senators Trump and Boso:

Senate Bill 113—A Bill to amend and reenact §5-15-3 of the Code of West Virginia, 1931, as amended, relating to improper use or representation of a service animal; penalties.

Referred to the Committee on the Judiciary.

By Senators Trump, Boso, Prezioso, Plymale, and Woelfel:

Senate Bill 114—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-14-10, relating to requiring posting of notice providing the National Human Trafficking Resource Center hotline phone number for help for anyone being sold for sex or made or forced to work for little or no pay and cannot leave; and providing penalties.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 115—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-12A-1b, relating to requiring the Commissioner of the Department of Agriculture, on or before May 15, 2018, to sell all farms owned by the department at public auction with the net proceeds of the sales being deposited in the General Revenue Fund;

and requiring appraisals to be made by the Real Estate Division of the Department of Administration.

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

By Senator Trump:

Senate Bill 116—A Bill to amend and reenact §17B-7-5 and §17B-7-9 of the Code of West Virginia, 1931, as amended, all relating to the Second Chance Driver's License Program; and providing that amounts of court costs collected under the Second Chance Driver's License Program attributable to crime victim restitution are not subject to the five percent offset for use by the Director of the Division of Justice and Community Services in the administration of the program.

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

By Senators Palumbo, Ojeda, Stollings, and Prezioso:

Senate Bill 117—A Bill to amend and reenact §3-10-5, §3-10-6, §3-10-7 and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to requiring vacancies in the House of Delegates, State Senate, circuit court clerk, county commission, county clerk, prosecuting attorney, sheriff, assessor or county surveyor be filled by a person affiliated with the same party as the person vacating the office was affiliated at the time of his or her last election to the office or if not elected at the time of his or her appointment.

Referred to the Committee on the Judiciary.

By Senators Ferns and Boso:

Senate Bill 118—A Bill to amend and reenact §3-8-1, §3-8-1a, §3-8-2, §3-8-2b, §3-8-2c, §3-8-5, §3-8-5a, §3-8-5b, §3-8-5d, §3-8-5f, §3-8-7, §3-8-8, §3-8-9, §3-8-10, §3-8-11 and §3-8-12 of the Code of West Virginia, 1931, as amended; and that said code be amended by adding thereto a new section, designated §3-8-9a, all relating generally to the regulation and control of financing elections; modifying legislative findings; defining terms; modifying definitions; exempting candidates for delegate to national presidential nominating convention for a political party from certain recordkeeping and filing requirements; updating references to federal code; requiring additional information to be provided by entities making independent expenditures; increasing threshold dollar amounts to be met for certain expanded disclosures of contributors to independent expenditures; increasing threshold dollar amounts for reporting on certain independent expenditures; requiring additional information to be provided by entities engaging in electioneering communication; requiring disclosure of certain contributor information when contributions were made for explicit purpose of financing any electioneering communication; increasing threshold dollar amounts for disclosure of contributions or expenditures by party headquarters committees; requiring candidates and treasurers of political committees to keep certain detailed accounts; requiring entities making reportable independent expenditures or electioneering communications to keep certain detailed accounts; requiring reports be kept of contributions received for explicit purpose of furthering independent expenditures or electioneering communications and all disbursements for independent expenditures or electioneering communications; increasing threshold dollar amounts for certain transactions to be disclosed in sworn statement by candidate or political committee; clarifying definition of "financial transactions"; requiring additional information be provided in financial statements; prohibiting receipt of currency as contribution; eliminating separate disclosure schedule and rules for membership organizations that raise funds for political purposes by payroll deduction; requiring

political action committees, ballot issue committees, electioneering communications and independent expenditures file financial statements electronically with Secretary of State; making misdemeanor offense for receipt of contribution of currency; setting penalties; providing exception where currency received in exchange for goods or services provided by recipient; clarifying discretion of court in penalties for failure to file sworn itemized financial statement; prohibiting contributions by membership organizations to political committees; prohibiting contributions by membership organizations to candidates; permitting membership organizations to solicit contributions to separate segregated fund; making it unlawful for membership organization or separate segregated fund to make contribution or expenditure by using money or thing of value secured by physical force, job discrimination, financial reprisal, or by the threat thereof; making it unlawful for membership organization member soliciting contributions to fail to inform person that funds were being solicited for separate segregated fund at the time of solicitation; making it unlawful for person soliciting contribution for membership organization to fail to inform person of right to refuse to contribute without reprisal; making it unlawful for separate segregated fund established by membership organization to solicit contributions from persons other than members and their families; making it unlawful for separate segregated fund established by membership organization to contribute membership organization funds; prohibiting separate segregated fund from receiving contributions from members of organization, immediate families and executive or administrative personnel and their immediate families; prohibiting membership organization from engaging in job discrimination or job promotion or transfer discrimination because of member's failure to make contribution to membership organization or separate segregated fund; prohibiting corporation or membership organization fund making contribution to separate segregated fund for purpose of making contribution to candidate or candidate's committee; exempting separate segregated funds from scope of prohibition; requiring membership organizations to permit groups of employees represented by bona fide political action committee to use real property of membership organization for certain purposes; setting penalties; prohibiting reimbursement by membership organization of the amount of any fine imposed; directing prosecuting attorney to present alleged violations of article relating to regulation and control of elections referred by State Election Commission to grand jury upon determining that there is a reason to believe a violation occurred; authorizing fact of investigation to be disclosed to persons or entities being investigated by State Election Commission; eliminating misdemeanor for disclosure of fact of complaint, investigation, report or proceedings; eliminating outdated language; making lawful election expense for payment of necessary employees; making lawful election expense payment of food and drink for campaign-related purposes and for entertaining of campaign volunteers; making lawful election expense payment for certain legal and accounting service rendered to candidate or candidate committee; making lawful election expense payment of fees associated with campaign; providing that candidate may not pay fines assessed against candidate or candidate's committee with campaign funds; making lawful election expense transfers to political party committees when committee is acting in role of vendor; clarifying that no such transfer shall involve coordination; making lawful election expense any political expenditure; prohibiting contributions by political action committee to another political action committee if contribution is earmarked for contribution to any candidate committee or political party; permitting certain coordination between state committee of political party or caucus campaign committee and certain candidates; requiring coordinated communications to include statement clearly identifying that communications were made in coordination with candidate or candidate's committee; authorizing contribution of excess campaign funds prior to the general election; removing cap on amount of contributions to state party executive committee or caucus campaign committee; prohibiting employer or agent from giving any notice or information to employees containing any threat intended or calculated to influence decisions of employees regarding political activity; clarifying that employer can express opinion of employer without constituting a violation; clarifying that person cannot pay owner, publisher, editor or employee of newspaper or periodical to

advocate or oppose candidate, political party or measure without reporting as independent expenditure or electioneering communication where appropriate; eliminating prohibition on publication, issuance or circulation of anonymous communications supporting or aiding election or defeat of clearly identified candidate; prohibiting certain persons contracting with state from soliciting contributions to any candidate or political party other than for independent expenditures; setting contribution limits to candidates for nomination and general elections; setting contribution limits to state, district or county party committees; setting contribution limits to caucus campaign committees; setting contribution limits to political action committees; providing exception to limits on contribution when political action committee makes only independent expenditures; providing for indexing of contribution limitations to candidates; directing Secretary of State to calculate new contribution limits after each two-year election cycle; directing State Election Commission announce adjustments within thirty days of publication of relevant index; providing new contribution limits remain in effect for two-year election cycle; permitting unlimited transfers between state party executive committee, caucus campaign committee and national committee of same political party for voter registration and get-out-the-vote activities of state committees; prohibiting coercion or intimidation of nonelective salaried employee of state government to refrain from any form of political activity; eliminating requirement that person soliciting contributions disclose amount of commission, remuneration or other compensation to be received as a direct result of contribution being successfully collected; prohibiting employer from withholding or diverting portion of employee's wages or salary for use for certain political activities except upon express written request of employee; requiring employee request be upon form provided by Secretary of State; limiting validity of request for 12 months; defining term "political activities"; setting internal effective date for prohibition and required written request; updating language throughout; and making technical corrections.

Referred to the Committee on the Judiciary.

By Senators Ferns and Boso:

Senate Bill 119—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5 and §31-15D-6; and to amend said code by adding thereto a new section, designated §33-3-14e, all relating to establishing a West Virginia business growth in low-income communities tax credit; providing title; defining terms; establishing amount of credit allowed; transferability; certification of qualified equity investment; recapture of tax credits; notice of noncompliance; letter rulings; new capital requirement; and reporting.

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

By Senators Plymale and Baldwin:

Senate Bill 120—A Bill to amend and reenact §11-15B-15 of the Code of West Virginia, 1931, as amended, relating to reinstating the exemption for certain sellers of cut flowers and flower arrangements from the general sourcing rules for purposes of the streamlined sales and use taxes; detailing when the exception is applicable; and repealing language that previously ended the exception.

Referred to the Committee on Finance.

By Senators Plymale and Stollings:

Senate Bill 121—A Bill to amend and reenact §30-20A-1, §30-20A-2, §30-20A-3, §30-20A-4, §30-20A-5, §30-20A-6 and §30-20A-7 of the Code of West Virginia, 1931, as amended; and to

amend said code by adding thereto nine new sections, designated §30-20A-8, §30-20A-9, §30-20A-10, §30-20A-11, §30-20A-12, §30-20A-13, §30-20A-14, §30-20A-15 and §30-20A-16, all relating to licensing the practice of athletic training; making the practice of athletic training unlawful without license or permit; establishing applicable law; defining terms; establishing eligibility for license; defining the scope of practice; establishing requirements for reciprocal agreements; establishing requirements for temporary permits; establishing renewal requirements; establishing requirements for delinquent or expedited licenses; establishing requirements for an active license; creating exemptions; requiring display of license; establishing complaint process and investigation procedures; establishing grounds for disciplinary action; establishing hearing procedures and right to appeal; providing for judicial review of decision; and providing criminal penalties.

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

By Senator Plymale:

Senate Bill 122—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 or 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 Natural Resources; and then to the Committee on the Judiciary.

By Senators Baldwin and Ojeda:

Senate Bill 123—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-3E-7 and §29-3E-14 of said code, all relating to funding for veterans' programs and volunteer fire departments; ending the sales tax exemption on charges for memberships or services provided by health and fitness organizations relating to personalized fitness programs; setting an effective date for the elimination of the exemption; requiring revenue from the elimination of the exemption be deposited in the Veterans Facility Support Fund; directing the Division of Veterans' Affairs to use the revenue to fund bonds for certain purposes; ending the deposit of a portion of the fireworks safety fee in the Veterans Facility Support Fund and instead depositing it into the Fire Protection Fund for volunteer fire departments; and eliminating the annual report from the Secretary of Veterans' Affairs to the Legislature regarding the amount of revenue collected from the fireworks safety fee.

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

By Senators Karnes, Rucker, Maynard, and Takubo:

Senate Bill 124—A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-7A-3 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-9A-2 of said code; to amend said code by adding thereto a new section, designated §18-9A-12a; to amend and reenact §18-20-5 of said code; to amend said code 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 and §18-33-13; and to amend and reenact §29-12-5a of said code, all relating to providing for the authorization and oversight of public charter schools; providing for charter school employee

participation in public employee insurance and applicable Teachers Retirement System; including charter school students in net enrollment of county; providing calculation of charter school basic foundation program and corresponding reduction in county's basic foundation program; defining "exceptional child with high cost/high acuity special needs"; providing for establishment of method for disbursing state appropriated funds; providing for charter school application for funds; removing certain reports; creating charter school act to establish process for creation; providing for governance and oversight accountability of public charter schools; stating purposes; establishing charter schools as public schools and part of public education system; providing for liberal interpretation; prohibiting conversion of private schools into charter schools under act; prohibiting establishment of charter virtual schools under act; providing general definitions; limiting county board management and control of charter school; prohibiting state board as authorizing authority; defining terms; providing for authorizations, eligibilities, compliances and prohibitions; providing for general supervision by state board for meeting student performance standards required of other public school students; providing powers of public charter schools; establishing processes for determining capacity and enrolling students; prohibiting discrimination in enrollment decisions; providing for credit transfers; authorizing charter student participation in state and school district sponsored interscholastic leagues, competitions, awards, scholarships and recognition programs, and specifying parameters; requiring access to, and requiring utilization of, electronic education information system for reporting certain information and subject to student data accessibility, transparency and accountability; providing for certification of charter school enrollment, attendance and program participation to county board and department; providing for distribution of charter school basic foundation program funds and allowing authorizer charge for oversight costs; providing for payment of special education and federal funds to charter schools; requiring charter school submission of budget and sources of funds to state board and requiring public availability; creating public charter school oversight and authorizer board and specifying mission, agency status and degree of oversight and supervision by state board; providing for appointment of members, qualifications, terms, removal, civil liability and limited scope of acts of ex officio members; requiring appointment of executive director and duties and qualifications; setting forth meetings, expenses, powers and duties of board; requiring annual report to state board and availability to public and Legislature; granting authority to require annual reports from charter schools; establishing limitations on regulation by state board, oversight and authorizer board and county board authorizers; requiring annual request for proposals; providing contents of requests for proposals; providing for application for authorization of public charter school; requiring notice of intent to establish by organizers; requiring timelines for notice and submission of application; providing option for county board to proceed as authorizer or forward application to oversight and authorizer board; establishing process for application review and evaluation; granting period for applicant response to authorizer decision prior to final determination; requiring report of final action; setting forth registration of approved charters by state superintendent; stating effect of approved application; providing authorizer powers and duties respecting charter contracts; providing timelines for execution of charter contract and authorization to appeal to executive director to finalize terms; providing minimum provisions of contract, including performance provisions; prohibiting delegation and assignment of powers; setting forth obligations and responsibilities set forth in charter contract; requiring performance report prior to contract renewal and period to rectify weaknesses; requiring offer of contract application renewal guidance; requiring timelines for submission of renewal application; provisions for authorizer decisions on renewals; permitting authorizer report of renewal decisions; prohibiting contract renewal of school given failing level of accreditation during final operating year; authorizing contract revocation at any time or nonrenewal for certain violations and failures; requiring report of revocation and nonrenewal with statement of reasons; providing for options of county board for disposition of school when contract revoked or not renewed; duties of authorizer when contract revoked or not renewed; establishing supremacy of the article when inconsistent with any other

laws, rules or regulations; granting authorization for one or more schools under single contract; granting authorization of one or more contracts for single governing board; providing that a public charter school authorized by the authorizer board is a local education agency; providing for county board accreditation accountability for charter school authorized by county board; prohibiting county board requiring employee to be employed in charter school; prohibiting any retaliatory action against district employee involved in application to establish charter school; prohibiting discrimination against charter school in district advertising of educational options; providing for accrual of seniority with the county board of personnel employed in charter school; and authorizing charter school liability coverage through Board of Risk and Insurance Management.

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

By Senator Karnes:

Senate Bill 125—A Bill to repeal §11-8-6e and §11-8-6g of the Code of West Virginia, 1931, as amended; to amend and reenact §11-8-6f of said code; to amend said code by adding thereto a new section, designated §11-13A-26; to amend said code by adding thereto a new article, designated §11-13EE-1, §11-13EE-2, §11-13EE-3, and §11-13EE-4; to amend and reenact §11-15-3, §11-15-3a, §11-15-8, and §11-15-9 of said code; to amend and reenact §11-15A-2 of said code; and to amend said code by adding thereto a new section, designated §11-21-4g, all relating generally to the 2018 Tax Reform Act; repealing certain procedures relating to increased tax assessments; reducing the rate of the severance tax on certain coal; providing a refundable credit based on the fixed income of low-income senior citizens; increasing the rate of the consumers sales and service tax; eliminating certain exemptions from the consumers sales and service tax; increasing the rate of the use tax; reducing the rate of the personal income tax; and establishing effective dates.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

By Senator Karnes:

Senate Bill 126—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13D-1, §11-13D-2, §11-13D-3, and §11-13D-4, all relating to creating an earned income tax credit for low income workers; establishing procedures for claiming credit; and defining terms.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

By Senator Trump:

Senate Bill 127—A Bill to amend and reenact §44-1-1, §44-1-6, §44-1-7, §44-1-8, §44-1-14a, and §44-1-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §44-5-3 of said code, all relating generally to personal representatives of estates; waiving surety requirements for administrators of estates where grantee is sole beneficiary or sole distributee of the decedent; requiring county commission to hold hearing if application filed by interested party to compel nonresident executor otherwise exempt from bond requirements to post bond; requiring county commission to hold hearing if application filed by interested party to compel sole beneficiary to post surety; removing authority of clerk of county commission to require bond or surety upon knowledge; making executor or administrator not required to post surety liable upon his or her own personal recognizance in the event of default, failure, or misadministration; requiring interested parties objecting to the qualifications of a personal representative or venue to file notice with the county commission 60 days after the date of first publication; authorizing action against bond surety when execution on judgment or decree against personal representative is returned without being satisfied; and making technical corrections.

Referred to the Committee on the Judiciary.

By Senators Karnes, Rucker, and Maynard:

Senate Bill 128—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, and §18-31-8, all relating to establishing an education expenses tax credit; enacting an Educational Savings Account Program; providing a short title and definitions; qualifying for an educational savings account; amount of the account; responsibilities of the Treasurer; eligibility requirements for participating entities; responsibilities of resident school districts; and legal proceedings.

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

By Senators Baldwin, Ojeda, Beach, and Woelfel:

Senate Bill 129—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-3-309, relating to placing limitations on length of time that prescriptions may be issued for Schedule II and Schedule III controlled substances; and defining a term.

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

By Senators Trump, Rucker, Maynard, Karnes, and Takubo:

Senate Bill 130—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25c, relating to education; providing for the Tim Tebow Act; permitting students instructed at home, by a private tutor or enrolled in a private, parochial or church school or a school operated by a religious order who do not attend a school that is a member of the West Virginia Secondary School Activities Commission to participate in extracurricular athletic or other extracurricular activities at a school that is a member of the commission; providing requirements, standards and insurance coverage; and providing that accommodating schools may not be impeded from competing against other schools.

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

By Senators Boso, Swope, Beach, Gaunch, Maynard, Plymale, Rucker, and Cline:

Senate Bill 131—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9p, relating to providing an exemption from the consumers sales and service tax and use tax for purchases of certain services and tangible personal property sold for the repair, remodeling and maintenance of aircraft operated under a fractional ownership program; defining terms; and specifying a method for claiming exemption.

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

By Senators Stollings, Ojeda, Prezioso, Takubo, and Woelfel:

Senate Bill 132—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2018, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

By Senators Gaunch, Blair, Swope, Baldwin, Jeffries, Boso, and Ojeda:

Senate Bill 133—A Bill to amend and reenact §5A-3-3a of the Code of West Virginia, 1931, as amended, relating to exempting the renewal of certain contracts entered into during a declared state of emergency from purchasing requirements.

Referred to the Committee on Government Organization.

By Senators Gaunch, Blair, Swope, Baldwin, Jeffries, Ojeda, Cline, and Maroney:

Senate Bill 134—A Bill to amend and reenact §15-5-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Homeland Security and Emergency Management to contract with or employ individuals for the purpose of emergency response and recovery; and providing requirements for such contracts or employment.

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

By Senator Beach:

Senate Bill 135—A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to safety of tow trucks, wreckers and tilt-bed vehicles; authorizing red flashing warning lights on said vehicles under certain circumstances; and titling this bill in honor of Jeff Clovis.

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

By Senators Trump and Rucker:

Senate Bill 136—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-4-3c, relating to declaring that the mere addition of a mini-distillery does not change the nature or use of agricultural property for building code and property tax classification purposes.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 137—A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to removing the limitation on the amount collected by the county via the hotel occupancy tax that may be used for medical care and emergency services.

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

By Senator Sypolt:

Senate Bill 138—A Bill to amend and reenact §11-14C-2 and §11-14C-9 of the Code of West Virginia, 1931, as amended, all relating to exempting heating oil for residential use from the motor fuel excise tax.

Referred to the Committee on Finance.

By Senator Sypolt:

Senate Bill 139—A Bill to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating to changing the qualifier for low income to 300 percent or less of the federal

poverty guideline from 150 percent or less of the federal poverty guideline for a senior citizens' homestead tax credit.

Referred to the Committee on Finance.

By Senators Sypolt and Cline:

Senate Bill 140—A Bill to amend and reenact §3-2-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-2-1 of said code, all relating to requiring photo identification on voter registration identification cards; and providing that voter registration information may also be required on drivers' licenses or state-issued identification cards if so determined by the Secretary of State in cooperation with the Commissioner of Motor Vehicles.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 141—A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to expanding the county assessment and collection of a head tax on breeding cows, if the owner participates.

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

By Senator Sypolt:

Senate Bill 142—A Bill to amend and reenact §62-3-3 of the Code of West Virginia, 1931, as amended, relating to changing number of strikes in jury selection in felony cases to provide four strikes each to the accused and the prosecution; and setting forth the order the strikes are to be taken.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 143—A Bill to amend and reenact §20-2-19 of the Code of West Virginia, 1931, as amended, relating to marking traps with a Division of Natural Resources identification number.

Referred to the Committee on Natural Resources.

By Senator Sypolt:

Senate Bill 144—A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-13 and §3-5-13a of said code; to amend and reenact §3-10-1 and §3-10-8 of said code; and to amend said code by adding thereto a new section, designated §3-10-8a, all relating to providing for the nonpartisan election of county surveyors; providing that county surveyors are to be elected on a nonpartisan basis beginning with the general election of 2020; clarifying ballot placement for nonpartisan election for county surveyor; clarifying ballot heading for nonpartisan election for county surveyor; and specifying manner of appointment of a successor when an elected county surveyor vacates office.

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

By Senator Sypolt:

Senate Bill 145—A Bill to amend and reenact §19-2B-4 of the Code of West Virginia, 1931, as amended, relating to inspection of meat and poultry; clarifying licenses; making custom and distributor license a triennial license; increasing fees; and making technical corrections.

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

By Senator Trump:

Senate Bill 146—A Bill to amend and reenact §22-15-10 of the Code of West Virginia, 1931, as amended, relating to correcting a technical error within the Solid Waste Management Act.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 147—A Bill to amend and reenact §8-13-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-3-9d of said code, all relating to exempting a farm winery from certain taxes on the selling or distribution of wine when that wine is made on the farm winery and is sold at retail to the public on the premises of the farm winery.

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

By Senator Sypolt:

Senate Bill 148—A Bill to amend and reenact §11A-3-19, §11A-3-21, §11A-3-23, §11A-3-52, §11A-3-54 and §11A-3-56 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §11A-3-23a, §11A-3-23b, §11A-3-58a and §11A-3-58b; and to amend and reenact §11A-4-4 of said code, all relating to permitting surface owners to purchase the mineral interests that lay below the property when the mineral interest becomes subject to a tax lien; permitting mineral owners to purchase the surface interest that lies above the mineral interest when the surface tract become subject to establishing procedures; requiring notice; establishing the purchase prices; establishing nonrefundable \$20 administrative fee; providing a procedure if more than one surface owner seeks to purchase the delinquent mineral interest; modifying notices to redeem that are sent to property owners; and providing remedies relating to tax sales.

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

By Senators Trump, Takubo, and Woelfel:

Senate Bill 149—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4G-1, §16-4G-2, §16-4G-3, §16-4G-4, and §16-4G-5, all relating to the prescribing of opioids; defining terms; limiting the quantity of opioid prescribed in specified circumstances; setting out requirements for prescribing opioids for acute pain; setting forth requirements for subsequent prescribing of opioids; requiring patient counseling; allowing for a referral to a pain management clinic in certain circumstances; requiring accessing of the Controlled Substance Monitoring Database in certain instances; and providing for exceptions.

Referred to the Committee on Health and Human Resources.

By Senators Smith and Cline:

Senate Bill 150—A Bill to repeal §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to wind power projects.

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

By Senator Trump:

Senate Bill 151—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-4-1, §4-4-2, §4-4-3, §4-4-4, §4-4-5 and §4-4-6, all relating to the Appropriation Supremacy Act of 2018; providing title; defining appropriation; stating findings and purpose; establishing that appropriations by the Legislature take precedence over contrary directives in statute or rules; requiring liberal construction of article; and recognizing constitutional restrictions on appropriations.

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

By Senators Karnes, Rucker, and Maynard:

Senate Joint Resolution 1—Proposing an amendment to the Constitution of the State of West Virginia amending article III thereof by adding thereto a new section, designated section twenty-three, relating to the right to farm and ranch; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Karnes:

Senate Joint Resolution 2—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by repealing sections one, one-a, one-b, one-c, eight, eight-a, ten and eleven; adding thereto a new section, designated section thirteen, relating to fair and simple tax reform; preserving rights, duties and obligations of taxpayers, local taxing authorities and the state for periods prior to ratification of this amendment; repealing the personal property tax; authorizing new classes of real property for the purpose of taxation; authorizing taxing authorities to administer levies and excess levies; creating a state Infrastructure and Equalization Fund; providing for block grants to local schools and governments for education and infrastructure; establishing exemptions to the real property tax; backing bond revenue with the full faith and credit of West Virginia; grandfathering tax benefits earned prior to the ratification of this amendment; providing for the enactment of new benefits; establishing a supremacy clause; providing for general law implementation; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

By Senators Boso and Cline:

Senate Joint Resolution 3—Proposing an amendment to the Constitution of the State of West Virginia amending section one, article V thereof; and amending section 51, article VI thereof, all relating to the authority of the Legislature with regard to the state budget; giving the Legislature the sole authority to determine what funds are necessary for the efficient and effective operation of the legislative, executive and judicial departments; 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 Senator Sypolt:

Senate Joint Resolution 4—Proposing an amendment to the Constitution of the State of West Virginia, amending section six, article III thereof, relating to protecting the electronic

communication and data of citizens from unreasonable searches and seizures; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senators Sypolt and Rucker:

Senate Joint Resolution 5—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.

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

Senate Concurrent Resolution 1—Requesting the Division of Highways to name the portion of State Route 10 from milepost 9.10 to milepost 13.60 in Logan County, the “U. S. Army SGT Denver E. Short Memorial Road”.

Whereas, Denver E. Short was born May 6, 1921, in Logan County, at Davin on Huff Creek. He attended Man High School and later married Margaret Parsons from West Logan, and they had two daughters, Katy Short Ojeda and Brenda Short Thomas; and

Whereas, Denver E. Short enlisted in the U. S. Army in August 1941, and was honorably discharged on September 27, 1945, after having participated in historic battles in central Europe and received medals for his service and for wounds received in action; and

Whereas, As a Platoon Sergeant in Headquarters Battery of the 155th Airborne Anti-Aircraft Battalion, Sergeant Denver E. Short served in four European wartime campaigns: In Normandy; the Rhineland; the Ardennes; and central Europe; and

Whereas, Sergeant Denver E. Short suffered his first combat wound from small arms fire on D-Day, June 6, 1944, he was subsequently wounded in Belgium in 1944 and again in France in 1945. As a result of his wounds, he was hospitalized on numerous occasions, first in a hospital in England and two different extended stays in hospitals in France, and was awarded three separate Purple Heart Medals for his wounds; and

Whereas, Sergeant Denver E. Short also received the first Oak Leaf Cluster to his first Purple Heart Medal, a second Oak Leaf Cluster to his second Purple Heart Medal and two Distinguished Unit Badges; and

Whereas, Sergeant Denver E. Short passed away on August 26, 2001, and was a proud veteran, great father and husband, a quiet, humble man, a devout Christian and a true American hero; and

Whereas, Naming the portion of State Route 10 from milepost 9.10 to milepost 13.60 in Logan County, the “U. S. Army SGT Denver E. Short Memorial Road”, is an appropriate recognition of his service and sacrifices for his country as a part of The Greatest Generation and service to his state, community and Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of State Route 10 from milepost 9.1 to milepost 13.60 in Logan County, the "U. S. Army SGT Denver E. Short Memorial Road"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the road as the "U. S. Army SGT Denver E. Short Memorial Road"; and, be it

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

Which, under the rules, lies over one day.

Senators Romano, Facemire, Plymale, Beach, and Woelfel offered the following resolution:

Senate Concurrent Resolution 2—Requesting the Division of Highways name bridge number 17-9-0.35 (17A053), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the "Walter E. Swiger, Jr., Memorial Bridge".

Whereas, Walter E. Swiger, Jr., was a lifelong resident of Harrison County, a graduate of Victory High School and West Virginia Business College; and

Whereas, Walter E. Swiger, Jr., retired after 43 years in petroleum marketing having operated his own business; and

Whereas, Walter E. Swiger, Jr., was appointed to the Harrison County Solid Waste Authority in 1990 by the Harrison County Commission and served as chairman of the authority; and

Whereas, Walter E. Swiger, Jr., was chosen as the Volunteer of the Year by the Association of West Virginia Solid Waste Authorities during their twelfth annual conference in the fall of 2000; and

Whereas, Walter E. Swiger, Jr., was an outstanding community leader with many years of service in various organizations serving the local emergency planning committee, Clarksburg Lions Club, Central West Virginia Community Action Association and others; and

Whereas, As chairman, Walter E. Swiger, Jr., worked to help develop a recycling ordinance for the county and established a recycling hotline and was recognized in several issues of The Solid Waste Reporter for his leadership in "one of the top integrated waste management programs in West Virginia"; and

Whereas, Walter E. Swiger, Jr., worked with county education leaders through the solid waste authorities' efforts as Partner in Education with 10 county schools; and

Whereas, Walter E. Swiger, Jr., passed away on November 5, 2015 and it is fitting that a permanent memorial be established to honor his work; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-9-0.35 (17A053), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the “Walter E. Swiger, Jr., Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Walter E. Swiger, Jr., Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Romano, Facemire, Plymale, Beach, and Woelfel offered the following resolution:

Senate Concurrent Resolution 3—Requesting the Division of Highways to name bridge number 17-50/59-0.01 (17A227), locally known as Northview Overpass, carrying County Route 50/59 over US 50 in Harrison County, the “Michael Angiulli Memorial Bridge”.

Whereas, Michael “Mike” Angiulli was born in North View in Harrison County, West Virginia, on September 1, 1924, the son of the late John and Mary Agnes Checchia Angiulli; and

Whereas, In 1942, he graduated from Victory High School; and

Whereas, Mike was married to Roanna Gay Snyder and had five children: John Michael Angiulli, Michael “Mike” Angiulli, Mary Ann Preston, Cheryl Angiulli and Kenneth Snyder; and

Whereas, In 1943, Mike joined the Marine Corps and began serving in the E Company, 9th Marine Regiment, 3rd Marine Division. During his time with the Marine Corps, he attained the rank of Platoon Sergeant. While serving during World War II in the Pacific, he took part in three beach landings - Guam, Bougainville and Iwo Jima; and

Whereas, In 1945, upon returning from World War II, Mike became a Clarksburg firefighter and later retired due to an injury; and

Whereas, In 1957, he and a small group formed the North View Athletic Club (NVAC) and at one time had three playgrounds in North View. Mike was awarded the Clarksburg Man of the Year Award in 1958 and remained active in the NVAC his entire life; and

Whereas, In the early 1980’s, Mike built one of the first signs entering the North View community with the help of Roger Diaz; and

Whereas, In the 1990’s Mike worked with Pete Iquinto and Liberty baseball. Mike was given the name The Grass Doctor by Pete; and

Whereas, Also in the 1990’s and early 2000’s, Mike made notebooks of World War II which he gave to area high schools and colleges, and also gave talks about World War II; and

Whereas, Mike fell ill in 2006 and was cared for by his family until he entered the West Virginia Veterans Nursing Facility in 2012; and

Whereas, Mike passed away on Thursday, July 23, 2015, at the Louis A. Johnson Veterans Administration Hospital in Clarksburg; and

Whereas, Mr. Angiulli was preceded in death by his wife, Roanna Gay Snyder Angiulli, on February 14, 2004, and son, Kenneth Snyder; and

Whereas, It is fitting that an enduring memorial be established to commemorate his service to his community and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-50/59-0.01 (17A227), locally known as Northview Overpass, carrying County Route 50/59 over US 50 in Harrison County, the "Michael Angiulli Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Michael Angiulli Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

Senators Boso, Plymale, and Woelfel offered the following resolution:

Senate Concurrent Resolution 4—Requesting the Division of Highways to name bridge number 20-64-53.02, (20A842), locally known as the I-64 Kanawha River Bridge/South Charleston-Dunbar Bridge, carrying Eastbound Interstate 64 over the Kanawha River in Kanawha County, West Virginia, the "Glenn Franklin Lough, P.E., Memorial Bridge".

Whereas, Glenn F. Lough was born June 20, 1970, in Lewis County, West Virginia, the son of Mr. Nelson Lough and Mrs. Joyce Money Penny Lough; and

Whereas, Glenn F. Lough graduated from Lewis County High School, from West Virginia Institute of Technology with a Bachelor of Science in Civil Engineering, and from Liberty University with a Master of Arts in Religion; and

Whereas, Glenn F. Lough was a veteran of the 1st Brigade of the 119th Engineering Battalion of the Army National Guard of Buckhannon; and

Whereas, Glenn F. Lough served as pastor for several churches in the Weston area, and as an Associate Pastor of Good Shepherd Baptist Church in Putnam County; and

Whereas, Glenn F. Lough served as a Highway Engineer for the West Virginia Division of Highways for 25 years, a career which began in District 7 in Weston, and transferred to the Planning Division in Charleston and finally as the Bridge Repair Engineer in the Engineering Division; and

Whereas, Glenn F. Lough worked at all times in a thorough and diligent manner, managing his time in a way which allowed him to design repairs for as many bridges as possible. He was a shining example of a public servant which we all should emulate, and he always put the best interest of the employees working in his unit above his own; and

Whereas, Glenn F. Lough saved the state and its citizen countless dollars with his innovative use of heat straightening on damaged bridges across the state. Mr. Lough's work with heat straightening allowed bridge beams that had been hit to be repaired rather than replaced, and kept those bridges functional and safe for the citizens of West Virginia; and

Whereas, Glenn F. Lough was always willing to serve other state agencies and engineered projects for the State Rail Authority, saving the state additional time and money; and

Whereas, Glenn F. Lough touched many lives everywhere he went in West Virginia and was always willing to lend a hand to anyone in need, and his lasting impact remains with many people and bridges throughout the state, both those he knew and those who will never know his name; and

Whereas, Glenn F. Lough died in the line of duty at the age of 47 as the result of a vehicle collision on Interstate 79 on June 27, 2017, while traveling back to Charleston from the site of several bridges for which he was designing repairs, leaving behind a wife and two daughters, who miss him dearly; and

Whereas, It is fitting that a proper memorial be established for this man who served the State of West Virginia until the very last moment of his life; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-64-53.02, (20A842), locally known as the I-64 Kanawha River Bridge/South Charleston-Dunbar Bridge, carrying Eastbound Interstate 64 over the Kanawha River in Kanawha County, West Virginia, the "Glenn Franklin Lough, P.E., Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Glenn Franklin Lough, P.E., Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

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 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 R. Romine, Wagner and Lynch.

At the request of Senator Ferns, 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.

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

Senators Ferns, Boley and Prezioso.

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

At the request of Senator Stollings, unanimous consent being granted, Senator Stollings addressed the Senate regarding transparency in the Confirmations committee reports.

At the request of Senator Ferns, and by unanimous consent, Senator Ferns introduced Mike Ross, a former senator from the fifteenth district, and Dr. Mary Ann Maurer.

At the request of Senator Ferns, unanimous consent being granted, a leave of absence for the day was granted Senator Facemire.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:41 p.m., the Senate recessed until 6:45 p.m. today.

The Senate reconvened at 6:48 p.m. today.

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.

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

Night Session

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

Executive Communications

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

**JIM JUSTICE
GOVERNOR OF WEST VIRGINIA**

January 10, 2018

EXECUTIVE MESSAGE NO. 1
FIRST REGULAR SESSION

The Honorable Mitch Carmichael
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear President Carmichael:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning of July 1, 2018.

Sincerely,

Jim Justice
Governor

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

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

Senate Bill 152—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

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

On motion of Senator Ferns, at 8:16 p.m., the Senate adjourned until tomorrow, Thursday, January 11, 2018, at 11 a.m.

SENATE CALENDAR

**Thursday, January 11, 2018
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 1 - US Army SGT Denver E. Short Memorial Road

S. C. R. 2 - Walter E. Swiger, Jr., Memorial Bridge

S. C. R. 3 - Michael Angiulli Memorial Bridge

S. C. R. 4 - Glenn Franklin Lough, P.E., Memorial Bridge

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2018

Thursday, January 11, 2018

9:30 a.m.

Finance

(Room 451M)