

JOURNAL of THE SENATE State of West Virginia

EIGHTY-THIRD LEGISLATURE

Regular Sixty-Day Session, 2018
First Extraordinary Session, 2018
Second Extraordinary Session, 2018
Impeachment Proceedings, 2018

VOLUME I



NOTE: The first volume of this four-volume Official Senate Journal starts with proceedings proper of the Second Regular Session of the Eighty-Third Legislature from January 10, 2018, to March 10, 2018, ending with page 1332 of the Regular Session.

The Index of the Official Journal and the proceedings of the First and Second Extraordinary Sessions of 2018 are shown in Volume III.

JOURNAL of THE SENATE State of West Virginia

EIGHTY-THIRD LEGISLATURE

Regular Sixty-Day Session, 2018



NOTE: The Second Regular Session of the Eighty-Third Legislature convened on January 10, 2018, and concluded the sixty-day constitutional session with final adjournment at midnight, March 10, 2018.

This session 2,413 bills were introduced in the two houses.

Members of the Senate, officers and standing committee membership lists precede the Official Regular Session Journal and are shown hereinafter.

PUBLISHED UNDER THE DIRECTION OF
LEE CASSIS, *Senate Clerk*

STAFF

Kristin Canterbury, *Assistant Clerk*

Lora Thompson, *Chief Desk Clerk*

Lori Nichols, *Journal Clerk*

Xris Hess, *Bill Clerk*

LEGISLATURE OF WEST VIRGINIA
MEMBERS, OFFICERS AND STANDING COMMITTEES

SENATE

REGULAR SESSION, 2018

OFFICERS

President: Mitch Carmichael, (R), Ripley
President pro Tempore: Donna J. Boley, (R), St. Marys
Clerk: Lee Cassis, Charleston
Sergeant at Arms: Andrew Palmer, Charleston
Doorkeeper: Jeffrey L. Branham, Cross Lanes

District	Name	Address
First	Ryan J. Ferns, (R)	Wheeling
	*Ryan W. Weld, (R)	Wellsburg
Second	¹ Charles H. Clements, (R)	New Martinsville
	*Michael J. Maroney, (R)	Glen Dale
Third	² Michael T. Azinger, (R)	Vienna
	*Donna J. Boley, (R)	St. Marys
Fourth	*Mitch Carmichael, (R)	Ripley
	³ Mark A. Drennan, (R)	Hurricane
Fifth	*Robert H. Plymale, (D)	Huntington
	Michael A. Woelfel, (D)	Huntington
Sixth	Mark R. Maynard, (R)	Genoa
	*Chandler Swope, (R)	Bluefield
Seventh	*Richard N. Ojeda II, (D)	Holden
	Ron D. Stollings, (D)	Madison
Eighth	C. Edward Gaunch, (R)	Charleston
	*Glenn D. Jeffries, (D)	Red House
Ninth	*Sue Cline, (R)	Brenton
	⁴ Lynne Carden Arvon, (R)	Beckley
Tenth	*Kenny Mann, (R)	Ballard
	⁵ Stephen Baldwin, (D)	Ronceverte
Eleventh	*Gregory L. Boso, (R)	Summersville
	*Robert J. Karnes, (R)	Tallmansville
Twelfth	*Douglas E. Facemire, (D)	Sutton
	Michael J. Romano, (D)	Clarksburg
Thirteenth	Robert D. Beach, (D)	Morgantown
	*Roman W. Prezioso, Jr., (D)	Fairmont
Fourteenth	*Randy E. Smith, (R)	Davis
	Dave Sypolt, (R)	Kingwood
Fifteenth	*Craig Blair, (R)	Martinsburg
	Charles S. Trump IV, (R)	Berkeley Springs
Sixteenth	*Patricia Puertas Rucker, (R)	Harpers Ferry
	John R. Unger II, (D)	Martinsburg
Seventeenth	*Corey Palumbo, (D)	Charleston
	Tom Takubo, (R)	South Charleston

* Elected in 2016 to full four-year term.

¹ Appointed January 28, 2017, to unexpired term of Kent Leonhardt, who resigned January 15, 2017.

² Elected in 2016 to unexpired two-year term of David C. Nohe, who resigned August 30, 2015.

³ Appointed September 5, 2017, to unexpired term of Mike Hall, who resigned August 20, 2017.

⁴ Appointed January 23, 2018, to unexpired term of Jeff Mullins, who resigned January 12, 2018.

⁵ Appointed October 16, 2017, to unexpired term of Ron Miller, who resigned September 30, 2017.

Democrats	12
Republicans	<u>22</u>
Total	34

SENATE COMMITTEES

STANDING AND SELECT COMMITTEES OF THE SENATE 2018

AGRICULTURE AND RURAL DEVELOPMENT

Senators Sypolt (*Chair*), Rucker (*Vice Chair*), Clements, Cline, Mann, Maynard, Smith, Baldwin, Beach, Ojeda, and Woelfel.

BANKING AND INSURANCE

Senators Azinger (*Chair*), Clements (*Vice Chair*), Drennan, Mann, Maroney, Swope, Sypolt, Weld, Facemire, Palumbo, Prezioso, Romano, and Woelfel.

CONFIRMATIONS

Senators Boley (*Chair*), Ferns (*Vice Chair*), Azinger, Blair, Boso, Gaunch, Palumbo, Plymale, and Prezioso.

ECONOMIC DEVELOPMENT

Senators Maroney (*Chair*), Maynard (*Vice Chair*), Arvon, Cline, Drennan, Mann, Smith, Swope, Takubo, Baldwin, Jeffries, Romano, Stollings, and Woelfel.

EDUCATION

Senators Mann (*Chair*), Karnes (*Vice Chair*), Azinger, Boley, Cline, Drennan, Rucker, Swope, Trump, Beach, Plymale, Romano, Stollings, and Unger.

ENERGY, INDUSTRY AND MINING

Senators Smith (*Chair*), Sypolt (*Vice Chair*), Blair, Boley, Cline, Drennan, Ferns, Mann, Swope, Facemire, Jeffries, Ojeda, and Woelfel.

ENROLLED BILLS

Senators Maynard (*Chair*), Azinger, Gaunch, Palumbo, and Prezioso.

SENATE COMMITTEES

FINANCE

Senators Blair (*Chair*), Boso (*Vice Chair*), Arvon, Boley, Drennan, Ferns, Gaunch, Mann, Maroney, Sypolt, Takubo, Facemire, Palumbo, Plymale, Prezioso, Stollings, and Unger.

GOVERNMENT ORGANIZATION

Senators Gaunch (*Chair*), Maynard (*Vice Chair*), Boso, Clements, Maroney, Smith, Sypolt, Takubo, Weld, Baldwin, Facemire, Jeffries, Palumbo, and Woelfel.

HEALTH AND HUMAN RESOURCES

Senators Takubo (*Chair*), Maroney (*Vice Chair*), Arvon, Azinger, Clements, Karnes, Rucker, Weld, Palumbo, Plymale, Prezioso, Stollings, and Unger.

INTERSTATE COOPERATION

Senators Cline (*Chair*), Azinger (*Vice Chair*), Maroney, Maynard, Sypolt, Palumbo, and Unger.

JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Baldwin, Beach, Jeffries, Ojeda, Romano, and Woelfel.

MILITARY

Senators Weld (*Chair*), Boley (*Vice Chair*), Azinger, Clements, Cline, Sypolt, Facemire, Ojeda, and Palumbo.

NATURAL RESOURCES

Senators Maynard (*Chair*), Mann (*Vice Chair*), Cline, Karnes, Rucker, Smith, Sypolt, Takubo, Beach, Facemire, Prezioso, Stollings, and Woelfel.

PENSIONS

Senators Karnes (*Chair*), Gaunch (*Vice Chair*), Arvon, Maroney, Weld, Plymale, and Romano.

SENATE COMMITTEES

RULES

Senators Carmichael (*Chair*), Blair, Boley, Ferns, Gaunch, Sypolt, Trump, Palumbo, Plymale, Prezioso, and Stollings.

SELECT COMMITTEE ON TAX REFORM

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

TRANSPORTATION AND INFRASTRUCTURE

Senators Boso (*Chair*), Swope (*Vice Chair*), Gaunch, Maroney, Maynard, Rucker, Beach, Jeffries, and Plymale.

WORKFORCE

Senators Swope (*Chair*), Weld (*Vice Chair*), Arvon, Boso, Karnes, Rucker, Smith, Beach, Jeffries, Ojeda, and Stollings.

JOINT COMMITTEES

GOVERNMENT AND FINANCE

Senators Carmichael (*Cochair*), Blair, Ferns, Karnes, Trump, Plymale, and Prezioso.

GOVERNMENT OPERATIONS

Senators Gaunch (*Cochair*), Maynard (*Vice Cochair*), Weld, Jeffries, and Palumbo.

LEGISLATIVE RULE-MAKING REVIEW

Senators Maynard (*Cochair*), Weld (*Vice Cochair*), Karnes, Sypolt, Baldwin, Jeffries, and Carmichael (*ex officio*).

PENSIONS AND RETIREMENT

Senators Karnes (*Cochair*), Gaunch (*Vice Cochair*), Arvon, Boso, Mullins, Weld, Plymale, and Unger.

SENATE COMMITTEES

RULES

Senators Carmichael (*Cochair*), Ferns, and Prezioso.

STATUTORY LEGISLATIVE COMMISSIONS

COMMISSION ON ECONOMIC DEVELOPMENT

Senators Maroney (*Cochair*), Maynard (*Vice Cochair*), Blair, Boso, Mann, Swope, Takubo, Trump, Jeffries, Romano, Stollings, and Woelfel.

COMMISSION ON INTERSTATE COOPERATION

Senators Cline, (*Cochair*), Azinger (*Vice Chair*), Maroney, Maynard, Sypolt, Palumbo, and Unger.

COMMISSION ON SPECIAL INVESTIGATIONS

Senators Carmichael (*Cochair*), Ferns, Trump, Palumbo, and Woelfel.

FOREST MANAGEMENT REVIEW COMMISSION

Senators Sypolt (*Cochair*), Karnes, Maynard, Baldwin, and Ojeda.

LEGISLATIVE OVERSIGHT COMMISSION ON EDUCATION ACCOUNTABILITY

Senators Mann (*Cochair*), Karnes (*Vice Cochair*), Boley Cline, Rucker, Plymale, and Carmichael (*ex officio*).

LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN RESOURCES ACCOUNTABILITY

Senators Takubo (*Cochair*), Maroney, Rucker, Trump, Prezioso, Stollings, and Carmichael (*ex officio*).

SENATE COMMITTEES

**LEGISLATIVE OVERSIGHT COMMISSION ON
STATE WATER RESOURCES**

Senators Smith (*Cochair*), Arvon, Clements, Baldwin, and Palumbo.

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

Senators Maroney (*Cochair*), Swope, Takubo, and Jeffries.

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

Senators Clements (*Cochair*), Boso (*Vice Cochair*), Azinger, Ojeda, and Romano.

WEST VIRGINIA LEGISLATURE
SENATE JOURNAL
EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2018

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

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 23, 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; and adding thereto a new section, designated section 13, 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; 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 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 Moneypenny 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, see the Journal of the House of Delegates for this day. For the State of the State address of His Excellency, the Governor, the Honorable Jim Justice, as provided electronically by the Governor's office, see the Appendix to the Journal of the Senate, page 3347.)

The joint assembly having been dissolved, the Senate returned to its chamber at 8:14 p.m. tonight 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.

THURSDAY, JANUARY 11, 2018

The Senate met at 11:16 a.m.

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

Prayer was offered by the Reverend Lauren A. Godwin, Grace United Methodist Church, Keyser, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Craig Blair, a senator from the fifteenth district.

Pending the reading of the Journal of Wednesday, January 10, 2018,

At the request of Senator Stollings, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

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

Legislative Rule-Making Review Committee

The Senate proceeded to the sixth order of business.

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

[CLERK'S NOTE: Senate Bill 153 through Senate Bill 240 are recommended for introduction by the Legislative Rule-Making Review Committee and sponsored by Senator Maynard, Cochair.]

By Senator Maynard:

Senate Bill 153—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state-owned vehicles.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 154—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to parking.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 155—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources.

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

By Senator Maynard:

Senate Bill 156—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste.

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

By Senator Maynard:

Senate Bill 157—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills.

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

By Senator Maynard:

Senate Bill 158—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.

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

By Senator Maynard:

Senate Bill 159—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants.

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

By Senator Maynard:

Senate Bill 160—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

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

By Senator Maynard:

Senate Bill 161—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to West Virginia surface mining reclamation.

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

By Senator Maynard:

Senate Bill 162—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment.

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

By Senator Maynard:

Senate Bill 163—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system.

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

By Senator Maynard:

Senate Bill 164—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to underground storage tanks.

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

By Senator Maynard:

Senate Bill 165—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure.

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

By Senator Maynard:

Senate Bill 166—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments.

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

By Senator Maynard:

Senate Bill 167—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems.

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

By Senator Maynard:

Senate Bill 168—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services.

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

By Senator Maynard:

Senate Bill 169—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a

legislative rule relating to West Virginia clearance for access: registry and employment screening.

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

By Senator Maynard:

Senate Bill 170—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state.

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

By Senator Maynard:

Senate Bill 171—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses.

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

By Senator Maynard:

Senate Bill 172—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosure.

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

By Senator Maynard:

Senate Bill 173—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing.

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

By Senator Maynard:

Senate Bill 174—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements.

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

By Senator Maynard:

Senate Bill 175—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care home registration requirements.

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

By Senator Maynard:

Senate Bill 176—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child placing agencies licensure.

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

By Senator Maynard:

Senate Bill 177—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements.

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

By Senator Maynard:

Senate Bill 178—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements.

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

By Senator Maynard:

Senate Bill 179—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance.

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

By Senator Maynard:

Senate Bill 180—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to electrician licensing.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 181—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 182—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency and Correction

to promulgate a legislative rule relating to law-enforcement training and certification standards.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 183—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to protocol for law enforcement response to domestic violence.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 184—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to disposal, lease and management of real property and appurtenant structures and relocation assistance.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 185—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 186—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 187—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 188—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to noxious weeds.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 189—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 190—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia apiary law.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 191—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 192—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services: fruit.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 193—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 194—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 195—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 196—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to rules governing the West Virginia Board of Hearing Aid Dealers.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 197—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 198—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 199—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to rules of the West Virginia Board of Optometry.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 200—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 201—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 202—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to pharmacist recovery networks.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 203—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists and pharmacy interns.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 204—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to centralized prescription processing.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 205—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Uniform Controlled Substances Act.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 206—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to registration of pharmacy technicians.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 207—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring program.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 208—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Examiners of Psychologists to promulgate a legislative rule relating to fees.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 209—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to requirements for licensure as a psychologist and/or a school psychologist.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 210—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to code of conduct.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 211—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 212—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage business.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 213—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to schedule of fees.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 214—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers and instructors.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 215—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to procedures for canvassing elections.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 216—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to procedures for handling ballots and counting write-in votes in counties using optical scan ballots.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 217—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to vote by mail pilot project phase 2: voting by mail.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 218—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation and licensing of veterinarians.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 219—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to certified animal euthanasia technicians.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 220—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to schedule of fees.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 221—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to Zipline and Canopy Tour Responsibility Act.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 222—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to bedding and upholstered furniture.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 223—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to Amusement Rides and Amusement Attractions Safety Act.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 224—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to Elevator Safety Act.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 225—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to employer wage bonds.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 226—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 227—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses in commercial transactions.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 228—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to operating diesel equipment in underground mines in West Virginia.

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

By Senator Maynard:

Senate Bill 229—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing and other outfitters and guides.

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

By Senator Maynard:

Senate Bill 230—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to controlling the public land corporation's sale, lease, exchange or transfer of land or minerals.

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

By Senator Maynard:

Senate Bill 231—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to general hunting.

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

By Senator Maynard:

Senate Bill 232—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting.

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

By Senator Maynard:

Senate Bill 233—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses.

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

By Senator Maynard:

Senate Bill 234—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to wildlife disease management.

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

By Senator Maynard:

Senate Bill 235—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to state lottery rules.

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

By Senator Maynard:

Senate Bill 236—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

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

By Senator Maynard:

Senate Bill 237—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to farm to food bank tax credit.

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

By Senator Maynard:

Senate Bill 238—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer.

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

By Senator Maynard:

Senate Bill 239—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to property transfer tax.

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

By Senator Maynard:

Senate Bill 240—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to municipal sales and service and use tax administration.

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

By Senators Trump and Blair:

Senate Bill 241—A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §46A-6-107a and §46A-6-107b, all relating generally to warranties for used

motor vehicles; providing that a consumer who purchases a used motor vehicle may waive a warranty as to a particular defect or malfunction which the merchant has disclosed in writing to the consumer; providing that a waiver of warranties is not effective unless the waiver satisfies certain requirements; providing that a used motor vehicle may only be sold “as is” under certain circumstances; providing certain disclosure requirements for “as is” sales of used motor vehicles; providing that a consumer shall sign and date the disclosure for an “as is” sale in order for the disclosure to be effective; providing that a merchant disclose in writing certain defects or malfunctions when selling a used motor vehicle “as is”; providing that the merchant shall provide the consumer a copy of a nationally recognized vehicle history report for the used motor vehicle; and providing that an “as is” sale of a used motor vehicle waives implied warranties but does not waive any express warranties.

Referred to the Committee on the Judiciary.

By Senators Trump, Blair, Maroney, and Rucker:

Senate Bill 242—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-38; to amend said code by adding thereto a new section, designated §33-15-4l; to amend said code by adding thereto a new section, designated §33-16-3x; and to amend said code by adding thereto a new section, designated §33-25A-8l, all relating to requiring health insurance providers to provide coverage for long-term antibiotic therapy for a patient with Lyme Disease.

Referred to the Committee on Health and Human Resources.

By Senators Trump, Unger, Blair, and Rucker:

Senate Bill 243—A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to the number of magistrates in Berkeley County.

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

By Senators Azinger and Rucker:

Senate Bill 244—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to specifying

the conditions where and by whom it is unlawful to possess a firearm at school-sponsored functions; identifying the area of those functions; revising the conditions when a retired law-enforcement officer may possess a firearm; prohibiting education officials from authorizing certain individuals; and providing where in a locked vehicle a firearm may be placed.

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

By Senator Azinger:

Senate Bill 245—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-16-1, relating to making it a felony to use a communication facility to commit another felony; defining a term; and establishing penalties.

Referred to the Committee on the Judiciary.

By Senators Azinger and Cline:

Senate Bill 246—A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for burglary if a crime against another person is committed during the burglary.

Referred to the Committee on the Judiciary.

By Senators Azinger and Cline:

Senate Bill 247—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-7a, relating to making it a felony to attempt to kill another person; and establishing a penalty.

Referred to the Committee on the Judiciary.

By Senators Azinger, Rucker, and Cline:

Senate Bill 248—A Bill to amend and reenact §61-8B-7, §61-8B-9a, and §61-8B-9b of the Code of West Virginia, 1931, as amended, all relating to raising the age to 16 of children who are victims of certain sex offenses.

Referred to the Committee on the Judiciary.

By Senators Azinger and Cline:

Senate Bill 249—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-59, relating to making it a felony to possess a stolen firearm with an altered serial number; and establishing a penalty.

Referred to the Committee on the Judiciary.

By Senators Azinger and Cline:

Senate Bill 250—A Bill to amend and reenact §61-2-9 of the Code of West Virginia, 1931, as amended, relating to creating the crime of aggravated malicious wounding; making the crime a felony; and establishing a penalty.

Referred to the Committee on the Judiciary.

By Senators Azinger and Cline:

Senate Bill 251—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-4C-24, relating to allowing initial responders to administer Naloxone or other approved opioid antagonist in an emergency situation to an individual who has overdosed; making an individual who has received an opioid antagonist from an initial responder responsible for its cost; and defining terms.

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

By Senators Azinger and Cline:

Senate Bill 252—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9a, relating to requiring all schools provide an elective course on Hebrew Scriptures, Old Testament of the Bible, or New Testament of the Bible; stating a purpose; permitting students to use a translation of their choice; requiring teacher certification; and requiring federal and state laws be followed regarding religious neutrality while accommodating the diverse religious views of students.

Referred to the Committee on Education.

By Senators Plymale, Unger, and Boso:

Senate Bill 253—A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating generally to applied associate of science degrees that target workforce needs; authorizing certain schools to grant applied associate of science degrees that target workforce needs; requiring the West Virginia State Board of Education to promulgate rules setting the minimum standards for granting applied associate of science degrees that target workforce needs; and limiting the schools that grant applied associate of science degrees that target workforce needs to vocational-technical schools which are accredited by the appropriate nationally recognized accrediting agency or association approved by the United States Department of Education.

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

By Senators Trump and Blair:

Senate Bill 254—A Bill to amend and reenact §5-16-5a of the Code of West Virginia, 1931, as amended, relating to the expansion of the finance board's discretion to include in its financial plans subsidies from the Retirement Health Benefit Trust Fund for employees who meet four enumerated elements.

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

Senators Trump, Blair, Sypolt, Smith, Plymale, Stollings, and Boso offered the following resolution:

Senate Resolution 4—Honoring the life of Dr. Harry Warren Boggs (1927-2011) of Keyser, West Virginia, a dedicated public servant.

Whereas, Dr. Harry Warren Boggs, a life-long resident of Keyser, West Virginia, attended Keyser High School, Potomac State College, West Virginia University, and the Pennsylvania College of Optometry; and

Whereas, Dr. Harry Warren Boggs served as a Naval Aviator-Captain with the U. S. Navy and was a commanding officer in four major commands. He served two tours in the Pentagon Naval Command Center and with the National Navy Reserve Policy Board. He accumulated 8,150 flight hours during 31 years of service while traveling to 50 foreign countries; and

Whereas, Dr. Harry Warren Boggs served as past president of the Mineral County Development Authority, the Mineral County Industrial Development Corporation, the Keyser Rotary Club, and the Mineral County Chamber of Commerce. He was the financial chairman of the Queens Meadow Point Cemetery Corporation and of the Mineral County Republican Club; and

Whereas, Dr. Harry Warren Boggs served on the United Board of Trustees of Davis and Elkins College in Elkins, West Virginia, and on the Board of Trustees for the Sunnyside Retirement Community in Harrisonburg, Virginia. Additionally, he was the director of the former National Bank of Keyser and of the Keyser Main Street Program; served as the American Field Service founding president in 1965; and as past chairman of the county United Way; and

Whereas, Dr. Harry Warren Boggs was a member of the WV Board of Optometry, WV Optometric Health System Memorial Board, Executive Board of Potomac Council Boy Scouts of America, Boyce Houser Post 41 American Legion, VFW Post 318 Nancy Hanks, WV Regional Jail and Prison Authority, Davis Lodge #51, and an active life-time member of the Keyser Presbyterian Church; and

Whereas, Dr. Harry Warren Boggs received the Distinguished West Virginian Award (the highest civilian award bestowed by the Governor of West Virginia); the Mineral County Citizen of the Year Award from the Keyser Kiwanis Club; the Distinguished Service Award from Potomac State College of WVU; the Silver Beaver Boy Scout Award; and was inducted into the Keyser High School Legion of Honor; and

Whereas, It is fitting that we honor Dr. Harry Warren Boggs for his everlasting contributions to Mineral County, the State of West Virginia and our great nation; therefore, be it

Resolved by the Senate:

That the Senate hereby honors the life of Dr. Harry Warren Boggs (1927-2011) of Keyser, West Virginia, a dedicated public servant; and, be it

Further Resolved, That the Senate extends its most sincere appreciation and gratitude to the family of Dr. Harry Warren Boggs for his dedicated public service; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of Dr. Harry Warren Boggs.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Trump, Sypolt, and Smith regarding the adoption of Senate Resolution 4 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:26 a.m., the Senate recessed to present Senate Resolution 4.

The Senate reconvened at 11:29 a.m. today and resumed business under the sixth order.

Senators Trump, Blair, Sypolt, Smith, Plymale, Stollings, and Boso offered the following resolution:

Senate Resolution 5—Recognizing the dedicated public service of Anne Palmer to Mineral County and the State of West Virginia.

Whereas, Anne Palmer has faithfully served as the Executive Director of the Mineral County Chamber of Commerce for the past 22 years; and

Whereas, Under the leadership of Anne Palmer, the mission of the Mineral County Chamber of Commerce is to stimulate and enhance the business environment and quality of life in Mineral County through the following goals: To be the most effective, prominent voice for the business community on issues affecting countywide business vitality; to be responsive to the needs and concerns of our members and our entire community, and to be a professional, creative resource and advocator addressing those needs; to be the most effective and respected advocate for sound government policies and effective governmental leadership, at the state and local levels, and at the federal level as appropriate; to promote cooperative efforts and public/private partnerships that will focus on social, economic, and political issues that affect the health and well-being of businesses and citizens of Mineral County; and

Whereas, Anne Palmer has organized Mineral County Day at the Legislature for the past 18 years, encouraging members of her organization and citizens of Mineral County to engage their legislators and participate in the legislative process, while showcasing the best of Mineral County; and

Whereas, Anne Palmer has worked tirelessly for more than two decades recruiting and attracting business to Mineral County for the betterment of the county and its citizens; and

Whereas, Anne Palmer has earned the respect of all people who have crossed her path and her successful career is a shining example to all West Virginians of what can be accomplished with dedication, commitment, and hard work; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the dedicated public service of Anne Palmer to Mineral County and the State of West Virginia; and, be it

Further Resolved, That the Senate extends its most sincere appreciation and gratitude to Anne Palmer for her dedicated public service; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Anne Palmer.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Sypolt, Trump, Smith, and Blair regarding the adoption of Senate Resolution 5 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:36 a.m., the Senate recessed to present Senate Resolution 5.

The Senate reconvened at 11:39 a.m. today and resumed business under the sixth order.

Petitions

Senators Trump and Blair presented a petition from Eric and Linda Pritchard and numerous fifteenth senatorial district residents, supporting **Senate Bill 242** (*Requiring health insurance providers provide coverage for certain Lyme disease treatment*).

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 1, US Army SGT Denver E. Short Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 2, Walter E. Swiger, Jr., Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 3, Michael Angiulli Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 4, Glenn Franklin Lough, P.E., Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 11:43 a.m., the Senate adjourned until tomorrow, Friday, January 12, 2018, at 11 a.m.

FRIDAY, JANUARY 12, 2018

The Senate met at 11:03 a.m.

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

Prayer was offered by Seth Polk, Lead Pastor, Cross Lanes Baptist Church, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

Pending the reading of the Journal of Thursday, January 11, 2018,

At the request of Senator Prezioso, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Weld as to the introduction of the members of the West Virginia Wing of the Civil Air Patrol were ordered printed in the Appendix to the Journal.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

Dear President Carmichael,

Since 2015, it has been an honor and a privilege to serve the citizens of southern West Virginia as their Senator. During those years, I had the ability to be part of many substantial, positive changes that have been so rewarding. More than three years ago, I chose to run for office so I could make a difference in the lives of the citizens in my district, and I believe that I have accomplished that by understanding the needs of the people of Raleigh, Wyoming, and McDowell County. They always gave me the perspective I needed to represent them.

It has been a pleasure to work closely with my colleagues in the Senate, and I can say that this great state is blessed to have a committed group of men and women who work diligently each day to make life better for all West Virginians. I feel a great deal of pride in everything we have done to put West Virginia on the map as a business-friendly state. The proof is in the legislation we have passed.

Although I remain fully committed to supporting southern West Virginia, I have come to the difficult decision that it would be best for me to resign from the West Virginia Senate, effective January 12, 2018. This was not a choice made without a great deal of thought and prayerful reflection. However, at this time my

obligations to my business and my family simply must take priority. It is a pivotal time in my business as we grow throughout West Virginia and expand into other states. My focus must be on overseeing this transition, and I do not want the residents of the Ninth District to be without my full ability to represent them.

I would like to thank President Carmichael for his support throughout the last few years. He has been a solid foundation for me and I know that under his leadership great things will continue to happen. Also, thank you to my Republican colleagues for giving me the opportunity to be part of this tremendous team. It has been a pleasure.

And, finally, thank you citizens of the Ninth District for showing confidence in my ability to represent you. I have done so proudly. God bless you all and the great State of West Virginia.

Sincerely,

Jeff Mullins

The Senate proceeded to the fourth order of business.

Senator Karnes, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 130, Creating Tim Tebow Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 130 (originating in the Committee on Education)—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 activities that are under the authority of the commission 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.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert Karnes,
Vice Chair.

The bill (Com. Sub. for S. B. 130), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

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

By Senator Beach:

Senate Bill 255—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §17-29-15a and §17-29-15b, all relating to prohibiting transportation network company drivers from soliciting rides or occupying designated cab stands; requiring such drivers to register annually with the local county commission at the commission's discretion; and criminal penalties.

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

By Senator Cline:

Senate Bill 256—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-

15-51, relating to requiring motor vehicles, trailers, or semitrailers having a hydraulically operated bed to have a warning device that will alert the operator when the vehicle is in motion and the bed is in an upward position; and requiring rulemaking.

Referred to the Committee on Transportation and Infrastructure.

By Senators Azinger and Cline:

Senate Bill 257—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-31A-1, §30-31A-2, §30-31A-3, and §30-31A-4, all relating to creating the West Virginia Counseling Protection Act; prohibiting state agencies and political subdivisions from denying or restricting mental health providers from providing counseling, or any patient from receiving counseling, intended to aid patients in self-determined objectives; providing for judicial relief; providing for attorney fees and costs; providing a purpose; making findings; and defining terms.

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

By Senators Azinger and Cline:

Senate Bill 258—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; license to carry deadly weapons; and exempting honorably discharged veterans of the armed forces of the United States from payment of fees and costs required to get a license to carry deadly weapons.

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

By Senators Jeffries, Stollings, Gaunch, Romano, and Swope:

Senate Bill 259—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to clarifying the process for assessing the lowest qualified responsible bidder in government construction contracts; amending definitions; requiring the total budget for the project to be listed in the

solicitation; requiring the state or its subdivisions to list any alternates in their order of preference and evaluate bids based on that order; detailing how the base bid and the alternates shall be evaluated in order to determine a neutral low bidder; eliminating the ability of the state or its subdivisions to select alternates out of order to reach a favored bidder; and reorganizing certain requirements in current code for clarity purposes.

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

By Senators Beach and Romano:

Senate Bill 260—A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to requiring state-owned or -leased vehicles be subject to registration requirements; requiring that state-owned or -leased vehicles have current registration; and requiring state-owned or -leased vehicles bear plates that indicate current registration.

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

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

Senate Bill 261—A Bill to repeal §31-18D-1, §31-18D-2, §31-18D-3, §31-18D-4, §31-18D-5, §31-18D-6, §31-18D-7, §31-18D-8, §31-18D-9, §31-18D-10, §31-18D-11, §31-18D-12, §31-18D-13, and §31-18D-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-4c of said code; to amend and reenact §11-22-2 of said code; to amend and reenact §31-18-3, §31-18-6, and §31-18-22 of said code; and to amend said code by adding thereto a new section, designated §31-18-20d, all relating to the transfer of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund; eliminating the West Virginia Affordable Housing Trust Fund and the West Virginia Affordable Housing Trust Fund Board of Directors; creating Affordable Housing Fund of the West Virginia Housing Development Fund and providing for uses therefor; providing for assessment of fee on all sales by licensed dealers of factory-built homes to be deposited in Affordable Housing Fund of the West Virginia Housing

Development Fund; providing for assessment of fee upon the privilege of transferring real estate for consideration to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; defining “Affordable Housing Fund”; authorizing West Virginia Housing Development Fund to provide funding to increase the capacity of nonprofit community housing organizations; providing for uses of funds in Affordable Housing Fund; and providing for disposition of Affordable Housing Fund in the event of termination or dissolution of West Virginia Housing Development Fund.

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

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

Senate Bill 262—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-4b, relating to providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a pay equity salary adjustment.

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

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

Senate Bill 263—A Bill to amend and reenact §11-13X-13 of the Code of West Virginia, 1931, as amended, relating to the elimination of film tax credits; preserving rights to all previously issued film tax credits; ceasing operations of the West Virginia Film Office; and transferring certain duties of the West Virginia Film Office to the Division of Tourism.

Referred to the Committee on Finance.

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

Senate Bill 264—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-15-30a, all

relating generally to consumers sales and service tax; eliminating the refundable exemption for road construction contractors; prohibiting the transfer of revenues collected from the state's consumers sales and service tax and the state's use tax to the State Road Fund; requiring the Tax Commissioner to transfer \$12.5 million collected pursuant to the state's consumers sales and service tax via the General Revenue Fund to the State Road Fund by June 15 of each fiscal year; making technical corrections; and specifying the effective date.

Referred to the Committee on Finance.

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

Senate Bill 265—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

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

Senate Bill 266—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; providing rule for determining number of personal exemptions; and specifying effective dates.

Referred to the Committee on Finance.

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

Senate Bill 267—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing certain state employees' salaries; increasing the annual salaries of members of the West Virginia State Police; increasing

the annual salaries of public school teachers; and increasing the annual salaries of school service personnel.

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

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

Senate Bill 268—A Bill to amend and reenact §19-12A-1a, §19-12A-5, and §19-12A-6 of the Code of West Virginia, 1931, as amended, all relating to eliminating the requirement that the Division of Corrections and the Bureau for Public Health purchase commodities produced on institutional farms from the Department of Agriculture.

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

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

Senate Bill 269—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, §5B-8-6, §5B-8-7, §5B-8-8, and §5B-8-9, all relating to establishing the 2018 Regulatory Reform Act; providing legislative findings; defining terms; providing for an application process with the Development Office to request a project be classified as a project of critical economic concern; encouraging state agencies to provide for expeditious review of a license or permit application even absent a designation as a project of critical economic concern; establishing a procedure for the filing of a certificate of critical economic concern with state agencies and the Development Office; providing for agencies to adopt an expedited license and permit fee; providing for timelines, reports, and written explanations for expedited license and permit review; clarifying a certificate of critical concern is not a blanket waiver and does not guarantee a license or permit will be granted; requiring the executive director to report to the Governor and the Joint Committee on Government and Finance on or before November 1, 2019, and on or before every November 1 thereafter regarding the success of this article; and granting the Development

Office with procedural rule-making authority to implement the provisions of this article.

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

By Senator Ojeda:

Senate Joint Resolution 6—Proposing an amendment to the Constitution of the State of West Virginia, amending article VI thereof by adding thereto a new section, designated 51a, relating to authorizing legislative oversight of the judiciary budget proposal; allowing the Legislature to decrease or increase judiciary budget line items; 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.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Plymale.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Plymale were ordered printed in the Appendix to the Journal.

At the request of Senator Romano, unanimous consent being granted, the Senate returned to the eleventh order of business and the introduction of guests.

At the request of Senator Rucker, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant the Honorable Alex Mooney, United States House of Representatives member for West Virginia's second congressional district, privileges of the floor for the day.

On motion of Senator Ferns, leaves of absence for the day were granted Senators Maroney, Unger, Smith, and Takubo.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Ferns, at 11:22 a.m., the Senate adjourned until Monday, January 15, 2018, at 11 a.m.

MONDAY, JANUARY 15, 2018

The Senate met at 11:07 a.m.

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

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

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

Pending the reading of the Journal of Friday, January 12, 2018,

At the request of Senator Stollings, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Accountancy, Board of (§30-1-12)

Acupuncture, Board of (§30-1-12)

Architects, Board of (§30-1-12)

Barbers and Cosmetologists, Board of (§30-1-12)

Chiropractic Examiners, Board of (§30-1-12)

Counseling, Board of Examiners in (§30-1-12)

Development Office (Neighborhood Investment Program)
(§11-13J-4a)

Dietitians, Board of Licensed (§30-1-12)

Forestry, Division of (Outdoor Heritage Conservation Fund)
(§5B-2G-6)

Funeral Service Examiners, Board of (§30-1-12)

Geological and Economic Survey (§29-2-6)

Health and Human Resources, Department of

 James “Tiger” Morton Catastrophic Illness Commission
 (§16-5Q-2)

 Youth Services (§49-5B-7)

Juvenile Services, Division of (§49-5-13E)

Landscape Architects, Board of (§30-1-12)

Massage Therapy Licensure Board (§30-1-12)

Medical Imaging and Radiation Therapy Technology Board of
 Examiners (§30-1-12)

Nursing Home Administrators Licensing Board (§30-1-12)

Optometry, Board of (§30-1-12)

Personnel, Division of (§29-6-7)

Pharmacy, Board of (§30-1-12)

Physical Therapy, Board of (§30-1-12)

Professional Surveyors, Board of (§30-1-12)

Psychologists, Board of Examiners of (§30-1-12)

Real Estate Appraiser Licensing and Certification Board (§30-1-12)

Real Estate Commission (§30-1-12)

Registered Professional Nurses, Board of Examiners for (§30-1-12)

Respiratory Care, Board of (§30-1-12)

Ron Yost Personal Assistance Services Program (§18-10L-7)

Social Work Examiners, Board of (§30-1-12)

Special Investigations, Commission on (§4-5-2)

Treasurer (Debt Position Report) (§12-6A-6)

Veterinary Medicine, Board of (§30-1-12)

Water Development Authority (§22C-1-17)

Women's Commission (§29-20-6)

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

Senate Bill 270—A Bill to amend and reenact §20-1-2 and §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-1-7a, all relating to authorizing the Director of the Division of Natural Resources to implement a sound silvicultural management plan for state park lands, which may include the harvesting and sale of timber; providing requirements for the sale of timber located on state park lands; providing requirements for the deposit and expenditure of proceeds; and authorizing emergency rule-making authority.

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

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

Senate Bill 271—A Bill to amend and reenact §5A-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5A-2B-1, §5A-2B-2, §5A-2B-3, §5A-2B-4, §5A-2B-5, and §5A-2B-6, all relating to creating the Shared Services Section within the Finance Division of the Department of Administration for accounting and financial reporting services; authorizing the appointment of a deputy director; providing rule-making authority; defining services offered; allowing for fees; applicability and exemptions; providing for reports to the Legislature and Governor; providing for reporting of certain information by spending units to the Shared Services Section; establishing deadlines for information necessary for the consolidated annual financial report; establishing a liaison between spending units and the Department of Administration to facilitate compiling the consolidated annual financial report; providing for a plan of corrective action and probation for spending units; authorizing the Department of Administration to contract for accounting services; and creating a new special revenue fund.

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

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

Senate Bill 272—A Bill to amend and reenact §16-5T-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5T-6, all relating generally to drug control; requiring hospital emergency rooms and departments, as well as certain other law-enforcement and medical care providers, report suspected or confirmed drug overdoses, and other drug-related instances, to the Office of Drug Control Policy; permitting counties experiencing drug overdoses at rates higher than the national average to establish certain community-based recognition and response efforts; permitting those counties to seek federal and private funding to implement those efforts; and

requiring all first responders, regardless of frequency of drug overdoses in their communities, to carry Naloxone and be trained in its use.

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

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

Senate Bill 273—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, and §16-54-9; 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 opiates; providing reports to licensing boards regarding abnormal prescribing practices; requiring the Board of Pharmacy to report quarterly to various licensing boards; permitting the investigation and discipline for abnormal prescribing and dispensing of prescription drugs; adding substances to Schedule I, II, and IV of the Uniform Controlled Substances Act; 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 Senator Karnes:

Senate Bill 274—A Bill to amend and reenact §19-23-3, §19-23-7, §19-23-10, §19-23-12b, §19-23-13, and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3,

§29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e, and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27, and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; modifying certain definitions; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund; transferring all moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that all moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purpose of funding purses, awards or providing any other funding for greyhound races be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred racetracks, and deducted for administrative costs and expenses, to the Racing Commission's General Administrative Account;

eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from video lottery terminals with certain parties; providing that a percentage of net terminal income originating at dog racetracks will be deposited in the State Excess Lottery Revenue Fund; providing that a percentage of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted or in an alternate location within the county as approved by the Lottery Commission; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates.

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

By Senators Clements, Azinger, Beach, Jeffries, Maroney, Prezioso, Romano, Unger, Takubo, Stollings, and Cline:

Senate Bill 275—A Bill to amend and reenact §60-3-9d of the Code of West Virginia, 1931, as amended, relating to tax on purchases of intoxicating liquors; and requiring the Tax Commissioner to submit reports of the amount of taxes collected and to be remitted to a municipality or a county to be submitted to both the municipality and the county wherein the taxes are collected.

Referred to the Committee on the Judiciary.

By Senators Karnes, Azinger, and Rucker:

Senate Bill 276—A Bill to amend and reenact §22-1-6 of the Code of West Virginia, 1931, as amended, relating to limiting employees of the Department of Environmental Protection from entering private lands for environmental protection purposes to only when there is probable cause to believe a violation exists on the property, a warrant has been obtained for the entry, or the express permission of the property owner has been granted.

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

By Senators Karnes, Drennan, Rucker, Boso, and Cline:

Senate Bill 277—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-11, relating to permitting all members of public retirement plans to cash out of their plans by opting to receive, in lieu of regular benefit payments, the total cash value of those benefits.

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

By Senator Maynard:

Senate Bill 278—A Bill to amend and reenact §5A-10-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-11-3 of said code, all relating to the disposition of vacated school buildings or other state-owned buildings by the Public Land Corporation and Real Estate Division within the Department of Administration.

Referred to the Committee on Government Organization.

By Senator Ojeda:

Senate Bill 279—A Bill to amend and reenact §25-1-11c of the Code of West Virginia, 1931, as amended; to amend and reenact §31-20-27 of said code; and to amend and reenact §49-2-905 of said code, all relating to requiring correctional officers to be paid overtime for all hours worked beyond forty hours in a one-week work period.

Referred to the Committee on the Judiciary.

By Senators Gaunch, Boso, Maynard, Blair, and Cline:

Senate Bill 280—A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights

Referred to the Committee on Government Organization.

By Senators Gaunch, Maynard, Baldwin, Boso, Clements, Jeffries, Maroney, Palumbo, Smith, Sypolt, Takubo, Weld, and Cline:

Senate Bill 281—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5A-2-35 and §5A-2-36, all relating generally to the state's spending units; requiring comprehensive annual financial reports; requiring training; requiring notice; requiring reporting; prescribing penalties for noncompliance; providing for an administrative appeal; and establishing deadlines for creation of the comprehensive annual financial report.

Referred to the Committee on Government Organization.

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

Senate Bill 282—A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended, relating to exempting the State Conservation Committee and the Conservation Agency from the requirements of the Purchasing Division for contracts related to flood recovery or stream restoration, and all contracts with the United States Geological Survey.

Referred to the Committee on Government Organization.

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

Senate Bill 283—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-3-10b, §5A-3-10c, §5A-3-10e, §5A-3-33d, §5A-3-33f, and §5A-3-45 of said code; to amend said code by adding thereto two new sections, designated §5A-3-37a and §5A-3-61; to amend and reenact §5G-1-3 of said code; and to amend and reenact §6D-1-1 of said code, all relating generally to procurement by state agencies; establishing direct award procurement requirements; authorizing awarding contracts without competitive bidding if certain requirements are met; establishing prequalification agreements and their requirements; authorizing agency delegated bidding and its procedure; increasing certain cost limits from \$50,000 to \$1 million; establishing the concept of “reciprocal

preference” for an in-state vendor over an out-of-state vendor from any state that gives or requires a preference to bidders from that state and setting forth its requirements; modifying the value determination of certain motor vehicles that are to be sold; permitting spending units to use a standardization process to purchase commodities and setting forth its requirements; expanding the scope of those who may be debarred; permitting an architectural or engineering firm to be selected without bidding if certain conditions exist; permitting alternate funds to be substituted if the original fund no longer exists; increasing certain contract limits from \$100,000 to \$1 million; defining terms; and authorizing rulemaking.

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

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

Senate Bill 284—A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-11; to amend and reenact §18-9A-2 of said code; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, §18C-9-5, and §18C-9-6, all relating generally to increasing access to career education and workforce training; establishing Advanced Career Education (ACE) programs and pathways; providing that certain high school graduates shall be considered adults enrolled in regular secondary programs for funding purposes; requiring community and technical colleges establish partnerships with career technical education centers, county boards of education, or both that provide for ACE programs; providing requirements for ACE programs and pathways; requiring the Board of Education and the West Virginia Council for Community and Technical College Education promulgate joint guidelines; requiring the Division of Vocational Education and the council maintain and annually report certain information; providing that community and technical colleges and career technical education centers shall participate in one or more ACE partnership in order to receive certain funding; establishing

the WV Invests Grant Program; defining terms; authorizing the council to award WV Invests Grants under certain terms and conditions; requiring the council to report certain information on the WV Invests Grant Program; requiring the council to promulgate rules; providing eligibility and renewal requirements for a WV Invests Grant; requiring applicants enter into certain agreements; and establishing the WV Invests Fund.

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

By Senators Karnes and Boso:

Senate Bill 285—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4, and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; establishing trails for off-highway recreational vehicle use; providing for reimbursement by authority for natural resources police officers; authorizing creation of regional recreation authority as joint development entity formed by two or more contiguous counties; setting forth findings and definitions; establishing powers and composition of governing board; providing for financial review and oversight of public funds; prohibiting certain conduct in regional recreation area; establishing requirements for bidding and purchasing; prohibiting conflicts of interest; limiting liability; clarifying duties and responsibilities of participants to landowners and lessors in the regional recreation area; and establishing criminal penalties and civil remedies.

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

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

Senate Bill 286—A Bill to amend and reenact §19-21A-4 of the Code of West Virginia, 1931, as amended, relating to granting authority to the State Conservation Committee to contract for flood

response and related stream restoration work and to collaborate with federal agencies to respond to flooding and certain related recovery and restoration.

Referred to the Committee on Government Organization.

By Senators Boso, Rucker, Cline, and Azinger:

Senate Joint Resolution 7—Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article XII thereof, relating to the supervision of the free schools; 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 Boso and Cline:

Senate Joint Resolution 8—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to authorizing the Legislature to, by general law, allocate a portion of ad valorem property taxes paid by owners of certain new manufacturing facilities and large capital additions to existing manufacturing facilities located in counties in which county commissions elect to fund infrastructure capital improvements, in whole or in part, using property taxes; 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 Gaunch, Takubo, Boso, Blair, Stollings, Cline, and Drennan offered the following resolution:

Senate Resolution 6—Designating March 21, 2018, as Down Syndrome Awareness Day.

Whereas, There are 1 in 700 babies born with Down syndrome each year; and

Whereas, Individuals with Down syndrome, like all others, have the right to live, work, and fully participate in their communities in order to attain their goals and dreams; and

Whereas, Individuals with Down syndrome have the right to a free and appropriate public education alongside their peers without disabilities so they can learn and develop to their fullest potential; and

Whereas, Individuals with Down syndrome have the right to an equal opportunity to live full productive lives as valued community members in the neighborhoods of their choice; and

Whereas, People with Down syndrome have the right to receive the support they need to exercise self-determination, achieve independence, and become productive employees; and

Whereas, The Down Syndrome Network of West Virginia has become a statewide organization to enhance the lives of individuals with Down syndrome to increase awareness and acceptance of individuals with Down syndrome; and

Whereas, The purpose of Down Syndrome Awareness Day is to increase awareness and understanding of our legislators, administrators, policymakers and the public about the issues that are important to individuals with Down syndrome; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 21, 2018, as Down Syndrome Awareness Day; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Down Syndrome Awareness Day.

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

On motion of Senator Ferns, at 11:17 a.m., the Senate recessed to present Senate Resolution 6.

The Senate reconvened at 11:22 a.m. today and resumed business under the sixth order.

Senators Ferns, Weld, and Stollings offered the following resolution:

Senate Resolution 7—Congratulating the Wheeling Central Catholic High School football team for winning the 2017 Class A state football championship.

Whereas, The Wheeling Central Catholic High School football team had a slow start to their 2017 season, losing their first two games, and four out of their first seven; and

Whereas, With their backs against the wall, the Wheeling Central Catholic High School football team displayed their determination and grit, and dominated the last three games of the regular season and swept through the playoffs in remarkable fashion in route to winning the school's 10th football state championship; and

Whereas, The Wheeling Central Catholic High School football team roster consists of players: Patrick Brown, Jordan Waterhouse, Braden Price, Isiah Threats, Adam Murray, Jacob Rine, Gage Michaels, Robert Kahle, Curtis McGhee, Vinnie High, Trey Helms, Blake Peluchette, Caleb Karnell, Seth Tucker, Dawson Wear, Ethan Turner, Braden Martos, Anthony Robbins, D. J. Daunders, Jack Stryker, Joel Straub, Michael Horan, Logan Wells, Vinny Mangino, Tim McCabe, Luke Lawrence, Griffin Stenger, Nick Sarras, Baron Vogrin, Hayden Beresh, Jude Cottrell, Luke Duplaga, Michael Runkle, Jessie Angius, Will Kent, Patrick Duffy, C. J. Rose, Spencer Helms, Tyler Roth, Hayden Manns, Trey Denniston, Mason Smith, Jalen Creighton, Peyton Anderson, and Andrew Burkle; and

Whereas, The Wheeling Central Catholic High School football team is led by head coach Mike Young, who was named the Intelligencer/Wheeling News-Register Coach of the Year, and

assistant coaches Ed Anderson, Felix Bruno, Brett Clough, Shannon Kuchinski, Phil Pest, Jason Rine, Chance Siebieda, Mason Werner, and Jim Wolfe; and

Whereas, The 2017 Wheeling Central Catholic High School football team will go down in state history as one of the best teams ever assembled in the State of West Virginia; and

Whereas, The Wheeling Central Catholic High School football team is a shining example to all West Virginians of what can be accomplished with dedication, commitment, and teamwork; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Wheeling Central Catholic High School football team for winning the 2017 Class A state football championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Wheeling Central Catholic High School.

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.

On motion of Senator Ferns, at 11:26 a.m., the Senate recessed to present Senate Resolution 7.

The Senate reconvened at 11:34 a.m. today.

At the request of Senator Azinger, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Michelle Talbott, Ronnie Talbott, Jeff Dye, and John Flint privileges of the floor for the day.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Stollings.

(Senator Ferns in the Chair.)

Thereafter, at the request of Senator Carmichael (Mr. President), and by unanimous consent, the remarks by Senator Stollings were ordered printed in the Appendix to the Journal.

At the request of Senator Maynard, unanimous consent being granted, the Senate returned to the eleventh order of business and the introduction of guests.

The Senate again proceeded to the twelfth order of business.

Remarks were made by Senators Carmichael (Mr. President), Plymale, Romano, Stollings, Ojeda, Blair, and Clements.

Thereafter, at the request of Senator Gaunch, and by unanimous consent, the remarks by Senator Carmichael (Mr. President) were ordered printed in the Appendix to the Journal.

At the request of Senator Prezioso, unanimous consent being granted, the remarks by Senators Plymale, Romano, Stollings, Ojeda, and Clements were ordered printed in the Appendix to the Journal.

At the request of Senator Weld, and by unanimous consent, the remarks by Senator Blair were ordered printed in the Appendix to the Journal.

On motion of Senator Trump, leaves of absence for the day were granted Senators Unger, Sypolt, and Takubo.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Trump, the Senate adjourned until tomorrow, Tuesday, January 16, 2018, at 11 a.m.

TUESDAY, JANUARY 16, 2018

The Senate met at 11:11 a.m.

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

Prayer was offered by the Reverend Father Brian Crenwelge, Sacred Heart Co-Cathedral, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Sue Cline, a senator from the ninth district.

Sarah Karnes, the daughter of the Honorable Robert Karnes, a senator from the eleventh district, proceeded in the singing of "How Great Thou Art".

Pending the reading of the Journal of Monday, January 15, 2018,

At the request of Senator Prezioso, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 73, Modifying crime of fleeing from scene of accident.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 73 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-4-1 of the

Code of West Virginia, 1931, as amended, relating generally to motor vehicle crashes involving death or personal injuries; defining terms; clarifying circumstances under which a driver may leave the scene of a crash for the purpose of rendering assistance to an injured person in the crash; clarifying essential elements of the offenses of leaving the scene of a crash that causes bodily injury, serious bodily injury, or death; creating the felony offense of leaving the scene of a crash that causes another person serious bodily injury and providing criminal penalties therefor; clarifying knowledge requirement; and clarifying that the offense of leaving the scene of a crash that causes death requires death to occur within one year of the crash.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bills 153 and 154, Department of Administration rule relating to parking.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 154 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to parking; and authorizing the Department of Administration to promulgate a legislative rule relating to state-owned vehicles.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 229, DNR rule relating to hunting, fishing, and other outfitters and guides.

Senate Bill 230, DNR rule relating to controlling public land corporation's sale, lease, exchange, or transfer of land or minerals.

Senate Bill 231, DNR rule relating to general hunting.

Senate Bill 232, DNR rule relating to special migratory game bird hunting.

And,

Senate Bill 233, DNR rule relating to miscellaneous permits and licenses.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

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

By Senators Gaunch, Maynard, Baldwin, Boso, Clements, Jeffries, Maroney, Smith, Sypolt, Takubo, Weld, Cline, Rucker, and Stollings:

Senate Bill 287—A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10, §5A-12-11, and §5A-12-12; to amend said code by adding thereto a new section, designated §12-6D-7; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto three new sections, designated §17A-3-25, §17A-3-26, and §17A-3-27; and to amend and reenact §29B-1-4 of said code, all relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies; repealing provisions relating to the central motor pool; continuing management of state-owned or -leased aircraft through an aviation division; continuing the Fleet Management Office; providing powers and duties of the Director of the Fleet Management Office; continuing special fund; requiring reporting of state vehicles to Fleet Management Office; requiring reporting to and inventory of vehicles by State Agency for Surplus Property; requiring reporting to and inventory of vehicles by Enterprise Resource Planning Board; authorizing a rental pool; requiring legislative compliance audit; requiring new title, registration, and license plates for state vehicles; allowing the Commissioner of the Division of Motor Vehicles to issue special plates to organizations and entities; requiring agencies to apply for a new uniform vehicle title and registration plate; exempting confidential information relating to certain vehicles from public disclosure under the Freedom of Information Act; authorizing rulemaking; and requiring annual reports to Legislature and Governor.

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

By Senators Gaunch, Maynard, Baldwin, Boso, Clements, Jeffries, Maroney, Palumbo, Smith, Takubo, Weld, and Cline:

Senate Bill 288—A Bill to repeal §30-6-8 and §30-6-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18, §30-6-20, §30-6-21, §30-6-22, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-28, and §30-6-29 of said code; and to amend said code by adding thereto a new section, designated §30-6-4a, all relating to regulation of cremation, embalming, and funeral service directing; terminating the Board of Funeral Service Examiners; transferring the functions of the board to the Secretary of State; amending definitions; specifying duties for the transfer of functions and property; providing special provisions and authority to the Secretary of State to facilitate the transfer; continuing the effect of existing rules and authorizing the promulgation of emergency rules; creating a special revenue account; terminating the prior special revenue account; providing for the transfer of assets and liabilities; repealing provisions for obsolete forms of licenses; updating the requirements for renewal of licenses; specifying powers and procedures for conducting hearings and rendering disposition of contested cases; granting the authority to suspend or revoke an authorization to practice without a prior hearing under certain circumstances; providing for referral of criminal matters to appropriate authorities; and correcting references and updating terms throughout.

Referred to the Committee on Government Organization.

By Senators Smith and Cline:

Senate Bill 289—A Bill to amend and reenact §11-13Q-3, §11-13Q-7, and §11-13Q-19 of the Code of West Virginia, 1931, as amended, all relating to entitling natural resource producers to the economic opportunity tax credit; allowing the credit to be used to offset the severance tax; establishing conditions; and modifying definitions.

Referred to the Committee on Finance.

By Senators Smith, Azinger, Boso, Clements, and Cline:

Senate Bill 290—A Bill to amend and reenact §22-11-6 of the Code of West Virginia, 1931, as amended, relating to the Department of Environmental Protection; standards of water quality and effluent limitations; establishing net permit limits; procedures for setting benchmarks and permit limits for storm water discharges; setting a time for submittal of discharge monitoring reports; and limiting reasons for major modification of permits.

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

By Senator Smith:

Senate Bill 291—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-1, relating to transferring child welfare enforcement responsibilities to the West Virginia State Police; transferring employees, funds and property of the Department of Health and Human Resources to the West Virginia State Police; providing that the transferred employees remain in the Civil Service System, continue to participate in Public Employees Retirement System Insurance and continue to be covered by the Public Employees Insurance Act; and requiring rulemaking.

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

By Senators Woelfel and Trump:

Senate Bill 292—A Bill to amend and reenact §4-5-1, §4-5-2, §4-5-3, §4-5-4, and §4-5-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §4-5-7 and §4-5-8, all relating to the Commission on Special Investigations; clarifying composition and chairmanship of commission; redefining what constitutes a quorum for voting procedures of commission; clarifying contents of commission's annual report; listing existing and necessary commission staff positions; granting power to conduct interviews

and request production from agencies of the state and its political subdivisions of books, records, documents, papers or any other tangible thing, computers, laptops, computer hard drives, electronic records including, but not limited to, emails, files, documents and metadata, or any other thing, in any form in which they may exist; requiring compliance with such requests; authorizing the director to issue subpoenas on the commission's behalf; granting authority to the commission to require an agency head to appear before the commission to answer questions regarding a failure to appear or produce requested or subpoenaed material or other related concerns including the basis for the failure to comply; authorizing the commission and director to order or direct that all or a portion of the information communicated to the commission at the commission's request, including the existence of the investigation, be confidential and not made public; establishing requirements for commission to enter into executive session; establishing procedures for conducting executive session; removing requirement that Joint Committee on Government and Finance approve expenses of commission; establishing procedure for commission retention and disposal of records; defining new offense of impersonating a commission member or staff member and of obstructing a commission member or staff; establishing penalties; allowing the commission to award duty weapons to certain members on retirement; exempting the commission from the jurisdiction of the agency for surplus property within the Purchasing Division of the Department of Administration with respect to the disposal of the commission's primary and secondary duty weapons; and authorizing sale of surplus weapons to active and retired members of the commission's investigative staff.

Referred to the Committee on the Judiciary.

By Senators Rucker, Azinger, Clements, Gaunch, Maynard, and Cline:

Senate Bill 293—A Bill to amend and reenact §17C-5A-3 of the Code of West Virginia, 1931, as amended, relating to the addition of grievance and appellate procedures and judicial review for individuals participating, or who have participated, in the Department of Health and Human Resources' safety and treatment

program; and authorizing the Secretary of the Department of Health and Human Resources to promulgate a rule(s) to add such procedures and judicial review for participants of the safety and treatment program.

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

By Senators Trump, Cline, and Boso:

Senate Bill 294—A Bill to amend and reenact §17C-5-2, §17C-5-2b, §17C-5-4, §17C-5-7, and §17C-5-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-5A-1, §17C-5A-1a, and §17C-5A-3 of said code; to amend said code by adding thereto two new sections, designated §17C-5A-1b and §17C-5A-1c; to amend said code by adding thereto a new section, designated §17C-5C-6; and to amend and reenact §17C-19-3 of said code, all relating generally to the procedures for drivers' license suspensions and revocations for driving under the influence of alcohol, controlled substances, or drugs; transferring authority for hearing matters related to suspensions or revocations of drivers' license for operating a motor vehicle while under the influence of alcohol, controlled substances, or drugs from the Office of Administrative Hearings to courts; establishing mandatory revocation periods for individuals convicted of driving under the influence; authorizing alternate revocation period involving participation in Motor Vehicle Alcohol Test and Lock Program for certain first offenses; establishing mandatory revocation periods for individuals upon subsequent convictions for driving under the influence; directing Commissioner of Division of Motor Vehicles to revoke driver's license upon conviction for driving under the influence; requiring individuals whose driver's licenses have been revoked upon conviction for driving under the influence to complete comprehensive safety and treatment program before driver's license can be reinstated; prohibiting persons convicted of certain felonies from participating in Motor Vehicle Alcohol Test and Lock Program; permitting persons convicted of certain misdemeanors to participate in Motor Vehicle Alcohol Test and Lock Program; requiring driver consent to requiring participation in Motor Vehicle Alcohol Test and Lock Program; requiring any

period of revocation imposed pursuant to a conviction begin once any period of incarceration has been served; making individuals who are found guilty of driving under the influence ineligible for deferral of further proceedings upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; requiring deferral program to be completed within one year; prohibiting secondary test of blood without issuance of warrant signed by a magistrate or circuit judge; authorizing secondary test of blood with written consent; requiring that individual arrested for driving under the influence be advised verbally of certain consequences for refusal to submit to secondary chemical test; requiring that individual arrested for driving under the influence be given written statement informing the individual of legal consequences of taking or refusing to submit to secondary chemical test and informing the individual of right to receive secondary blood test; requiring arresting officer to wait 15 minutes before refusal considered final; requiring that, following an individual's refusal to submit to secondary chemical test, an arresting officer execute a signed statement that the officer administered all required warnings; directing officer to submit copy of written statement to Commissioner of Division of Motor Vehicles and court having jurisdiction over charges filed against the individual; eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's driver's license on the basis of a driving under the influence arrest absent direction from court; directing Bureau for Public Health to prepare report for Joint Committee on Government and Finance related to minimum levels of drugs and controlled substances to be admitted as prima facie evidence of driving under the influence and minimum levels that laboratories can reliably identify and measure in blood; limiting administrative jurisdiction of Division of Motor Vehicles and Office of Administrative Hearings to offenses occurring on or before June 30, 2019; providing that administrative hearings relating to refusal to undergo a secondary chemical test do not apply to offenses occurring on or after July 1, 2019; eliminating requirement for an order entered by the Division of Motor Vehicles revoking a driver's license to advise of procedures for requesting administrative hearing when the offense is driving under the influence; limiting

the right of individuals to challenge suspension or revocation of driver's licenses to the issue of mistaken identity; requiring the commissioner to take corrective action if a driver's license is incorrectly suspended or revoked based on mistaken identity; providing that plea of no contest constitutes a conviction; requiring pretrial suspension of driver's license if individual refuses to submit to secondary chemical test; permitting pretrial suspension of driver's license by court under certain circumstances; establishing right to request and receive hearing of suspension orders pending criminal proceedings in court where case is pending; setting time limits for defendant to request hearing and for hearing to be held; requiring the clerk of a court to transmit a copy of an order suspending or revoking a driver's license and any surrendered license to the Division of Motor Vehicles; providing terms and length of pretrial license suspension; giving persons convicted of driving under the influence credit for pretrial suspension time against period of revocation imposed; authorizing court to modify pretrial suspension of driver's license; providing that any period of modified pretrial driver's license suspension is not credited against future period of revocation imposed; establishing the scope of review for judicial review of pretrial driver's license suspension for refusal to submit to secondary chemical test; directing clerk of court to forward orders on refusal hearings to Division of Motor Vehicles; providing that finding of driver refusal is final if no hearing requested; prescribing periods of revocation for Commissioner of Division of Motor Vehicles to impose upon receipt of court order on refusal; directing copy of revocation order to be sent to person by certified mail; specifying contents of order; providing that revocation for refusal run concurrently with other revocation imposed as a result of same incident that led to refusal; making persons convicted of driving under the influence eligible for participation in comprehensive safety and treatment program and related reductions in length of revocation for successful completion thereof; establishing procedures and timeline for the Office of Administrative Hearings to transfer jurisdiction of certain driver's license suspension and revocation matters to the courts; establishing timeline for Office of Administrative Hearings to transfer jurisdiction of certain driver's license suspension and revocation matters to Division of Motor

Vehicles; directing arresting officer to request, and driver to surrender, driver's license upon arrest for driving under the influence; eliminating obsolete language; and making technical corrections.

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

By Senator Boso:

Senate Bill 295—A Bill to amend and reenact §7-20-1, §7-20-2, §7-20-3, §7-20-6, §7-20-7, §7-20-7a, §7-20-14, §7-20-15, §7-20-16, §7-20-23, and §7-20-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twenty-seven new sections, designated §7-20-25, §7-20-26, §7-20-27, §7-20-28, §7-20-29, §7-20-30, §7-20-31, §7-20-32, §7-20-33, §7-20-34, §7-20-35, §7-20-36, §7-20-37, §7-20-38, §7-20-39, §7-20-40, §7-20-41, §7-20-42, §7-20-43, §7-20-44, §7-20-45, §7-20-46, §7-20-47, §7-20-48, §7-20-49, §7-20-50, and §7-20-51; and to amend said code by adding thereto a new section, designated §31-15-16d, all relating to Local Powers Act; renaming short title the County Local Powers Act; amending its purpose and legislative findings; amending certain definitions and adding definitions; amending criteria and requirements to implement and collect certain fees; making technical corrections; amending authorization for county commissions related to imposition of impact fees, services fees and other taxes; providing for county commission review and permissive approval of impact fees; amending use of proceeds from sale of bonds; adding payment sources for bonds; allowing the reallocation of certain ad valorem property taxes after ratification of constitutional amendment and procedures and requirements related to reallocation of ad valorem property taxes; specifying effective date; providing requirements and procedures concerning creation and finalization of county road construction project plans and amendments thereto; specifying public hearing and notice requirements and opportunity for public comment; requiring consent; permitting joint road construction projects; setting forth duties, authorities, and jurisdiction of Commissioner of Highways; authorizing intergovernmental agreements and setting forth requirements related thereto; providing for the

termination of road construction projects plan; providing for application for approval of road construction project plans and application content; providing for certification of road construction project; providing rule-making authority; providing for acceptance into state road system; qualifying road construction projects as public improvements; providing for reporting by Commissioner of Highways; creating special revenue revolving fund and for county subaccounts; providing for funding and expenditures from account; authorizing West Virginia Economic Development Authority to issue revenue bonds and refunding bonds; permitting cash-basis projects; setting forth requirements concerning issuance, selling, execution, and use of bonds; permitting trust agreements; specifying that bonds and other obligations undertaken by the West Virginia Economic Development Authority do not constitute a debt or a pledge of the faith and credit or taxing power of this state or of any county, municipality or any other political subdivision; specifying that bonds are negotiable instruments; providing exemption from taxation; waiving and exempting personal liability; providing that authority for exercise of powers are cumulative and neither powers nor bonds are limited; providing for termination of special allocation of property taxes; providing for excess fund deposit; specifying that powers are supplemental; providing for severability; and providing authority and requirements related to West Virginia Economic Development Authority, including authority to issue bonds, limitations, payments, certification, and return of unused funds.

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

Senators Clements, Azinger, Boso, Ojeda, Romano, Weld, Cline, Takubo, Unger, Stollings, Plymale, and Baldwin offered the following resolution:

Senate Concurrent Resolution 5—Requesting the Department of Military Affairs and Public Safety to coordinate with the Division of Personnel to develop a plan to raise correctional officers' salaries to alleviate staffing and retention shortages.

Whereas, The Department of Military Affairs and Public Safety (DMAPS) is charged with overseeing the three correctional agencies in West Virginia: The West Virginia Regional Jail and Correctional Facility Authority, the West Virginia Division of Corrections and the West Virginia Division of Juvenile Services (herein collectively the WV Correctional Agencies); and

Whereas, The WV Correctional Agencies suffer from recruitment and retention issues, and have represented to the Legislative Oversight Committee on Regional Jails and Correctional Facilities Authority that salaries are not competitive enough to allow for recruitment of applicants and retention of staff; and

Whereas, The United States Poverty Guidelines for a family of four have increased since 2010 from \$22,050 to \$24,300 in 2016. However, as of August 2017, West Virginia correctional officers' salaries have remained at \$22,584 since 2009. Meanwhile, turnover rates have increased in the WV Correctional Agencies from 29.2 percent in FY'14 to 32.2 percent in FY'16, and vacancies in the West Virginia Division of Corrections (DOC) have increased by 55 percent from 2013 to 2016; and

Whereas, As of July 13, 2015, nearly 44 percent of all DOC employees have less than 5 years' service in their current position. There were 448 correctional officer separations from the DOC in FY'16 with over 75 percent leaving within the first 24 months, and over 66 percent leaving within the first year of service; and

Whereas, The WV Correctional Agencies are in competition with surrounding states' correctional facilities, in-state Federal Bureau of Prisons, and county and municipal police departments. The WV Correctional Agencies are losing personnel to their competitors because of superior compensation. As of August 2017, the starting salary for a West Virginia correctional officer was the lowest in the nation; and

Whereas, Separation, replacement, and training costs are placing a significant strain on the financial security of the WV Correctional Agencies. Vacancy costs have caused overtime hours

to increase to a total of \$13,572,260 for the WV Correctional Agencies in FY'16; and

Whereas, In order to make the WV Correctional Agencies competitive, starting salaries need to be raised from \$10.86 per hour to approximately \$14.50 per hour, or the equivalent of approximately \$30,000 per year. This would equal an approximately \$7,000 pay increase from the starting salary (as of August 2017) for West Virginia correctional officers; and

Whereas, The WV Correctional Agencies are experiencing critical levels of staff vacancies, inexperience, and turnover. Moreover, as of August 17, 2017, WV Correctional Agencies were housing 820 inmates in excess of total beds. Correctional officers perform an important public safety function and work in an inherently dangerous environment. The staffing and retention crisis, coupled with overcrowding in the WV Correctional Agencies, poses a substantial risk to public safety; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Department of Military Affairs and Public Safety to coordinate with the Division of Personnel to develop a plan to raise correctional officers' salaries to alleviate staffing and retention shortages; and, be it

Further Resolved, That the Legislature requests DMAPS and DOP to work in conjunction to develop an adequate compensation plan to raise correctional officer starting salaries to approximately \$30,000 per year to alleviate the current the WV Correctional Agencies' staffing and retention crisis; and, be it

Further Resolved, That the Legislature hereby requests the Governor's Office to support and adopt the staffing and retention compensation plan developed by DMAPS and DOP; and, be it

Further Resolved, That the Legislature hereby encourages the Governor's Office to draft and support any legislation necessary to provide salary increases to correctional officers in the WV Correctional Agencies so that starting salaries for correctional officers are no less than \$30,000 per year, and to include funding

for those salaries in any budget proposal submitted to the West Virginia Legislature; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of DMAPS, the Director of DOP, and to the Governor's Office.

Which, under the rules, lies over one day.

Senators Drennan, Romano, Cline, Trump, Unger, Beach, Plymale, Rucker, Karnes, and Azinger offered the following resolution:

Senate Resolution 8—Designating January 16, 2018, as West Virginia Homeschool Day at the Capitol.

Whereas, The State of West Virginia is committed to excellence in education; and

Whereas, The State of West Virginia recognizes that parental involvement and individualized attention to educational success are the unique and basic ingredients of homeschooling; and

Whereas, Homeschooled students exhibit self-confidence and good citizenship and are prepared academically to meet the challenges of today's society; and

Whereas, Contemporary studies continue to confirm that children who are educated at home score exceptionally well on nationally normed achievement tests; and

Whereas, Homeschooled students have scored above the national average on the SAT and on the ACT tests; and

Whereas, Homeschooled students have been shown to be competitive with publicly and privately schooled students at the college level; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 16, 2018, as West Virginia Homeschool Day at the Capitol; and, be it

Further Resolved, That the Senate hereby recognizes all West Virginia homeschool families for their dedication to excellence and their success in the education of West Virginia's children; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Home Educators Association and the Christian Home Educators of West Virginia.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Drennan regarding the adoption of Senate Resolution 8 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:24 a.m., the Senate recessed to present Senate Resolution 8.

The Senate reconvened at 11:27 a.m. today and, at the request of Senator Ferns, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 296 (originating in the Committee on Finance)— A Bill to amend and reenact §5A-3-45 of the Code of West Virginia, 1931, as amended, relating to the sale or transfer of surplus property; and allowing spending units to designate the fund into which proceeds from the sale or transfer of surplus property shall be deposited if the fund that was used to purchase the property no longer exists.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 297 (originating in the Committee on Finance)—A Bill amend and reenact §33-3-15 of the Code of West Virginia, 1931, as amended, relating to eliminating taxation on annuity considerations collected and received by a life insurer.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 298 (originating in the Committee on Finance)—A Bill to amend and reenact §11-4-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county assessors to make separate entries in their landbooks when real property is partly used for exempt, and partly for nonexempt, purposes.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 299 (originating in the Committee on Finance)—A Bill to amend and reenact §5-16-7 and §5-16-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-16B-6f; to amend said code by adding thereto a new section, designated §9-5-27; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to mandatory insurance coverage, up to the age of 20, for certain medical foods for amino acid-based formulas; providing a list of diagnosed conditions for which insurance coverage should extend; providing that coverage extends to medically necessary foods for home use when prescribed by a physician; defining terms; and providing for exclusions.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 300 (originating in the Committee on Finance)—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 tax credit; establishing amount of tax credit allowed; establishing how the credit may be applied; and providing rule-making authority

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 301 (originating in the Committee on Finance)—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.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 11:33 a.m., the Senate adjourned until tomorrow, Wednesday, January 17, 2018, at 11 a.m.

WEDNESDAY, JANUARY 17, 2018

The Senate met at 11:13 a.m.

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

Prayer was offered by Rabbi Victor H. Urecki, B'nai Jacob Synagogue, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Randy E. Smith, a senator from the fourteenth district.

Pending the reading of the Journal of Tuesday, January 16, 2018,

At the request of Senator Plymale, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 53, Correcting code reference in regard to certain handgun safety and training requirements.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 53 (originating in the Committee on the Judiciary)—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 exempting certain persons from prohibitions against carrying concealed handguns or deadly weapons on the property of another.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 62, Adjusting requirements for hiring school attendance directors.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Kenny Mann,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 98, Creating incentives to consolidate local governments.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 98 (originating in the Committee on Government Organization)—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; and to amend said code by adding thereto a new section, designated §7A-2-5, all relating to incentives for consolidating local

governments; amending the definitions of certain terms to include municipalities that successfully consolidated; granting additional powers to governing bodies of municipalities that successfully consolidated; authorizing municipalities that successfully consolidate additional powers related to creation of a development or redevelopment district; 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; and creating certain incentives for municipalities and counties that form metro governments by consolidation.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 110, Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 110 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60-7-13 of the Code of West Virginia, 1931, as amended, relating generally to private club licensees; continuing Alcohol Beverage Control Enforcement Fund; 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; authorizing sanctions against licensees' failing to notify such personnel as required; requiring a licensee to notify the Alcohol Beverage Control Administration within 48 hours of the

occurrence of a life-threatening emergency; permitting the commissioner to sanction a licensee for failing to comply with the 48-hour notification requirement; providing examples of life-threatening medical emergencies; authorizing the promulgation of emergency rules; and requiring promulgation of proposed legislative rules.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 133, Exempting renewal of certain contracts entered into during declared state of emergency.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 133 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-3c, relating to exempting certain contracts related to recovery from a declared state of emergency from purchasing requirements; clarifying exemption from purchasing requirements for certain contracts entered into during declared state of emergency; exempting from purchasing requirements renewals of certain contracts entered into during declared state of emergency; exempting purchase of goods or services from federal government or agency when goods and services are directly and solely related to recovery from declared state of emergency; requiring Director of Division of Homeland Security and Emergency Management to certify eligibility for exemption;

setting forth record-keeping requirements; and defining the term “directly and solely related”.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 134, Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 134 (originating in the Committee on Government Organization)—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 and contract for goods for the purpose of emergency response and recovery; and providing requirements for such contracts or employment.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill (Com. Sub. for S. B. 134), under the original double committee reference, was then referred to the Committee on Finance.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 150, Relating to wind power projects.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 155, DEP rule relating to standards of performance for new stationary sources.

Senate Bill 156, DEP rule relating to control of air pollution from combustion of solid waste.

Senate Bill 157, DEP rule relating to control of air pollution from municipal solid waste.

Senate Bill 158, DEP rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.

Senate Bill 159, DEP rule relating to emission standards for hazardous air pollutants.

Senate Bill 160, DEP rule relating to ambient air quality standards.

Senate Bill 162, DEP rule relating to voluntary remediation and redevelopment.

Senate Bill 163, DEP rule relating to hazardous waste management system.

And,

Senate Bill 164, DEP rule relating to underground storage tanks.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 165, DHHR rule relating to hospital licensure.

Senate Bill 166, DHHR rule relating to food establishments.

Senate Bill 168, DHHR rule relating to emergency medical services.

Senate Bill 170, DHHR rule relating to development of methodologies to examine needs for substance use and disorder treatment facilities.

And,

Senate Bill 171, DHHR rule relating to collection and exchange of data related to overdoses.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 167, DHHR rule relating to public water systems.

And has amended same.

And,

Senate Bill 169, DHHR rule relating to WV clearance for access.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary, with amendments from the Committee on Health and Human Resources pending.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 263, Eliminating film tax credits.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Rucker, Azinger, Baldwin, Blair, Boley, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Ojeda, Romano, Smith, Trump, Woelfel, and Plymale:

Senate Bill 302—A Bill to amend and reenact §7-3-2a of the Code of West Virginia, 1931, as amended, relating to the size requirements for flags that county commissions must purchase and display.

Referred to the Committee on Government Organization.

By Senators Carmichael (Mr. President), Prezioso, Gaunch, Plymale, and Boso:

Senate Bill 303—A Bill to amend and reenact §5A-3-33c, §5A-3-33d, §5A-3-33e, and §5A-3-33f of the Code of West Virginia, 1931, as amended, all relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions; updating the duties of the Director of Purchasing; specifying additional grounds for debarment of a vendor; providing that actions of an individual may be imputed to a vendor under

certain circumstances; providing for the debarment of individuals in addition to vendor businesses; providing for the debarment of subcontractors; specifying mandatory conditions for the initiation of debarment proceedings; prohibiting vendor employment of debarred individuals; and prohibiting the state from contracting with, or soliciting bids from, certain parties related to debarred vendors.

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

By Senators Carmichael (Mr. President), Takubo, Blair, and Plymale:

Senate Bill 304—A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §18-5D-1, §18-5D-2, §18-5D-3, §18-5D-4, §18-5D-5, §18-5D-6, §18-5D-7, §18-5D-8, §18-5D-9, §18-5D-10, §18-5D-11, and §18-5D-12; to amend and reenact §18-7A-3 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-20-5 of said code; and to amend and reenact §29-12-5a of said code, all relating generally to the authorization of the establishment of charter schools; including charter school employees as covered by the Public Employees Insurance Act; establishing charter school employees' permissive participation in PEIA; establishing charter school employee eligibility for the State Teachers Retirement System; establishing charter school employee eligibility for the Teachers' Defined Contribution Retirement System; providing the legislative purpose and intent; defining terms; authorizing the establishment of public charter schools beginning in 2018-2019; establishing requirements and powers for public charter schools; providing for the creation of governing boards; setting requirements for enrollment in public charter schools; creating process and requirements for application to establish public charter schools; providing duties and responsibilities for authorizers; establishing requirements for charter school contracts; establishing process for renewal, nonrenewal, and revocation of contracts, including required rules by the State Board of Education; establishing funding for charter school enrollment; creating

appeals process for the denial of a charter application, the nonrenewal of a charter contract, or the revocation of a charter contract; creating prohibitions; establishing reporting requirements; providing that appropriation will be disbursed to the public charter schools to serve the needs of exceptional children; and including public charter schools in coverage by the Board of Risk and Insurance Management.

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

By Senators Smith, Jeffries, Weld, Plymale, Baldwin, Cline, and Boso:

Senate Bill 305—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27; to amend said code by adding thereto a new section, designated §26-5-2; and to amend said code by adding thereto a new section, designated §26-9-3, all relating to providing long-term care and substance abuse treatment; authorizing the Secretary of the Department of Health and Human Resources to modernize or build new facilities; requiring certified beds for long-term care and substance abuse treatment; requiring facilities for outpatient substance abuse treatment; and requiring the hiring of adequate professional classified staff; and replacing an outdated reference in said code to Pinecrest Hospital with the correct name of Jackie Withrow Hospital.

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

By Senators Karnes, Azinger, Clements, Mann, Maroney, Maynard, Rucker, Swope, Stollings, Blair, Cline, and Boso:

Senate Bill 306—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-8-36, relating to allowing grocery stores to sell a certain amount of West Virginia-made wine without having a license to sell wine or liquor.

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

By Senators Trump, Blair, Plymale, and Boso:

Senate Bill 307—A Bill to amend and reenact §17-16-1 of the Code of West Virginia, 1931, as amended, relating to declaring a “boot drive” conducted on a state highway or roadway within the boundaries of a municipality by a volunteer fire department is not an obstruction or a nuisance.

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

By Senators Smith, Jeffries, Sypolt, and Cline:

Senate Bill 308—A Bill to amend and reenact §46A-6B-3 of the Code of West Virginia, 1931, as amended, relating to the use of aftermarket crash parts by a motor vehicle repair shop; and requiring new original equipment parts be used in order to maintain the manufacturer’s warranty.

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 309—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-26, relating to outdoor advertising regulated by the Commissioner of Highways; providing exemption to licensing requirement for a person to place signs, displays, or devices advertising events to be held no more frequently than once a year at locations other than where the event will be held; establishing the Temporary Sign Placement License program; and requiring rulemaking.

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

Senators Ferns, Carmichael (Mr. President), Weld, Stollings, Beach, Plymale, and Boso offered the following resolution:

Senate Concurrent Resolution 6—Encouraging and supporting the construction of a Gold Star Families Memorial Monument on the West Virginia State Capitol grounds.

Whereas, The mission of the Hershel “Woody” Williams Medal of Honor Foundation is to honor Gold Star families, relatives, and children by building Gold Star Families Memorial Monuments throughout the United States, by offering scholarships to Gold Star children, by sponsoring outreach programs and events, and by educating communities about Gold Star families and the sacrifice they have endured; and

Whereas, The goal of the Gold Star Families Memorial Monument initiative is to establish a Gold Star Families Memorial Monument in all 50 states for the purpose of honoring Gold Star families, preserving the memory of the fallen, and to stand as a stark reminder that freedom is not free; and

Whereas, Through its core values of courage, sacrifice, patriotism, citizenship, integrity, and commitment, the Hershel “Woody” Williams Medal of Honor Foundation will honor Gold Star families in West Virginia by building this monument on the grounds of the West Virginia State Capitol; and

Whereas, Per capita, more citizens from West Virginia have served in our nation’s armed forces than from any other state, and this monument will honor those West Virginia families who sacrificed a loved one for our freedom; and

Whereas, On behalf of the citizens of West Virginia, it is fitting that we offer this resolution in support of the Hershel “Woody” Williams Medal of Honor Foundation and West Virginia Gold Star families for the important work they do and in honor of the sacrifices they have made; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby encourages and supports the construction of a Gold Star Families Memorial Monument on the West Virginia State Capitol grounds; and, be it

Further Resolved, That the Legislature will work with the Hershel “Woody” Williams Medal of Honor Foundation, the Governor of West Virginia, the Honorable Jim Justice, and all other entities involved to ensure the construction of the Gold Star

Families Memorial Monument on the West Virginia State Capitol grounds; and, be it

Further Resolved, That the Legislature extends its sincere gratitude and appreciation to West Virginia Gold Star families for their sacrifice; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Hershel “Woody” Williams Medal of Honor Foundation and the Governor of West Virginia, the Honorable Jim Justice.

Which, under the rules, lies over one day.

Senators Takubo, Stollings, Prezioso, Beach, Plymale, Cline, and Boso offered the following resolution:

Senate Resolution 9—Designating January 17, 2018, as Disability Advocacy Day at the Legislature.

Whereas, There are over 400,000 West Virginians with disabilities; and

Whereas, People with disabilities have the right to live, work, and fully participate in their communities to realize their dreams; and

Whereas, People with disabilities have the right to receive the support they need to exercise self-determination, achieve independence, and become productive employees in the workplace; and

Whereas, West Virginia cannot afford to segregate its citizens with disabilities, thereby impairing their ability to be productive members of society; and

Whereas, West Virginia’s citizens with disabilities have banded together in a collective group, called the Fair Shake Network, to help bring their concerns to the forefront of public awareness; and

Whereas, The Fair Shake Network has developed a statewide network concerned with all types of disabilities and all age groups, providing opportunities for people to learn from each other and take action together; and

Whereas, The member organizations such as: Appalachian Center for Independent Living; West Virginia Developmental Disabilities Council; West Virginia Statewide Independent Living Council; West Virginia Division of Rehabilitation Services; WV Autism Training Center; West Virginian Parent Training & Information; Disability Rights of West Virginia; West Virginia University Center for Excellence in Disabilities; West Virginia State Rehabilitation Council; Open Doors, Inc.; National Association of Social Workers, WV Chapter; WV Olmstead Office; Mountain State Parents CAN; WV Association of the Deaf; Central West Virginia Action Network; Mountain State Centers for Independent Living, Job Squad; Northern West Virginia Center for Independent Living; The Arc of WV; People First of WV; and Aging and Disability Resource Network, have joined together to help increase public awareness of issues involving the many concerns of West Virginians with disabilities through the Fair Shake Network; and

Whereas, The purpose of Disability Advocacy Day is to increase the awareness and understanding of legislators, administrators, policymakers, and the public of the public policy issues that are important to people with disabilities; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 17, 2018, as Disability Advocacy Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Fair Shake Network.

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

On motion of Senator Ferns, at 11:26 a.m., the Senate recessed to present Senate Resolution 9.

The Senate reconvened at 11:31 a.m. today and proceeded to the seventh order of business.

Senate Concurrent Resolution 5, Requesting DMAPS and Division of Personnel develop plan to raise correctional officers' salaries.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 73, Modifying crime of fleeing from scene of accident.

Com. Sub. for Senate Bill 154, Authorizing Department of Administration to promulgate legislative rules.

Senate Bill 296, Relating to sale or transfer of surplus property.

Senate Bill 297, Eliminating taxation on annuity considerations collected by life insurer.

Senate Bill 298, Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes.

Senate Bill 299, Relating to mandatory insurance coverage for medical foods for amino acid-based formulas.

Senate Bill 300, Creating five-year tax credits for businesses locating on post-coal mine sites.

And,

Senate Bill 301, Removing limitation on amount collected by county via hotel occupancy tax used for medical or emergency services.

The Senate proceeded to the twelfth order of business.

At the request of Senator Prezioso, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of Lucie A. Romano, mother of the Honorable Michael J. Romano, a senator from the twelfth district.

Remarks were made by Senators Ojeda and Boso.

Thereafter, at the request of Senator Stollings, and by unanimous consent, the remarks by Senators Ojeda and Boso were ordered printed in the Appendix to the Journal.

At the request of Senator Ferns, unanimous consent being granted, leaves of absence for the day were granted Senators Romano, Mann, Unger, and Palumbo.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 11:46 a.m., the Senate adjourned until tomorrow, Thursday, January 18, 2018, at 11 a.m.

THURSDAY, JANUARY 18, 2018

The Senate met at 11:11 a.m.

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

Prayer was offered by the Reverend Brad Spencer, Canaan Valley Baptist Church, Davis, West Virginia.

Kenneth Honey Rubenstein Juvenile Center Honor Guard Cadets from Davis, West Virginia, proceeded in the presenting of the Colors. The Honorable Donna J. Boley, a senator from the third

district, then led the Senate in the recitation of the Pledge of Allegiance.

Pending the reading of the Journal of Wednesday, January 17, 2018,

At the request of Senator Facemire, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Medicine, Board of (§30-1-12)

Natural Resources, Division of (§20-1-7)

The Senate proceeded to the third order of business.

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

Eng. House Bill 2869—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-15b, relating to providing that certain state employees may be granted a leave of absence with pay while providing assistance as an essential member of an emergency aid provider during a declared state of emergency.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

Senator Karnes, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 67, Exempting DNR police officers' pensions from state income tax.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert Karnes,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 146, Correcting technical error within Solid Waste Management Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 146 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §22-15-10 of the Code of West Virginia, 1931, as amended, relating to correcting technical errors within the Solid Waste Management Act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Gaunch, Drennan, Karnes, and Rucker:

Senate Bill 310—A Bill to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend said code by adding thereto a new section, designated §19-1-3b; to amend and reenact §19-1A-5 of said code; to amend and reenact §19-1B-3 of said code; and to amend and reenact §19-12A-5 of said code, all relating to transferring the Division of Forestry from the Department of Commerce to the Department of Agriculture; eliminating references in code showing the Division of Forestry as part of the Department of Commerce; transferring all authorities, powers, and duties of the Division of Forestry to the Department of Agriculture; ensuring all legislative rules currently in effect remain in effect as if they were proposed by the Division of Forestry under the Department of Agriculture; making the Director of the Division of Forestry a position hired by the Commissioner of Agriculture rather than a position appointed by the Governor; and making the Director of the Division of Forestry a will and pleasure employee of the Commissioner of Agriculture rather than the Governor.

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

By Senators Romano, Facemire, Gaunch, Boso, Plymale, and Takubo:

Senate Bill 311—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9p, relating to specifying exemption from the consumers sales and service tax and use tax for purchases of certain services and tangible personal property sold for the repair, remodeling, and maintenance of certain specified aircraft; defining a term; and specifying method for claiming exemption.

Referred to the Committee on Finance.

By Senators Ferns and Takubo:

Senate Bill 312—A Bill to amend and reenact §21-3-19 of the Code of West Virginia, 1931, as amended, relating to exempting certain employers from discriminating against tobacco users.

Referred to the Committee on the Judiciary.

By Senators Gaunch, Azinger, Boso, Karnes, Maynard, Ojeda, Palumbo, Romano, Rucker, Baldwin, Cline, Stollings, Prezioso, and Plymale:

Senate Bill 313—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to waiver of occupational fees and fees from licensing requirements for certain low-income individuals, military families, and young workers.

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

By Senators Romano, Baldwin, Clements, Facemire, Karnes, Ojeda, Swope, Trump, Woelfel, Stollings, and Cline:

Senate Bill 314—A Bill to amend and reenact §5G-1-3 of the Code of West Virginia, 1931, as amended, relating to modifying the procedure certain public agencies must take in order to contract for certain architectural and engineering services; requiring joint discussions with prospective architectural or engineering firms in certain situations; permitting contract proposals with a fee for service from the firms; replacing the single entity negotiations with a competitive low bid process; and allowing for the public agency to reject all proposed contracts and seek proposals from additional firms.

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

By Senators Jeffries, Baldwin, Beach, Ojeda, Prezioso, Romano, Smith, Facemire, Stollings, Cline, Boso, and Plymale:

Senate Bill 315—A Bill to amend and reenact §61-1-9 of the Code of West Virginia, 1931, as amended, relating to increasing the misdemeanor penalty for impersonation of a law-enforcement officer or official to include the possibility of confinement in jail.

Referred to the Committee on the Judiciary.

By Senators Jeffries, Baldwin, Beach, Ojeda, Prezioso, Romano, Smith, Facemire, and Stollings:

Senate Bill 316—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to creating a refundable personal income tax credit to encourage persons receiving public assistance to get married; reducing the so-called marriage penalty that may exist in certain public assistance programs; declaring legislative intent; defining terms; requiring certain facts be proven to obtain the credit; detailing how the credit is calculated; authorizing procedural rules; and authorizing the sharing of confidential information between the Tax Commissioner and the Secretary of the Department of Health and Human Resources.

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

By Senators Sypolt, Blair, Boso, Gaunch, Maroney, Rucker, Smith, Facemire, and Cline:

Senate Bill 317—A Bill to amend and reenact §16-7-5 of the Code of West Virginia, 1931, as amended, relating to transferring milk rules and regulations from Department of Health and Human Resources to Department of Agriculture; requiring consultation with Department of Health and Human Resources; and striking outdated language.

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

By Senators Jeffries, Beach, Prezioso, Romano, Smith, Facemire, and Takubo:

Senate Bill 318—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4b, relating to requiring influenza immunizations for health care workers; providing certain exceptions; defining terms; requiring persons providing influenza immunizations to present a certificate of immunization; providing civil penalties that include monetary fines; and authorizing the director to request the Attorney General or county prosecutor to institute a civil action to recover the penalty.

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

By Senators Rucker, Azinger, Drennan, Gaunch, Karnes, Smith, Sypolt, Trump, Unger, Cline, Boso, Plymale, Clements, Maroney, and Takubo:

Senate Bill 319—A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to allowing individuals who completed home school to be eligible for the PROMISE scholarship without having to obtain a diploma equivalent such as a general equivalency degree.

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

By Senators Ferns, Facemire, Baldwin, Cline, Prezioso, and Takubo:

Senate Bill 320—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-10-6, relating to permitting a law-enforcement officer or humane officer to, under certain circumstances, remove an animal from a motor vehicle; providing for the safety of the animal; providing for how the animal may be claimed by its owner; defining a term; and providing for a limitation of liability.

Referred to the Committee on the Judiciary.

By Senators Blair and Boso:

Senate Bill 321—A Bill to amend and reenact §5A-11-3 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the Public Land Corporation; allowing the proceeds of public lands to be given to the agency or institution assigned the public land; authorizing the Public Land Corporation to retain proceeds to cover any expenses incurred; requiring all agencies and institutions provide an annual inventory of public lands; and including in the annual report to the Legislature those agencies or institutions that do not comply with annual inventory reporting requirements to the Public Land Corporation.

Referred to the Committee on Government Organization.

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

Senate Joint Resolution 9—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section one-d, relating generally to the Just Cut Taxes and Win Amendment; providing a purpose for the amendment; clarifying the ad valorem taxation of current tangible industrial machinery, equipment, and inventory personal property directly used in industrial business activity, and such components thereof, will be reduced and ultimately eliminated; clarifying tangible industrial personal property of public service companies will continue to be taxed; defining certain terms; exempting from ad valorem taxation new tangible industrial machinery, equipment, and inventory personal property directly used in industrial business activity, and such components thereof, except for that imposed on the tangible industrial personal property of public service companies, purchased on and after July 1, 2019; freezing the assessed value of tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof, except for the assessed value of the tangible industrial personal property of public service companies; stepping down the assessed value and ultimately eliminating the ad valorem taxation of tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof, except for the assessed value and tax on tangible industrial personal property of public service companies; replacing revenue to the schools, municipalities, counties, the state, other levying bodies, and levies reduced because of the assessed value stepdown and ultimate elimination of the ad valorem tax on tangible industrial machinery and equipment personal property directly used in industrial business activity, and such components thereof; requiring the Governor to annually provide in the Budget Bill, the Legislature to annually preserve and appropriate in the Budget Bill, and prohibiting the Governor from line item vetoing or reducing replacement revenue in the Budget Bill required by this amendment for the schools, municipalities, counties, the state, other levying bodies, and levies; clarifying why replacement revenue is needed and how it is distributed; permitting the

Legislature to enact general laws required to carry out the provisions of this amendment; permitting agencies through rulemaking authorized by general law approved by the Legislature to promulgate rules required to carry out the provisions of this amendment; preserving earned tax relief benefits; prohibiting the reinstatement of the ad valorem tax on tangible industrial machinery, equipment and inventory personal property directly used in industrial business activity, and such components thereof, after ultimate elimination; providing for primacy of this section over all other law in the West Virginia Constitution, West Virginia Code and West Virginia common law; numbering and designating the amendment; and providing a summarized statement of the purpose of the amendment.

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

Senators Smith, Sypolt, Facemire, Stollings, Beach, and Plymale offered the following resolution:

Senate Resolution 10—Designating January 18, 2018, as Tucker County Day at the Legislature.

Whereas, In the winter of 1949-1950, two members of the Ski Club of Washington, D. C., discovered a substantial snow drift when most of the region was bare; and

Whereas, In February of 1951, the two members returned to ski the drift and skiing in Tucker County was born; and

Whereas, Today, Tucker County is home to two downhill ski areas and one Cross Country Ski Center and endless winter activities for all ages and has established itself as a winter destination; and

Whereas, Tucker County is home to three West Virginia state parks, namely: Canaan Valley Resort State Park; Blackwater Falls State Park; and Fairfax Stone State Park, and Monongahela National Forest; and

Whereas, Tucker County enjoys a location within a few hours' drive of most of the population in the eastern United States; and

Whereas, Tucker County is not only a year-round outdoor recreation destination, but is now emerging as an art and cultural destination; and

Whereas, Tucker County is home to three breweries, the only Cultural District Authority in West Virginia, the Potomac Stone, the newly installed paragliding site at Canaan Valley Resort, the Splash Park in Parsons, and soon-to-be Tucker County Boulder Park; and

Whereas, On the occasion of Tucker County Day at the Legislature, we hereby recognize Tucker County and its citizens for their contributions to the great State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 18, 2018, as Tucker County Day at the Legislature; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to the many important contributions the citizens and businesses of Tucker County make to the State of West Virginia; and, be it

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

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

On motion of Senator Ferns, at 11:28 a.m., the Senate recessed to present Senate Resolution 10.

The Senate reconvened at 11:32 a.m. today and proceeded to the seventh order of business.

Senate Concurrent Resolution 6, Supporting construction of Gold Star Families Memorial Monument.

On unfinished business, coming up in regular order, was reported by the Clerk.

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.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 73, Modifying crime of fleeing from scene of accident.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 154, Authorizing Department of Administration to promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 296, Relating to sale or transfer of surplus property.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 297, Eliminating taxation on annuity considerations collected by life insurer.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 298, Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 299, Relating to mandatory insurance coverage for medical foods for amino acid-based formulas.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 300, Creating five-year tax credits for businesses locating on post-coal mine sites.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 301, Removing limitation on amount collected by county via hotel occupancy tax used for medical or emergency services.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 53, Correcting code reference in regard to certain persons exempted from prohibitions against carrying concealed deadly weapons.

Senate Bill 62, Adjusting requirements for hiring school attendance directors.

Com. Sub. for Senate Bill 98, Creating incentives to consolidate local governments.

Com. Sub. for Senate Bill 110, Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises.

Com. Sub. for Senate Bill 133, Exempting renewal of certain contracts entered into during declared state of emergency.

And,

Senate Bill 263, Eliminating film tax credits.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel, Ferns, and Takubo.

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

The Senate proceeded to the thirteenth order of business.

Senator Carmichael (Mr. President) announced the appointment of Senator Azinger as Chair of the Committee on Banking and Insurance; the replacement of Senator Azinger as Vice Chair of the Committee on Banking and Insurance with Senator Clements; and the appointment of Senator Weld to the Committee on Banking and Insurance.

At the request of Senator Maynard, the name of Senator Maynard was removed as a sponsor of **Senate Bill 6** (*Establishing education savings accounts for WV students*) and **Senate Bill 96** (*Establishing 80-miles per hour speed limit on certain roads*).

At the request of Senator Cline, the name of Senator Cline was removed as a sponsor of **Senate Bill 8** (*Permitting county boards of education to base certain workforce decisions on individual's qualifications*).

At the request of Senator Ferns, unanimous consent being granted, leaves of absence for the day were granted Senators Unger and Romano.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 11:48 a.m., the Senate adjourned until tomorrow, Friday, January 19, 2018, at 11 a.m.

FRIDAY, JANUARY 19, 2018

The Senate met at 11:03 a.m.

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

Prayer was offered by the Reverend Dick Corbin, Director of Church Relations, Union Mission of West Virginia, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Tom Takubo, a senator from the seventeenth district.

Pending the reading of the Journal of Thursday, January 18, 2018,

At the request of Senator Jeffries, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

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

Hearing Aid Dealers Licensure Board (§30-1-12)

The Senate proceeded to the third order of business.

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

Eng. House Bill 4005—A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; and providing that all appeals shall be afforded a full and meaningful review, an opportunity to be heard, and a written decision on the merits.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 37, Equalizing penalty for entering without breaking regardless of time of day.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 37 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to the crime of 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 criminal penalty for burglary.

Senate Bill 39, Creating Sexual Assault Victims' Bill of Rights.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 39 (originating in the Committee on the Judiciary)—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 sexual assault victims be informed or notified of certain rights; incorporating other rights contained in code; and defining terms.

And,

Senate Bill 292, Relating to Commission on Special Investigations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 292 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §4-5-1, §4-5-2, §4-5-3, §4-5-4, and §4-5-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §4-5-7 and §4-5-8, all relating to the Commission on Special Investigations; continuing the commission; clarifying composition and chairmanship of the commission; redefining what constitutes a quorum for voting procedures of the commission; clarifying contents of the commission's annual report; listing existing and necessary commission staff positions; granting power to conduct interviews and request production from agencies of the state and its political subdivisions of books, records, documents, papers, or any other tangible thing, computers, laptops, computer hard drives, electronic records including, but not limited to, emails, files, documents and metadata, or any other thing, in any form in which they may exist; requiring compliance with such requests; authorizing the director to issue subpoenas on the commission's behalf; granting authority to the commission to require an agency head to appear before the commission to answer questions regarding a failure to appear or produce requested or subpoenaed material or other related concerns including the basis for the failure

to comply; authorizing the commission and director to order or direct that all or a portion of the information communicated to the commission at the commission's request, including the existence of the investigation, be confidential and not made public; establishing requirements for the commission to enter into executive session; establishing procedures for conducting executive session; removing requirement that Joint Committee on Government and Finance approve expenses of the commission; establishing procedure for the commission's retention and disposal of records; establishing new offenses of impersonating a commission member or staff member and of threatening or otherwise obstructing a commission member or staff; establishing penalties; allowing the commission to award duty weapons to certain members on retirement; exempting the commission from the jurisdiction of the agency for surplus property within the Purchasing Division of the Department of Administration with respect to the disposal of the commission's primary and secondary duty weapons; and authorizing sale of surplus weapons to active and retired members of the commission's investigative staff.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 75, Relating to sale or transfer of video lottery locations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 75 (originating in the Committee on the Judiciary)—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 or permit associated with that location; providing that a purchaser or transferee shall satisfy the requirements for a limited video lottery retailer's license; providing that the state Lottery Commission be given prior written notice of the sale or transfer; and making technical corrections to internal citations.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 116, Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 116 (originating in the Committee on the Judiciary)—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; providing that court's accounting of amounts due for crime victim restitution be separately identified; providing that any moneys for restitution that are not submitted in the accounting by the court may not be waived by the participant's completion of the 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.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 116), under the original double committee reference, was then referred to the Committee on Finance.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 134, Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,
Craig Blair,
Chair.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 161, DEP rule relating to surface mining reclamation.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Energy, Industry, and Mining pending.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 172, Health Care Authority rule relating to financial disclosure.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Health and Human Resources pending.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 173, DHHR rule relating to child care centers licensing.

Senate Bill 174, DHHR rule relating to family child care facility licensing.

Senate Bill 175, DHHR rule relating to family child care home registration requirements.

Senate Bill 177, DHHR rule relating to informal and relative family child care home registration.

Senate Bill 178, DHHR rule relating to out-of-school-time child care center licensing.

And,

Senate Bill 179, DHHR rule relating to drug screening of applicants for cash assistance.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 228, Office of Miners' Health, Safety and Training rule relating to operating diesel equipment in underground mines.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 235, Lottery Commission rule relating to state lottery rules.

Senate Bill 236, Racing Commission rule relating to thoroughbred racing.

Senate Bill 238, Tax Department rule relating to payment of taxes by electronic funds transfer.

Senate Bill 239, Tax Department rule relating to property tax transfer.

And,

Senate Bill 240, Tax Department rule relating to municipal sales and service and use tax administration.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Craig Blair,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 237, Tax Department rule relating to farm to food bank tax credit.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Craig Blair,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Finance pending.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 267, Increasing salaries of certain state employees.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

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

By Senator Weld:

Senate Bill 322—A Bill to amend and reenact §19-1-3 of the Code of West Virginia, 1931, as amended, relating to employees of the Commissioner of Agriculture.

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

By Senators Beach and Ojeda:

Senate Bill 323—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-15, relating to creating the Office of Outdoor Recreation; authorizing the hiring of a director of the office and any other personnel necessary; setting forth the duties of the office; requiring an annual report to the Legislature; requiring collaboration with the West Virginia Development Office; requiring consultation with the outdoor recreation community; and authorizing the use of appropriated funds for a grant and loan program to further outdoor recreation in the state.

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

By Senator Blair:

Senate Bill 324—A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to removing

restrictions on where certain traditional lottery games may be played.

Referred to the Committee on Finance.

By Senators Beach and Ojeda:

Senate Bill 325—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-17, relating to the creation of the County Home Rule Pilot Program; setting forth legislative findings; creating the pilot program; setting criteria for participating counties including a minimum population; extending the Municipal Home Rule Board to administer the County Home Rule Pilot Program; detailing powers and duties of the board; requiring a written plan, public hearing, and notice for counties that wish to participate; authorizing the board to approve up to four counties; setting forth powers and duties of counties; detailing restrictions on the types of ordinances that counties are prohibited from enacting; authorizing amendments to the county plan or ordinances; requiring certain reports be completed annually; and setting a termination date for the pilot program.

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

By Senators Weld, Takubo, Cline, and Trump:

Senate Bill 326—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, relating to providing protection from civil liability for certain individuals for damage to an owner's motor vehicle when removing a domesticated animal from the locked and/or unattended motor vehicle under certain circumstances.

Referred to the Committee on the Judiciary.

By Senators Weld, Boso, Gaunch, Cline, and Drennan:

Senate Bill 327—A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the crime of extortion; and providing that extorting anything of value, including sexual contact and sexual intercourse, or an image of an intimate

body part qualifies as extortion and subjects a person to a criminal penalty.

Referred to the Committee on the Judiciary.

By Senators Weld, Boso, Cline, Ferns, and Blair:

Senate Bill 328—A Bill to amend and reenact §60A-4-407 of the Code of West Virginia, 1931, as amended, relating to requiring participation in a drug court program, under certain circumstances, before a conditional discharge for first offense of possession of a controlled substance may be granted.

Referred to the Committee on the Judiciary.

By Senators Weld, Cline, Drennan, and Ferns:

Senate Bill 329—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 prescribing of opioids; defining terms; limiting the quantity of opioids 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; and then to the Committee on the Judiciary.

By Senators Sypolt, Azinger, Karnes, Mann, Maynard, and Rucker:

Senate Bill 330—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-1-12; and to amend and reenact §21-1A-3 of said code, all relating to exemptions from mandated immunizations.

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

By Senators Karnes, Boso, Cline, Drennan, Gaunch, Mann, Rucker, Swope, Sypolt, and Blair:

Senate Bill 331—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-56; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to retirement and pension benefits of certain members of the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System who serve in the Legislature or in other part-time positions; and providing that persons who first become members of the retirement system after December 1, 2018, through election, reelection, or appointment to the Legislature, or certain other positions, shall receive one fourth of a year of service credit for each full year of service in the Legislature or other part-time position.

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

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

Senate Bill 332—A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating to rule-making authority of the Secretary of the Department of Health and Human Resources; and requiring rules to regulate a local health department's operation and establishment of clean syringe exchange programs.

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

By Senators Weld, Takubo, and Cline:

Senate Bill 333—A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating to rule-making authority of the Secretary of the Department of Health and Human Resources; and requiring rules to regulate a local health department's operation and establishment of clean syringe exchange programs.

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

Senators Stollings, Takubo, Ojeda, Boso, Plymale, and Cline offered the following resolution:

Senate Resolution 11—Designating January 19, 2018, as Southern West Virginia Day at the Capitol.

Whereas, Southern West Virginia has a long and proud history of supporting its state and country in times of peace and war; and

Whereas, Southern West Virginia provided much of the fuel which spurred the United States Industrial Revolution; and

Whereas, Southern West Virginia's people have mined coal for 100 years which supported the economy of the State of West Virginia; and

Whereas, Southern West Virginia has given more than \$67 million in the past seven years to the counties and cities across the state through the coal severance tax; and

Whereas, Southern West Virginia's counties of Wyoming, Mingo, Logan, Boone, and Lincoln, together with the Corridor G Regional Development Authority, have been dramatically affected by job losses in the coal mining and coal supply chain industries; and

Whereas, Southern West Virginia is uniquely positioned to create future economic development opportunities by leveraging its natural assets, an available workforce, development sites created by innovative land use planning, and a collaborative network of public/private partnerships into sustainable, job creating opportunities; and

Whereas, Southern West Virginia's counties are working together to improve their economies and the lives of its people through programs such as the Wyoming County Loan Program and Leadership Southern; and

Whereas, Southern West Virginia's successful implementation of Land Use Master Plans has facilitated enhanced transportation and utilities infrastructure necessary to support economic expansion; provided opportunities for industry diversification and smart economic growth; and enhanced quality of life by securing, transitioning, and repurposing land made available through coal mining activities into beneficial economic development assets; and

Whereas, Southern West Virginia, together with the Corridor G Regional Development Authority, intends to create a more vibrant economic future for coal-impacted communities by cultivating economic diversity, strengthening our regional collaborative efforts, and leveraging our region's existing assets through projects such as the Coalfields Expressway, Wood Products Industrial Park, and Rock Creek Development Park; and

Whereas, Southern West Virginia is a national leader in providing rural health care through providers such as Southern WV Health Systems, Williamson Health and Wellness Center, Boone Memorial Hospital, and Logan Regional Medical Center; and

Whereas, Southern West Virginia provides first class public transportation through Tri-River Transit allowing access to work, medical treatment, and education; and

Whereas, Southern West Virginia is home to an outstanding community college network; and

Whereas, Southern West Virginia offers world class career and technical education in high schools like the Boone, Lincoln, and Wyoming Career and Technical Centers, and Mingo Central High School; and

Whereas, Southern West Virginia offers an abundance of outdoor recreational activities and tourist attractions such as the Hatfield-McCoy Trail System, Guyandotte Water Trail, and the Coal River Trail; and

Whereas, This regional collaborative of Southern West Virginia counties recognizes, with great pride, the contributions of the coal mining and coal supply chain industries in providing good

jobs, family stability, and community and economic prosperity for the past several decades; and

Whereas, This regional collaborative is committed to valuing Southern West Virginia's deeply rooted coal heritage while it also seeks to produce economic and workforce development outcomes that promote regional economic growth and diversification, new job creation, and re-employment opportunities for our workers, and especially our displaced coal miners; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 19, 2018, as Southern West Virginia Day at the Capitol; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Southern West Virginia Day at the Capitol.

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

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Stollings regarding the adoption of Senate Resolution 11 were ordered extended in the Journal as follows:

SENATOR STOLLINGS: Thank you, Mr. President.

It gives me great pleasure to speak in favor of this resolution and speak in favor of the area from which has been my home and where I've made my living my entire life. The same area that has lost 40 percent of its economy—40 percent. John Deskins, you remember this report. After propping up this state in the form of coal severance tax for many, many years My county alone, since 1978, has given 1.3 billion, with a "b", dollars to the state's General Revenue Fund. That goes to state parks, colleges, universities I remember the Senator from Pocahontas, our good friend Walt Helmick, saying that they blow a mountain top off in Boone County and send the profits up to my county where I

have six state parks. Boone County doesn't have a state park by the way. We have other great parks: Twin Falls and Chief Logan State Park, etc.

When I look at what's happened in Southern West Virginia and what the potential is, if we play our cards right, this place can come back as a shining star for the future of West Virginia. But we have to play our cards right. We have to invest in infrastructure, transportation—and I think we're doing that. We have to have good leadership—and I think, I introduced some really great leaders up here. And we have to have folks in Commerce and the Governor's office that understands of our potential.

Post-mine land use. I wish you all would write down how many times I've ever said post-mine land use up here. It really has the potential to transform our area. The Rock Creek project is one of many, you know, areas down there that absolutely has all the potential in the world.

So, time will tell if the switch from manufacturing and industrial development to military training and, perhaps, both those together how that works out. I'm hoping and praying it works out good. I'm promised it will work out good, that we're not really changing anything about the Rock Creek project except the ingress and egress.

At the same time, there's some people here that worry about if you're up there shooting a bunch of tanks, whether you're going to have industry sitting right beside it. Again, I hope, and I think only time will tell.

So, as we go forward in West Virginia, I think we ought to look at a loss of 40 percent of your economy in the southwest coalfield area as a real sense of highest urgency. And we need to focus on that. We need to, because otherwise, you know, we can all be an area instead of net giving but net taking. So, I think the people in the room and I think if you read this resolution carefully—and I hope you will—that we have a chance. We're sitting at a critical time in our life where we can truly grow and diversify and develop

a new economy in Southern West Virginia and, thus, propping up the entire state again.

Urge adoption.

At the request of Senator Prezioso, and by unanimous consent, the remarks by Senators Ojeda and Cline regarding the adoption of Senate Resolution 11 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:25 a.m., the Senate recessed to present Senate Resolution 11.

The Senate reconvened at 11:27 a.m. today and proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 73, Modifying crime of fleeing from scene of accident.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 73) passed with its title.

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

Eng. Com. Sub. for Senate Bill 154, Authorizing Department of Administration to promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 154) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 154) takes effect from passage.

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

Eng. Senate Bill 296, Relating to sale or transfer of surplus property.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 296) passed with its title.

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

Eng. Senate Bill 297, Eliminating taxation on annuity considerations collected by life insurer.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 297) passed with its title.

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

Eng. Senate Bill 298, Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 298) passed with its title.

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

Eng. Senate Bill 299, Relating to mandatory insurance coverage for medical foods for amino acid-based formulas.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope,

Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 299) passed with its title.

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

Eng. Senate Bill 301, Removing limitation on amount collected by county via hotel occupancy tax used for medical or emergency services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 301 pass?”

On the passage of the bill, the yeas were: Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Ojeda, Palumbo, Plymale, Prezioso, Smith, Stollings, Swope, Sypolt, Trump, Weld, Woelfel, and Carmichael (Mr. President)—26.

The nays were: Azinger, Maynard, Rucker, Takubo, and Unger—5.

Absent: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 301) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 53, Correcting code reference in regard to certain persons exempted from prohibitions against carrying concealed deadly weapons.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 62, Adjusting requirements for hiring school attendance directors.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 98, Creating incentives to consolidate local governments.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 110, Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 133, Exempting renewal of certain contracts entered into during declared state of emergency.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 263, Eliminating film tax credits.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 300, Creating five-year tax credits for businesses locating on post-coal mine sites.

On second reading, coming up in regular order, was read a second time.

On motions of Senators Stollings and Gaunch, the following amendment to the bill was reported by the Clerk:

On page two, section three, line seven, by striking out the words “of 50 percent”.

Following discussion,

The question being on the adoption of the amendment offered by Senators Stollings and Gaunch to the bill, the same was put and prevailed.

The bill (S. B. 300), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 146, Correcting technical error within Solid Waste Management Act.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Weld, Takubo, Smith, Woelfel, and Facemire.

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

At the request of Senator Ojeda, unanimous consent being granted, the remarks by Senator Facemire were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Senator Carmichael (Mr. President) announced the appointment of Senator Boso as Vice Chair of the Committee on Finance; and the removal of Senator Boso from the Committee on Economic Development.

At the request of Senator Ferns, unanimous consent being granted, leaves of absence for the day were granted Senators Romano and Beach.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Ferns, at 12:24 p.m., the Senate adjourned until Monday, January 22, 2018, at 11 a.m.

MONDAY, JANUARY 22, 2018

The Senate met at 11:11 a.m.

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

Prayer was offered by the Reverend Tom Bias, Retired United Methodist Clergy, Madison, West Virginia.

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

Pending the reading of the Journal of Friday, January 19, 2018,

At the request of Senator Prezioso, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Sanitarians, Board of (§30-1-12)

State Police (Females/Minorities Recruiting Effectiveness)
(§15-2-7)

The Senate proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 4020—A Bill to amend and reenact §7-4-4 and 7-4-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-7-2 of said code; to amend and reenact §7-10-2 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §15-2-15 of said code; to amend and reenact §15-2C-1 of said code; to amend and reenact 15-9-3 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §16-2F-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-9A-3 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §16-47-5 of said code; to amend and reenact §17C-5-6a and §18-5-15c of said code; to amend and reenact §18-8-6a of said code; to amend and reenact §18A-5-1d of said code; to amend and reenact §28-1-2 of said code; to amend and reenact §29-21-16 of said code; to amend and reenact §31-20-2 of said code; to amend and reenact §33-4-20 of said code; to amend and reenact §48-9-205 and §48-9-301a of said code; to amend and reenact §48-22-301 of said code; to amend and reenact §48-26-701 and §48-26-1002 of said code; to amend and reenact §48-27-403 of said code; to amend and reenact §49-1-201 of said code; to amend and reenact §51-2A-2 of said code; to amend and reenact §51-7-8 of said code; to amend and reenact §61-2-14h of said code; to amend and reenact §61-5-12b of said code; to amend and reenact §61-6-25 of said code; to amend and reenact §61-7-8 of said code; to amend and reenact §61-8-12 of said code; to amend and reenact §61-8B-11a of said code; to amend and reenact §61-8C-3b of said code; to amend and reenact §61-8D-9 of said code; to amend and reenact §61-11-23 of said code; to amend and reenact §61-12-10 of said code; and to amend and reenact §62-6B-5, all relating to clarifying and making

technical corrections in the code when referencing chapter 49 of this code due to 2015 revisions to chapter 49 of this code; and defining a term.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 290, Relating to DEP standards of water quality and effluent limitations.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

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

By Senators Stollings and Jeffries:

Senate Bill 334—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 Excess Lottery Fund, 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 Karnes, Weld, Boso, Blair, Rucker, Cline, and Ferns:

Senate Bill 335—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 and §21-5-3 of said code, all relating to withholding or diverting an employee's wages or salary; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee's wages or salary for political activities without express, written authorization; providing that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed, or extended on or after July 1, 2018, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2018; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; defining the term "agency shop fees"; modifying definition of "deductions" to include only those amounts required by law or court order to be withheld and employer-sponsored or employer-provided plan; modifying the definition of "deductions" to exclude amounts for union or club dues, charities, and other withholdings that are not employer-sponsored or employer-provided plans; making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual; removing the requirement that an assignment or order be acknowledged by the party making the same before a notary public or other official authorized to take acknowledgments; requiring that an assignment or order shall be in writing; and providing that

the changes made to the assignment of wages during the 2018 West Virginia Legislature apply to any written or oral contract or agreement entered into, modified, renewed, or extended on or after July 1, 2018, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2018.

Referred to the Committee on the Judiciary.

By Senators Ferns, Weld, Boso, Baldwin, Blair, and Cline:

Senate Bill 336—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-2-12a, relating generally to application forms prescribed by the Commissioner of the West Virginia Division of Motor Vehicles; providing that the commissioner shall prescribe and provide suitable forms of application which provide the certain applicants the ability to make a contribution to the West Virginia Department of Veterans Assistance; providing that the contributions be added, as appropriate, to the regular fee charged; providing that contributions be used exclusively for stated purposes; providing that the department shall determine the total amount collected and report the amount to the State Treasurer; providing that the State Treasurer shall transfer the amount collected to the West Virginia Department of Veterans Assistance; and providing that the West Virginia Department of Veterans Assistance shall reimburse the division for the actual costs incurred by the division in administering.

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

By Senators Karnes and Rucker:

Senate Bill 337—A Bill to amend and reenact §16-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying the rights of a parent or legal guardian in declining specific required medication administered to a child at birth; permitting parents or legal guardians of newborn children to refuse certain medication that has been mandated for newborns; requiring that parents and legal guardians be made aware of the dangers of not receiving the otherwise required medication; providing for notation in medical records; providing for limitation of liability; prohibiting a refusal

by the parents or legal guardian from being admissible in certain legal actions or investigations of those parents or legal guardians; and prohibiting discipline or penalties to certain health care professionals when a parent or legal guardian has refused or declined the otherwise mandated medication.

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

By Senators Blair and Boso:

Senate Bill 338—A Bill to amend and reenact §11-21-74 of the Code of West Virginia, 1931, as amended, relating generally to employer withholding taxes; changing due date for employers to file annual reconciliation and withholding statements with Tax Commissioner to January 31; requiring certain employers to file withholding return information electronically with the Tax Commissioner; and deleting obsolete language.

Referred to the Committee on Finance.

Senators Palumbo, Trump, Stollings, Beach, and Cline offered the following resolution:

Senate Resolution 12—Designating January 22, 2018, as Women's and Girls' Day at the Legislature.

Whereas, March is Women's History Month, where we commemorate and encourage the study, observance, and celebration of the vital role of women in American history; and

Whereas, West Virginia women of every race, class, and ethnic background have made historic contributions to the growth and strength of our state and nation in countless recorded and unrecorded ways; and

Whereas, Their perseverance in promoting equality amongst opportunity have paved the way for women to serve in leadership roles within distinct professions; and

Whereas, Throughout our state's history, West Virginia women have had a profound impact not only in West Virginia, but throughout our nation and the world; and

Whereas, Such instances include Minnie Buckingham Harper, of McDowell County, West Virginia, who became the first African-American woman to serve in a legislative body in the United States with her appointment to the West Virginia House of Delegates on January 10, 1928; and

Whereas, Mary Lou Retton, of Fairmont, West Virginia, was the first American woman to win the All-Around Gold Medal at the Olympics, making her one of the most popular athletes in the United States; and

Whereas, Katherine Johnson, an alumna of West Virginia State University, was deemed a “pioneer” in American space history. As an African-American mathematician, her contributions to NASA influenced every major space program; and

Whereas, These historical instances have set the tone for success for which future generations of West Virginia women can aspire; and

Whereas, West Virginia citizens are proud of the accomplishments and achievements of women in our state, both in the private and public sectors and appreciates their many contributions to our communities as they continue to advance in leadership roles in our society; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 22, 2018, as Women’s and Girls’ Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Women’s and Girls’ Day at the Legislature.

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

On motion of Senator Ferns, at 11:24 a.m., the Senate recessed to present Senate Resolution 12.

The Senate reconvened at 11:26 a.m. today and resumed business under the sixth order.

Senators Unger, Trump, Stollings, Blair, Beach, and Rucker offered the following resolution:

Senate Resolution 13—Recognizing Leadership Berkeley for its service, dedication, and commitment to Berkeley County.

Whereas, The objective of Leadership Berkeley is to promote knowledge and awareness of the problems, opportunities, and issues facing Berkeley County; and

Whereas, Leadership Berkeley is designed to provide a series of educational and participatory experiences, as well as an opportunity for dialogue and the development of a correlation among participants in order to encourage local participation in the growth of Berkeley County; and

Whereas, The membership of Leadership Berkeley includes individuals from nearly every facet of Berkeley County’s business, professional, religious, governmental, educational, civic, the arts, organized labor, and minority organizations who demonstrate a commitment to the community; and

Whereas, The 2018 membership of Leadership Berkeley consists of Brooke A. Boyer, Quad/Graphics; Logan G. Burke; Lisha M. Burks, Blue Ridge Community and Technical College; Todd A. Cimino-Johnson, Blue Ridge Community and Technical College; Virginia “Viquen” E. Costigan, City National Bank; Lauren A. Dodd, Ecolab; Gretchen L. Fry, Martinsburg-Berkeley County Public Libraries; Courtney L. Funk, MedExpress Urgent Care; Betsy J. Gambino, West Virginia University Medicine Berkeley Medical Center; Laura A. Gentile, CNB Bank, Inc.; Jim T. Goforth, New Life Community Church; Tyler S. Kolb, United Bank; Tricia R. Lawrence, Hospice of the Panhandle; John N. McCain, Horizon Goodwill Industries; Willetta J. Miller, Region 7 Workforce Development Board; Michele M. Morrison, Blue Ridge Community and Technical College; Karen L. Newell, Department of Veterans Affairs; Matthew B. Pennington, EP Planning and

Development Council; Denise D. Phelps, First United Bank & Trust; Christopher L. Puller, MVB Bank; Floyd “Kin” M. Sayre, Bowles Rice, LLP; Darrell A. Shull, West Virginia Secretary of State; Christie Simmons, Telamon Corporation; Leah Smith, Berkeley County Stylist at Serenity Day Spa & Salon; Kirstie S. Svehla; Angel A. Velasquez, Region 7 Workforce Development Board; Tricia E. Worden, Next Generation HR Solutions; and Tina Combs, Martinsburg-Berkeley County Chamber of Commerce; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Leadership Berkeley for its service, dedication, and commitment to Berkeley County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Berkeley.

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

On motion of Senator Ferns, at 11:28 a.m., the Senate recessed to present Senate Resolution 13.

The Senate reconvened at 11:31 a.m. today and, at the request of Senator Woelfel, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 53, Correcting code reference in regard to certain persons exempted from prohibitions against carrying concealed deadly weapons.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Beach, Romano, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 53) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Beach, Romano, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 53) takes effect from passage.

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

Eng. Senate Bill 62, Adjusting requirements for hiring school attendance directors.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Beach, Romano, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 62) passed with its title.

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

Eng. Com. Sub. for Senate Bill 98, Creating incentives to consolidate local governments.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Karnes—1.

Absent: Beach, Romano, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 98) passed with its title.

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

Eng. Com. Sub. for Senate Bill 110, Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Beach, Romano, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 110) passed with its title.

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

Eng. Com. Sub. for Senate Bill 133, Exempting renewal of certain contracts entered into during declared state of emergency.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Beach, Romano, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 133) passed with its title.

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

Eng. Senate Bill 263, Eliminating film tax credits.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Smith, Stollings, Swope, Sypolt, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: Rucker and Weld—2.

Absent: Beach, Romano, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 263) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Smith, Stollings, Swope, Sypolt, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: Rucker and Weld—2.

Absent: Beach, Romano, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 263) takes effect from passage.

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

Eng. Senate Bill 300, Creating five-year tax credits for businesses locating on post-coal mine sites.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Beach, Romano, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 300) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 146, Correcting technical error within Solid Waste Management Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 37, Equalizing penalty for entering without breaking regardless of time of day.

Com. Sub. for Senate Bill 39, Creating Sexual Assault Victims' Bill of Rights.

Com. Sub. for Senate Bill 75, Relating to sale or transfer of video lottery locations.

Com. Sub. for Senate Bill 134, Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery.

And,

Com. Sub. for Senate Bill 292, Relating to Commission on Special Investigations.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Rucker.

Thereafter, at the request of Senator Karnes, and by unanimous consent, the remarks by Senator Rucker were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Cline, the name of Senator Cline was removed as a sponsor of **Senate Bill 257** (*Creating WV Counseling Protection Act*).

At the request of Senator Ferns, unanimous consent being granted, leaves of absence for the day were granted Senators Takubo, Romano, and Beach.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 11:57 a.m., the Senate adjourned until tomorrow, Tuesday, January 23, 2018, at 11 a.m.

TUESDAY, JANUARY 23, 2018

The Senate met at 11:10 a.m.

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

Prayer was offered by Pastor Jesse Waggoner, Senior Pastor, Mount Calvary Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Dave Sypolt, a senator from the fourteenth district.

Pending the reading of the Journal of Monday, January 22, 2018,

At the request of Senator Azinger, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

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

Lottery (Comprehensive Annual Financial Report) (§29-22-20)

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 6, Supporting construction of Gold Star Families Memorial Monument.

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

Eng. Com. Sub. for House Bill 3089—A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §18-2A-10, relating to the adoption of instructional resources for use in the public schools; providing for transition to new provisions for instructional resources adoption; defining instructional resources; providing for adoption cycle rule; requiring person, firm or corporation desiring to offer instructional resources for use by students to file statement containing and verifying certain information; requiring state board to provide list of vendors to counties; prohibiting county board from adopting or using instructional resources not in compliance; disqualification of person, firm or corporation for failure to honor terms of filing; supplementary resources exempted; requiring necessary instructional resources be furnished to students free of charge, including reasonable access to electronic resources; requiring county board policy on instructional resources adoption and specifying minimum provisions; and prohibiting board of education member or employee from acting as sales agents for person, firm or corporation filing statement with superintendent.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill 4002—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2c, relating to the decennial redistricting of the House of Delegates and providing that following the reapportionment and redistricting of the Legislature following the United States Census in 2020, all delegates shall be elected from one hundred single member districts.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4013—A Bill to amend and reenact §56-1-1 of said code, all relating to venue in West Virginia state courts as it applies to nonresidents of the state and providing that a nonresident generally may not bring an action in the state unless all or a substantial part of the acts or omissions giving rise to the claim asserted occurred in this state and providing exceptions.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4026—A Bill to amend and reenact §30-5-29 of the Code of West Virginia, 1931, as amended, relating to exempting cashiers from licensure under the Larry W. Border Pharmacy Practice Act.

Referred to the Committee on Health and Human Resources.

Executive Communications

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

Jim Justice
Governor of West Virginia

January 23, 2018

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

Dear Secretary Warner:

Pursuant to W.Va. Code § 3-10-5, I have this day appointed the Honorable Karen Lynne Arvon, 101 Triangle Lane, Beckley, Raleigh County, West Virginia 25801, as a Senator representing

the Ninth Senatorial District, to fill the vacancy created by the resignation of the Honorable Jeff Mullins from this day through the remainder of the unexpired term of said office.

Sincerely,

Jim Justice
Governor

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

The several oaths of office prescribed by the Constitution were administered by the Honorable Mitch Carmichael, President of the Senate, to Lynne Carden Arvon, of the County of Raleigh, on January 23, 2018.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 30, Relating generally to hunting with dogs.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 30 (originating in the Committee on Natural Resources)—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; permitting the use of leashed dogs to track mortally wounded deer or bear; providing that dogs used to track mortally wounded deer or bear are not to be taken into

possession by a natural resource police officer; and clarifying the handling of dogs caught chasing deer.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 30), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 67, Exempting DNR police officers' pensions from state income tax.

And,

Com. Sub. for Senate Bill 116, Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 143, Permitting DNR identification tag be used to identify trap.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bills 155, 156, 157, 158, 159, 160, 161, 162, 163, and 164, DEP rule relating to hazardous waste management system.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 163 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating generally to authorizing the Department of Environmental Protection to promulgate certain legislative rules as filed, as modified, and as amended and to repeal certain legislative and procedural rules; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to underground storage tanks; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to West Virginia surface mining reclamation; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental

Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage, and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment; authorizing the Department of Environmental Protection to repeal a legislative rule relating to state construction grants program rule; and authorizing the Department of Environmental Protection to repeal a procedural rule relating to Freedom of Information Act requests.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 234, DNR rule relating to wildlife disease management.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Natural Resources pending.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 311, Specifying consumers sales and service tax exemption for purchase of certain services and tangible personal property related to aircraft.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Gaunch and Blair:

Senate Bill 339—A Bill to amend and reenact §5-16D-1, §5-16D-3, §5-16D-4, and §5-16D-6 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Retirement Health Benefit Trust Fund within the Public Employees Insurance Agency; modifying definitions to provide flexibility for compliance with the Governmental Accounting Standards Board guidance; defining new terms; and allowing the current allocation process for unfunded liability to continue.

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

By Senator Blair:

Senate Bill 340—A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to the employer-employee cost-sharing ratio of premiums from active members of the Public Employees Insurance Agency; and providing for a maximum percentage of premiums to be paid by employers.

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

By Senators Ferns and Rucker:

Senate Bill 341—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 said code by adding thereto a new section, designated §3-5-6e; to amend and reenact §3-5-7 and §3-5-13 of said code; to amend and reenact §3-10-3 and §3-10-3a of said code; to amend and reenact §6-5-1 of said code; to amend said code by adding thereto a new article, designated §51-1B-1, §51-1B-2, §51-1B-3, §51-1B-4, §51-1B-5, §51-1B-6, §51-1B-7, §51-1B-8, §51-1B-9, §51-1B-10, §51-1B-11, and §51-1B-12; and to amend and reenact §58-5-1 of said code, all relating to creating a new court to be known as West Virginia Intermediate Court of Appeals; requiring election of judges of the Intermediate Court of Appeals be on nonpartisan basis; requiring elections be on a division basis when more than one judge is to be elected; providing for timing and frequency of election; providing for commencement of terms of office; establishing ballot design and printing; providing that elections be held on same date as primary election; requiring nonpartisan ballots; establishing filing announcement of candidacies, including timing, location, and necessary information; providing for order of appearance of offices on the ballot; establishing ballot content; providing procedures for filling of vacancies; providing occasions for special elections to be held to fill vacancies; requiring Intermediate Court of Appeals be operational by July 1, 2019; establishing northern and southern districts; providing three judges for each district; establishing

qualifications for judges; establishing court jurisdiction; providing for deflective review; providing West Virginia Supreme Court of Appeals will either keep an appeal or transfer it to Intermediate Court of Appeals; designating the Clerk of the Supreme Court as the Clerk of the Intermediate Court of Appeals; providing that certain appeals be reviewed as a matter of right and those matters in which the appeals are discretionary; providing appeals in certain administrative cases are discretionary; authorizing appeals from Intermediate Court of Appeals to Supreme Court of Appeals; authorizing Governor make initial appointments by July 1, 2018; creating staggered terms; providing for elections for 10-year terms after initial appointments; authorizing a chief judge; authorizing staff for court and judges; providing for compensation and expenses of judges and staff; providing for temporary assignment of circuit court judges; authorizing Supreme Court of Appeals to provide facilities, furniture, fixtures, and equipment for Intermediate Court of Appeals; establishing precedential effect of Intermediate Court of Appeals' orders and decisions; providing budget of Intermediate Court of Appeals be part of Supreme Court of Appeals budget; and providing for severability.

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

By Senators Blair and Boso:

Senate Bill 342—A Bill to amend and reenact §5A-10-9 of the Code of West Virginia, 1931, as amended, relating to requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division; removing the exemption of certain agencies from reporting property holdings to the Real Estate Division; clarifying the information to be reported annually by agencies; and requiring an annual report by the Real Estate Division to the Governor and Legislature.

Referred to the Committee on Government Organization.

By Senator Sypolt:

Senate Bill 343—A Bill to amend and reenact §11A-3-58 of the Code of West Virginia, 1931, as amended, relating to limiting

expenses incurred in preparing notice to redeem, including title examination, to \$500.

Referred to the Committee on Government Organization.

By Senators Sypolt and Baldwin:

Senate Bill 344—A Bill to amend and reenact §17-2A-14 of the Code of West Virginia, 1931, as amended, relating to disposition of certain surplus equipment and materials; and requiring recycling of metal if cost effective.

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

By Senator Maynard:

Senate Bill 345—A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and authorizing the Director of the Division of Natural Resources to establish procedures and a fee schedule for individuals applying for limited permit hunts.

Referred to the Committee on Natural Resources.

By Senators Maynard and Cline:

Senate Bill 346—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to permitting full-time, nonresident students attending an in-state college or university to purchase lifetime resident statewide hunting, trapping, trout fishing, and fishing licenses.

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

By Senator Maynard:

Senate Bill 347—A Bill to amend and reenact §20-7-11, §20-7-12, §20-7-13, §20-7-14, §20-7-18, §20-7-18d, and §20-7-19 of the Code of West Virginia, 1931, as amended, all relating to the operation of motorboats; defining the term “state of principle operation”; establishing a fee schedule for motorboat registration; establishing motorboat numbering, lighting, fire extinguishers, engine bilges, and flotation device requirements; increasing the

financial amount of property damage before certain accidents need to be reported; clarifying the requirements for the operation of personal watercrafts; limiting the hours during the day water skiing and surfboarding are permitted; and authorizing rulemaking.

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

By Senator Maynard:

Senate Bill 348—A Bill to amend and reenact §20-7-1d and §20-7-1f of the Code of West Virginia, 1931, as amended, all relating to awarding service weapons to special natural resources police officers upon retirement; disposal of service weapon when replaced due to routine wear; and furnishing uniform for burial.

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

By Senators Maynard, Takubo, Cline, and Plymale:

Senate Bill 349—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to providing teachers with a three percent pay raise.

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

By Senators Ferns, Trump, Maynard, Jeffries, Baldwin, and Plymale:

Senate Bill 350—A Bill to amend and reenact §29-22A-5 of the Code of West Virginia, 1931, as amended, relating to eliminating the obsolete requirement that the Lottery Commission file all racetrack video lottery game rules with the Secretary of State.

Referred to the Committee on the Judiciary.

Senators Takubo and Stollings offered the following resolution:

Senate Concurrent Resolution 7—Requesting the federal government grant a waiver for the waiting period requirement for tubal ligation procedures.

Whereas, Postpartum sterilization has the advantage of one-time hospitalization, which results in ease and convenience for the woman. Its efficacy and effectiveness were demonstrated in the U. S. Collaborative Review of Sterilization study—a large, prospective, multicenter, observational study of more than 10,000 women undergoing transabdominal sterilization who were followed up to 14 years; and

Whereas, U. S. health policy requires Medicaid beneficiaries to wait 30 days before tubal sterilization. In a journal analysis, national experts argue that this practice violates health care justice, as elective tubal sterilization is readily available to women with a private source of payment; and

Whereas, Elective tubal sterilization is readily available to women with a private source of payment, this situation is not the case for Medicaid beneficiaries who are required to wait, which can be impractical unless the paperwork is concluded well in advance of the birth; and

Whereas, Revision of the federal consent mandate in order to create fair and equitable access to sterilization services for women enrolled in Medicaid or covered by other government insurance would improve access to all women in West Virginia; and

Whereas, The state formally requested a waiver from the Centers for Medicare & Medicaid Services of the waiting period requirement for tubal ligation procedures; and

Whereas, The waiver was denied; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the federal government grant a waiver for the waiting period requirement for tubal ligation procedures; and, be it

Further Resolved, That the Legislature requests that the Centers for Medicare & Medicaid Services reconsider their decision and grant the state a waiver of the waiting period requirement for tubal ligation procedures; and, be it

Further Resolved, The revision of the federal consent mandate in order to create fair and equitable access to sterilization services for women enrolled in Medicaid or covered by other government insurance would improve access to all women in West Virginia; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the United States Secretary of Health and Human Services, the Administrator of the Centers for Medicare & Medicaid Services, and to the members of the West Virginia congressional delegation.

Which, under the rules, lies over one day.

Senators Mann, Stollings, Rucker, Cline, Boso, Karnes, Maynard, Baldwin, Prezioso, Beach, Plymale, and Drennan offered the following resolution:

Senate Resolution 14—Designating Tuesday, January 23, 2018, as Higher Education Day at the Legislature.

Whereas, The State of West Virginia is committed to supporting higher education; and

Whereas, West Virginia's colleges and universities open the doors of opportunity for West Virginia's students; and

Whereas, West Virginia's education system helps students achieve their education and career goals, and meet the workforce needs of the State of West Virginia; and

Whereas, Higher education institutions contribute to the economic vitality of the state while enriching the culture of the communities and regions they serve; and

Whereas, West Virginia's colleges and universities advance the development of technology, partner in business and industry, conduct groundbreaking research, and improve lives through advanced health care; and

Whereas, Through the services of outstanding faculty, staff, administration, and leadership, West Virginia's colleges and universities carry out student-centered missions for the betterment of the entire state; therefore, be it

Resolved by the Senate:

That the Senate hereby designates Tuesday, January 23, 2018, as Higher Education Day at the Legislature; and, be it

Further Resolved, That the Senate recognizes the commitment to excellence the leaders of our colleges and universities have demonstrated; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Chancellor of the West Virginia Higher Education Policy Commission, the Chancellor of the West Virginia Council for Community and Technical College Education, the Executive Director of the West Virginia Independent Colleges and Universities, Inc., and to each of the presidents of West Virginia's public and independent colleges and universities.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Mann, Plymale, Blair, and Beach regarding the adoption of Senate Resolution 14 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:35 a.m., the Senate recessed to present Senate Resolution 14.

The Senate reconvened at 11:42 a.m. today and, at the request of Senator Ferns, and by unanimous consent, returned to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 351 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-1-19 of the Code of West Virginia, 1931, as amended, relating to ballot commissioners; and permitting ballot commissioners to serve while candidates for certain offices.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 146, Correcting technical error within Solid Waste Management Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 146) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 146) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 37, Equalizing penalty for entering without breaking regardless of time of day.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 39, Creating Sexual Assault Victims' Bill of Rights.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 75, Relating to sale or transfer of video lottery locations.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 134, Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 292, Relating to Commission on Special Investigations.

On second reading, coming up in regular order, was read a second time.

On motions of Senators Woelfel and Trump, the following amendment to the bill was reported by the Clerk and adopted:

On page seven, by striking out all of section five and inserting in lieu thereof a new section, designated section five, to read as follows:

§4-5-5. Investigations exempt from public disclosure requirements; security, retention and disposal of commission records.

(a) The investigations conducted by the commission and the materials, in any medium, including hard copy and electronic, placed in the files custody of the commission as a result of any such investigation are exempt from public disclosure under the provisions of §29B-1-1 et seq. of this code.

(b) Notwithstanding any other provision of this code to the contrary, the commission may dispose of printed materials placed in its files upon a vote of the commission: *Provided*, That the commission shall save copies of materials filed on or after January 1, 2010, in electronic form prior to their disposal.

(c) The commission shall provide reasonable safeguards for the confidentiality and integrity of the materials and information technology placed in its custody.

The bill (Com. Sub. for S. B. 292), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Ojeda and Woelfel.

At the request of Senator Woelfel, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of Joe Ciccarelli, Huntington Police Chief.

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

Remarks were then made by Senators Romano and Rucker.

Thereafter, at the request of Senator Prezioso, unanimous consent being granted, the remarks by Senator Romano were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Senator Carmichael (Mr. President) announced the appointment of Senator Arvon to the Committee on Finance, the Committee on Health and Human Resources, the Committee on Banking and Insurance, the Committee on Pensions, and the Committee on the Workforce; Senator Blair to the Committee on Energy, Industry, and Mining; and the removal of Senator Trump from the Committee on Health and Human Resources.

At the request of Senator Blair, the name of Senator Blair was removed as a sponsor of **Senate Bill 340** (*Relating to employer-employee cost-sharing ratio of premiums for PEIA active members*).

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

On motion of Senator Ferns, at 12:04 p.m., the Senate adjourned until tomorrow, Wednesday, January 24, 2018, at 11 a.m.

WEDNESDAY, JANUARY 24, 2018

The Senate met at 11:15 a.m.

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

Prayer was offered by Pastor Thomas Price, Roxalana Gospel Tabernacle, Dunbar, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable C. Edward Gaunch, a senator from the eighth district.

Pending the reading of the Journal of Tuesday, January 23, 2018,

At the request of Senator Karnes, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

At the request of Senator Ferns, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant students from Teays Valley Christian School's StandWatch Academy privileges of the floor for the day.

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2028—A Bill to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating to the venue for suits and other actions against the state; allowing a plaintiff or petitioner to file a claim or petition against the state, a state officer, or state agency in the circuit court of a county in which the plaintiff or petitioner resides or in which a

claim arose or, alternatively, in the circuit court of Kanawha County.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 7, Requiring employee to provide written notice to employer of nonpayment of wages.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 7 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21-5-1 and §21-5-12 of the Code of West Virginia, 1931, as amended, all relating to claims under the Wage Payment and Collection Act; defining the term “wages”; providing that no action may be brought for collection of accrued fringe benefits until written notice is provided by the employee, or his or her representative, to the employer; providing written notice requirements; providing mailing requirements; providing the employer an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for employer to remit payment as specified in the accepted cure offer; providing that a claim may be brought for failure of the employer to timely effect the accepted cure offer; providing that the statute of limitations shall be tolled; providing that the written notice is a jurisdictional prerequisite for accrued fringe benefit claims; providing an effective date; providing that the notice requirement is not applicable to claims exclusively for unpaid wages; requiring employers to notify their employees of the notice requirement; providing means of notice to employees; requiring the commissioner to issue rules to the extent necessary to effectuate employee notice; and providing that plaintiff is not entitled to liquidated damages or costs and attorneys’ fees under certain circumstances.

And,

Senate Bill 51, Modifying law governing spousal support and child custody.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 51 (originating in the Committee on the Judiciary)—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; 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; clarifying that the court may accommodate the preferences of a child 14 years of age and older if the court determines it is in the best interests of the child; 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.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 47, Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Health and Human Resources.

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Health and Human Resources, with an amendment from the Committee on Military pending.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 66, Relating to in-state tuition rates for members of National Guard, military and reserve units.

And reports the same back with the recommendation that it do pass; but under the original triple committee reference first be referred to the Committee on Education; and then to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill, under the original triple committee reference, was referred to the Committee on Education; and then to the Committee on Finance.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 71, Defining “veteran” as it pertains to veteran-owned business.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 71 (originating in the Committee on Military)—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.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill (Com. Sub. for S. B. 71), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 271, Creating centralized Shared Services Section of Department of Administration.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 271 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5A-2B-1, §5A-2B-2, §5A-2B-3, and §5A-2B-4, all relating to creating the Shared Services Section within the Finance Division of the Department of Administration; authorizing the appointment of a deputy director; setting qualifications for the deputy director; authorizing the hiring of necessary personnel; setting minimum services to be provided by Shared Services Section; authorizing reasonable fees to be charged; requiring development of cost-performance assessment; providing for reporting of certain information by spending units to the Shared Services Section; providing for reports to the Governor and Joint Committee on Government and Finance; providing legislative and emergency rule-making authority; requiring certain spending units to enter into agreement with Shared Services Section for provision of accounting and financial services; permitting certain spending units to enter into agreement with Shared Services Section for provision of accounting and financial services; providing for probationary period and corrective action plan for certain spending units; granting deputy director authority to decline to enter into agreement for provision of services under certain circumstances; authorizing spending unit to cancel agreement with Shared Services Section under certain circumstances; and creating a new special revenue fund.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill (Com. Sub. for S. B. 271), under the original double committee reference, was then referred to the Committee on Finance.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 280, Allowing airports' emergency management and operations vehicles to use red flashing warning lights.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 284, Increasing access to career education and workforce training.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 284 (originating in the Committee on Education)—A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-11; to amend and reenact §18-9A-2 of said code; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, §18C-9-5, and §18C-9-6, all relating generally to increasing access to career education and workforce training; establishing Advanced Career Education (ACE) programs and pathways; providing that certain individuals who have completed a secondary

education program in a public, private, or home school shall be considered adults enrolled in regular secondary programs for funding purposes; requiring community and technical colleges establish partnerships with career technical education centers, county boards of education, or both, that provide for ACE programs; providing requirements for ACE programs and pathways; requiring the Board of Education and the West Virginia Council for Community and Technical College Education promulgate joint guidelines; requiring the Division of Vocational Education and the council maintain and annually report certain information; providing that community and technical colleges and career technical education centers shall participate in one or more ACE partnerships in order to receive certain funding; establishing the WV Invests Grant Program; defining terms; authorizing the council to award WV Invests grants under certain terms and conditions; requiring the council to report certain information on the WV Invests Grant Program; requiring the council to propose legislative rules; providing eligibility and renewal requirements for a WV Invests grant; requiring applicants enter into certain agreements; and establishing the WV Invests Fund.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Kenny Mann,
Chair.

The bill (Com. Sub. for S. B. 284), under the original double committee reference, was then referred to the Committee on Finance.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 295, Relating to Local Powers Act.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Gregory L. Boso,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 307, Declaring “boot drive” on state highway or roadway by volunteer fire department is not obstruction or nuisance.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 307 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-16-1 of the Code of West Virginia, 1931, as amended, relating to declaring that fundraising conducted by a volunteer fire department on a state highway or roadway within the boundaries of a municipality is not an obstruction or nuisance.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory L. Boso,
Chair.

The bill (Com. Sub. for S. B. 307), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 336, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

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

By Senators Cline, Romano, Baldwin, and Weld:

Senate Bill 352—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-6-15, relating to the creation of emergency text number systems for children; and declaring that this be known as Constance's Law.

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

By Senators Trump, Weld, and Takubo:

Senate Bill 353—A Bill to amend and reenact §11-16-3, §11-16-5, §11-16-6a, §11-16-6b, and §11-16-9 of the Code of West

Virginia, 1931, as amended, all relating to creating a temporary license for nonintoxicating beer floor plan extensions of existing licensee floorplans; implementing a fee for the new license; implementing a reactivation fee for licensees that fail to timely file their renewal applications and pay their license fees; removing the two growler limit per patron per day for licensees who sell growlers for off premises consumption; and creating a sampling for retailers authorized to sell growlers.

Referred to the Committee on the Judiciary.

By Senators Trump, Weld, Takubo, Ferns, Cline, and Boso:

Senate Bill 354—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 purchase and sell nonintoxicating beer and nonintoxicating craft beer.

Referred to the Committee on the Judiciary.

By Senators Gaunch and Blair:

Senate Bill 355—A Bill to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10, and §5A-7-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-4 and §5A-6-8 of said code; and to amend said code by adding thereto two new sections, designated §5A-6-4d and §5A-6-4e, all relating to dissolving the Information Services and Communications Division; authorizing the Chief Technology Officer to provide training and other services and to assess fees for services provided; requiring the Chief Technology Officer to oversee telecommunications services to state spending units; requiring the Chief Technology Officer to supervise and maintain the central mailing office; directing the deposit of any moneys received for services; creating a special revenue account for administration of telecommunications services; authorizing the Chief Technology Officer to review and pay uncontested amounts due for telecommunications services; providing a process for state spending units to contest amounts due; authorizing the Chief Technology Officer to invoice spending units

for amounts paid on behalf of the spending unit; authorizing the Secretary of the Department of Administration to make a final decision on contested amounts due; authorizing the secretary to direct the transfer of funds into the special revenue account for unpaid telecommunications services; authorizing the secretary to assess a penalty with notice on spending units for unpaid amounts for telecommunications services; authorizing a special fund to receive moneys for services provided by the agency; and authorizing the Chief Technology Officer to grant waivers for certain services required by statute.

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

By Senator Trump:

Senate Bill 356—A Bill to amend and reenact §7-4-4 and §7-4-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-7-2 of said code; to amend and reenact §7-10-2 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §15-2-15 of said code; to amend and reenact §15-2C-1 of said code; to amend and reenact §15-9-3 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §16-2F-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-9A-3 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §16-47-5 of said code; to amend and reenact §17C-5-6a of said code; to amend and reenact §18-5-15c of said code; to amend and reenact §18-8-6a of said code; to amend and reenact §18A-5-1d of said code; to amend and reenact §28-1-2 of said code; to amend and reenact §29-21-16 of said code; to amend and reenact §31-20-2 of said code; to amend and reenact §33-4-20 of said code; to amend and reenact §48-9-205 and §48-9-301a of said code; to amend and reenact §48-22-301 of said code; to amend and reenact §48-26-701 and §48-26-1002 of said code; to amend and reenact §48-27-403 of said code; to amend and reenact §49-1-201 of said code; to amend and reenact §51-2A-2 of said code; to amend and reenact §51-7-8 of said code; to amend and reenact §61-2-14h of said code; to amend and reenact §61-5-12b of said code; to amend and reenact §61-6-25 of said code; to amend and reenact §61-7-8 of said code; to amend and reenact §61-

8-12 of said code; to amend and reenact §61-8B-11a of said code; to amend and reenact §61-8C-3b of said code; to amend and reenact §61-8D-9 of said code; to amend and reenact §61-11-23 of said code; to amend and reenact §61-12-10 of said code; and to amend and reenact §62-6B-5, all relating to making technical corrections in the code when referencing chapter 49 of this code; and defining a term.

Referred to the Committee on the Judiciary.

By Senator Blair:

Senate Bill 357—A Bill to amend and reenact §29-22B-503, §29-22B-504, §29-22B-903, and §29-22B-1408 of the Code of West Virginia, 1931, as amended, all relating generally to limited video lottery; allowing operators to be retailers at up to 10 licensed locations with certain exceptions; increasing the maximum wager permitted per limited video lottery game; removing restrictions on bill denominations accepted by limited video lottery terminals; and fixing the state's share of gross terminal income at 50 percent on July 1, 2018.

Referred to the Committee on Finance.

By Senator Trump:

Senate Bill 358—A Bill to amend and reenact §50-3-2 of the Code of West Virginia, 1931, as amended, relating to definitions related to costs in criminal proceedings in magistrate court.

Referred to the Committee on the Judiciary.

By Senators Trump, Unger, and Weld:

Senate Bill 359—A Bill to amend and reenact §27-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Supreme Court to establish curricula for mental hygiene commissioners and those magistrates designated by the chief judge of a judicial circuit to hold probable cause and emergency detention hearings involving involuntary hospitalization.

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

By Senator Clements:

Senate Bill 360—A Bill to amend and reenact §22-6-8 of the Code of West Virginia, 1931, as amended, relating to oil and gas permits not to be on flat well royalty leases; legislative findings and declarations; and permit requirements.

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

By Senator Trump:

Senate Bill 361—A Bill to amend and reenact §62-15-6a of the Code of West Virginia, 1931, as amended, relating to treatment supervision under the Drug Offender Accountability and Treatment Act; including the addition of the Administrative Office of the Supreme Court of Appeals, along with the Division of Justice and Community Services, to consult with the Governor's Advisory Council on Substance Abuse to use appropriated funds to develop proposed substance abuse treatment plans to serve those offenders under treatment supervision in each judicial circuit and on parole supervision; and including the Administrative Office of the Supreme Court of Appeals, along with the Division of Justice and Community Services, in developing qualifications and other matters related to the quality and delivery of services to offenders.

Referred to the Committee on the Judiciary.

By Senators Trump, Baldwin, and Cline:

Senate Bill 362—A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended, relating to definitions related, but not limited to, child abuse and neglect.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 363—A Bill to amend and reenact §27-5-2 of the Code of West Virginia, 1931, as amended, relating to making a technical correction by removing a requirement of a finding of professional negligence as it concerns involuntary hospitalizations.

Referred to the Committee on the Judiciary.

By Senators Mann, Karnes, Rucker, Gaunch, Azinger, Swope, Takubo, and Cline:

Senate Bill 364—A Bill to amend and reenact §18-8-11 of the Code of West Virginia, 1931, as amended, relating to allowing a parent or legal guardian of a homeschooled child to provide a signed statement in lieu of a driver eligibility certificate by the attendance director or chief administrator affirming that the child is being educated in accordance with law, is making satisfactory academic progress, and meets certain conditions to be eligible to obtain a permit or license for operation of a motor vehicle.

Referred to the Committee on Education.

By Senators Weld, Ferns, Unger, Plymale, Baldwin, Cline, and Boso:

Senate Bill 365—A Bill to amend and reenact §59-1-2c of the Code of West Virginia, 1931, as amended, relating to the Young Entrepreneur Reinvestment Act; waiving certain fees for individuals under 30 years of age creating certain business organizations; and eliminating sunset date for expiration of fee waivers.

Referred to the Committee on Economic Development.

By Senators Rucker and Azinger:

Senate Bill 366—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting the State Board of Education from accepting federal education plans without approval of the Legislature.

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

By Senator Trump:

Senate Bill 367—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-9-10 of said code, all relating to allowing retired judicial officers recalled to service to avoid the normal cap on temporary employment payments where an urgent need such as a significant illness, suspension, or other long absence of a sitting

judicial officer requires a longer period of service by the retired judicial officer than the current caps would allow.

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

By Senators Jeffries, Beach, and Rucker:

Senate Bill 368—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, §46A-6N-6, and §46A-6N-7, all relating to restricting automatic purchase renewals; stating legislative intent; defining terms; setting notice requirements for using automatic purchase renewals; providing certain business conduct is unlawful with respect to automatic purchase renewals; detailing consumer responsibility; authorizing civil actions; and stating exemptions.

Referred to the Committee on the Judiciary.

By Senators Clements, Boso, Maroney, and Romano:

Senate Bill 369—A Bill to repeal §25-1-1, §25-1-1a, §25-1-3, §25-1-3a, §25-1-3b, §25-1-3c, §25-1-4, §25-1-5, §25-1-5a, §25-1-6, §25-1-7, §25-1-8, §25-1-11, §25-1-11a, §25-1-11b, §25-1-11c, §25-1-11d, §25-1-11e, §25-1-11f, §25-1-13, §25-1-14, §25-1-15, §25-1-16, §25-1-16a, §25-1-17, §25-1-18, §25-1-19, §25-1-20, §25-1-21, and §25-1-22 of the Code of West Virginia, 1931, as amended; to repeal §28-5-7, §28-5-8a, §28-5-23, §28-5-24, and §28-5-27 of said code; to repeal §31-20-1, §31-20-1a, §31-20-2, §31-20-3, §31-20-4, §31-20-5, §31-20-5a, §31-20-5b, §31-20-5c, §31-20-5d, §31-20-5e, §31-20-5f, §31-20-5g, §31-20-5h, §31-20-8, §31-20-8a, §31-20-9, §31-20-9a, §31-20-10, §31-20-10a, §31-20-10b, §31-20-11, §31-20-12, §31-20-13, §31-20-14, §31-20-15, §31-20-20, §31-20-22, §31-20-23, §31-20-24, §31-20-27, §31-20-27a, §31-20-28, §31-20-29, §31-20-30, §31-20-30a, §31-20-31, and §31-20-32 of said code; to repeal §62-12-14, §62-12-14a, and §62-12-15 of said code; to repeal §62-13-3, §62-13-4, §62-13-5, and §62-13-6a of said code; to amend and reenact §6-7-2a of said code; to amend said code by adding thereto a new chapter, designated §15A-1-1, §15A-1-2, §15A-1-3, §15A-1-4, §15A-1-5, §15A-2-1, §15A-2-2, §15A-2-3, §15A-2-4, §15A-2-5, §15A-2-6,

§15A-2-7, §15A-2-8, §15A-2-9, §15A-2-10, §15A-2-11, §15A-2-12, §15A-2-13, §15A-2-14, §15A-2-15, §15A-2-16, §15A-2-17, §15A-2-18, §15A-2-19, §15A-2-20, §15A-2-21, §15A-2-22, §15A-2-23, §15A-2-24, §15A-2-25, §15A-2-26, §15A-2-27, §15A-2-28, §15A-2-29, §15A-2-30, §15A-2-31, §15A-2-32, §15A-2-33, §15A-2-34, §15A-2-35, §15A-2-36, §15A-3-1, §15A-3-2, §15A-3-3, §15A-3-4, §15A-3-5, §15A-3-6, §15A-3-7, §15A-4-1, §15A-4-2, §15A-4-3, §15A-4-4, §15A-4-5, §15A-4-6, §15A-5-1, §15A-5-2, §15A-5-3, §15A-5-4, §15A-5-5, §15A-5-6, §15A-5-7, §15A-6-1, §15A-6-2, and §15A-6-3; and to amend and reenact §19-12A-5 of said code, all relating to the powers and authority of the newly created Department of Military Affairs and Public Safety, Divisions of Administrative Services, and Corrections and Rehabilitation; abolishing certain divisions and authorities; setting forth legislative intent; setting forth the institutions to be controlled by the Commissioner of Corrections and Rehabilitation; establishing law-enforcement powers; establishing employment criteria; establishing rules for offenders and inmates; establishing certain funds and programs; creating the Bureau of Prisons and Jails and setting forth its duties and responsibilities; establishing the Bureau of Juvenile Services and setting forth its duties and responsibilities; establishing the Bureau of Community Corrections and setting forth its duties and responsibilities; creating the Regional Jail and Corrections Authority Board and setting forth its duties and responsibilities; setting forth compensation; defining terms; and requiring rulemaking.

Referred to the Committee on Government Organization.

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 8—Requesting the Joint Committee on Government and Finance study the creation and role of the West Virginia Motorsports Commission and the economic benefits arising from its efforts to promote motorsports within the state.

Whereas, Motorsports have played a significant role in the culture and entertainment of West Virginians; and

Whereas, Many West Virginians travel out of state to participate in and watch many motor-sporting events; and

Whereas, Other states have seen motorsports create manufacturing jobs and economic growth; and

Whereas, The promotion of motorsports within the state could lead to the creation of jobs and help stimulate the economy through tourism, both by bringing in out-of-state visitors as well as keeping many West Virginians home where their entertainment dollar would go further; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the creation and role of the West Virginia Motorsports Commission and the economic benefits arising from its efforts to promote motorsports within the state; and, be it

Further Resolved, That the Joint Committee on Government and Finance enlist the assistance of the Commissioner of Tourism and the Director of the West Virginia Development Office in conducting the study; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senators Maynard, Stollings, Romano, Unger, Beach, Baldwin, and Cline offered the following resolution:

Senate Resolution 15—Designating January 24, 2018, as School Counselors Day at the Legislature.

Whereas, School counselors are vital members of the education system in West Virginia; and

Whereas, School counselors are employed in public and private schools to help students reach their full potential; and

Whereas, School counselors are actively committed to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and

Whereas, School counselors help parents focus on ways to further the educational, personal, and social growth of their children; and

Whereas, School counselors work with teachers and other educators to help students explore their potential and set realistic goals for themselves; and

Whereas, School counselors seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs and help students become productive members of society; and

Whereas, Comprehensive developmental school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 24, 2018, as School Counselors Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia School Counselors Association.

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

Senators Plymale, Woelfel, Stollings, Unger, Beach, and Boso offered the following resolution:

Senate Resolution 16—Designating Wednesday, January 24, 2018, as Marshall University Day at the Capitol.

Whereas, Marshall University has been educating sons and daughters of Marshall in the tradition of the great Chief Justice John Marshall since the institution's founding in 1837; and

Whereas, Marshall University today is a premier institution of higher learning, educating more than 14,000 students at campuses in Huntington, Point Pleasant, South Charleston, Beckley, Logan, and Gilbert; and

Whereas, Through its role in creating the Alliance for the Economic Development of Southern West Virginia, Marshall University is leading a consortium of 10 public higher education institutions dedicated to fostering an environment for renewed economic growth in the southern coalfields; and

Whereas, Through a multidisciplinary approach, a coalition of medical, behavioral, and social services experts at Marshall University is helping lead the fight against the substance abuse epidemic in our state and nation; and

Whereas, Its veteran-friendly programs and services recently earned Marshall University national distinction as a Purple Heart University; and

Whereas, Marshall University has built a national reputation for research in biotechnology, forensics, and medicine, and trains hundreds of West Virginians to serve as the region's rural physicians, nurses, therapists, and health technicians; and

Whereas, Nearly \$400 million and 3,200 jobs are contributed annually to West Virginia's economy by Marshall University; therefore, be it

Resolved by the Senate:

That the Senate hereby designates Wednesday, January 24, 2018, as Marshall University Day at the Capitol; and, be it

Further Resolved, That the Senate extends its sincere appreciation and gratitude to Marshall University for its tremendous contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Dr. Jerome A. Gilbert, President of Marshall University.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Woelfel and Maynard regarding the adoption of Senate Resolution 16 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:40 a.m., the Senate recessed to present Senate Resolution 16.

The Senate reconvened at 11:47 a.m. today and resumed business under the sixth order.

Senators Plymale, Woelfel, Stollings, Romano, Unger, Beach, and Boso offered the following resolution:

Senate Resolution 17—Recognizing the outstanding athletic achievements of the Marshall University football team.

Whereas, The Thundering Herd has the best winning percentage in the history of college football in the modern-day bowl era; and

Whereas, Marshall's victory against Colorado State in the 2017 Gildan New Mexico Bowl moved Coach John "Doc" Holliday's bowl record as a head coach to five wins and zero losses; and

Whereas, Marshall's six consecutive bowl victories is the longest active streak in college football; and

Whereas, The Thundering Herd has the best home field winning percentage in major college football at .829 since Edwards Stadium opened in 1991; and

Whereas, Marshall's 44 wins since 2013 are the most of any Conference USA football program in the last five years; and

Whereas, The Thundering Herd placed 13 players on all-conference teams; and

Whereas, The team's leading tackler, captain and Team MVP was Beckley native Chase Hancock; and

Whereas, Senior, Ryan Yurachek, was named a team captain to the Conference USA all-academic team; was given the Senior Scholar Award by the MU coaching staff; tied a school record for consecutive games with a reception; earned first-team, all-conference honors; and spearheaded fundraising efforts for those affected by flooding in Houston; and

Whereas, Wide receiver, Tyre Brady, took home the New Mexico Bowl Offensive MVP award and defensive lineman, Channing Hames, was named the bowl game's Defensive MVP; and

Whereas, Quarterback, Chase Litton, has climbed into the top five in program history in completions, passing yards, and passing touchdowns with one year of eligibility remaining; and

Whereas, Marshall continued its rich tradition of on-field success, off-the-field devotion to community service, and dedication in the classroom; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the outstanding athletic achievements of the Marshall University football team; and, be it

Further Resolved, That we acknowledge the hard work, dedication, and commitment of the Marshall University football team on Marshall University Day at the Capitol; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Marshall University head football coach, John “Doc” Holliday.

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

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Plymale regarding the adoption of Senate Resolution 17 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:52 a.m., the Senate recessed to present Senate Resolution 17.

The Senate reconvened at 11:54 a.m. today and proceeded to the seventh order of business.

Senate Concurrent Resolution 7, Requesting federal government grant waiver for required waiting period for tubal ligation procedures.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Health and Human Resources.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 37, Equalizing penalty for entering without breaking regardless of time of day.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 37) passed with its title.

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

Eng. Com. Sub. for Senate Bill 39, Creating Sexual Assault Victims' Bill of Rights.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 39 pass?"

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 39) passed with its title.

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

Eng. Com. Sub. for Senate Bill 75, Relating to sale or transfer of video lottery locations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Azinger—1.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 75) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Azinger—1.

Absent: Mann—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 75) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 134, Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 134) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 134) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 292, Relating to Commission on Special Investigations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 292) passed with its title.

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

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Senate Bill 67, Exempting DNR police officers' pensions from state income tax.

Com. Sub. for Senate Bill 116, Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset.

Senate Bill 143, Permitting DNR identification tag be used to identify trap.

Com. Sub. for Senate Bill 163, Authorizing DEP promulgate legislative rules.

Senate Bill 311, Specifying consumers sales and service tax exemption for purchase of certain services and tangible personal property related to aircraft.

And,

Senate Bill 351, Permitting ballot commissioners serve while candidates for certain offices.

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

The Senate then proceeded to the thirteenth order of business.

Senator Carmichael (Mr. President) announced the appointment of Senator Arvon to the Committee on Economic Development; and the removal of Senator Arvon from the Committee on Banking and Insurance.

Senator Stollings called attention to today being the birthday of the Senior Senator from the Sixteenth and on behalf of the Senate extended felicitations and good wishes to Senator Unger, with Senator Stollings leading the members in singing “Happy Birthday”.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:20 p.m., the Senate adjourned until tomorrow, Thursday, January 25, 2018, at 11 a.m.

THURSDAY, JANUARY 25, 2018

The Senate met at 11:15 a.m.

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

Prayer was offered by the Reverend Gary Nelson, Cross Lanes United Methodist Church, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark A. Drennan, a senator from the fourth district.

Pending the reading of the Journal of Wednesday, January 24, 2018,

At the request of Senator Romano, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2607—A Bill to amend and reenact §62-12-10 of the Code of West Virginia, 1931, as amended, relating to extending the maximum period of confinement a judge may impose for certain, first-time probationary violations from sixty days to six months; and providing judges greater sentencing discretion for certain, subsequent violations of probation.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 2822—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-14-3a; to amend said code by adding thereto a new section, designated §29-3B-4a; and to amend said code by adding thereto a new section, designated 29-3D-4a, all relating to allowing military veterans with certain military ratings to qualify for examination for license as a plumber, allowing military veterans with certain military ratings to qualify for examination for license as an electrician; allowing military veterans with certain military ratings to qualify for examination for license as a sprinkler fitter in training or a journeyman sprinkler fitter.

Referred to the Committee on Military.

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

Eng. House Bill 2838—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-24-8, relating to allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician.

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

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bills 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 177, 178, and 179, DHHR rule relating to hospital licensure.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 165 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-5-1 and §64-5-2 of the Code of West Virginia, 1931, as amended, relating generally to authorizing various health agencies to promulgate certain legislative rules as filed, modified, and amended by the legislature; authorizing various health agencies to repeal certain legislative rules; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the Department of Health and Human

Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access: registry and employment screening; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care home registration requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance; directing the Department of Health and Human Resources to repeal a legislative rule relating to regulation of opioid treatment programs; authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosure; and repealing a Health Care Authority legislative rule relating to certificate of need.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 258, Exempting honorably discharged veterans from fees for license to carry deadly weapons.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 258 (originating in the Committee on Military)—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to application fees to obtain a state license to carry a concealed deadly weapon; and exempting honorably discharged veterans of the armed forces of the United States, National Guard, and Reserve from payment of fees and costs required to get a license to carry a deadly weapon.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill (Com. Sub. for S. B. 258), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 284 (originating in the Committee on Education), Increasing access to career education and workforce training.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 284 (originating in the Committee on Finance)—A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-11; to amend and reenact §18-9A-2 of said code; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, §18C-9-5, and §18C-9-6, all relating generally to increasing access to career education and workforce training; establishing Advanced Career Education (ACE) programs and pathways; providing that certain individuals who have completed a secondary education program in a public, private, or home school shall be considered adults enrolled in regular secondary programs for funding purposes; requiring community and technical colleges establish partnerships with career technical education centers, county boards of education, or both that provide for ACE programs; providing requirements for ACE programs and pathways; requiring the Board of Education and the West Virginia Council for Community and Technical College Education promulgate joint guidelines; requiring the Division of Vocational Education and the council maintain and annually report certain information; providing that community and technical colleges and career technical education centers shall participate in one or more ACE partnership in order to receive certain funding; establishing the WV Invests Grant Program; defining terms; authorizing the council to award WV Invests Grants under certain terms and conditions; requiring the council to report certain information on the WV Invests Grant Program; requiring the council to propose legislative rules; providing eligibility and renewal requirements for a WV Invests Grant; requiring applicants enter into certain agreements; and establishing the WV Invests Fund.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 285, Establishing regional recreation authorities and areas.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 285 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4, and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; providing for reimbursement by authority for natural resources police officers; modifying the amount and timing of subsistence payments to natural resource police officers; setting forth findings and definitions; providing for creation of regional recreation authorities as joint development entities formed by a prescribed number of contiguous counties; providing for establishment of new trail systems for off-highway recreational vehicle use; providing for board to govern regional recreation authorities; providing for the appointment and terms of board members; providing for quorum, executive director, and expenses of board; providing for financial review and oversight of regional recreation authorities; establishing powers and duties of regional recreation authority boards; establishing powers of regional recreation authorities; prohibiting certain conduct in regional recreation areas; providing civil and criminal penalties; limiting liability of certain landowners; establishing requirements for bidding and purchasing; prohibiting contracts that pose conflicts of interests; providing civil remedies for unlawful purchasing contracts; incorporating references to new code sections and regional recreation authorities and areas into the ATV

Responsibility Act; and eliminating certain definitions from the ATV Responsibility Act.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Natural Resources.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 322, Relating to employees of Department of Agriculture.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Dave Sypolt,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Karnes, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 331, Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 331 (originating in the Committee on Pensions)—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-56; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to retirement and pension benefits of certain members of the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System who serve in the Legislature or in other part-time positions; and providing that persons who first become members of the retirement system after December 1, 2018, through election, reelection, or appointment to the Legislature, or certain other positions, shall receive one fourth of a year of service credit for each full year of service in the Legislature or other part-time position.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert Karnes,
Chair.

The bill (Com. Sub. for S. B. 331), under the original double committee reference, was then referred to the Committee on Finance.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 338, Changing date for employers to file annual reconciliation and withholding statements.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 4, Glenn Franklin Lough, P.E., Memorial Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 4 (originating in the Committee on Transportation and Infrastructure)—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 “West Virginia Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge”.

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

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

Whereas, Glenn F. Lough was a veteran of the 1st Brigade of the 119th Engineering Battalion of the West Virginia 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, transferred to the Planning Division in Charleston, and ended 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 that allowed him to design repairs for as many bridges as possible. He put the best interest of the employees working in his unit above his own, and he was a shining example of a public servant who we should all seek to emulate; and

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

Whereas, Glenn F. Lough was willing at all times 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 lives everywhere he went and was always willing to lend a hand to anyone in need; and

Whereas, Glenn F. Lough's lasting impact remains on many bridges and with many people throughout the state, both people 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 “West Virginia Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “West Virginia Army National Guard Sergeant Glenn F. 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.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Gregory L. Boso,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Cline:

Senate Bill 370—A Bill to amend and reenact §23-2-1a of the Code of West Virginia, 1931, as amended, relating to exempting nonpaid volunteers at ski areas from workers’ compensation benefits.

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

By Senator Trump:

Senate Bill 371—A Bill to amend and reenact §27-5-2 of the Code of West Virginia, 1931, as amended, relating to proceedings for involuntary custody for examination; removing redundant language relating to civil liability for the rendering of an opinion as the result of an examination.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 372—A Bill to amend and reenact §18B-2A-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-3C-9 of said code, all relating to authorizing a governing board of a state institution of higher education to eliminate tenure for faculty at the institution under its jurisdiction and removing prior exemptions.

Referred to the Committee on Education.

By Senators Rucker, Arvon, Azinger, Cline, Drennan, Karnes, Smith, Takubo, Baldwin, and Plymale:

Senate Bill 373—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 to support adoption; and establishing fees.

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

By Senators Trump and Weld:

Senate Bill 374—A Bill to amend and reenact §60-7-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §60-7-8a; and to amend and reenact §61-8-27 of said code, all relating to creating a private fair and festival license; definitions; license requirements; license fee; and permitting minors to attend the private fair or festival under certain conditions.

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

By Senators Sypolt, Rucker, Takubo, Baldwin, and Boso:

Senate Bill 375—A Bill to amend and reenact §19-35-2, §19-35-3, and §19-35-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-35-5, all relating to farmers markets; removing local health departments from farmers market permit process; transferring rules and regulations for farmers markets, cottage foods, acidified foods, nonpotentially hazardous foods, and exempted foods from Department of Health and Human Resources to Department of Agriculture; clarifying consignment markets; requiring farmers market registration and fees; expanding farmers market vendor permits and fee structure to include egg permit and cottage foods permit; clarifying certain farm and food products require other permits; permitting sampling of certain food products; clarifying scope, labeling, and sources of cottage foods; requiring online farmers market sales be delivered in person; permitting home, farm, community, or commercial kitchen to be used by cottage foods vendor as determined by the department; and clarifying that cottage foods includes certain acidified foods, nonpotentially hazardous foods, and exempted foods.

Referred to the Committee on Agriculture and Rural Development.

By Senators Rucker, Azinger, Karnes, Maroney, Maynard, Romano, Trump, Boso, and Cline:

Senate Bill 376—A Bill to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-2 of said code, all relating to residency requirements for people entitled to vote and people eligible to register to vote; requiring that a person be a legal resident of the state, county, or municipality in which he or she offers to vote; requiring that a person be a legal resident of the state or county in which he or she applies to register to vote; and defining the term “legal resident”.

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

By Senators Boso and Cline:

Senate Bill 377—A Bill to amend and reenact §8-14A-1, §8-14A-2, §8-14A-3, §8-14A-4, and §8-14A-5 of the Code of West Virginia, 1931, as amended, all relating to removing firefighters from municipal procedures for the investigation and hearing of allegations of misconduct that may result in punitive action.

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

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

Senate Bill 378—A Bill expiring funds to the balance of the Department of Health and Human Resources, Division of Health – Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, in the amount of \$2,953,990 from the Department of Health and Human Resources, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2018, organization 0506, to the Department of Health and Human Resources, Division of Health – Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, and to the Department of Health and Human Resources, Division of Human Services – Health Care Provider Tax, Medicaid State Share Fund, fund 5090, fiscal year 2018, organization 0511, by supplementing and amending chapter one, Acts of the Legislature, 1st extraordinary session, 2017, known as the Budget Bill.

Referred to the Committee on Finance.

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

Senate Bill 379—A Bill making a supplementary appropriation from the balance of moneys remaining as an

unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services, fund 5365, fiscal year 2018, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Senate Bill 380—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2018, organization 0402, and to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2018, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Senate Bill 381—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Transportation, Division of Public Transit, fund 8745, fiscal year 2018, organization 0805, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Senate Bill 382—A Bill making a supplementary appropriation of Lottery Net Profits from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Bureau of Senior Services - Lottery Senior Citizens Fund, fund

5405, fiscal year 2018, organization 0508, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Senate Bill 383—A Bill expiring funds to the balance of the West Virginia Enterprise Resource Planning Board - Enterprise Resource Planning System Fund, fund 9080, fiscal year 2018, organization 0947, in the amount of \$1,133,000 from the Auditor's Office – Securities Regulation Fund, fund 1225, fiscal year 2018, organization 1200, and in the amount of \$1,133,000 from the Treasurer's Office, Banking Services Expense Fund, fund 1322, fiscal year 2018, organization 1300, for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Senate Bill 384—A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2018, organization 0506, and to the Bureau of Senior Services, fund 0420, fiscal year 2018, organization 0508, by supplementing, amending, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Senate Bill 385—A Bill supplementing and amending by decreasing existing appropriations and adding new appropriations

of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2018, organization 0608, and to the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2018, organization 0621, by supplementing, amending, adding, and decreasing the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Senate Bill 386—A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Higher Education Policy Commission, Marshall University – School of Medicine, fund 0347, fiscal year 2018, organization 0471, and to the Higher Education Policy Commission, Marshall University – General Administration Fund, fund 0348, fiscal year 2018, organization 0471, by supplementing, amending, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Senate Bill 387—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, 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 Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 388—A Bill supplementing and amending by decreasing and increasing existing appropriations and adding a new appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2018, organization 0209, and to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2018, organization 0221, by supplementing, amending, decreasing, and increasing existing appropriations and adding a new appropriation for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Senate Bill 389—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2018, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Senate Bill 390—A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2018, organization 0803, for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Senate Bill 391—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Agriculture, fund 8736, fiscal year 2018, organization 1400, and to the Department of Agriculture – State Conservation Committee, fund 8783, fiscal year 2018, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

By Senators Boso, Facemire, Jeffries, and Prezioso:

Senate Bill 392—A Bill to repeal §16-4C-6c of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4C-5 of said code, relating to emergency medical technicians; reconfiguring the Emergency Medical Services Advisory Council; and making technical corrections by eliminating an archaic code section.

Referred to the Committee on Government Organization.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 393 (originating in the Committee on Finance)—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-23-4 of said code, all relating to the compensation and composition of the West Virginia Racing Commission.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 8, Requesting study of creation and role of WV Motorsports Commission.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure; and then to the Committee on Rules.

The Senate proceeded to the ninth order of business.

Senate Bill 67, Exempting DNR police officers' pensions from state income tax.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 116, Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 143, Permitting DNR identification tag be used to identify trap.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 163, Authorizing DEP promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 311, Specifying consumers sales and service tax exemption for purchase of certain services and tangible personal property related to aircraft.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 351, Permitting ballot commissioners serve while candidates for certain offices.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 7, Relating to claims under Wage Payment and Collection Act.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill 51, Relating to domestic relations.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Senate Bill 280, Allowing airports' emergency management and operations vehicles to use red flashing warning lights.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

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

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Baldwin, the name of Senator Baldwin was removed as a sponsor of **Senate Bill 351** (*Permitting ballot commissioners serve while candidates for certain offices*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 11:36 a.m., the Senate adjourned until tomorrow, Friday, January 26, 2018, at 11 a.m.

FRIDAY, JANUARY 26, 2018

The Senate met at 11:10 a.m.

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

Prayer was offered by the Reverend Jim Walther, Jr., Retired Presbyterian Clergy, Elkview, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark R. Maynard, a senator from the sixth district.

Pending the reading of the Journal of Thursday, January 25, 2018,

At the request of Senator Baldwin, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

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

Agriculture, Department of (§19-1-4)

The Senate proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2916—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6; to amend and reenact §6-1-3a of said code; to amend said code by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by

adding thereto a new section, designated §16-4C-24, all relating to authorizing certain investigators, homeland security emergency management personnel, and first responders to carry firearms; authorizing supervising entities to authorize investigators employed by the attorney general, reserve deputy sheriffs, homeland security emergency management personnel, ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for all such persons to be eligible to carry a firearm; requiring successful completion of such training; and, for first responders, allowing for reimbursement for the cost of the training.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 3004—A Bill to amend and reenact §3-10-3, §3-10-4, §3-10-5, and §3-10-7 of the Code of West Virginia, 1931, as amended, all relating to filling vacancies in elected offices; the filling of vacancies in offices of state officials, Justices, judges, and magistrates; and requiring a vacancy in the partisan offices of that section to be filled by appointment by the Governor; providing that such vacancies be filled with a person of the same political party with which the individual vacating the office was affiliated at the time the vacancy occurred; setting requirements for party executive committees to submit qualified names for vacancies in said offices; providing that such appointments be made within a time certain; providing for appointment of a person of the same political party with which the individual vacating the office was affiliated at the time the vacancy occurred under circumstances where party executive committees do not act to submit qualified names for vacancies in said offices; requiring vacancies in the office of United States senator to be filled by appointment by the Governor; providing that such vacancy be filled with a person of the same political party with which the individual vacating the office was affiliated at the time the vacancy occurred; setting requirements for party executive committees to submit qualified names for vacancies in office of

United States senator; providing that such appointments be made within a time certain; providing for appointment of a person of the same political party with which the individual vacating the office was affiliated at the time the vacancy occurred under circumstances where party executive committees do not act to submit qualified names for vacancies in said office; requiring vacancies created in state Legislature to be filled by appointment by the Governor; providing that such vacancies be filled with a person from the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; requiring vacancies in offices of county commissioner or clerk of the county commission to be filled with person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; providing process for vacancy on county commission or clerk of the county commission to be filled by the county commission itself; providing process for vacancy on county commission to be filled if county commission fails to fill the vacancy by itself; requiring the Governor appoint persons to fill vacancies on county commission when no quorum on county commission with a person from the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; setting requirements for party executive committees to submit qualified names for county commission vacancies that must be filled by the Governor; ensuring county commission appointments are subject to time periods set forth in section one of the article; and making technical corrections.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 3005—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1 and §61-14-2, all relating to regulation of unmanned aircraft systems; defining terms; creating misdemeanor criminal offense for certain conduct using an

unmanned aircraft system and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system equipped with a lethal weapon, creating exceptions, and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system with the intent to cause damage or disrupt in any way the flight of a manned aircraft and setting penalties therefor; and creating an exception for operating an unmanned aircraft system for commercial purposes that is authorized by the Federal Aviation Administration in a manner that is consistent with federal law and the provisions of this article.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4150—A Bill to amend the Code of West Virginia, 1931, as amended, to amend and reenact §46A-6F-501; all relating to prohibiting telemarketing companies from transmitting misleading or inaccurate caller identification information.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 10, Relating generally to PSC jurisdiction.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 10 (originating in the Committee on Government Organization)—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 two new sections, designated §8-19-2a and §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; providing for a right of appeal by customers; 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.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 36, Relating generally to DNA testing.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 46, Permitting pharmacists to inform customers of lower-cost alternative drugs.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 46 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-5-10 of the Code of West Virginia, 1931, as amended, relating to permitting pharmacists to inform customers about lower cost alternatives to prescribed drugs.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Tom Takubo,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 71, Defining “veteran” as it pertains to veteran-owned business.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 103, Establishing tax credits for certain physicians who locate in WV to practice.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Tom Takubo,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 141, Expanding county assessment and collection of head tax on breeding cows.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 141 (originating in the Committee on Agriculture and Rural Development)—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 in the Coyote Control Program.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Dave Sypolt,
Chair.

The bill (Com. Sub. for S. B. 141), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 184, DOH rule relating to disposal, lease and management of real property.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 184 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating generally to authorizing and directing the Division of Highways to promulgate certain legislative rules as filed and as modified, and repealing a rule; authorizing the Division of Highways to promulgate a legislative rule relating to the disposal, lease, and management of real property and appurtenant structures, and relocation assistance; directing the Division of Highways to promulgate a legislative rule relating to employment procedures; and repealing the Division of Highways legislative rule relating to waste tire remediation/environmental clean-up.

And,

Senate Bills 235, 236, 237, 238, 239, and 240, Tax Department rule relating to farm to food bank tax credit.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 237 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-7-1, §64-7-2, and §64-7-3 of the Code of West Virginia, 1931, as amended, relating generally to authorizing and directing certain agencies within the Department of Revenue to promulgate certain legislative rules as filed, modified, and amended; relating to authorizing the State Tax Department to promulgate a legislative rule relating to farm-to-food bank tax credit; authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer; authorizing the State Tax Department to promulgate a legislative rule relating to property transfer tax; authorizing the State Tax Department to promulgate a legislative rule relating to municipal sales and service and use tax administration; directing the State Tax Department to promulgate a legislative rule relating to a personnel rule for the Tax Division; authorizing the Lottery Commission to promulgate a legislative rule relating to state lottery rules; and authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 242, Requiring health insurance providers provide coverage for certain Lyme disease treatment.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Tom Takubo,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 267, Increasing salaries of certain state employees.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 267 (originating in the Committee on Finance)—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing certain state employees' salaries; increasing the annual salaries of members of the West Virginia State Police; increasing the annual salaries of public school teachers; and increasing the annual salaries of school service personnel.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 268, Eliminating requirement that certain agencies purchase commodities produced on institutional farms.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 268 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §19-12A-1a, §19-12A-5, and §19-12A-6 of the Code of West Virginia, 1931, as amended, all relating to eliminating the requirement that the Division of Corrections and the Bureau for Public Health purchase commodities produced on institutional farms from the Department of Agriculture.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Dave Sypolt,
Chair.

The bill (Com. Sub. for S. B. 268), under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 327, Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 327 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the crime of extortion; providing that extorting anything of value, including

sexual contact, sexual intercourse, or an image of an intimate body part qualifies as extortion and subjects a person to a criminal penalty; defining terms; and establishing criminal penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 384, Decreasing and increasing appropriations from State Fund, General Revenue to DHHR.

Senate Bill 385, Decreasing and adding appropriations out of Treasury to DHHR and MAPS.

And,

Senate Bill 388, Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Ojeda, Baldwin, Beach, Clements, Facemire, Jeffries, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, and Woelfel:

Senate Bill 394—A Bill to amend and reenact §61-11B-2 and §61-11B-4 of the Code of West Virginia, 1931, as amended, all relating to changing the requisite period necessary to take advantage of criminal offense reduction; amending the definition to reduce the period and create a special period for honorably discharged veterans; adjusting the elements that a petitioner must prove accordingly; and making minor technical cleanup.

Referred to the Committee on the Judiciary.

By Senators Trump and Boso:

Senate Bill 395—A Bill to amend and reenact §22B-1-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §22B-2-3 of said code; to amend and reenact §22B-3-3 of said code; and to amend and reenact §22B-4-3 of said code, all relating to the general provisions for judicial review; providing that decisions of the Air Quality Board, Environmental Quality Board, and Surface Mine Board may be directly appealed to the Supreme Court of Appeals except in certain cases; and providing that a petition for appeal must be perfected within 30 days after the entry of an order of a board.

Referred to the Committee on the Judiciary.

By Senators Ojeda, Baldwin, Beach, Facemire, Jeffries, Prezioso, Romano, Rucker, Stollings, Unger, Woelfel, and Plymale:

Senate Bill 396—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-9-1, §24-9-2, §24-9-3, and §24-9-4, all relating to creating the West Virginia Net Neutrality Act; protecting an open Internet in West Virginia; defining terms; placing certain requirements and restrictions on broadband Internet access service providers; requiring certain information be made publicly available by broadband Internet access service providers; prohibiting certain conduct by broadband Internet access service providers; authorizing the Public Service Commission to waive certain

prohibitions; declaring violations of the act to be treated as violations of the West Virginia Consumer Credit and Protection Act; and requiring any funds recovered by the Office of the Attorney General for violations of the act to be deposited into the Broadband Enhancement Fund.

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

By Senators Sypolt, Facemire, Romano, and Cline:

Senate Bill 397—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-15-9, relating to making it a misdemeanor to impersonate a person who is blind or disabled; making it a misdemeanor for a person to fraudulently represent himself or herself to be the owner or trainer of a service animal; and establishing penalties.

Referred to the Committee on the Judiciary.

By Senators Gaunch, Cline, and Plymale:

Senate Bill 398—A Bill to amend and reenact §46A-4-101 and §46A-4-107 of the Code of West Virginia, 1931, as amended, all relating to requirements for making consumer loans in West Virginia; modifying the authority to make regulated consumer loans; providing that a person must first obtain a license from the Commissioner of Banking authorizing him or her to make regulated consumer loans before engaging in the business of making regulated consumer loans, taking assignments of, or undertaking direct collection of, payments from or enforcement of rights against consumers arising from regulated consumer loans; and adjusting threshold amounts of consumer loans for which certain finance charges can be imposed.

Referred to the Committee on Banking and Insurance.

By Senators Sypolt, Romano, Rucker, and Drennan:

Senate Bill 399—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-5A-1, relating to creating the Taxation with Representation Act; and permitting nonresidents of a municipality who work in that

municipality and who pay user fees pursuant to a municipal ordinance to vote in municipal elections.

Referred to the Committee on Finance.

By Senators Maynard, Boso, Gaunch, and Cline:

Senate Bill 400—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to prohibiting state licensing boards from hiring lobbyists; and declaring that the director and appointed board members of each board may lobby on behalf of the board.

Referred to the Committee on Government Organization.

By Senators Weld, Ferns, Romano, Cline, Baldwin, and Drennan:

Senate Bill 401—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring specified coverage in health benefit plans for outpatient and inpatient treatment for substance use disorders; defining terms; providing for rulemaking for the Insurance Commissioner; setting forth timeframes for coverage; and providing for expedited grievances.

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

By Senators Gaunch and Boso:

Senate Bill 402—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from certain contract and common carrier laws for motor vehicles used by contract carriers exclusively for the transportation of railroad personnel.

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

By Senators Rucker, Baldwin, Blair, Cline, Ferns, Jeffries, Romano, Swope, Trump, and Woelfel:

Senate Bill 403—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; providing for source market fees; providing for the distribution of those fees from wagers made by West Virginia account holders, for distribution of those fees from wagers made by account holders located within and outside 50 miles of a licensed horse racing association, and for distribution of those fees from wagers made by account holders located within 50 miles of two or more licensed horse racing associations; providing for regulatory authority in the Racing Commission over advance deposit wagering; providing for the assessment and imposition of regulatory fees and taxes on advance deposit wagering licensees' wagering in West Virginia and for the distribution of the fees and taxes; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee or as otherwise provided by law; providing for criminal penalties for accepting or attempting to accept advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; authorizing rulemaking; and defining terms.

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

By Senators Weld and Cline:

Senate Bill 404—A Bill to amend and reenact §15-12-2 and §15-12-4 of the Code of West Virginia, 1931, as amended, all relating to the sex offender registry information provided by offenders to be consistent with criminal code; and clarifying duration of registration for qualifying offenders as related to perceived minors.

Referred to the Committee on the Judiciary.

By Senators Rucker, Arvon, Azinger, Cline, Gaunch, Karnes, Maynard, and Smith:

Senate Bill 405—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, and §16-2P-3, all relating to the right to life guaranteed to all human beings; and providing definitions.

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

By Senators Ferns, Takubo, Boso, Cline, and Baldwin:

Senate Bill 406—A Bill to amend and reenact §9-5-26 of the Code of West Virginia, 1931, as amended, relating to supplemental Medicare and Medicaid reimbursement; and clarifying that ground emergency medical transportation services providers are eligible for reimbursement from Medicare.

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

By Senators Sypolt, Facemire, and Cline:

Senate Joint Resolution 10—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to exempting veterans who are 100 percent disabled from paying ad valorem real property taxes; 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 Karnes, Azinger, Boley, Cline, Mann, Rucker, Swope, Trump, and Ferns offered the following resolution:

Senate Concurrent Resolution 9—Urging Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose

fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

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

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

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

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

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

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

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

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

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

Which, under the rules, lies over one day.

Senators Beach, Baldwin, Clements, Gaunch, Maroney, Maynard, Ojeda, Plymale, Stollings, Woelfel, Facemire, Romano, Cline, and Prezioso offered the following resolution:

Senate Concurrent Resolution 10—Urging the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States of America that will restore free and fair elections in the United States.

Whereas, The Framers of the Constitution of the United States of America intended that the Congress of the United States of America should be “dependent on the people alone” (James Madison, Federalist 52); and

Whereas, That dependency has evolved from a dependency on the people alone to a dependency on powerful special interests, through campaigns or third-party groups, that has created a fundamental imbalance in our representative democracy; and

Whereas, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected into office; and

Whereas, The Constitution of the State of West Virginia states that “all power is vested in, and consequently derived from the people,” that “government is instituted for [their] common benefit” and the people have the inalienable and indefeasible right to alter or reform their government (Article III, Sections 2 & 3); and

Whereas, Article V of the United States Constitution requires Congress to call a convention for proposing amendments to the federal Constitution on the application of two-thirds legislatures of the several states; and

Whereas, The West Virginia Legislature perceives the need for an amendments convention in order to restore balance and integrity to our elections by proposing an amendment to the federal Constitution that will permanently protect free and fair elections in America by addressing, inter alia, issues raised by the decisions of the United States Supreme Court in *Citizens United v. Federal Election Commission* (2010) 130 S.Ct. 876 and related cases and events, and desires that said convention should be so limited; and

Whereas, The State of West Virginia desires that the delegates to said convention shall be comprised equally of individuals currently elected to state and local office, or be selected by election, in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office now or in the past, be prohibited from serving as delegates to the convention, and intends to retain the ability to restrict or expand the power of its delegates within the limits expressed herein; and

Whereas, The State of West Virginia intends that this be a continuing application considered together with applications calling for a convention passed in the 2013-2014 Vermont Legislature as R454, the 2013-2014 California Legislature as Resolution Chapter 77, the 98th Illinois General Assembly as SJR 42, the 2014-2015 New Jersey Legislature as SCR 132, the 2015-2016 Rhode Island Legislature as HR 7670 and SR 2589, and all other passed, pending, and future applications until such time as two thirds of the several states have applied for a convention for a similar purpose and said convention is convened by Congress; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States of America that will restore free and fair elections in the United States; and, be it

Further Resolved, That the people of the State of West Virginia speaking through its Legislature, and pursuant to Article V of the United States Constitution, hereby apply to the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States of America that will restore free and fair elections as described herein, as soon as two thirds of the several states have applied for a convention for a similar purpose; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward copies of this resolution to the President of the

United States; the Vice President of the United States in his capacity as presiding officer of the United States Senate; the Speaker of the United States House of Representatives; the Minority Leader of the United States House of Representatives; the President Pro Tempore of the United States Senate; to each Senator and Representative from West Virginia in the Congress of the United States with the respectful request that the full and complete text of this resolution be printed in the *Congressional Record*; to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call a convention for proposing an amendment pursuant to Article V of the U. S. Constitution.

Which, under the rules, lies over one day.

Senators Beach, Stollings, Romano, Unger, Plymale, Cline, and Prezioso offered the following resolution:

Senate Resolution 18—Designating January 26, 2018, as Human Resources Day at the Capitol.

Whereas, Human resources, also known as the people managers, refers to how employees are managed from small businesses and municipalities to large corporations and national governments; and

Whereas, Traditionally, human resources dealt with the part of an organization or company that was responsible for hiring, firing, training, and other personnel issues; and

Whereas, Today, human resources encompasses a vast area of diverse and dynamic issues that affect the everyday lives of our workforce; and

Whereas, In an effort to enhance morale and productivity, limit job turnover, and help organizations increase performance and improve results, human resource workers also help their companies or organizations effectively use employee skills, by providing training and development opportunities to improve those skills and increase employees' satisfaction with their jobs and working conditions; and

Whereas, In today's economy, human resources has become increasingly difficult as companies and organizations have instituted cost-cutting measures requiring human resources workers to play a vital role in tackling these issues sensibly and responsibly for their company and its employees; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 26, 2018, as Human Resources Day at the Capitol; and, be it

Further Resolved, That the Senate extends its sincere appreciation and gratitude to the professionals working in the field of human resources; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Human Resources Day at the Capitol.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Prezioso regarding the adoption of Senate Resolution 18 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:27 a.m., the Senate recessed to present Senate Resolution 18.

The Senate reconvened at 11:32 a.m. today and proceeded to the seventh order of business.

Com. Sub. for Senate Concurrent Resolution 4, WV Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Boso regarding the adoption of Committee Substitute for Senate Concurrent Resolution 4 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 67, Exempting DNR police officers' pensions from state income tax.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 67) passed with its title.

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

Eng. Com. Sub. for Senate Bill 116, Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 116) passed with its title.

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

Eng. Senate Bill 143, Permitting DNR identification tag be used to identify trap.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 143) passed with its title.

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

Eng. Com. Sub. for Senate Bill 163, Authorizing DEP promulgate legislative rules.

On third reading, coming up in regular order, was read a third time.

Pending extended discussion,

Senator Romano moved that the bill lie over one day, retaining its place on the calendar.

Following extended discussion,

The question being on the adoption of Senator Romano's aforestated motion, the same was put and prevailed.

Thereafter, the bill (Eng. Com. Sub. for S. B. 163) was laid over one day, retaining its place on the calendar.

Eng. Senate Bill 311, Specifying consumers sales and service tax exemption for purchase of certain services and tangible personal property related to aircraft.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 311) passed with its title.

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

Eng. Senate Bill 351, Permitting ballot commissioners serve while candidates for certain offices.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Plymale, Romano, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Ojeda, Palumbo, Prezioso, and Stollings—5.

Absent: Beach and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 351) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Plymale, Romano, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Ojeda, Palumbo, Prezioso, and Stollings—5.

Absent: Beach and Mann—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 351) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 7, Relating to claims under Wage Payment and Collection Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 51, Relating to domestic relations.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 280, Allowing airports' emergency management and operations vehicles to use red flashing warning lights.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 165, Authorizing DHHR promulgate legislative rules.

Com. Sub. for Com. Sub. for Senate Bill 284, Increasing access to career education and workforce training.

Com. Sub. for Senate Bill 285, Establishing regional recreation authorities and areas.

Senate Bill 338, Changing date for employers to file annual reconciliation and withholding statements.

And,

Senate Bill 393, Relating to compensation and composition of WV Racing Commission.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Takubo and Stollings.

Thereafter, at the request of Senator Gaunch, and by unanimous consent, the remarks by Senators Takubo and Stollings were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Plymale, the name of Senator Plymale was removed as a sponsor of **Senate Bill 373** (*Providing special license plate to support adoption*).

At the request of Senator Rucker, the name of Senator Rucker was removed as a sponsor of **Senate Bill 396** (*Creating West Virginia Net Neutrality Act*).

At the request of Senator Ferns, unanimous consent being granted, leaves of absence for the day were granted Senators Mann and Beach.

Pending announcement of a minority party caucus,

On motion of Senator Ferns, at 12:40 p.m., the Senate adjourned until Monday, January 29, 2018, at 11 a.m.

MONDAY, JANUARY 29, 2018

The Senate met at 11:15 a.m.

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

Prayer was offered by the Reverend Father Matthew Moore, St. John Greek Orthodox Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Friday, January 26, 2018,

At the request of Senator Boso, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 263, Eliminating film tax credits.

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

Eng. Com. Sub. for House Bill 2483—A Bill to amend and reenact §49-4-720 and §49-4-722 of the Code of West Virginia, 1931, as amended, all relating to requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who turns eighteen years of age; requiring transfer of juvenile in adult jurisdiction upon reaching eighteen years of age if he or she has either been convicted or is in a pretrial status; directing the Division of Juvenile Services to notify the circuit court one hundred eighty days or as soon as practical of a juvenile reaching eighteen years of age; requiring the circuit court to set and conduct a hearing prior to the transfer to an adult correctional facility; providing for transfer to an adult facility in the event a hearing is not held; mandating that the position of victim be taken under consideration by the court in considering disposition or alternative placement; prohibiting juveniles that commit an adult offense while under the custody of the Division of Juvenile Services from returning back to the placement in a juvenile facility if the juvenile has attained the age of eighteen years; requiring the court to conduct a hearing prior to the

completion of the adult sentence; and prohibiting a court from remanding a child who has reached eighteen years of age and completed serving an adult sentence to a juvenile facility.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4035—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6 and §16-54-7, creating a state advisory coalition to improve palliative care in West Virginia, providing definitions, designating members of the coalition, providing for the powers and duties of the coalition, establishing that certain and other state agencies shall cooperate with the coalition, and establishing a termination date for the coalition, all relating to medical, end of life, serious illness and palliative care.

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

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4135—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4146—A Bill amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; providing rule for determining number of personal exemptions; and specifying effective dates.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4169—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9A-4, relating to requiring certain establishments and facilities to post human trafficking assistance notices; establishing where notices must be posted and contents of notice; directing the Director of the Division of Justice and Community Services to administer the program; authorizing state agents to give notice of violations; providing for criminal penalties for failure to comply with posting of notices once given notice of lawful duty to post; and defining terms.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4174—A Bill to amend and reenact §3-5-13 of the Code of West Virginia, 1931, as amended, relating to primary elections and nominating procedures; and designating the placement of nonpartisan offices on the primary election ballot.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 336, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 336 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-2-12a, relating generally to application forms prescribed by the Commissioner of the West Virginia Division of Motor Vehicles; providing that the commissioner shall prescribe and provide suitable forms of application which provide certain applicants the ability to make a contribution to the West Virginia Department of Veterans Assistance; providing that the contributions be added, as appropriate, to the regular fee charged; providing that contributions be used exclusively for stated purposes; providing that the department shall determine the total amount collected and report the amount to the State Treasurer; providing that the State Treasurer shall transfer the amount collected to the West Virginia Department of Veterans Assistance; providing that the West Virginia Department of Veterans Assistance shall reimburse the division for the actual costs incurred by the division in administering the requirements of this section.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Takubo, Maroney, Stollings, and Plymale:

Senate Bill 407—A Bill to amend and reenact §49-1-203 and §49-1-206 of the Code of West Virginia, 1931, as amended, all relating to modifying definitions related to licensing and approval of child care programs; and modifying definitions related to child advocacy, care, residential, and treatment programs.

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

By Senators Takubo, Maroney, Stollings, and Plymale:

Senate Bill 408—A Bill to repeal §16-5D-16 and §16-5D-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5C-3 of said code; and to amend and reenact §16-5D-2, §16-5D-3, §16-5D-4, §16-5D-5, §16-5D-6, §16-5D-7, §16-5D-8, §16-5D-9, §16-5D-10, §16-5D-11, §16-5D-12, §16-5D-13, and §16-5D-15 of said code, all relating to the licensure of nursing homes and assisted living residences; repealing duplicative sections of code; defining terms; requiring real-time online public information in lieu of annual report; clarifying rule requirements; allowing physical and electronic delivery methods for reports; and clarifying enforcement action and due process procedures.

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

By Senators Takubo, Maroney, and Stollings:

Senate Bill 409—A Bill to amend and reenact §24-6-5 of the Code of West Virginia, 1931, as amended, relating to requiring persons employed to dispatch emergency calls in county emergency dispatch centers to complete a training course in emergency cardiovascular care for telephonic cardiopulmonary resuscitation.

Referred to the Committee on Health and Human Resources.

By Senators Smith, Azinger, Clements, and Sypolt:

Senate Bill 410—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, relating to creating and appointing an industry advocate within the Department of Environmental Protection; establishing powers and duties of the industry advocate; providing for salary of the industry advocate; providing for staff; and requiring rulemaking.

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

By Senators Takubo and Maroney:

Senate Bill 411—A Bill to amend and reenact §16-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-17-4 of said code, all relating to removing the Commissioner of the Bureau for Public Health from the membership of the State Board of Sanitarians.

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

By Senator Trump:

Senate Bill 412—A Bill to amend and reenact §7-1-3ff of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-29-1 of said code, all relating to county litter control officers who are trained and certified as law-enforcement officers to have the same authority as other law-enforcement officers to enforce litter laws.

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

By Senators Sypolt and Smith:

Senate Bill 413—A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, relating to levying a 0.5 percent annual severance tax on Marcellus, Utica, and all other deep sand gas; and a levying a 0.5 percent privilege tax on all future cracker plants which will be dedicated to retired public employees.

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

By Senators Maynard, Boso, Cline, Plymale, and Sypolt:

Senate Bill 414—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designed §19-1B-12; and to amend and reenact §19-1B-12a of said code, all relating to requiring purchasers of roundwood to collect and maintain certain information; providing criminal penalties; and clarifying that the employees of the Division of Forestry are authorized to issue citations for violations of the Logging Sediment Control Act.

Referred to the Committee on Natural Resources.

By Senators Ferns, Blair, Maroney, Trump, Weld, Woelfel, Stollings, and Takubo:

Senate Bill 415—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22D-1, §29-22D-2, §29-22D-3, §29-22D-4, §29-22D-5, §29-22D-6, §29-22D-7, §29-22D-8, §29-22D-9, §29-22D-10, §29-22D-11, §29-22D-12, §29-22D-13, §29-22D-14, §29-22D-15, §29-22D-16, §29-22D-17, §29-22D-18, §29-22D-19, §29-22D-20, §29-22D-21, §29-22D-22, §29-22D-23, §29-22D-24, and §29-22D-25, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery Sports Wagering activities; providing legislative findings; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule-making authority; limiting sports wagering to existing racetrack casinos and the casino in a historic resort hotel; establishing license requirements and prohibitions; adopting house rules and the posting of the same; defining duties of an operator conducting sports wagering; requiring the posting of betting limits; adopting sports wagering agreements with other governments; prohibiting unauthorized sports wagering in this state; creating the West Virginia Lottery Sports Wagering Fund; authorizing the collection of license fees; authorizing the West Virginia Lottery to collect an administrative allowance from gross sports wagering receipts; authorizing the

West Virginia Lottery to levy and collect a tax in the amount of 10 percent of adjusted gross sports wagering receipts; defining how moneys deposited in the West Virginia Lottery Sports Wagering Fund shall be distributed; establishing the role of law enforcement; imposing civil and criminal penalties; establishing crimes; providing for the forfeiture of property for certain violations; preempting this article from state and local law; establishing exemption from federal law; and allowing for the shipment of gambling devices used for sports wagering.

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

Senators Rucker, Unger, and Plymale offered the following resolution:

Senate Resolution 19—Designating January 29, 2018, as Jefferson County Day at the Capitol.

Whereas, Jefferson County was formed from Berkeley County in 1801 and named for Thomas Jefferson, author of the Declaration of Independence and third president of the United States; and

Whereas, Jefferson County's municipalities include Charles Town, the county seat (established in 1789 by George Washington's brother, Charles); Ranson (1910); Harpers Ferry (1851); Bolivar (1825); and Shepherdstown (1762); and

Whereas, From John Brown's raid in Harpers Ferry to Johnstown, believed to be the first free black community in West Virginia, and from Civil War battle sites to the courthouse in Charles Town being the only courthouse in America to have held two trials for treason, Jefferson County is rich in history. In 1906, Storer College in Harpers Ferry was the site of the Niagra Movement's (later merged with the National Association for the Advancement of Colored People) first meeting on United States soil. The meeting was later described by W.E.B. Du Bois as "one of the greatest meetings that American Negroes ever held."; and

Whereas, Today, Jefferson County is an economic engine for the State of West Virginia, with a booming population that has grown from 21,280 in 1970 to 53,498 after the 2010 census; and

Whereas, Jefferson County has a vibrant tourism industry, drawing hundreds of thousands of visitors from around the world each year to enjoy whitewater rafting, zip lining, camping, and hiking along the Appalachian Trail, shopping at farmers markets, or taking in the many national historical sites around the county; and

Whereas, Jefferson County has been home to Shepherd University for 145 years, which has evolved into a thriving school of 4,000 students, 60 percent of which are West Virginia natives; and

Whereas, It is fitting to recognize Jefferson County for its history, culture, economy, natural beauty, and future development in the State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 29, 2018, as Jefferson County Day at the Capitol; and, be it

Further Resolved, That the Senate acknowledges the many important contributions the citizens and businesses of Jefferson County make in the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials representing Jefferson County.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Rucker regarding the adoption of Senate Resolution 19 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:26 a.m., the Senate recessed to present Senate Resolution 19.

The Senate reconvened at 11:29 a.m. today and proceeded to the seventh order of business.

Senate Concurrent Resolution 9, Urging Congress call convention of states under Article V limited to proposing amendments to Constitution of United States.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary.

Senate Concurrent Resolution 10, Proposing amendment to US Constitution restoring free and fair elections.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 7, Relating to claims under Wage Payment and Collection Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 7) passed with its title.

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

Eng. Com. Sub. for Senate Bill 51, Relating to domestic relations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 51) passed with its title.

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

Eng. Com. Sub. for Senate Bill 163, Authorizing DEP promulgate legislative rules.

Having been read a third time on Friday, January 26, 2018, and now coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Senate Bill 280, Allowing airports' emergency management and operations vehicles to use red flashing warning lights.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 280) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 165, Authorizing DHHR promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 284, Increasing access to career education and workforce training.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 285, Establishing regional recreation authorities and areas.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Maynard, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page four, section one, line sixty-seven, after the word “respectively.” by striking out the remainder of the section;

On page twelve, section six, line sixty-two, by striking out the words “or the county sheriffs”;

On page thirteen, section seven, line six, by striking out the words “or nonintoxicating beer”;

On page thirteen, section seven, line fifteen, after the word “emergency.” by adding the following: Each participant shall at all times remain within and on a designated and marked trail within the regional recreational area.;

And,

On page nineteen, section two, line sixteen, after the word “operator”, by inserting the following: “Off-highway vehicle”, “off-highway recreational vehicle” or “OHV” means a vehicle intended for off-highway use and includes all-terrain vehicles, utility-terrain vehicles, motorcycles and off-road vehicles. All permissible off-highway vehicles, including off-road vehicles, are incorporated by reference in this article.

“Off-road vehicle” or “ORV” means a vehicle that is suitable for off-road use. It includes a four-wheel drive vehicle such as a Jeep, pickup or sport utility vehicle. It also includes a specially designed, modified or customized off-road vehicle that is of a similar size to a vehicle manufactured for highway use.

The bill (Com. Sub. for S. B. 285), as amended, was then ordered to engrossment and third reading.

Senate Bill 338, Changing date for employers to file annual reconciliation and withholding statements.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 393, Relating to compensation and composition of WV Racing Commission.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 10, Relating generally to PSC jurisdiction.

Com. Sub. for Senate Bill 46, Permitting pharmacists to inform customers of lower-cost alternative drugs.

Com. Sub. for Senate Bill 71, Defining “veteran” as it pertains to veteran-owned business.

Com. Sub. for Senate Bill 184, Authorizing DOT promulgate legislative rules.

Com. Sub. for Senate Bill 237, Authorizing Department of Revenue promulgate legislative rules.

Senate Bill 242, Requiring health insurance providers provide coverage for certain Lyme disease treatment.

Com. Sub. for Senate Bill 267, Increasing salaries of certain state employees.

Com. Sub. for Senate Bill 327, Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty.

Senate Bill 384, Decreasing and increasing appropriations from State Fund, General Revenue to DHHR.

Senate Bill 385, Decreasing and adding appropriations out of Treasury to DHHR and MAPS.

And,

Senate Bill 388, Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Jeffries.

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Jeffries were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Tuesday, January 30, 2018, at 11 a.m.

TUESDAY, JANUARY 30, 2018

The Senate met at 11:10 a.m.

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

Prayer was offered by the Reverend Junius Lewis, Central United Methodist Church and Trinity United Methodist Church, Fairmont, West Virginia.

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

Pending the reading of the Journal of Monday, January 29, 2018,

At the request of Senator Swope, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2546—A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, all relating to the Wage Payment and Collection Act; relating to allowing actual cash value of employer provided property to be deducted from an employee's final paycheck if the property is not returned; setting forth conditions upon which an employer may withhold, deduct or divert the actual cash value of employer provided property that has not been timely returned; requiring written agreements before withholding or deductions for the actual cash value of employer provided property may be made; specifying certain contents of such written agreements; authorizing withholding, deduction or diversion of actual cash value of employer provided property with consent of employee; requiring employer to provide notice of intent to withhold, deduct or divert actual cash value of employer provided property; specifying contents of that notice; requiring employer to relinquish withheld wages if the employee provides the employer provided property by the deadline contained in the notice; providing exceptions; providing option to employee to object to actual cash value of employer provided property to be withheld, deducted or diverted; providing that employer place contested amounts in interest bearing escrow account; requiring employee to file civil action to recoup contested amounts within three months or contested amount in escrow account reverts to employer; providing that new subsection does not abolish or limit any other remedies available to employers under law; exempting collective bargaining agreements; and defining terms.

Referred to the Committee on the Workforce.

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

Eng. House Bill 4183—A Bill to amend and reenact §18-28-3 of the Code of West Virginia, 1931, as amended, relating generally to standardized testing requirements for nonpublic schools; removing restrictions on specific forms of nationally normed achievement tests that must be administered; requiring standardized tests to be administered to nonpublic students at same grade levels and subject areas required in public schools; requiring standardized achievement test administered to be published or normed within ten years from the date of administration; allowing additional testing at sole discretion of school; limiting accountability for composite scores to grade levels and subject areas required in public schools; removing requirement that every child be tested; and requiring minimum student participation rate on test for composite score to be valid.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 29th day of January, 2018, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 263), Eliminating film tax credits.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 258 (originating in the Committee on Military), Exempting honorably discharged veterans from fees for license to carry deadly weapons.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 258 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to application fees to obtain a state license to carry a concealed deadly weapon; and exempting active members and honorably discharged veterans of the armed forces of the United States, National Guard, and reserve units from payment of fees and costs required to get a license to carry a deadly weapon.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 268, Eliminating requirement that certain agencies purchase commodities produced on institutional farms.

Senate Bill 324, Removing restrictions where certain traditional lottery games may be played.

And,

Senate Bill 357, Relating generally to limited video lottery.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 345, Authorizing DNR establish procedures and fee schedule for limited permit hunts.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 346, Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 348, Allowing for disposal of service weapons of special DNR police officers.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 350, Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 386, Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 386 (originating in the Committee on Finance)—A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Higher Education Policy Commission, Marshall University – School of Medicine, fund 0347, fiscal year 2018, organization 0471, and to the Higher Education Policy Commission, Marshall University – General Administration Fund, fund 0348, fiscal year 2018, organization 0471, by supplementing, amending, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Maynard and Cline:

Senate Bill 416—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to providing that noodling, or fishing for catfish using one’s bare hands, is lawful.

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

By Senators Rucker, Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Plymale:

Senate Bill 417—A Bill to amend and reenact §9-1-2 of the Code of West Virginia, 1931, as amended, relating to amending the definition of “medical services” to exclude abortion.

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

By Senators Maynard, Azinger, Karnes, Rucker, Smith, Sypolt, Cline, and Boso:

Senate Bill 418—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2018; prohibiting the removal, renaming, alteration, or relocation, of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, or named, or dedicated in honor of certain historical, military, labor, civil rights, and Native American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect,

preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances.

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

By Senators Boley, Rucker, Cline, and Boso:

Senate Bill 419—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to establishing the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory as evidence technicians, forensic technicians, forensic analysts, and forensic analyst supervisors; authorizing the superintendent to appoint a forensic laboratory director and set the director's salary; requiring manuals to be provided; and authorizing the inclusion of certain exempt civilian employees in supplemental pay option.

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

By Senators Rucker, Karnes, Smith, Sypolt, Trump, Cline, and Boso:

Senate Bill 420—A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, all relating to transferring the Safety and Treatment Program, which treats and educates people whose licenses were revoked due to concerns of alcohol and/or drug use while operating a motor vehicle, from the Department of Health and Human Resources to the Division of Motor Vehicles; and to amend references thereto in said code.

Referred to the Committee on the Judiciary.

By Senators Maynard and Cline:

Senate Bill 421—A Bill to amend and reenact §20-2-42a, §20-2-42q, §20-2-42s, and §20-2-42v of the Code of West Virginia,

1931, as amended, all relating to crossbow hunting; and clarifying use of crossbows with certain licenses and stamps.

Referred to the Committee on Natural Resources.

By Senator Blair:

Senate Bill 422—A Bill to amend and reenact §60-3-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-3A-17, §60-3A-18, and §60-3A-25 of said code, all relating to the regulation of liquor sales; providing for the days on which state stores and agencies may be open; eliminating the prohibition on the sale of liquor by retail licensees on any Sunday; providing for when retail licensees may not sell liquor on Sundays and other days; and providing that the wholesale markup on all liquor, other than wine, shall be a maximum of 28 percent.

Referred to the Committee on the Judiciary.

By Senators Maynard and Cline:

Senate Bill 423—A Bill to amend and reenact §20-7-9 of the Code of West Virginia, 1931, as amended, relating to criminal penalties for the offenses of hunting, trapping, or fishing on the lands of another person, entering on to posted lands, and destroying posted land signs; and setting the penalties to match those of the offense of criminal trespass.

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

By Senators Maynard, Cline, and Boso:

Senate Bill 424—A Bill to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended, relating to a lawful method for a developmentally disabled person to purchase a base hunting license when that person attends an on-site hunter training course and successfully completes all nonwritten aspects of the course to receive a certificate but is unable to successfully complete the required course for the certificate of training; providing that the developmentally disabled person possessing the base hunting license may hunt when accompanied and directly supervised by a

person over the age of 18 years; and providing criminal penalties for violations.

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

By Senators Ferns, Cline, and Plymale:

Senate Bill 425—A Bill to amend and reenact §8-22-25a of the Code of West Virginia, 1931, as amended, relating to removing sunset dates upon which members of the policemen's or firemen's pension and relief fund are eligible for and elect to commence participation in a deferred retirement option plan.

Referred to the Committee on Pensions.

By Senators Trump, Weld, and Boso:

Senate Bill 426—A Bill to amend and reenact §60-1-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §60-4-3b of said code; to amend and reenact §60-6-7, §60-6-8, and §60-6-9 of said code; to amend and reenact §60-7-3, §60-7-4, §60-7-5, and §60-7-12 of said code; and to amend and reenact §60-8-3 and §60-8-20 of said code, all relating to modernizing certain wine and alcohol laws by creating alternating wine proprietorships for wineries and farm wineries; clarifying sampling procedures and requirements for wineries and farm wineries; permitting certain charitable events to auction wine bottles for off-premises consumption; clarifying that consumption of alcoholic liquors in public is unlawful; clarifying that West Virginia licensees may only sell liquor by the drink; clarifying certain licensing requirements for licensure; clarifying prohibition on liquor bottle sales in Class A licenses; providing guidance on certain lawful conduct such as wine bottle sales and frozen drink machines; and permitting the sale of wine in Division II college stadiums.

Referred to the Committee on the Judiciary.

By Senators Gaunch and Facemire:

Senate Bill 427—A Bill to amend and reenact §11-6-23 of the Code of West Virginia, 1931, as amended, relating to modifying

the form of notice for certain tax delinquencies due the state, county, district, or municipal corporations of the state.

Referred to the Committee on Government Organization.

By Senators Gaunch, Facemire, Cline, Boso, and Romano:
Senate Bill 428—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, and §11-13EE-3, all relating to providing a tax credit for modifications to homes made more accessible for an elderly person or a person with a disability.

Referred to the Committee on Finance.

By Senators Maynard, Boso, Cline, Plymale, Sypolt, and Facemire:

Senate Bill 429—A Bill to amend and reenact §20-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-3-5a, all relating to forest fires; clarifying civil and criminal penalties for failure to remove flammable material, failure to create a safety strip, or permitting fire to escape; and creating a prescribed burn program.

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

Senators Rucker and Unger offered the following resolution:

Senate Concurrent Resolution 11—Requesting the Congressional delegation of West Virginia to name the West Virginia National Guard 167th Maintenance Operations Center the “Evans Center for Excellence in Aircraft Maintenance”.

Whereas, SMSgt. Kenneth “Catbird” W. Evans is a native West Virginian who was born and raised in Corton, West Virginia. Upon his high school graduation in 1955, SMSgt. Evans attended and graduated aircraft maintenance technical training at Sheppard AFB, TX. SMSgt. Evans served in the West Virginia Air National Guard at Charleston Regional Airfield, Charleston, West Virginia,

until 1958, when he entered full-time service with the National Guard in Martinsburg; and

Whereas, SMSgt. Evans enlisted in the West Virginia Air National Guard in 1954 at the age of 17. He completed basic military training at Samson AFB, NY, during his summer break before completing his senior year of high school in Clendenin, WV; and

Whereas, On June 4, 1958, SMSgt. Evans was credited with acts of heroism when he rushed into a burning cargo plane that crashed at the airfield in Martinsburg and pulled the unconscious pilot who was trapped in the nose section and two other souls to safety. On October 7, 1958, SMSgt. Evans was awarded the Soldier's Medal for his heroic actions. This medal is the highest peacetime award a service member can earn, equivalent to the Distinguished Flying Cross. SMSgt. Evans is on a very short list of American service members who have received such a prestigious award; and

Whereas, During SMSgt. Evans' 39 years of service, he flew numerous combat missions in Vietnam, logged over 10,000 flying-hours as a flight engineer in multiple aircraft, led the aircraft maintenance team that resulted in two VOLANT RODEO victories (1974-1985), and was considered a subject matter expert both in aircraft maintenance and as a flight engineer. When the strut system on the C-130 began to fail, SMSgt. Evans single-handedly identified an engineering flaw and served as the subject matter expert leading Lockheed Martin's efforts in the redesign of the aircraft's strut system. This accomplishment sustained the C-130's mission readiness for the Department of Defense; and

Whereas, The West Virginia Air National Guard, specifically the 167th Airlift Wing, has become a world-class force multiplier because of the superior leadership, mentorship, dedication, and commitment of SMSgt. Evans. SMSgt. Evans' efforts and accomplishments during his 39 years of service well exceed those of his peers and make him a significant role model for other Mountaineer Airman to follow; and

Whereas, SMSgt. Kenneth “Catbird” W. Evans will forever be a Mountaineer Airmen and has earned recognition for his lifelong service and commitment to the 167th, the citizens of West Virginia, and this nation; and

Whereas, It is fitting that the West Virginia National Guard 167th Maintenance Operations Center be named the “Evans Center for Excellence in Aircraft Maintenance” as an everlasting tribute to SMSgt. Kenneth “Catbird” W. Evans for his dedicated public service to his state and nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Congressional delegation of West Virginia to name the West Virginia National Guard 167th Maintenance Operations Center the “Evans Center for Excellence in Aircraft Maintenance”; and, be it

Further Resolved, That the Senate extends its most sincere gratitude and apperception to SMSgt. Kenneth “Catbird” W. Evans for his dedicated public service; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to SMSgt. Kenneth “Catbird” W. Evans, the West Virginia National Guard, and to Senator Manchin, Senator Capito, Representative McKinley, Representative Mooney, and Representative Jenkins.

Which, under the rules, lies over one day.

Senators Beach, Prezioso, Stollings, Facemire, Unger, and Plymale offered the following resolution:

Senate Resolution 20—Celebrating the achievements and contributions of Monongalia County and its citizens to the great State of West Virginia.

Whereas, Monongalia County is known as the mother county, in reference to the many other counties created from its original territory. Monongalia County was founded in 1776 from the West

Augusta County of Virginia, following small settlements along the Monongahela River and its tributaries to the Ohio River; and settled by a small group of people along the banks of Decker's Creek; and

Whereas, Monongalia County, being the third largest county by population (104,622) of the 55 counties of West Virginia, has had an annual growth rate exceeding 1.6 percent for more than a decade; and

Whereas, Monongalia County was recognized by the West Virginia Association of Counties with the first Patti Hamilton Imagine award for the efforts of community leaders from the public and private sectors to cooperate and collaborate on innovative ways to solve the region's problems; and

Whereas, Monongalia County is home to West Virginia University, a public land-grant institution, founded in 1867, and recognized as a top research university by the Carnegie Foundation for the Advancement of Teaching. WVU welcomes and shapes the minds of students from across the State of West Virginia, every state in the United States, and approximately one hundred other nations; and

Whereas, Monongalia County has an award-winning baseball park which is the home of the West Virginia University baseball team and the home of the West Virginia Black Bears minor league team that provide all our citizens the ability to follow our baseball heroes throughout their Pittsburgh Pirates career; and

Whereas, Monongalia County offers to its citizens and visitors from around the world the best in medical care; tourism experiences from Mountainfest to the University Arts Series; from a beautiful view from Cooper's Rock to a peaceful stroll on the Caperton Trail; top-rated educational experiences at all levels; a thriving and innovative business community; a nationally acclaimed economic model; and a place that offers big-city amenities with the neighborly feel of small-town life; and

Whereas, Monongalia County has been recognized in recent years in the following ways: Best Performing Small Metros (Milken Institute); Best Small Metros for Business and Careers (Forbes); Best Quality of Life and Knowledge Worker Metros (Expansion Manage); Smart Places to Live (Kiplinger's); Boom Town (Inc.); Morgantown-Top College Destination (American Institute for Economic Research); Designated Retirement Community (CLIC); Best Places to Retire for Under \$100 a Day (AARP); Most Secure Small Cities (Farmer's Insurance); Adventure Town (National Geographic Adventure Magazine); Best Small Town to Live (Men's Journal); and Best Sports Cities (Sporting News); and

Whereas, In Monongalia County, from Blacksville to Star City, from Westover to Granville, in the heart of Morgantown and everywhere in between, every day is a great day to be a Mountaineer; therefore, be it

Resolved by the Senate:

That the Senate hereby celebrates the achievements and contributions of Monongalia County and its citizens to the great State of West Virginia; and, be it

Further Resolved, That the Senate acknowledges the vibrancy and contributions made to our state and nation by the people, past and present, of Monongalia County; and, be it

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

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

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Beach regarding the adoption of Senate Resolution 20 were ordered printed in the Appendix to the Journal.

At the request of Senator Ferns, unanimous consent being granted, the remarks by Senator Clements regarding the adoption of Senate Resolution 20 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:27 a.m., the Senate recessed to present Senate Resolution 20.

The Senate reconvened at 11:31 a.m. today and resumed business under the sixth order.

Senators Beach, Stollings, Facemire, Prezioso, and Plymale offered the following resolution:

Senate Resolution 21—Recognizing Bryan Schuerman for being named the 2017 Outstanding Earth Science Teacher for the State of West Virginia.

Whereas, Bryan Schuerman was born on July 21, 1985, in Cincinnati, Ohio, the son of David and Annette Schuerman. Annette Schuerman having been born and raised in Wheeling, West Virginia; and

Whereas, Bryan Schuerman received a Bachelor of Science degree in Science and Technology and a Master of Education in Advanced Studies in Secondary Education and Teacher Leadership from California University of Pennsylvania, where he holds a seat on the Alumni Association Board of Directors; and

Whereas, Bryan Schuerman is a member of the National Weather Association and the American Meteorological Society; and

Whereas, Bryan Schuerman began his career as a meteorologist in North Central West Virginia at WDTV 5/WVFX 10 News as the Weekend Meteorologist and General Assignment/Weather Reporter. He joined the WBOY Storm Tracker 12 Weather Team in November 2014 as Chief Meteorologist; and

Whereas, Bryan Schuerman teaches General Science, Grades 7 and 8, at Lincoln Middle School in Shinnston, West Virginia, and previously worked with the Harrison County Public Schools as a long-term substitute teacher; and

Whereas, Bryan Schuerman leads the way for the StormReady School Program created by the National Weather Forecast Office in Charleston, WV, with his school, Lincoln Middle School, being the first StormReady school in the state. He is currently working with the remaining 24 schools in Harrison County to get them StormReady certified; and

Whereas, Bryan Schuerman was one of ten teachers nominated for the Outstanding Earth Science Teacher for the State of West Virginia award from the National Association of Geoscience Teachers, nominated by Faith Borden, former Warning Coordination Meteorologist at the National Weather Service Forecast Office in Charleston, West Virginia; and

Whereas, Bryan Schuerman did receive the award as the Outstanding Earth Science Teacher for the State of West Virginia, on Saturday, June 17, 2017, at the Community College of Baltimore County, Catonsville, Maryland, at the National Association of Geoscience Teachers Eastern Section Meeting. He has further been recognized by the West Virginia Science Teachers Association and the Harrison County Board of Education; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Bryan Schuerman for being named the 2017 Outstanding Earth Science Teacher for the State of West Virginia; and, be it

Further Resolved, That the Senate congratulates Bryan Schuerman for his remarkable achievement and extends its most sincere gratitude and appreciation to him for his dedication and commitment to his students and the State of West Virginia; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Bryan Schuerman.

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

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Beach regarding the adoption of Senate Resolution 21 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:34 a.m., the Senate recessed to present Senate Resolution 21.

The Senate reconvened at 11:36 a.m. today and resumed business under the sixth order.

Petitions

Senator Sypolt presented a petition from Sheila Coleman-Castells and numerous fourteenth senatorial district residents, opposing Senate Bill 270 (*Authorizing DNR implement silvicultural management for state park lands*).

Referred to the Committee on Natural Resources.

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

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on January 29, 2018, he had approved **Enr. Senate Bill 263**.

The Senate again proceeded to the fourth order of business.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 430 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-3C-16, relating to encouraging collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 163, Authorizing DEP promulgate legislative rules.

Having been read a third time on Friday, January 26, 2018, and now coming up in regular order, was reported by the Clerk.

At the request of Senator Trump, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motions of Senators Smith, Romano, and Trump, the following amendment to the bill was reported by the Clerk:

On page three, section one, lines twenty-six through thirty-three, by striking out all of subparagraph 12.2.a.4.B. and inserting in lieu thereof a new subparagraph, designated subparagraph 12.2.a.4.B., to read as follows:

12.2.a.4.B. The operator has provided irrevocable financial assurances in a form satisfactory to the Secretary through a contract or other mechanism enforceable under provisions of

law, such as delineated in subsection 11.3 of this rule, adequate to provide for long term treatment of the drainage as required by the federal Clean Water Act at 33 U.S.C 1251 *et seq.*, the West Virginia Water Pollution Control Act at §22-11-1 *et seq.* and the operator's National Pollutant Discharge Elimination System permit issued under 47 CSR 30. Default on a treatment obligation under this paragraph will subject the operator to penalties and sanctions, including permit blocking.

In order to make this demonstration, the applicant shall address, at a minimum, the current and projected quantity and quality of drainage to be treated, the anticipated duration of treatment, the estimated capital and operating cost of the treatment facility, and the calculations that demonstrate the adequacy of the remaining bond or other financial assurance.

Following discussion,

The question being on the adoption of the amendment offered by Senators Smith, Romano, and Trump to the bill, the same was put and prevailed.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 163 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 163) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 163) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 165, Authorizing DHHR promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 165) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 165) takes effect from passage.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 284, Increasing access to career education and workforce training.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 284 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker,

Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 284) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 284) takes effect July 1, 2018.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Blair, Drennan, Mann, Cline, Romano, Karnes, Plymale, Gaunch, and Trump regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill 284 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill 285, Establishing regional recreation authorities and areas.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 285) passed.

On motion of Senator Maynard, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 285—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4, and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; providing for reimbursement by authority for natural resources police officers; adding Division of Natural Resources police officers to class of law-enforcement officers whose pension benefits are exempt from state income taxation; modifying the amount and timing of subsistence payments to natural resource police officers; setting forth findings and definitions; providing for creation of regional recreation authorities as joint development entities formed by a prescribed number of contiguous counties; providing for establishment of new trail systems for off-highway recreational vehicle use; providing for board to govern regional recreation authorities; providing for

the appointment and terms of board members; providing for quorum, executive director, and expenses of board; providing for financial review and oversight of regional recreation authorities; establishing powers and duties of regional recreation authority boards; establishing powers of regional recreation authorities; prohibiting certain conduct in regional recreation areas; providing civil and criminal penalties; limiting liability of certain landowners; establishing requirements for bidding and purchasing; prohibiting contracts that pose conflicts of interests; providing civil remedies for unlawful purchasing contracts; and incorporating references to new code sections and regional recreation authorities and areas into the ATV Responsibility Act.

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

Eng. Senate Bill 338, Changing date for employers to file annual reconciliation and withholding statements.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 338) passed with its title.

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

Eng. Senate Bill 393, Relating to compensation and composition of WV Racing Commission.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 10, Relating generally to PSC jurisdiction.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 46, Permitting pharmacists to inform customers of lower-cost alternative drugs.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 71, Defining “veteran” as it pertains to veteran-owned business.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 184, Authorizing DOT promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 237, Authorizing Department of Revenue promulgate legislative rules.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Romano, the following amendment to the bill was reported by the Clerk:

On page two, section one, line twenty, after the word “authorized” by changing the period to a comma and inserting the following: with the amendment set forth below:

On page 23, subsection 12.2., after the word “manner.” by inserting the following: “The Tax Commissioner shall comply with West Virginia and federal law prohibiting nepotism, favoritism, discrimination or unethical practices related to employment and promotion, and the public employee grievance system.”

Following discussion,

The question being on the adoption of Senator Romano’s amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 237), as amended, was then ordered to engrossment and third reading.

Senate Bill 242, Requiring health insurance providers provide coverage for certain Lyme disease treatment.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Takubo, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page one, section four-1, by striking out the section heading and substituting therefor a new section heading, to read as follows:

§33-15-4p. Lyme Disease to be covered by all health insurance policies.;

On page two, section three-x, by striking out the section heading and substituting therefor a new section heading, to read as follows:

§33-16-3zz. Lyme Disease to be covered by all health insurance policies.;

And,

On page two section eight-l, by striking out the section heading and substituting therefor a new section heading, to read as follows:

§33-25A-8p. Lyme Disease to be covered by all health insurance policies.

On motion of Senator Maroney, the following amendments to the bill (S. B. 242) were next reported by the Clerk and considered simultaneously:

On page one, section thirty-eight, line five, after the word "treatment." by striking out the remainder of the section;

On page two, section four-l, line seven, after the word "treatment." by striking out the remainder of the section;

On page two, section three-x, line seven, after the word "treatment." by striking out the remainder of the section;

And,

On page three, section eight-l, line seven, after the word "treatment." by striking out the remainder of the section.

Following discussion,

The question being on the adoption of Senator Maroney's amendments to the bill, the same was put and prevailed.

The bill (S. B. 242), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 267, Increasing salaries of certain state employees.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 327, Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 384, Decreasing and increasing appropriations from State Fund, General Revenue to DHHR.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 385, Decreasing and adding appropriations out of Treasury to DHHR and MAPS.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 388, Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 336, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Maynard.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Maynard were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Baldwin, the name of Senator Baldwin was removed as a sponsor of **Senate Bill 288** (*Regulating cremation, embalming and directing of funeral service*).

At the request of Senator Romano, the name of Senator Romano was removed as a sponsor of **Senate Bill 369** (*Relating to powers and authority of newly created divisions of Administrative Services and Corrections and Rehabilitation within MAPS*).

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

On motion of Senator Ferns, at 12:46 p.m., the Senate adjourned until tomorrow, Wednesday, January 31, 2018, at 11 a.m.

WEDNESDAY, JANUARY 31, 2018

The Senate met at 11:13 a.m.

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

Prayer was offered by Pastor Dana Gatewood, Summersville Baptist Church, Summersville, 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.

Pending the reading of the Journal of Tuesday, January 30, 2018,

At the request of Senator Ojeda, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2799—A Bill to amend and reenact §21-6-3 of the Code of West Virginia, 1931, as amended, all relating generally to the issuance of a minor's work permit; prohibiting the superintendent of schools from requiring a physical examination to be included with the application for a minor's work permit unless required by the prospective employer; and removing the requirement that the superintendent of schools certify that the minor personally appeared before him or her prior to the issuance, modification, or rejection of a work permit.

Referred to the Committee on Education.

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

Eng. House Bill 4010—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-2-406, relating to providing that a religious representative or spiritual assembly, church or religious organization is not required to solemnize a marriage and a spiritual assembly, church or religious organization is not required to allow any building or property of the organization to be used to host a marriage ceremony if the marriage does not conform to the religious representative or spiritual assembly, church or religious organization's sincerely held religious beliefs, to provide that a religious representative or spiritual assembly, church or religious organization is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to any religious representative or spiritual assembly, church or religious organization for such a denial.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 244, Specifying conditions for unlawful possession of firearm at school-sponsored activities.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 244 (originating in the Committee on Education)—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to specifying the conditions under which it is unlawful to possess a firearm or other deadly weapon at school-sponsored functions; revising the

conditions under which a retired law-enforcement officer may possess a firearm or other deadly weapon on a school bus, in a public primary or secondary education building, structure, facility or grounds, or at certain school-sponsored functions; and revising conditions for which certain persons holding a valid concealed handgun permit can possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Kenny Mann,
Chair.

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 272, Relating generally to drug control.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 272 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-5T-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-5T-6; to amend and reenact §16-46-4; and to amend said code by adding thereto a new section, designated §16-46-7, all relating generally to drug control; requiring hospital emergency rooms and

departments, as well as certain other law-enforcement and medical care providers, to report suspected or confirmed drug overdoses and other drug-related instances to the Office of Drug Control Policy; allowing the Office of Drug Control Policy to establish a pilot program for community response to persons who have experienced a recent overdose; requiring local and state governmental agencies to require first responders, regardless of frequency of drug overdoses in their communities, to carry Naloxone and be trained in its use subject to funding and availability; and providing for a statewide standing order for Naloxone by the state health officer.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 272), under the original double committee reference, was then referred to the Committee on Finance.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 283, Relating generally to procurement by state agencies.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 283 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-3-10b, §5A-3-10c, §5A-3-10e, §5A-3-33d, §5A-

3-33f, §5A-3-37, and §5A-3-45 of said code; to amend said code by adding thereto a new section, designated §5A-3-61; to amend and reenact §5G-1-3 of said code; to amend and reenact §6D-1-1 of said code; and to amend and reenact §18B-5-4 of said code, all relating generally to procurement by state agencies; defining terms; authorizing competitive bidding of certain open-ended repair and maintenance contracts; modifying use and consideration of alternates in solicitations; prohibiting alternates from being accepted out of order; modifying criteria to be considered in best value procurement awards; eliminating sole source procurement; establishing direct award procurement requirements; establishing prequalification agreements and their requirements and procedures; authorizing agency-delegated bidding and its procedure; increasing certain cost limits from \$50,000 to \$1 million; authorizing awarding contracts without competitive bidding if certain requirements are met; eliminating master contracts and direct ordering process; expanding the scope of those who may be debarred; eliminating preferences for resident vendors, vendors employing state residents, and veteran residents; establishing the concept of “reciprocal preference” for an in-state vendor over an out-of-state vendor from any state that gives or requires a preference to bidders from that state and setting forth its requirements; modifying the value determination of certain motor vehicles that are to be sold; permitting funds from sale of surplus property be deposited in alternate fund if original fund no longer exists; permitting spending units to use a standardization process to purchase commodities and setting forth its requirements; permitting an architectural or engineering firm to be selected without bidding if certain conditions exist; increasing certain contract limits from \$100,000 to \$1 million; requiring certain reporting; and authorizing rulemaking.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill (Com. Sub. for S. B. 283), under the original double committee reference, was then referred to the Committee on Finance.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 322, Relating to employees of Department of Agriculture.

And,

Senate Bill 343, Limiting expenses in preparing list for notice to redeem.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 347, Relating to operation of motorboats.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 347 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-7-11, §20-7-12, §20-7-13, §20-7-14, §20-7-18, §20-7-18d, and §20-7-19 of the Code of West Virginia, 1931, as amended, all relating to the operation and regulation of motorboats, personal watercrafts, water

skiing, and surfboarding; defining the term “state of principle operation”; exempting motorboats of less than 70 pounds of thrust from state numbering requirements; changing the triggering event for certain motorboats to comply with numbering requirement; amending the basis for triggering the Commissioner of the Division of Motor Vehicle’s obligation to report certain information to county assessors regarding vessels and other boats; amending certain equipment requirements for Class A motorboats; clarifying and incorporating certain state and federal requirements to current specifications on motorboat numbering, lighting, fire extinguishers, engine bilges, and flotation device requirements; increasing the financial amount of property damage before certain accidents must be reported; clarifying the requirements for the operation of personal watercrafts; limiting the hours during the day water skiing and surfboarding are permitted; and authorizing rulemaking.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 347), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 364, Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Kenny Mann,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 400, Prohibiting state licensing boards from hiring lobbyists.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 3, Michael Angiulli Memorial Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 3 (originating in the Committee on Transportation and Infrastructure)—Requesting Division of Highways to name bridge number 17-50/59-0.01 (17A227), locally known as Northview Overpass, carrying County Route 50/59 over U. S. Route 50 in Harrison County, West Virginia, the “USMC PFC Michael Angiulli Memorial Bridge”.

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

Whereas, In 1942, he received his high school diploma 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 United States Marine Corps and began serving in E Company, 9th Marine Regiment, 3rd Marine Division. During his time with the Marine Corps, he attained the rank of Private First Class. Throughout his time serving in World War II, he took part in three beach landings - Guam, Bougainville, and Iwo Jima in the Pacific; 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, During the 1990’s and early 2000’s, Mike made notebooks of World War II which he gave to area high schools and colleges, and he also gave talks about World War II; and

Whereas, Mike became 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 U. S. Route 50 in Harrison County, West Virginia, the “USMC PFC Michael Angiulli Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “USMC PFC 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.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Gregory L. Boso,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4020, Making technical corrections in the code when referencing chapter 49.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Takubo, Trump, Karnes, Rucker, Azinger, Maroney, Cline, Ferns, and Boso:

Senate Bill 431—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-7, relating to requiring the Department of Health and Human Resources to phase in a statewide program implementing work requirements for applicants of the Supplemental Nutrition Assistance Program (SNAP); limiting SNAP recipients to three months of benefits in any 36-month period unless the recipient is working or participating in a work, educational, or volunteer program for at least 20 hours a week; and requiring discontinuance of a federal waiver.

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

By Senators Gaunch, Weld, Boso, and Jeffries:

Senate Bill 432—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; establishing the Municipal Home Rule Pilot Program as

a permanent program identified as the Municipal Home Rule Program; providing that any ordinance, act, resolution, rule, or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; clarifying the authority of the Municipal Home Rule Board; providing a funding mechanism for the board; creating a special revenue account for the Municipal Home Rule Board; allowing all municipalities to participate in the Municipal Home Rule Program; requiring certain notice prior to passing of an ordinance; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule or regulation that is contrary to certain laws governing the professional licensing or certification of public employees; prohibiting certain ordinances, acts, resolution, rules or regulations in violation of federal law, regulation or standard that may impact federal funding or compliance requirements; providing for petition procedures to protest enacted or amended ordinances; requiring ratification of certain ordinances by the voters in a municipal election; and eliminating the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019.

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

By Senators Trump, Gaunch, Palumbo, Prezioso, and Boso:

Senate Bill 433—A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, all relating to pyramid promotional schemes; definitions; and unlawful acts.

Referred to the Committee on the Judiciary.

By Senators Trump and Boso:

Senate Bill 434—A Bill to amend and reenact §30-3C-1 and §30-3C-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3C-5, all relating to discovery in certain proceedings; defining terms; specifying certain documents that are not subject to discovery; and addressing original source materials.

Referred to the Committee on the Judiciary.

By Senator Ojeda:

Senate Bill 435—A Bill to amend and reenact §6-6-7 of the Code of West Virginia, 1931, as amended, relating to removing elected or appointed officers; expanding removal procedures to apply to all county, school district, municipal, judicial, legislative, or statewide office; detailing process for removal of a legislator; detailing process for removal of a statewide official; and adjusting relevant language to conform.

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

By Senators Karnes, Azinger, and Boso:

Senate Bill 436—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, and §16-54-4, all relating to creating the Nondiscrimination in Involuntary Denial of Treatment Act; requiring the provision of medical treatment under certain circumstances; requiring the disclosure of policies related to the life-preserving treatment a patient may receive or be denied; and requiring the Department of Health and Human Resources to maintain and report on certain information.

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

By Senators Blair and Boso:

Senate Bill 437—A Bill to amend and reenact §17C-14-1 of the Code of West Virginia, 1931, as amended, relating to penalties for leaving a motor vehicle unattended; and exempting a person from leaving the engine running in an unattended motor vehicle that employs a modern remote start system.

Referred to the Committee on the Judiciary.

By Senators Maynard, Prezioso, Beach, Plymale, and Jeffries:

Senate Bill 438—A Bill to amend and reenact §29-22-18e of the Code of West Virginia, 1931, as amended; and to amend said

code by adding thereto a new section, designated §31-15-16d, all relating to debt service on bonds secured by the State Excess Lottery Revenue Fund; and clarifying the timing of debt service payments to the State Parks Lottery Revenue Debt Service Fund.

Referred to the Committee on Finance.

By Senators Plymale, Boso, and Jeffries:

Senate Bill 439—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to exempting vehicles engaged in nonemergency transportation of Medicaid members by centers for independent living from permit requirements.

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

By Senators Gaunch, Cline, Plymale, Boso, and Jeffries:

Senate Bill 440—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-24, relating to establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance, and improvement projects; setting forth general structure of fund and distribution of funds; and providing for rulemaking.

Referred to the Committee on Government Organization.

By Senators Takubo, Maroney, Stollings, Woelfel, and Plymale:

Senate Bill 441—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to health care provider taxes; extending the directed payment program tax on certain eligible acute care hospitals for three years; and providing an expiration date for the tax.

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

By Senators Takubo, Maroney, Stollings, Woelfel, and Plymale:

Senate Bill 442—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to regulating prior authorizations; defining terms; providing for electronically transmitted universal prior authorization forms; establishing procedures for submission and acceptance of forms; and setting deadlines.

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

By Senators Arvon, Azinger, Cline, Gaunch, Maynard, Rucker, and Smith:

Senate Bill 443—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to requiring the department file a petition to terminate parental rights when parents have not seen child in 18 months from the removal order; and allowing tolling of 18-month period if parent incarcerated or in rehabilitation facility.

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

By Senator Trump:

Senate Bill 444—A Bill to repeal §17C-15-29 and §17C-15-38 of the Code of West Virginia, 1931, as amended, relating to repealing antiquated and inoperative provisions of the code regarding approval of safety glass and lighting in motor vehicles.

Referred to the Committee on Transportation and Infrastructure.

By Senators Ojeda and Rucker:

Senate Joint Resolution 11—Proposing an amendment to the Constitution of the State of West Virginia, amending section six, article IV thereof, relating to removal of officials; authorizing the recall of any elected official for any reason; requiring the Legislature to enact laws to implement the recall procedure; 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 Trump, Woelfel, Unger, Stollings, Cline, Rucker, Plymale, Beach, and Boso offered the following resolution:

Senate Resolution 22—Designating January 31, 2018, as Nurses Unity Day at the Legislature.

Whereas, One in 43 West Virginians is a nurse; and

Whereas, Nurses make a significant contribution of time, energy, heart, and care toward the healing of our residents who are ill and suffering; and

Whereas, Nurses are powerful advocates for the health and well-being of all West Virginians, providing education, screening, nursing intervention, evaluation, and research to improve the health of West Virginia residents throughout the life span from pre-birth to the end of life; and

Whereas, Nurses meet the health needs of West Virginians not only in hospitals and long-term care facilities, but conveniently in their homes, at school, at work, at church, in community health centers, on the phone, and on the Internet; and

Whereas, The Institute of Medicine recognizes nurses as key to solving our current rising cost of chronic illness through their expanding leadership as coordinators and collaborators of interdisciplinary health care teams; and

Whereas, The expanding roles of Advanced Practice Registered Nurses as Nurse Anesthetists, Nurse Midwives, and Certified Nurse Practitioners in a variety of specialties provide improved cost-effective access to health services in our rural state; and

Whereas, The American public has voted to acknowledge nurses as the Most Trusted Professional for 12 years; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 31, 2018, as Nurses Unity Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of West Virginia Nurses Unity Day.

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

On motion of Senator Ferns, at 11:27 a.m., the Senate recessed to present Senate Resolution 22.

The Senate reconvened at 11:31 a.m. today and resumed business under the sixth order.

Petitions

Senator Takubo presented a petition from Samantha Burdette and 169 Browns Creek area residents, requesting the reevaluation of the Tornado Volunteer Fire Department's district to include some, if not all, of Browns Creek.

Referred to the Committee on Government Organization.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 445 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-17a; and to amend and reenact §17-4-17b of said code, all relating to utility relocation; stating legislative findings; defining term; authorizing the Division of Highways to acquire real or personal property for utility accommodation; authorizing the division to lease real property to utilities; allowing the division to pay for utility relocation costs subject to reimbursement agreement; specifying methods of preliminary engineering design work completion and utility relocation construction work payment; and providing legislative and emergency rule-making authority.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Gregory L. Boso,
Chair.

At the request of Senator Boso, and by unanimous consent, the bill (S. B. 445) contained in the foregoing report from the Committee on Transportation and Infrastructure was then referred to the Committee on Government Organization.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 11, Evans Center for Excellence in Aircraft Maintenance.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 46, Permitting pharmacists to inform customers of lower-cost alternative drugs.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 46) passed with its title.

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

Eng. Com. Sub. for Senate Bill 71, Defining “veteran” as it pertains to veteran-owned business.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 71) passed with its title.

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

Eng. Com. Sub. for Senate Bill 184, Authorizing DOT promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 184) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 184) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 237, Authorizing Department of Revenue promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 237) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 237) takes effect from passage.

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

Eng. Senate Bill 242, Requiring health insurance providers provide coverage for certain Lyme disease treatment.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Azinger—1.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 242) passed.

On motion of Senator Takubo, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Senate Bill 242—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-38; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3zz; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring health insurance providers to provide coverage for long-term antibiotic therapy for a patient with Lyme disease.

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

Eng. Com. Sub. for Senate Bill 327, Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 327) passed with its title.

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

Eng. Senate Bill 385, Decreasing and adding appropriations out of Treasury to DHHR and MAPS.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Senate Bill 385 pass?”

Senator Woelfel requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is the legal guardian of a sibling who receives Medicaid benefits.

The Chair replied that any impact on Senator Woelfel would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Ferns, Gaunch, Karnes, Mann, Maynard, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—19.

The nays were: Baldwin, Beach, Drennan, Facemire, Jeffries, Ojeda, Palumbo, Romano, Stollings, Unger, and Woelfel—11.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 385) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Drennan, Ferns, Gaunch, Karnes, Mann, Maynard, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Romano, Stollings, Unger, and Woelfel—10.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, less than two thirds of all the members elected to the Senate having voted in the affirmative, the President declared Senator Ferns' aforestated motion had not prevailed.

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

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senators Stollings, Romano, and Woelfel regarding the passage of Engrossed Senate Bill 385 were ordered printed in the Appendix to the Journal.

Eng. Senate Bill 388, Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Senate Bill 388 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Drennan, Ferns, Gaunch, Karnes, Mann, Maynard, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Romano, Stollings, Unger, and Woelfel—10.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 388) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Drennan, Ferns, Gaunch, Karnes, Mann, Maynard, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Romano, Stollings, Unger, and Woelfel—10.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, less than two thirds of all the members elected to the Senate having voted in the affirmative, the President declared Senator Ferns' aforesated motion had not prevailed.

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

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senators Woelfel, Stollings, Ojeda, and Unger regarding the passage of Engrossed Senate Bill 388 were ordered printed in the Appendix to the Journal.

Eng. Senate Bill 393, Relating to compensation and composition of WV Racing Commission.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 10, Relating generally to PSC jurisdiction.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 267, Increasing salaries of certain state employees.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 336, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 384, Decreasing and increasing appropriations from State Fund, General Revenue to DHHR.

On second reading, coming up in regular order, was read a second time.

On motions of Senators Stollings and Prezioso, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page three, line three, after the word “appropriation” by inserting the words “and adding new items of appropriation”;

On page three, item fifty-seven, line thirteen, by striking out “34,627,000” and inserting in lieu thereof “7,167,000”;

On page three, item fifty-seven, after line thirteen, by inserting three new line items to read as follows:

25a CARDIAC Project – Surplus (R)..... 37500 \$ 250,000

25b Center for End of Life – Surplus (R)..... 54500 \$ 150,000

25c Tobacco Education Program –
Surplus (R)..... 90600 \$ 1,500,000;

On page three, lines fifteen and sixteen, by striking out the words “an existing item” and inserting in lieu thereof the words “existing items”;

And,

On page three, item sixty, after line twenty-six, by inserting a new line item to read as follows:

12 I/DD Waiver – Surplus (R)..... 46600 \$ 25,560,000.

Following extended discussion,

The question being on the adoption of the amendments offered by Senators Stollings and Prezioso to the bill (Eng. S. B. 384), and on this question, Senator Stollings demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Romano, Stollings, Takubo, Unger, and Woelfel—12.

The nays were: Azinger, Blair, Boley, Boso, Clements, Drennan, Ferns, Gaunch, Karnes, Mann, Maynard, Rucker, Smith, Swope, Sypolt, Trump, Weld, and Carmichael (Mr. President)—18.

Absent: Arvon, Cline, Maroney, and Prezioso—4.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendments offered by Senators Stollings and Prezioso to the bill rejected.

Senator Jeffries requested unanimous consent that the bill be advanced to third reading with the right for further amendments to be considered on that reading.

On motion of Senator Ferns, at 12:56 p.m., the Senate recessed until 1:15 p.m. today.

The Senate reconvened at 1:44 p.m. today and resumed consideration of

Senate Bill 384, Decreasing and increasing appropriations from State Fund, General Revenue to DHHR.

The question now being on the adoption of Senator Jeffries' request that the bill be advanced to third reading with the right for further amendments to be considered on that reading, the same was put and prevailed.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Com. Sub. for Senate Bill 258, Exempting honorably discharged veterans from fees for license to carry deadly weapons.

Com. Sub. for Senate Bill 268, Eliminating requirement that certain agencies purchase commodities produced on institutional farms.

Senate Bill 324, Removing restrictions where certain traditional lottery games may be played.

Senate Bill 345, Authorizing DNR establish procedures and fee schedule for limited permit hunts.

Senate Bill 350, Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State.

Senate Bill 357, Relating generally to limited video lottery.

Com. Sub. for Senate Bill 386, Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission.

And,

Senate Bill 430, Encouraging collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

At the request of Senator Stollings, and by unanimous consent, the Senate returned to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Stollings, the Senate reconsidered its action by which in earlier proceedings today it rejected Senator Ferns' motion that **Senate Bill 385** (*Decreasing and adding appropriations out of Treasury to DHHR and MAPS*) be made effective from passage.

The vote thereon having been reconsidered,

Thereafter, Senator Stollings moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Facemire and Romano—2.

Absent: Arvon, Cline, Maroney, Prezioso, and Unger—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 385) takes effect from passage.

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

On motion of Senator Stollings, the Senate reconsidered its action by which in earlier proceedings today it rejected Senator Ferns' motion that **Senate Bill 388** (*Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration*) be made effective from passage.

The vote thereon having been reconsidered,

Thereafter, Senator Stollings moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Facemire and Romano—2.

Absent: Arvon, Cline, Maroney, Prezioso, and Unger—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 388) takes effect from passage.

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

On motion of Senator Ferns, leaves of absence for the day were granted Senators Cline, Arvon, Maroney, and Prezioso.

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

On motion of Senator Ferns, at 1:51 p.m., the Senate adjourned until tomorrow, Thursday, February 1, 2018, at 11 a.m.

THURSDAY, FEBRUARY 1, 2018

The Senate met at 11:10 a.m.

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

Prayer was offered by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Kenny Mann, a senator from the tenth district.

Pending the reading of the Journal of Wednesday, January 31, 2018,

At the request of Senator Woelfel, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2831—A Bill to amend and reenact §17B-2-7a of the Code of West Virginia, 1931, as amended, relating to the reconstitution of the Driver's Licensing Advisory Board; requiring one member of the board to be a board certified neurologist in this state; requiring the board to respond to requests of the commissioner when necessary in the discretion of the commissioner; and striking an outdated sunset provision.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4006—A Bill to repeal §10-5-2a of the Code of West Virginia, 1931, as amended; to repeal §18-2I-3 of said code; to repeal §18A-3-2d of said code; to repeal §18A-3A-1, §18A-3A-2, §18A-3A-2b, §18A-3A-3 and §18A-3A-5 of said code; to repeal §18B-11-4 and §18B-11-6 of said code; to amend and reenact §4-13-2 of said code; to amend and reenact §5-26A-3 of said code; to amend and reenact §5B-2C-6 of said code; to amend and reenact §5F-1-2 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §18-2I-1, §18-2I-2 and §18-2I-4 of said code; to amend and reenact §18-10A-1, §18-10A-2, §18-10A-3, §18-10A-6a and §18-10A-12 of said code; to amend and reenact §18-10K-2, §18-10K-5 and §18-10K-6 of said code; to amend and reenact §18-30-4 of said code; to amend and reenact §18A-2-9 and §18A-2-12 of said code; to amend and reenact §18A-3-1, §18A-3-1d, §18A-3-2c and §18A-3-8 of said code; to amend and reenact §18A-3C-1, §18A-3C-2 and §18A-3C-3 of said code; to amend and reenact §18B-1B-2 of said code; to amend and reenact §18B-3D-2 of said code; to amend and reenact §18B-16-5 and §18B-16-8 of said code; to amend and reenact §18B-18B-1 of said code; and to amend and reenact §29-24-3 and §29-24-5 of said code, all relating to revising the processes through which professional development

is delivered for those who provide public education in this state, including improvement of the focus on school-level continuous improvement processes led by the principal, generally; eliminating administrative offices, duplicative programs and obsolete provisions; repealing provisions related to creation and duties of distance learning coordinating council; repealing provisions related to annual state board professional development master plan; repealing provisions related to beginning principal internships; repealing provisions related to center for professional development and principals academy curriculum; repealing provisions related to center for development professional development project; repealing provisions related to principals academy establishment, mission, required attendance and employment of coordinator; repealing provisions related to pilot program of delivering educational services via distance learning; repealing provisions related to creation of depositories for assistive devices and services at two colleges or universities; repealing provisions creating the National Institute For Teaching Excellence and its governing board; modifying membership of Sesquicentennial of the American Civil War Commission; modifying membership of Commission for National and Community Service; removing Department of Education and the Arts as option to provide technical support to the Academy of Science and Technology in preparation of annual report; eliminating Department of Education and the Arts as executive department headed by secretary; transferring Division of Culture and History and Division of Rehabilitation Services to Department of Commerce; making the Educational Broadcasting Authority and Library Commission each an independent agency within executive branch; correcting names of agencies; eliminating salary of Secretary of Education and the Arts; modifying the scope and goals of the system for coordination and delivery of professional development to be instituted by State Board of Education; modifying legislative findings with respect to professional development; eliminating requirement for State Board of Education master plan for professional development; requiring State Board of Education rule to include process for aggregating school and system strategic plan information to assist design and delivery of professional development; replacing references to the secretary and the Department of Education and the Arts in

rehabilitation and vocational services related statutes; modifying membership of Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board; transferring fund administration to Department of Commerce; modifying membership of College Prepaid Tuition and Savings Program Board; including instructional leadership among the responsibilities of principals and requiring course work in instructional leadership and related topics as prerequisite for administrative certification; moving from a precertification requirement to a pre-employment requirement that principals, assistant principals and administrators complete education and training in evaluation skills; deleting provisions proscribing limitations on certain rights and privileges of principals and assistant principals as teachers; removing requirements for interaction between State Board Of Education and Center for Professional Development regarding performance evaluations; removing proscription of issuance or renewal of certain administrative certificate; removing requirement for State Board Of Education consultation with Secretary of Education and Arts and Chancellor for Higher Education prior to exercise of authority over education; adding within standards for education of professional educators requirement providing for the study of the history and philosophical foundations of Western Civilization and the writings of the founders of the United States of America; eliminating references to regional education service agencies; removing requirement for State Board of Education to consult with Secretary of Education and the Arts and the Chancellor of Higher Education; removing provisions related to required training and professional development of principals through principals academy; adding instructional leadership and management techniques to required minimum standards for rule governing training of principals; removing language relating to waivers, ineligibility, progress tracking and expenses relating to training of principals; requiring county professional staff development councils to base proposals for staff development on analysis of individual and collective need indicated in school's strategic plans; incorporating development of certain teachers, principals, assistant principals, vocational administrators and others in the provisions for a comprehensive system to improve teaching and learning; making legislative finding that professional development resources

must be focused rather than increased; removing obsolete provisions related to phased implementation of provisions for professional personnel evaluations; eliminating requirement for five percent of evaluations to be based on state summative assessment and increasing percent based on evidence of student learning by five percent; incorporating principals into the comprehensive system of support for improved professional performance; requiring deficiencies identified through personnel evaluations to be incorporated in strategic plans for continuous improvement; removing language requiring posting and other provisions relating to employment; restricting certain appropriations for certain activities; modifying membership and selection process for members of Higher Education Policy Commission; modifying membership of Workforce Development Initiative Program Advisory Committee; updating agency references and removing Secretary of Education and the Arts with respect to rural health initiative; modifying membership of Science and Research Council; transferring certain references and responsibilities to Technology-Related Assistance Revolving Loan Fund For Individuals With Disabilities Board to Secretary of Commerce; directing the adoption and promulgation of rules and guidelines; and making consequential changes incident to the elimination of agencies or programs or the modification of duties, responsibilities and functions.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

Senator Karnes, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 78, Continuing personal income tax adjustment for certain retirees.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert Karnes,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 102, Creating WV Uniform Fiduciary Access to Digital Assets Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 102 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §39B-2-101 of the Code of West Virginia, 1931, as amended; to amend and reenact §39B-3-101 of said code; and to amend said code 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 Uniform Power of Attorney Act and the West Virginia Uniform Fiduciary Access to Digital Assets Act; providing that an agent under power of attorney may exercise authority over the content of electronic communications sent or received by the principal; providing code references and additional language to the statutory form for power of attorney; creating 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 with or without an online tool; addressing terms of service agreements; setting forth procedure for disclosing digital assets by custodian; allowing custodian to assess reasonable administrative charges; allowing custodian or fiduciary to seek court order when request imposes an undue burden; providing for disclosure of content of electronic

communications and other digital assets of deceased users and setting forth required documentation; providing for disclosure of content of electronic communications and digital assets of a principal by custodian and setting forth required documentation; addressing disclosure of digital assets held in trust when the trustee is an original owner or user; addressing disclosure of contents of electronic communications held in trust and other digital assets when trustee is not an original owner or user and setting forth required documentation; addressing disclosure of digital assets to conservator of a protected person and setting forth required documentation; setting forth fiduciary's duties and authority; providing for custodian's compliance and immunity; setting time frame for compliance by custodian; authorizing application for court order for noncompliance; allowing custodian to notify user, deny a request, or receive a court order; providing for uniformity of application and construction of article; addressing relation of article to Electronic Signatures in Global and National Commerce Act; and providing for severability of article.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bills 181, 182, and 183, State Fire Commission rule relating to hazardous substance emergency response training programs.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 181 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-6-1, §64-6-2,

and §64-6-3 of the Code of West Virginia, 1931, as amended, all relating generally to the Department of Military Affairs and Public Safety; authorizing and directing certain agencies to promulgate certain legislative rules as filed and as modified and repealing an obsolete rule; authorizing the State Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs; directing the State Fire Marshal to promulgate a legislative rule relating to electrician licensing; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to protocol for law-enforcement response to domestic violence; and repealing a Governor's Committee on Crime, Delinquency and Correction rule relating to motor vehicle stop data collection standards for the study of racial profiling.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 355, Dissolving IS&C Division under Office of Technology.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 355 (originating in the Committee on Government Organization)—A Bill to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-

7-8, §5A-7-9, §5A-7-10, and §5A-7-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-4 and §5A-6-8 of said code; and to amend said code by adding thereto two new sections, designated §5A-6-4d and §5A-6-4e, all relating to dissolving the Information Services and Communications Division; repealing article related to Information Services and Communications Division; authorizing Chief Technology Officer to provide training and other services; authorizing Chief Technology Officer provide information services; authorizing Chief Technology Officer to assess fees for services provided; requiring Chief Technology Officer provide fixed schedule of fees for providing information services; setting forth procedure to be followed if spending unit contests schedule; requiring the Chief Technology Officer to oversee telecommunications services to state spending units; requiring the Chief Technology Officer to supervise and maintain the central mailing office; directing the deposit of any moneys received for services; continuing special revenue account for administration of telecommunications services; directing Chief Technology Officer to review receipt of charges received from members; setting forth grounds for Chief Technology Officer to challenge charges with vendor and process for doing so; requiring Office of Technology apportion charges among spending units and bill spending units; requiring Office of Technology pay uncontested amounts due for telecommunications services; requiring state spending units pay statements from Office of Technology; authorizing the secretary to direct the transfer of funds into the special revenue account for unpaid telecommunications services; authorizing the secretary to assess a penalty with notice on spending units for unpaid amounts for telecommunications services; authorizing Chief Technology Officer to invoice spending units for amounts paid on behalf of the spending unit; providing a process for state spending units to contest amounts due; authorizing the Secretary of the Department of Administration to make a final decision on contested amounts due; authorizing Chief Technology Officer to discontinue telecommunication services to spending unit that fails to comply with provisions of article; authorizing a proportional fee be assessed against spending units; defining terms; granting rule-making authority; making technical corrections; authorizing a

special fund to receive moneys for services provided by the agency; transferring Information Services and Communication Fund to Office of Technology; closing Chief Technology Officer Administration Fund and transferring any remaining balance; authorizing the Chief Technology Officer to grant waivers for certain services required by statute; and requiring waiver be granted to constitutional officers for certain services upon request.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill (Com. Sub. for S. B. 355), under the original double committee reference, was then referred to the Committee on Finance.

Senator Karnes, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 425, Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Robert Karnes,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4013, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Rucker, Sypolt, Unger, Trump, and Boso:

Senate Bill 446—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, and §19-36-5, all relating to agritourism; stating legislative purpose; defining terms; establishing duties of agritourism business; establishing duties of participants of agritourism; establishing liability for agritourism; mandating agritourism business post a warning on signs and contracts; and disallowing agritourism business from invoking immunity when warning language not used.

Referred to the Committee on Agriculture and Rural Development.

By Senator Sypolt:

Senate Bill 447—A Bill to amend and reenact §44-1-29 of the Code of West Virginia, 1931, as amended, relating to transferring and amending conservation or preservation easements by a personal representative, trustee, administrator, or executor of a deceased person or the person's estate; distinguishing between easements created prior to or after the death of the person; eliminating the authority to execute deeds of easement; and recognizing transfers and amendments authorized through court proceedings.

Referred to the Committee on the Judiciary.

By Senators Gaunch and Boso:

Senate Bill 448—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-9B-1, §47-9B-2, §47-9B-3, §47-9B-4, §47-9B-5, §47-9B-6, §47-9B-7, §47-9B-8, §47-9B-9, and §47-9B-10, all relating generally to professional associations; establishing applicability; establishing who may be owners and officers; establishing duties and powers of owners and managerial officers who cease to be licensed; providing for preapproval by licensing boards; identifying who may be an authorized person; providing for transfer of ownership interests; setting forth liability; providing for joint practice by certain professionals; requiring registration; and defining terms.

Referred to the Committee on Government Organization.

By Senators Gaunch, Boso, Drennan, Maynard, Rucker, Smith, Weld, Woelfel, and Cline:

Senate Bill 449—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §30A-1-1, §30A-1-2, §30A-2-1, §30A-2-2, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2-6, and §30A-2-7, all relating to using records of criminal conviction to disqualify a person from receiving a license or other authorization to practice an occupation; defining the scope of the law and defining terms; requiring specificity in defining disqualifying offenses; establishing time limits; barring political subdivisions from creating restrictions for new license categories; providing a petition process to review the effect of a criminal record; and requiring state authorities to update legislative rules.

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

By Senators Karnes, Azinger, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Mann, Maroney, Maynard, Romano, Rucker, Smith, Swope, and Trump:

Senate Bill 450—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12a, relating to collecting and analyzing statistical information

pertaining to termination of pregnancies under the West Virginia Medicaid Program; declaring legislative objectives; requiring the submission of reporting forms by providers; providing for patient confidentiality; specifying required information; providing for the collection and aggregation of data; permitting access to de-identified data; and requiring the creation of analytical reports.

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

By Senators Maynard, Clements, Ferns, Gaunch, Maroney, Rucker, Smith, Swope, Weld, and Cline:

Senate Bill 451—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to permitting Sunday hunting on public lands.

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

By Senator Maynard:

Senate Bill 452—A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to hunting licenses; and exempting the list of names, addresses, and contact information for license holders from public disclosure with certain exceptions.

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

By Senators Cline, Arvon, Drennan, Mann, Maynard, Takubo, and Maroney:

Senate Bill 453—A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to fixing the premium cost sharing at 85 percent for the employer and 15 percent for the employee.

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

By Senators Azinger, Arvon, Karnes, Maynard, Rucker, Cline, and Boso:

Senate Bill 454—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §23-2-1b, relating to the classification of owner-operators and independent contractors who contract with licensed and registered trucking companies as nonemployees under workers' compensation law.

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

By Senators Smith and Sypolt:

Senate Bill 455—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9; and to amend and reenact §55-12A-7 of said code, all relating to providing that proceeds from certain oil and gas wells that are due to persons whose name or address are unknown are to be kept in a special fund and if unclaimed within seven years the proceeds shall be transferred to the Oil and Gas Reclamation Fund; providing that if there is a surface disturbance those named surface owners of a leased interest subject to pooling for a horizontal well are the only surface owners insofar as the well permit is concerned; providing that if another surface owner should become known his or her name shall be added as a surface owner on the permit; providing that if proceeds from other mineral tracts in a unit or pool of a horizontal well are not claimed by an unknown, missing, or abandoned owner within seven years the proceeds shall be transferred to the Oil and Gas Reclamation Fund; providing that certain provisions take effect beginning when funds have been unclaimed for seven years after the special commissioner's lease regardless of when the lease was signed; and authorizing rulemaking.

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

By Senators Gaunch, Takubo, Ferns, Boso, and Maroney:

Senate Bill 456—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-

41-1, §30-41-2, and §30-41-3, all relating to creating the Physical Therapy Licensure Compact Act; authorizing the Governor to execute the act with any one or more of the states of the United States; providing that Legislature signifies in advance its approval and ratification of the compact; providing that the purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services; setting forth the substance, requirements, and privileges of the act; and establishing an effective date.

Referred to the Committee on Government Organization.

By Senator Beach:

Senate Bill 457—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating generally to the jurisdiction of the Public Service Commission over motor carriers; and exempting vehicles engaged in nonemergency transportation of Medicaid members from permit requirements.

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

By Senators Swope, Rucker, Trump, Cline, and Boso:

Senate Bill 458—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, and §21-5A-4, all relating to prohibiting political subdivisions from enacting any ordinance, regulation, local policy, local resolution, or other legal requirements regulating certain areas of the employer-employee relationship and the sale or marketing of consumer merchandise; establishing a short title; establishing areas where political subdivisions are prohibited from enacting or promulgating ordinances, local policies, or local regulations; and providing for exceptions and applicability.

Referred to the Committee on the Judiciary.

By Senators Rucker, Azinger, Karnes, and Smith:

Senate Bill 459—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-

15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, §15-15-6, §15-15-7, and §15-15-8, all relating to enacting the Refugee Absorptive Capacity Act; providing a short title; defining terms; designating a state office within the Department of Health and Human Services which deals with refugees; providing for a moratorium on applications and cessations; providing for a fiscal impact assessment; requiring reports; and providing for administration and severability.

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

By Senators Rucker, Arvon, Azinger, Karnes, Maroney, Maynard, and Cline:

Senate Bill 460—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-8F-1, §61-8F-2, §61-8F-3, §61-8F-4, §61-8F-5, §61-8F-6, and §61-8F-7, all relating to prohibiting retailers from selling or leasing products that make content accessible on the Internet, unless the product contains an active and operating digital blocking capability that renders obscene material inaccessible; providing exceptions; defining terms; establishing a fee; creating a special fund; designating how moneys from the fund may be spent; and providing for injunctive relief, civil actions, and criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Ferns and Cline:

Senate Bill 461—A Bill to amend and reenact §11-14C-31 of the Code of West Virginia, 1931, as amended, relating to petitions for tax refunds; and extending the time period to file a petition for motor fuel excise tax refunds.

Referred to the Committee on Finance.

By Senators Rucker, Arvon, Azinger, Blair, Boley, Boso, Cline, Ferns, Gaunch, Karnes, Mann, Maynard, Smith, Swope, Sypolt, and Maroney:

Senate Joint Resolution 12—Proposing an amendment to the Constitution of the State of West Virginia, amending article VI

thereof, by adding thereto a new section, designated section 57, relating to authorizing the Legislature to, by general law, acknowledge legislative authority to protect innocent life, and the Legislature's right to enact, amend, or repeal statutes regarding abortion; 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.

Senators Carmichael (Mr. President), Ferns, Stollings, and Boso offered the following resolution:

Senate Resolution 23—Recognizing the contributions and efforts of Donate Life West Virginia partners on the occasion of Hospital Day at the Legislature.

Whereas, Donate Life West Virginia partners consists of four organ procurement organizations that cover the state of and encourage West Virginians to Make the Pledge for Life by registering to become an organ, tissue, or cornea donor; and

Whereas, In 2017, there were 151 donor families from the West Virginia affiliated with the Center for Organ Recovery & Education (CORE), Kentucky Organ Donor Affiliates, Lifeline of Ohio Organ Procurement Agency, and LifeNet Health; and

Whereas, In 2017, there were 68 organ donors and 219 tissue donors in West Virginia; and

Whereas, Over 500 West Virginia adults and children are waiting for an organ transplant; and

Whereas, West Virginians, including 3-year-old Maren Foster, who received a life-saving liver transplant in the Cincinnati Children's Hospital at the age of 8 months, are blessed with a second chance to live long and productive lives surrounded by loving and grateful families and friends; and

Whereas, West Virginia communities and families band together in support of organ recipients, like Maren Foster

recognizing the courage and sacrifice of donor families, who often remain anonymous, even to those whose lives they save; and

Whereas, West Virginia recipients and communities are awed and humbled by the generosity of donors and their families, such as the late Nadya Irena Zitek, mother and nurse who gave the gift of life to five individuals waiting for their life-saving transplants, as well as the Halstead family, whose gift in the face of terrible tragedy inspires others to renewed hope and optimism. May they find peace and comfort; and

Whereas, Charleston Area Medical Center assisted in completing a total of 28 kidney transplants in West Virginia alone in 2017; and

Whereas, The West Virginia Division of Motor Vehicles facilitates the process of designating individuals as organ donors by allowing West Virginians to simply check the donor box on their application or renewal form for their driver's license or photo identification at the local DMV office; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the contributions and efforts of Donate Life West Virginia partners on the occasion of Hospital Day at the Legislature; and, be it

Further Resolved, That the Senate acknowledges the overwhelming value of lifesaving organ donation and transplant services within our own communities, and encourages all eligible West Virginians to register as donors; and be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of CORE, Kentucky Organ Donor Affiliates, Lifeline of Ohio Organ Procurement Agency, and LifeNet.

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.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Boso regarding the adoption of Senate Resolution 23 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:33 a.m., the Senate recessed to present Senate Resolution 23.

The Senate reconvened at 11:37 a.m. today and resumed business under the sixth order.

Senators Baldwin, Stollings, Plymale, and Beach offered the following resolution:

Senate Resolution 24—Celebrating the efforts and contributions of the Greenbrier County Elder Abuse Awareness Committee.

Whereas, The Greenbrier County Elder Abuse Awareness committee was formed in 2009 after an elderly Greenbrier County woman died of neglect by family members. At the time, if an elder died of neglect, it was only a misdemeanor crime. Senator William R. Laird IV introduced and helped pass legislation making it a felony; and

Whereas, The committee started out small, but soon saw that the problems were multifaceted and the committee needed the input of many different individuals. Current membership includes a representative from medical social work, elder abuse advocates, hospital personnel, nursing home, home health, the local committee on aging, disability, Shepherd's Center, law enforcement, Adult Protective Services, West Virginia School of Osteopathic Medicine, mental health, a prosecuting attorney, and a former bank employee; and

Whereas, Over the years, the committee has sponsored communitywide workshops and programs to increase the awareness of the elder abuse program in the county; and

Whereas, In 2013, the WV Coalition Against Domestic Violence was awarded one of nine national grants by the Office of

Violence Against Women to work on the issue of elder abuse. Greenbrier and McDowell counties were chosen to establish training teams and receive training from national trainers; and

Whereas, The teams consist of law enforcement, prosecuting attorneys, victim services, Adult Protective Services, and the elder community. The team members have trained many law-enforcement officers, victim service providers, and others in West Virginia over the last three and a half years and continue to do so; and

Whereas, As an outgrowth of the local work and the training team members, Greenbrier County has established a multidisciplinary investigative team which meets bimonthly to address elder abuse issues in the criminal justice system. Multidisciplinary investigative teams are common in child abuse cases nationally, but the Greenbrier County team is believed to be the only one of its kind in the state; and

Whereas, The team has seen an increase in the number of cases of elder abuse that are prosecuted and victims who receive services; and

Whereas, It is the hope of the committee that teams will be established throughout West Virginia to meet this growing problem in our communities; therefore, be it

Resolved by the Senate:

That the Senate hereby celebrates the efforts and contributions of the Greenbrier County Elder Abuse Awareness Committee; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Greenbrier County Elder Abuse Awareness Committee.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Baldwin regarding the adoption of Senate Resolution 24 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:40 a.m., the Senate recessed to present Senate Resolution 24.

The Senate reconvened at 11:43 a.m. today and resumed business under the sixth order.

Petitions

Senator Drennan presented a petition from Rebecca S. Shuler and 336 Pliny area residents, requesting the restoration of Plantation Creek Road in Pliny, West Virginia.

Referred to the Committee on Transportation and Infrastructure.

At the request of Senator Ferns, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Karnes, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 462 (originating in the Committee on Pensions)—A Bill to amend and reenact §5-10-29 and §5-10-32 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-7 of said code; to amend and reenact §8-22A-8 of said code; to amend and reenact §15-2-26 of said code; to amend and reenact §15-2A-5 of said code; to amend and reenact §16-5V-8 of said code; to amend and reenact §18-7A-14; and to amend and reenact §51-9-2 and §51-9-4 of said code, all relating to establishing a pension contribution holiday for plans administered by the Consolidated Public Retirement Board when funding for certain public retirement plans.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Robert Karnes,
Chair.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 463 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-7-5A, relating to authorizing the establishment of a work group to examine the potential benefit and need of transferring some or all authority to promulgate milk rules and regulations from the Department of Health and Human Resources to the Department of Agriculture.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Dave Sypolt,
Chair.

The Senate proceeded to the seventh order of business.

Com. Sub. for Senate Concurrent Resolution 3, Michael Angiulli Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 336, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 336) passed with its title.

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

Senate Bill 384, Decreasing and increasing appropriations from State Fund, General Revenue to DHHR.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, January 31, 2018, for further amendments to be received on third reading, was reported by the Clerk.

On motions of Senators Jeffries and Gaunch, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page two, after line twenty-seven, by inserting the following:

And, That the total appropriation for the fiscal year ending June 30, 2018, to fund 0407, fiscal year 2018, organization 0506, be supplemented and amended by increasing an existing item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

56 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2018 Org 0506

	Appro- piation	General Revenue Fund
25 Health Right Free Clinics.....	72700	\$ 500,000;

And,

On page three, item fifty-seven, line thirteen, by striking out “34,627,000” and inserting in lieu thereof “34,127,000”.

Following discussion,

The question being on the adoption of the amendments offered by Senators Jeffries and Gaunch to the bill (S. B. 384), and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the amendments offered by Senators Jeffries and Gaunch to the bill adopted.

There being no further amendments offered,

The bill, as just amended, was ordered to engrossment.

Engrossed Senate Bill 384 was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 384 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—23.

The nays were: Baldwin, Beach, Facemire, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—11.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 384) passed.

On motions of Senators Jeffries and Gaunch, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Senate Bill 384—A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2018, organization 0506, to the Bureau of Senior Services, fund 0420, fiscal year 2018, organization 0508, and to the Department of Health and Human Resources – Division of Health – Central Office, fund 0407, fiscal year 2018, organization 0506, by supplementing, amending, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—23.

The nays were: Baldwin, Beach, Facemire, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—11.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 384) takes effect from passage.

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

Eng. Senate Bill 393, Relating to compensation and composition of WV Racing Commission.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 10, Relating generally to PSC jurisdiction.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Gauch, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause inserting in lieu thereof the following:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 19. MUNICIPAL AND COUNTY WATERWORKS AND ELECTRIC POWER SYSTEMS.

PART II. LIMITATIONS ON SALE OR LEASE OF

CERTAIN MUNICIPAL WATERWORKS.

§8-19-2. Contracts for purchase of electric power or energy by a municipality; definitions; requirements; payments; rates and charges.

(a) For the purposes of this section:

(1) “Contract” means an agreement entered into by a municipality with any other party for the purchase of electric output, capacity, or energy from a project as defined herein.

(2) “Any other party” means any other legal entity, including, but not limited to, another municipality, political subdivision, public authority, agency, or instrumentality of any state or the United States, a partnership, a limited partnership, a limited

liability company, a corporation, an electric cooperative or an investor-owned utility existing under the laws of any state; and

(3) “Project” or “projects” means systems or facilities owned by another party and used for the generation, transmission, transformation, or supply of electric power, or any interest in them, whether an undivided interest as a tenant in common or otherwise, or any right to the output, capacity, or services thereof.

(b) In addition to the general authority to purchase electricity on a wholesale basis for resale to its customers, any municipality that owns and operates an electric power system under the provisions of this article may enter into a contract with any other party for the purchase of electricity from one or more projects located in the United States that provide that the contracting municipality is obligated to make payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for, and that the payments shall not be subject to any reduction, whether by offset or otherwise, and shall not be conditioned upon performance or nonperformance by any other party. The contract may provide that, in the event of a default by the municipality or any other party to the contract in the performance of each entity’s obligations under the contract, any non-defaulting municipality or any other party to the contract shall on a pro rata basis succeed to the rights and interests of, and assume the obligations of, the defaulting party.

(c) Notwithstanding any other provisions of law, ordinance or charter provision to the contrary, a contract under subsection (b) of this section may extend for more than 50 years or 50 years from the date a project is estimated to be placed into normal continuous operation and the execution and effectiveness of the contract is not subject to any authorizations or approvals by the state or any agency, commission, instrumentality, or political subdivision thereof except as otherwise specifically required by law.

(d) A contract under subsection (b) of this section may provide that payments by the municipality are made solely from and may be

secured by a pledge of and lien upon revenues derived by the municipality from ownership and operation and that payments shall constitute an operating expense of the electric power system. No obligation under the contract shall constitute a legal or equitable pledge, charge, lien, or encumbrance upon any property of the municipality or upon any of its income, receipts, or revenues, except the revenues of the municipality's electric power system. Neither the faith and credit nor the taxing power of the municipality shall be pledged for the payment of any obligation under the contract.

(e) A municipality contracting under the provisions of subsection (b) of this section is obligated to fix, charge and collect rents, rates, fees, and charges for electric power and energy and other services it sells, furnishes, or supplies through its electric power system in an amount sufficient to provide revenues adequate to meet its obligations under the contract and to pay any and all other amounts payable from or constituting a charge and lien upon the revenues, including the amounts necessary to pay the principal and interest on any municipal bonds issued related to its electric power system: *Provided*, That any change in the rates and charges of the municipality to the customers of the electric power system under the provisions of this section are subject to the provisions and requirements of ~~section four-b, article two. chapter twenty-four~~ §8-19-2a of this code and the obligations of the municipality under the contract are costs of providing electric service within the meaning of that section.

§8-19-2a. Procedure for changing rates of municipal electric power systems; legislative findings.

All rates, fees, and charges set by municipal electric power systems shall be just, reasonable, applied without unjust discrimination between or preference for any customer or class of customer, and based primarily on the costs of providing these services. All rates and charges shall be based upon the measured or reasonably estimated cost of service and the equitable sharing of those costs between customers based upon the cost of providing the service received by the customer, including a reasonable slant-in-service depreciation expense. The rates and charges shall be adopted by the power system's governing board by municipal ordinance to

be effective not sooner than 45 days after adoption. The 45 day waiting period may be waived by public vote of the governing body if that body finds and declares the public utility that is a political subdivision of the state to be in financial distress, such that the 45 day waiting period would be detrimental to the ability of the utility to deliver continued and compliant public services: *Provided*, That notice of intent to effect a rate change shall be specified on the monthly billing statement of the customers of the utility for the month next preceding the month in which the rate change is to become effective, and the governing body shall give its customers other reasonable notices as will allow filing of timely objections to the proposed rate change and full participation in municipal rate legislation through the provision of a public forum in which customers may comment upon the proposed rate change prior to an enactment vote. Notwithstanding the exclusion of municipal power systems' rates, fees, charges, and ratemaking process from the jurisdiction of the Public Service Commission, municipal power systems shall submit information regarding their rates, fees, and charges to the commission as set forth in §24-2-9 of this code.

§8-19-2b. Right of appeal by customers.

Customers may appeal a rate increase to the circuit court of the county in which the municipality is located on the grounds that the rate ordinance or its passage does not comply with the provisions of this article by filing a petition, signed by at least 750 customers or 25 percent of the customers served by the municipal electric utility, whichever is fewer. Any petition challenging the ordinance must be filed within 30 days following the adoption of the rate ordinance.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1. Jurisdiction of commission; waiver of jurisdiction.

~~(a) The jurisdiction of the commission shall extend to all public utilities in this state and shall include any utility engaged in any of the following public services:~~

~~Common carriage of passengers or goods, whether by air, railroad, street railroad, motor or otherwise, by express or otherwise, by land, water or air, whether wholly or partly by land, water or air; transportation of oil, gas or water by pipeline; transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipeline; sleeping car or parlor car services; transmission of messages by telephone, telegraph or radio; generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas or electricity by municipalities or others; sewer systems servicing twenty five or more persons or firms other than the owner of the sewer systems: *Provided*, That if a public utility other than a political subdivision intends to provide sewer service by an innovative, alternative method, as defined by the federal Environmental Protection Agency, the innovative, alternative method is a public utility function and subject to the jurisdiction of the Public Service Commission regardless of the number of customers served by the innovative, alternative method; any public service district created under the provisions of article thirteen a, chapter sixteen of this code, except that the Public Service Commission will have no jurisdiction over the provision of stormwater services by a public service district; toll bridges, wharves, ferries; solid waste facilities; and any other public service: *Provided, however*, That natural gas producers who provide natural gas service to not more than twenty five residential customers are exempt from the jurisdiction of the commission with regard to the provisions of such residential service: *Provided further*, That upon request of any of the customers of such natural gas producers, the commission may, upon good cause being shown, exercise such authority as the commission may deem appropriate over the operation, rates and charges of such producer and for such length of time as the commission may consider to be proper.~~

~~(b) The jurisdiction of the commission over political subdivisions of this state providing separate or combined water and/or sewer services and having at least four thousand five hundred customers and annual combined gross revenues of \$3~~

~~million or more that are political subdivisions of the state is limited to:~~

~~(1) General supervision of public utilities, as granted and described in section five of this article;~~

~~(2) Regulation of measurements, practices, acts or services, as granted and described in section seven of this article;~~

~~(3) Regulation of a system of accounts to be kept by a public utility that is a political subdivision of the state, as granted and described in section eight of this article;~~

~~(4) Submission of information to the commission regarding rates, tolls, charges or practices, as granted and described in section nine of this article;~~

~~(5) Authority to subpoena witnesses, take testimony and administer oaths to any witness in any proceeding before or conducted by the commission, as granted and described in section ten of this article; and~~

~~(6) Investigation and resolution of disputes between a political subdivision of the state providing wholesale water and/or wastewater treatment or other services, whether by contract or through a tariff, and its customer or customers, including, but not limited to, rates, fees and charges, service areas and contested utility combinations. Provided, that any request for an investigation related to such a dispute that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission of the political subdivision and the commission shall resolve said dispute within 120 days of filing. The one hundred-twenty day period for resolution of the dispute may be tolled by the Commission until the necessary information showing the basis of the rates, fees and charges or other information as the commission considers necessary is filed. Provided further, the disputed rates, fees and charges so fixed by the political subdivision providing separate or combined water and/or sewer services shall remain in full force and effect until set aside, altered or amended by the commission in an order to be followed in the future.~~

~~(7) Customers of water and sewer utilities operated by a political subdivision of the state may bring formal or informal complaints regarding the commission's exercise of the powers enumerated in this section and the commission shall resolve these complaints~~

~~(8) In the event that a political subdivision has a deficiency in either its bond revenue or bond reserve accounts, or is otherwise in breach of a bond covenant, any bond holder may petition the Public Service Commission for such redress as will bring the accounts to current status or otherwise resolve the breached covenant, and the commission shall have jurisdiction to fully resolve the alleged deficiency or breach.~~

~~(c) The commission may, upon application, waive its jurisdiction and allow a utility operating in an adjoining state to provide service in West Virginia when:~~

~~(1) An area of West Virginia cannot be practicably and economically served by a utility licensed to operate within the State of West Virginia;~~

~~(2) Said area can be provided with utility service by a utility which operates in a state adjoining West Virginia;~~

~~(3) The utility operating in the adjoining state is regulated by a regulatory agency or commission of the adjoining state; and~~

~~(4) The number of customers to be served is not substantial. The rates the out-of-state utility charges West Virginia customers shall be the same as the rate the utility is duly authorized to charge in the adjoining jurisdiction. The commission, in the case of any such utility, may revoke its waiver of jurisdiction for good cause.~~

~~(d) Any other provisions of this chapter to the contrary notwithstanding:~~

~~(1) An owner or operator of an electric generating facility located or to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and~~

~~for which such facility the owner or operator holds a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall be subject to subsections (e), (f), (g), (h), (i) and (j), section eleven c of this article as if the certificate of public convenience and necessity for such facility were a siting certificate issued under said section and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in subdivision (5) of this subsection.~~

~~(2) Any person, corporation or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which facility the owner or operator does not hold a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of section eleven c of this article in lieu of a certificate of public convenience and necessity pursuant to the provisions of section eleven of this article. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission shall be subject to subsections (e), (f), (g), (h), (i) and (j), section eleven c of this article and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in subdivision (5) of this subsection.~~

~~(3) An owner or operator of an electric generating facility located in this state that had not been designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that generates electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both such sales at retail and such~~

~~sales at wholesale and that had been constructed and had engaged in commercial operation on or before July 1, 2003, shall not be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility, regardless of whether such facility subsequent to its construction has been or will be designated as an exempt wholesale generator under applicable federal law: *Provided*, That such owner or operator shall be subject to subdivision (5) of this subsection if a material modification of such facility is made or constructed.~~

~~(4) Any person, corporation or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has not been or will not be designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that will generate electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both such sales at retail and such sales at wholesale and that had not been constructed and had not been engaged in commercial operation on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of section eleven e of this article in lieu of a certificate of public convenience and necessity pursuant to the provisions of section eleven of this article. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission shall be subject to subsections (e), (f), (g), (h), (i) and (j), section eleven e of this article and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in subdivision (5) of this subsection.~~

~~(5) An owner or operator of an electric generating facility described in this subsection shall, before making or constructing a material modification of the facility that is not within the terms of any certificate of public convenience and necessity or siting certificate previously issued for the facility or an earlier material~~

~~modification thereof, obtain a siting certificate for the modification from the commission pursuant to the provisions of section eleven-c of this article in lieu of a certificate of public convenience and necessity for the modification pursuant to the provisions of section eleven of this article and, except for the provisions of section eleven-c of this article, shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such modification.~~

~~(6) The commission shall consider an application for a certificate of public convenience and necessity filed pursuant to section eleven of this article to construct an electric generating facility described in this subsection or to make or construct a material modification of such electric generating facility as an application for a siting certificate pursuant to section eleven-c of this article if the application for the certificate of public convenience and necessity was filed with the commission prior to July 1, 2003, and if the commission has not issued a final order thereon as of that date.~~

~~(7) The limitations on the jurisdiction of the commission over, and on the applicability of the provisions of this chapter to, the owner or operator of an electric generating facility as imposed by and described in this subsection shall not be deemed to affect or limit the commission's jurisdiction over contracts or arrangements between the owner or operator of such facility and any affiliated public utility subject to the provisions of this chapter.~~

~~(e) The commission shall not have jurisdiction of Internet protocol-enabled service or voice over Internet protocol-enabled service. As used in this subsection:~~

~~(1) "Internet protocol-enabled service" means any service, capability, functionality or application provided using Internet protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet protocol format, or any successor format, regardless of whether the communication is voice, data or video.~~

~~(2) “Voice over Internet protocol service” means any service that:~~

~~(i) Enables real time two way voice communications that originate or terminate from the user’s location using Internet protocol or a successor protocol; and~~

~~(ii) Uses a broadband connection from the user’s location.~~

~~(3) The term “voice over Internet protocol service” includes any service that permits users to receive calls that originate on the public switched telephone network and to terminate calls on the public switched telephone network.~~

~~(f) Notwithstanding any other provisions of this article, the commission shall not have jurisdiction to review or approve any transaction involving a telephone company otherwise subject to sections twelve and twelve a, article two, chapter twenty four of this code if all entities involved in the transaction are under common ownership.~~

(a) The jurisdiction of the commission shall extend to all public utilities in this state and shall include any utility engaged in any of the following public services:

Common carriage of passengers or goods, whether by air, railroad, street railroad, motor, or otherwise, by express or otherwise, by land, water or air, whether wholly or partly by land, water or air; transportation of oil, gas or water by pipeline; transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipeline; sleeping car or parlor car services; transmission of messages by telephone, telegraph or radio; generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas, or electricity by municipalities or others; sewer systems servicing twenty-five or more persons or firms other than the owner of the sewer systems: *Provided*, That if a public utility other than a political subdivision intends to provide sewer service by an innovative, alternative method, as defined by the federal

Environmental Protection Agency, the innovative, alternative method is a public utility function and subject to the jurisdiction of the Public Service Commission regardless of the number of customers served by the innovative, alternative method; any public service district created under the provisions of article thirteen-a, chapter sixteen of this code, except that the Public Service Commission will have no jurisdiction over the provision of stormwater services by a public service district; toll bridges, wharves, ferries; solid waste facilities; and any other public service: *Provided, however,* That natural gas producers who provide natural gas service to not more than twenty-five residential customers are exempt from the jurisdiction of the commission with regard to the provisions of such residential service: *Provided further,* That upon request of any of the customers of such natural gas producers, the commission may, upon good cause being shown, exercise such authority as the commission may deem appropriate over the operation, rates and charges of such producer and for such length of time as the commission may consider to be proper.

(b) The jurisdiction of the commission over political subdivisions of this state providing separate or combined water and/or sewer services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more that are political subdivisions of the state is limited to:

(1) General supervision of public utilities, as granted and described in section five of this article;

(2) Regulation of measurements, practices, acts or services, as granted and described in section seven of this article;

(3) Regulation of a system of accounts to be kept by a public utility that is a political subdivision of the state, as granted and described in section eight of this article;

(4) Submission of information to the commission regarding rates, tolls, charges or practices, as granted and described in section nine of this article;

(5) Authority to subpoena witnesses, take testimony and administer oaths to any witness in any proceeding before or conducted by the commission, as granted and described in section ten of this article; and

(6) Investigation and resolution of disputes between a political subdivision of the state providing wholesale water and/or wastewater treatment or other services, whether by contract or through a tariff, and its customer or customers, including, but not limited to, rates, fees and charges, service areas and contested utility combinations. Provided, that any request for an investigation related to such a dispute that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission of the political subdivision and the commission shall resolve said dispute within 120 days of filing. The 120 day period for resolution of the dispute may be tolled by the Commission until the necessary information showing the basis of the rates, fees and charges or other information as the commission considers necessary is filed. Provided further, the disputed rates, fees, and charges so fixed by the political subdivision providing separate or combined water and/or sewer services shall remain in full force and effect until set aside, altered or amended by the commission in an order to be followed in the future.

(7) Customers of water and sewer utilities operated by a political subdivision of the state may bring formal or informal complaints regarding the commission's exercise of the powers enumerated in this section and the commission shall resolve these complaints

(8) In the event that a political subdivision has a deficiency in either its bond revenue or bond reserve accounts, or is otherwise in breach of a bond covenant, any bond holder may petition the Public Service Commission for such redress as will bring the accounts to current status or otherwise resolve the breached covenant, and the commission shall have jurisdiction to fully resolve the alleged deficiency or breach.

(c) The commission may, upon application, waive its jurisdiction and allow a utility operating in an adjoining state to provide service in West Virginia when:

(1) An area of West Virginia cannot be practicably and economically served by a utility licensed to operate within the State of West Virginia;

(2) Said area can be provided with utility service by a utility which operates in a state adjoining West Virginia;

(3) The utility operating in the adjoining state is regulated by a regulatory agency or commission of the adjoining state; and

(4) The number of customers to be served is not substantial. The rates the out-of-state utility charges West Virginia customers shall be the same as the rate the utility is duly authorized to charge in the adjoining jurisdiction. The commission, in the case of any such utility, may revoke its waiver of jurisdiction for good cause.

(d) Any other provisions of this chapter to the contrary notwithstanding:

(1) An owner or operator of an electric generating facility located or to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which such facility the owner or operator holds a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall be subject to subsections (e), (f), (g), (h), (i) and (j), section eleven-c of this article as if the certificate of public convenience and necessity for such facility were a siting certificate issued under said section and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in subdivision (5) of this subsection.

(2) Any person, corporation or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has been designated as an exempt

wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which facility the owner or operator does not hold a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of section eleven-c of this article in lieu of a certificate of public convenience and necessity pursuant to the provisions of section eleven of this article. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission shall be subject to subsections (e), (f), (g), (h), (i) and (j), section eleven-c of this article and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in subdivision (5) of this subsection.

(3) An owner or operator of an electric generating facility located in this state that had not been designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that generates electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both such sales at retail and such sales at wholesale and that had been constructed and had engaged in commercial operation on or before July 1, 2003, shall not be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility, regardless of whether such facility subsequent to its construction has been or will be designated as an exempt wholesale generator under applicable federal law: *Provided*, That such owner or operator shall be subject to subdivision (5) of this subsection if a material modification of such facility is made or constructed.

(4) Any person, corporation or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has not been or will not be designated as an exempt wholesale generator under applicable federal law

prior to commercial operation of the facility that will generate electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both such sales at retail and such sales at wholesale and that had not been constructed and had not been engaged in commercial operation on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of section eleven-c of this article in lieu of a certificate of public convenience and necessity pursuant to the provisions of section eleven of this article. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission shall be subject to subsections (e), (f), (g), (h), (i) and (j), section eleven-c of this article and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in subdivision (5) of this subsection.

(5) An owner or operator of an electric generating facility described in this subsection shall, before making or constructing a material modification of the facility that is not within the terms of any certificate of public convenience and necessity or siting certificate previously issued for the facility or an earlier material modification thereof, obtain a siting certificate for the modification from the commission pursuant to the provisions of section eleven-c of this article in lieu of a certificate of public convenience and necessity for the modification pursuant to the provisions of section eleven of this article and, except for the provisions of section eleven-c of this article, shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such modification.

(6) The commission shall consider an application for a certificate of public convenience and necessity filed pursuant to section eleven of this article to construct an electric generating facility described in this subsection or to make or construct a material modification of such electric generating facility as an

application for a siting certificate pursuant to section eleven-c of this article if the application for the certificate of public convenience and necessity was filed with the commission prior to July 1, 2003, and if the commission has not issued a final order thereon as of that date.

(7) The limitations on the jurisdiction of the commission over, and on the applicability of the provisions of this chapter to, the owner or operator of an electric generating facility as imposed by and described in this subsection shall not be deemed to affect or limit the commission's jurisdiction over contracts or arrangements between the owner or operator of such facility and any affiliated public utility subject to the provisions of this chapter.

(e) The commission shall not have jurisdiction of Internet protocol-enabled service or voice-over Internet protocol-enabled service. As used in this subsection:

(1) "Internet protocol-enabled service" means any service, capability, functionality, or application provided using Internet protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet protocol format, or any successor format, regardless of whether the communication is voice, data or video.

(2) "Voice-over Internet protocol service" means any service that:

(i) Enables real-time two-way voice communications that originate or terminate from the user's location using Internet protocol or a successor protocol; and

(ii) Uses a broadband connection from the user's location.

(3) The term "voice-over Internet protocol service" includes any service that permits users to receive calls that originate on the public-switched telephone network and to terminate calls on the public-switched telephone network.

(f) Notwithstanding any other provisions of this article, the commission shall not have jurisdiction to review or approve any

transaction involving a telephone company otherwise subject to sections twelve and twelve-a, article two, chapter twenty-four of this code if all entities involved in the transaction are under common ownership.

(g) The Legislature finds that the rates, fees, charges, and ratemaking of municipal power systems are most fairly and effectively regulated by the local governing body. Therefore, notwithstanding any other provisions of this article, the commission shall not have jurisdiction over the setting or adjustment of rates, fees, and charges of municipal power systems. Further, the jurisdiction of the Public Service Commission over municipal power systems is limited to that granted specifically in this code.

§24-2-2. General power of commission to regulate public utilities.

(a) The commission is ~~hereby given power to~~ may investigate all rates, methods and practices of public utilities subject to the provisions of this chapter; to require them to conform to the laws of this state and to all rules, regulations and orders of the commission not contrary to law; and to require copies of all reports, rates, classifications, schedules and timetables in effect and used by the public utility or other person to be filed with the commission, and all other information desired by the commission relating to the investigation and requirements, including inventories of all property in ~~such~~ the form and detail as the commission ~~may prescribe~~ prescribes. The commission may compel obedience to its lawful orders by mandamus or injunction or other proper proceedings in the name of the state in any circuit court having jurisdiction of the parties or of the subject matter, or the Supreme Court of Appeals directly, and the proceedings shall have priority over all pending cases. The commission may change any intrastate rate, charge or toll which is unjust or unreasonable or any interstate charge with respect to matters of a purely local nature which have not been regulated by or pursuant to an act of Congress and may prescribe a rate, charge or toll that is just and reasonable, and change or prohibit any practice, device or method of service in

order to prevent undue discrimination or favoritism between persons and between localities and between commodities for a like and contemporaneous service. But in no case ~~shall~~ may the rate, toll or charge be more than the service is reasonably worth, considering the cost of the service. Every order entered by the commission shall continue in force until the expiration of the time, if any, named by the commission in the order, or until revoked or modified by the commission, unless the order is suspended, modified or revoked by order or decree of a court of competent jurisdiction: *Provided*, That in the case of utilities used by emergency shelter providers, the commission shall prescribe ~~such~~ rates, charges or tolls that are the lowest available. "Emergency shelter provider" means any nonprofit entity which provides temporary emergency housing and services to the homeless or to victims of domestic violence or other abuse.

(b) Notwithstanding any other provision of this code to the contrary, rates are not discriminatory if, when considering the debt costs associated with a future water or sewer project which would not benefit existing customers, the commission establishes rates which ensure that the future customers to be served by the new project are solely responsible for the debt costs associated with the project.

(c) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission over water and/or sewer utilities that are political subdivisions of the state providing a separate or combined services and having at least 4,500 customers and annual combined gross revenues of \$3 million or more ~~shall be~~ is limited to those powers enumerated in §24-2-1(b) of this code.

(d) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission does not extend over the setting or adjustment of rates, fees, and charges of municipal power systems. The rates, fees, charges and ratemaking process of municipal power systems is governed by the provisions of §8-19-2a of this code.

§24-2-3. General power of commission with respect to rates.

(a) The commission ~~shall have power to~~ may enforce, originate, establish, change and promulgate tariffs, rates, joint rates, tolls and schedules for all public utilities except for municipal power systems and water and/or sewer utilities that are political subdivisions of this state providing a separate or combined services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more: *Provided*, That the commission may exercise such rate authority over municipally owned ~~electric or~~ natural gas utilities or a municipally owned water and/or sewer utility having less than 4,500 customers or annual combined gross revenues of less than \$3 million, only under the circumstances and limitations set forth in §24-2-4b of this code, and subject to the provisions set forth in subsection (b) of this section. And whenever the commission, ~~shall~~ after hearing, ~~find~~ finds any existing rates, tolls, tariffs, joint rates or schedules enacted or maintained by a utility regulated under the provisions of this section to be unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any of the provisions of this chapter, the commission shall, by an order, fix reasonable rates, joint rates, tariffs, tolls or schedules to be followed in the future in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any provisions of law, and the ~~said~~ commission, in fixing the rate of any railroad company, may fix a fair, reasonable and just rate to be charged on any branch line thereof, independent of the rate charged on the main line of ~~such~~ the railroad.

(b) Any complaint filed with the commission by a resale or wholesale customer of a municipally owned water and/or sewer utility having less than 4,500 customers or annual combined gross revenue of less than \$3 million concerning rates, fees or charges applicable to such resale or wholesale customer, shall be filed within 30 days of the enactment by the governing body of the political subdivision of an ordinance changing rates, fees or charges for such service. The commission shall resolve said complaint within 120 days of filing. The 120 day period for resolution of the complaint may be tolled by the commission until

the necessary information showing the basis of the rates, fees, charges and other information as the commission considers necessary is filed: *Provided*, That rates, fees, and charges so fixed by the political subdivision providing separate or combined water and/or sewer services shall remain in full force and effect until set aside, altered or amended by the commission in an order to be followed in the future: *Provided, however*, That the commission shall have no authority to order refunds for amounts collected during the pendency of the complaint proceeding unless the rates, fees, or charges so enacted by the governing body were enacted subject to refund under the provisions of §24-2-4b (d)(2) or (g) of this code.

(c) In determining just and reasonable rates, the commission may audit and investigate management practices and policies, or have performed an audit and investigation of such practices and policies, in order to determine whether the utility is operating with efficiency and is utilizing sound management practices. The commission shall adopt rules and regulations setting forth the scope, frequency and application of such audits and investigations to the various utilities subject to its jurisdiction. The commission may include the cost of conducting the management audit in the cost of service of the utility.

(d) In determining just and reasonable rates, the commission shall investigate and review transactions between utilities and affiliates. The commission shall limit the total return of the utility to a level which, when considered with the level of profit or return the affiliate earns on transactions with the utility, is just and reasonable.

§24-2-4b. Procedures for changing rates of electric and natural gas cooperatives, local exchange services of telephone cooperatives and municipally operated public utilities.

(a) The rates and charges of electric cooperatives, natural gas cooperatives and municipal water and/or sewer utilities that are political subdivisions of the state having less than 4,500 customers or annual combined gross revenues of less than \$3 million, except for municipally operated commercial solid waste facilities as

defined in §22-15-2 of this code, and the rates and charges for local exchange services provided by telephone cooperatives are not subject to the rate approval provisions of §24-2-4 or §24-2-4a of this code, but are subject to the limited rate provisions of this section.

(b) All rates and charges set by electric cooperatives, natural gas cooperatives and municipally operated public utilities that are political subdivisions of the state providing water, sewer, ~~electric~~ and/or natural gas services that are subject to the provisions of this section and all rates and charges for local exchange services set by telephone cooperatives shall be just, reasonable, applied without unjust discrimination between or preference for any customer or class of customer and based primarily on the costs of providing these services. All rates and charges shall be based upon the measured or reasonably estimated cost of service and the equitable sharing of those costs between customers based upon the cost of providing the service received by the customer, including a reasonable plant-in-service depreciation expense. The rates and charges shall be adopted by the electric, natural gas, telephone cooperative or political subdivision's governing board or body and, in the case of the municipally operated public utility, by municipal ordinance to be effective not sooner than 45 days after adoption. The 45 day waiting period may be waived by public vote of the governing body if that body finds and declares the public utility that is a political subdivision of the state to be in financial distress such that the 45 day waiting period would be detrimental to the ability of the utility to deliver continued and compliant public services: *Provided*, That notice of intent to effect a rate change shall be specified on the monthly billing statement of the customers of the utility for the month next preceding the month in which the rate change is to become effective and the utility governing body shall give its customers and, in the case of a cooperative, its customers, members and stockholders, other reasonable notices as will allow filing of timely objections to the proposed rate change and full participation in municipal rate legislation through the provision of a public forum in which customers may comment upon the proposed rate change prior to an enactment vote. The rates and charges or ordinance shall be filed with the commission,

together with any information showing the basis of the rates and charges and other information as the commission considers necessary. Any change in the rates and charges with updated information shall be filed with the commission. If a petition, as set out in subdivision (1), (2) or (3), subsection (c) of this section, is received and the electric cooperative, natural gas cooperative or telephone cooperative or municipality has failed to file with the commission the rates and charges with information showing the basis of rates and charges and other information as the commission considers necessary, the suspension period limitation of 120 days and the 100 day period limitation for issuance of an order by a hearing examiner, as contained in subsections (d) and (e) of this section, is tolled until the necessary information is filed. The electric cooperative, natural gas cooperative, telephone cooperative or municipality shall set the date when any new rate or charge is to go into effect.

(c) The commission shall review and approve or modify the rates and charges of electric cooperatives, natural gas cooperatives, telephone cooperatives, or municipal ~~electric or~~ natural gas utilities and municipally owned water and/or sewer utilities that are political subdivisions of the state and having less than 4,500 customers or annual combined revenues of less than \$3 million upon the filing of a petition within 30 days of the adoption of the ordinance or resolution changing the rates or charges by:

(1) Any customer aggrieved by the changed rates or charges who presents to the commission a petition signed by not less than 25 percent of the customers served by the municipally operated ~~electric or~~ natural gas public utility or municipally owned water and/or sewer utility or 25 percent of the membership of the electric, natural gas or telephone cooperative residing within the state;

(2) Any customer who is served by a municipally owned ~~electric or~~ natural gas public utility and who resides outside the corporate limits and who is affected by the change in the rates or charges and who presents to the commission a petition alleging discrimination between customers within and without the municipal boundaries. The petition shall be accompanied by evidence of discrimination; or

(3) Any customer or group of customers of the municipally owned ~~electric or~~ natural gas public utility who is affected by the change in rates who reside within the municipal boundaries and who present a petition to the commission alleging discrimination between a customer or group of customers and other customers of the municipal utility. The petition shall be accompanied by evidence of discrimination.

(d) (1) The filing of a petition with the commission signed by not less than 25 percent of the customers served by the municipally owned ~~electric or~~ natural gas public utility or a municipally owned water and/or sewer utility having less than 4,500 customers or annual combined gross revenues of less than \$3 million or twenty-five percent of the membership of the electric, natural gas or telephone cooperative residing within the state under subsection (c) of this section shall suspend the adoption of the rate change contained in the ordinance or resolution for a period of one hundred twenty days from the date the rates or charges would otherwise go into effect or until an order is issued as provided herein.

(2) Upon sufficient showing of discrimination by customers outside the municipal boundaries or a customer or a group of customers within the municipal boundaries under a petition filed under subdivision (2) or (3), subsection (c) of this section, the commission shall suspend the adoption of the rate change contained in the ordinance for a period of 120 days from the date the rates or charges would otherwise go into effect or until an order is issued as provided herein. A municipal rate ordinance enacted pursuant to the provisions of this section and municipal charter or state code that establishes or proposes a rate increase that results in an increase of less than 25 percent of the gross revenue of the utility shall be presumed valid and rates shall be allowed to go into effect, subject to refund, upon the date stated in that ordinance. Any refund determined to be due and owing as a result of any difference between any final rates approved by the commission and the rates placed into effect subject to refund shall be refunded as a credit against each customer's account for a period of up to six months after entry of the commission's final order. Any remaining balance which is not fully credited by credit within six months after entry

of the commission's final order shall be directly refunded to the customer by check. In the case of rates established or proposed that increase by more than 25 percent of the gross revenue of the municipally operated public utility, the utility may apply for, and the commission may grant, a waiver of the suspension period and allow rates to be effective upon enactment.

(e) The commission shall forthwith appoint a hearing examiner from its staff to review the grievances raised by the petitioners. The hearing examiner shall conduct a public hearing and shall, within 100 days from the date the rates or charges would otherwise go into effect, unless otherwise tolled as provided in subsection (b) of this section, issue an order approving, disapproving or modifying, in whole or in part, the rates or charges imposed by the electric, natural gas or telephone cooperative or by the municipally operated public utility pursuant to this section.

(f) Upon receipt of a petition for review of the rates under the provisions of subsection (c) of this section, the commission may exercise the power granted to it under the provisions of §24-2-3 of this code, consistent with the applicable rate provisions of §8-10-2, §8-19-4 and §16-13-16 of this code. The commission may determine the method by which the rates are reviewed and may grant and conduct a de novo hearing on the matter if the customer, electric, natural gas or telephone cooperative or municipality requests a hearing.

(g) The commission may, upon petition by an electric, natural gas or telephone cooperative or municipal ~~electric or~~ natural gas public utility or a municipally owned water and/or sewer utility having less than 4,500 customers or annual combined gross revenues of less than \$3 million, allow an interim or emergency rate to take effect, subject to refund or future modification, if it is determined that the interim or emergency rate is necessary to protect the municipality from financial hardship attributable to the purchase of the utility commodity sold, or the commission determines that a temporary or interim rate increase is necessary for the utility to avoid financial distress. In such cases, the commission shall waive the 45 day waiting period provided for in

subsection (b) of this section and the 120 day suspension period provided for in subsection (d) of this section.

(h) The commission shall, upon written request of the governing body of a political subdivision, provide technical assistance to the governing body in its deliberations regarding a proposed rate increase.

(i) Notwithstanding any other provision, the commission has no authority or responsibility with regard to the regulation of rates, income, services, or contracts by municipally operated public utilities for services which are transmitted and sold outside of the State of West Virginia.

(j) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission over water and/or sewer utilities that are political subdivisions of the state and having at least 4,500 customers and annual gross combined revenues of \$3 million or more shall be limited to those powers enumerated in §24-2-1(b) of this code.

(k) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission does not extend over the setting and adjustment of the rates, fees, and charges of municipal power systems. The rates, fees, charges and ratemaking process of municipal power systems shall be governed by the provisions of §8-19-2a of this code.

On motion of Senator Ojeda, the following amendments to Senator Gaunch's amendment to the bill (Com. Sub. for S. B. 10) were reported by the Clerk and considered simultaneously:

On page seventeen, section one, after subsection (g), by inserting a new subsection, designated subsection (h), to read as follows:

(h) The commission shall have jurisdiction to ensure the Internet remains open within this state, as detailed in the West Virginia Net Neutrality Act contained in §24-9-1, et seq. of this code.;

And,

On page twenty-five, after section four-b, by inserting a new article, designated article nine, to read as follows:

ARTICLE 9. WEST VIRGINIA NET NEUTRALITY ACT.

§24-9-1. Short title.

This article shall be known as the West Virginia Net Neutrality Act.

§24-9-2. Definitions.

For the purposes of this article, unless the context clearly requires otherwise, the following terms are defined as follows:

“Broadband Internet access service” means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service. The term also encompasses any service that the federal communications commission finds to be providing a functional equivalent of such a broadband Internet access service. The term also encompasses any service that is used to evade the protections set forth in this article.

“Edge provider” means any individual or entity that provides any content, application, or service over the Internet, and any individual or entity that provides a device used for accessing any content, application, or service over the Internet.

“End user” means any individual or entity that uses a broadband Internet access service.

“Mobile broadband Internet access service” means a broadband Internet service that serves end users primarily using mobile stations.

“Paid prioritization” means the management of a broadband provider’s network to directly or indirectly favor some traffic over

other traffic, including the use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either: (1) In exchange for consideration, monetary or otherwise, from a third party; or (2) to benefit an affiliated entity.

“Reasonable network management” means a practice that has a primarily technical network management justification, but does not include other business practices. A network management practice is reasonable if it is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the Broadband Internet Access Service.

§24-9-3. Broadband Internet access service provider requirements.

(a) A person engaged in the provision of broadband Internet access service in this state shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain internet offerings.

(b) A person engaged in the provision of broadband Internet service in this state, insofar as such a person is so engaged, may not:

(1) Block lawful content, applications, services, or nonharmful devices, subject to reasonable network management;

(2) Impair or degrade lawful internet traffic on the basis of internet content, application, or service, or use of a nonharmful device, subject to reasonable network management;

(3) Engage in paid prioritization; or

(4) Unreasonably interfere with or unreasonably disadvantage:
(A) End users’ ability to select, access, and use broadband Internet

access service or the lawful Internet content, applications, services, or devices of their choice; or (B) edge providers' ability to make lawful content, applications, services, or devices available to end users.

(c) The Public Service Commission may waive the prohibition on paid prioritization contained in this section only if the petitioner demonstrates by clear and convincing evidence that the practice would provide some significant public interest benefit and would not harm the open nature of the Internet in this state.

§24-9-4. Consumer protection.

(a) The matters contained in this article are vitally important to the consumers of this state and the public interest. Therefore, a violation of this article is deemed to be an unfair or deceptive act or practice in violation of the West Virginia Consumer Credit and Protection Act, contained in chapter 46A of this code, and may be brought by consumers in a private civil action. The penalties and remedies contained in the West Virginia Consumer Credit and Protection Act shall apply to this article as if the entirety of chapter 46A were repeated herein.

(b) All receipts recovered on behalf of the state by the Office of the Attorney General for lawsuits related to violations of this article shall be deposited into the Broadband Enhancement Fund, created in §31G-1-5 of this code.

Following discussion,

Senator Maroney arose to a point of order that Senator Ojeda's amendments to Senator Gaunch's amendment to the bill (Com. Sub. for S. B. 10) were not germane to the bill.

Which point of order, the President ruled not well taken.

The question being on the adoption of Senator Ojeda's amendments to Senator Gaunch's amendment to the bill (Com. Sub. for S. B. 10), and on this question, Senator Ojeda demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Prezioso, Romano, Stollings, Unger, and Woelfel—11.

The nays were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—23.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Ojeda's amendments to Senator Gaunch's amendment to the bill rejected.

The question now being on the adoption of Senator Gaunch's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 10), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 258, Exempting honorably discharged veterans from fees for license to carry deadly weapons.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 267, Increasing salaries of certain state employees.

On second reading, coming up in regular order, was read a second time.

On motions of Senators Prezioso, Baldwin, Beach, Facemire, Jeffries, Ojeda, Plymale, Romano, Stollings, Unger, and Woelfel, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On pages three and four, section five, by striking out all of lines fifty-three through eighty-eight and inserting in lieu thereof the following:

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

<u>Cadet During Training</u>	\$ 35,290
<u>Cadet Trooper After Training</u>	\$ 42,554
<u>Trooper Second Year</u>	\$ 43,562
<u>Trooper Third Year</u>	\$ 43,945
<u>Senior Trooper</u>	\$ 44,344
<u>Trooper First Class</u>	\$ 44,950
<u>Corporal</u>	\$ 45,556
<u>Sergeant</u>	\$ 49,857
<u>First Sergeant</u>	\$ 52,008
<u>Second Lieutenant</u>	\$ 54,158
<u>First Lieutenant</u>	\$ 56,309
<u>Captain</u>	\$ 58,460
<u>Major</u>	\$ 60,610
<u>Lieutenant Colonel</u>	\$ 62,761

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST
CLASSIFICATION

<u>I</u>	\$ 43,562
<u>II</u>	\$ 44,344
<u>III</u>	\$ 44,950
<u>IV</u>	\$ 45,556

<u>V</u>	\$ 49,857
<u>VI</u>	\$ 52,008
<u>VII</u>	\$ 54,158
<u>VIII</u>	\$ 56,309

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

<u>I</u>	\$ 43,562
<u>II</u>	\$ 44,344
<u>III</u>	\$ 44,950
<u>IV</u>	\$ 45,556
<u>V</u>	\$ 49,857
<u>VI</u>	\$ 52,008
<u>VII</u>	\$ 54,158
<u>VIII</u>	\$ 56,309;

On pages eight and nine, section two, after line seven, by striking out the table and inserting in lieu thereof a new table to read as follows:

Years	<u>4th</u>	<u>3rd</u>	<u>2nd</u>	A.B.		M.A.	M.A.	M.A.	Doc-	
Exp	Class	Class	Class	A.B.	+15	M.A.	+15	+30	+45	torate
<u>0</u>	<u>29,129</u>	<u>29,818</u>	<u>30,084</u>	<u>31,527</u>	<u>32,288</u>	<u>34,055</u>	<u>34,816</u>	<u>35,577</u>	<u>36,338</u>	<u>37,373</u>
<u>1</u>	<u>29,457</u>	<u>30,146</u>	<u>30,412</u>	<u>32,045</u>	<u>32,806</u>	<u>34,574</u>	<u>35,335</u>	<u>36,095</u>	<u>36,856</u>	<u>37,891</u>
<u>2</u>	<u>29,786</u>	<u>30,474</u>	<u>30,740</u>	<u>32,564</u>	<u>33,325</u>	<u>35,092</u>	<u>35,853</u>	<u>36,614</u>	<u>37,375</u>	<u>38,410</u>
<u>3</u>	<u>30,114</u>	<u>30,802</u>	<u>31,068</u>	<u>33,083</u>	<u>33,843</u>	<u>35,611</u>	<u>36,372</u>	<u>37,132</u>	<u>37,893</u>	<u>38,928</u>
<u>4</u>	<u>30,686</u>	<u>31,374</u>	<u>31,640</u>	<u>33,845</u>	<u>34,606</u>	<u>36,374</u>	<u>37,135</u>	<u>37,895</u>	<u>38,656</u>	<u>39,691</u>
<u>5</u>	<u>31,014</u>	<u>31,702</u>	<u>31,968</u>	<u>34,364</u>	<u>35,125</u>	<u>36,892</u>	<u>37,653</u>	<u>38,414</u>	<u>39,175</u>	<u>40,210</u>

<u>6</u>	<u>31,342</u>	<u>32,030</u>	<u>32,296</u>	<u>34,882</u>	<u>35,643</u>	<u>37,411</u>	<u>38,172</u>	<u>38,932</u>	<u>39,693</u>	<u>40,728</u>
<u>7</u>	<u>31,670</u>	<u>32,359</u>	<u>32,624</u>	<u>35,401</u>	<u>36,162</u>	<u>37,929</u>	<u>38,690</u>	<u>39,451</u>	<u>40,212</u>	<u>41,247</u>
<u>8</u>	<u>31,998</u>	<u>32,687</u>	<u>32,953</u>	<u>35,919</u>	<u>36,680</u>	<u>38,448</u>	<u>39,209</u>	<u>39,969</u>	<u>40,730</u>	<u>41,765</u>
<u>9</u>	<u>32,326</u>	<u>33,015</u>	<u>33,281</u>	<u>36,438</u>	<u>37,199</u>	<u>38,966</u>	<u>39,727</u>	<u>40,488</u>	<u>41,249</u>	<u>42,284</u>
<u>10</u>	<u>32,655</u>	<u>33,343</u>	<u>33,609</u>	<u>36,958</u>	<u>37,718</u>	<u>39,486</u>	<u>40,247</u>	<u>41,008</u>	<u>41,768</u>	<u>42,803</u>
<u>11</u>	<u>32,983</u>	<u>33,671</u>	<u>33,937</u>	<u>37,476</u>	<u>38,237</u>	<u>40,005</u>	<u>40,765</u>	<u>41,526</u>	<u>42,287</u>	<u>43,322</u>
<u>12</u>	<u>33,311</u>	<u>33,999</u>	<u>34,265</u>	<u>37,995</u>	<u>38,755</u>	<u>40,523</u>	<u>41,284</u>	<u>42,045</u>	<u>42,805</u>	<u>43,840</u>
<u>13</u>	<u>33,639</u>	<u>34,327</u>	<u>34,593</u>	<u>38,513</u>	<u>39,274</u>	<u>41,042</u>	<u>41,802</u>	<u>42,563</u>	<u>43,324</u>	<u>44,359</u>
<u>14</u>	<u>33,967</u>	<u>34,655</u>	<u>34,921</u>	<u>39,032</u>	<u>39,792</u>	<u>41,560</u>	<u>42,321</u>	<u>43,082</u>	<u>43,842</u>	<u>44,877</u>
<u>15</u>	<u>34,295</u>	<u>34,983</u>	<u>35,249</u>	<u>39,550</u>	<u>40,311</u>	<u>42,079</u>	<u>42,839</u>	<u>43,600</u>	<u>44,361</u>	<u>45,396</u>
<u>16</u>	<u>34,623</u>	<u>35,311</u>	<u>35,577</u>	<u>40,069</u>	<u>40,829</u>	<u>42,597</u>	<u>43,358</u>	<u>44,119</u>	<u>44,879</u>	<u>45,914</u>
<u>17</u>	<u>34,951</u>	<u>35,640</u>	<u>35,905</u>	<u>40,587</u>	<u>41,348</u>	<u>43,116</u>	<u>43,877</u>	<u>44,637</u>	<u>45,398</u>	<u>46,433</u>
<u>18</u>	<u>35,279</u>	<u>35,968</u>	<u>36,234</u>	<u>41,106</u>	<u>41,867</u>	<u>43,634</u>	<u>44,395</u>	<u>45,156</u>	<u>45,917</u>	<u>46,952</u>
<u>19</u>	<u>35,607</u>	<u>36,296</u>	<u>36,562</u>	<u>41,624</u>	<u>42,385</u>	<u>44,153</u>	<u>44,914</u>	<u>45,674</u>	<u>46,435</u>	<u>47,470</u>
<u>20</u>	<u>35,935</u>	<u>36,624</u>	<u>36,890</u>	<u>42,143</u>	<u>42,904</u>	<u>44,671</u>	<u>45,432</u>	<u>46,193</u>	<u>46,954</u>	<u>47,989</u>
<u>21</u>	<u>36,264</u>	<u>36,952</u>	<u>37,218</u>	<u>42,661</u>	<u>43,422</u>	<u>45,190</u>	<u>45,951</u>	<u>46,711</u>	<u>47,472</u>	<u>48,507</u>
<u>22</u>	<u>36,592</u>	<u>37,280</u>	<u>37,546</u>	<u>43,180</u>	<u>43,941</u>	<u>45,708</u>	<u>46,469</u>	<u>47,230</u>	<u>47,991</u>	<u>49,026</u>
<u>23</u>	<u>36,920</u>	<u>37,608</u>	<u>37,874</u>	<u>43,699</u>	<u>44,459</u>	<u>46,227</u>	<u>46,988</u>	<u>47,748</u>	<u>48,509</u>	<u>49,544</u>
<u>24</u>	<u>37,248</u>	<u>37,936</u>	<u>38,202</u>	<u>44,217</u>	<u>44,978</u>	<u>46,746</u>	<u>47,506</u>	<u>48,267</u>	<u>49,028</u>	<u>50,063</u>
<u>25</u>	<u>37,576</u>	<u>38,264</u>	<u>38,530</u>	<u>44,736</u>	<u>45,496</u>	<u>47,264</u>	<u>48,025</u>	<u>48,786</u>	<u>49,546</u>	<u>50,581</u>
<u>26</u>	<u>37,904</u>	<u>38,592</u>	<u>38,858</u>	<u>45,254</u>	<u>46,015</u>	<u>47,783</u>	<u>48,543</u>	<u>49,304</u>	<u>50,065</u>	<u>51,100</u>
<u>27</u>	<u>38,232</u>	<u>38,920</u>	<u>39,186</u>	<u>45,773</u>	<u>46,533</u>	<u>48,301</u>	<u>49,062</u>	<u>49,823</u>	<u>50,583</u>	<u>51,618</u>
<u>28</u>	<u>38,560</u>	<u>39,249</u>	<u>39,514</u>	<u>46,291</u>	<u>47,052</u>	<u>48,820</u>	<u>49,580</u>	<u>50,341</u>	<u>51,102</u>	<u>52,137</u>
<u>29</u>	<u>38,888</u>	<u>39,577</u>	<u>39,843</u>	<u>46,810</u>	<u>47,570</u>	<u>49,338</u>	<u>50,099</u>	<u>50,860</u>	<u>51,620</u>	<u>52,655</u>
<u>30</u>	<u>39,216</u>	<u>39,905</u>	<u>40,171</u>	<u>47,328</u>	<u>48,089</u>	<u>49,857</u>	<u>50,617</u>	<u>51,378</u>	<u>52,139</u>	<u>53,174</u>
<u>31</u>	<u>39,545</u>	<u>40,233</u>	<u>40,499</u>	<u>47,847</u>	<u>48,608</u>	<u>50,375</u>	<u>51,136</u>	<u>51,897</u>	<u>52,657</u>	<u>53,692</u>
<u>32</u>	<u>39,873</u>	<u>40,561</u>	<u>40,827</u>	<u>48,365</u>	<u>49,126</u>	<u>50,894</u>	<u>51,655</u>	<u>52,415</u>	<u>53,176</u>	<u>54,211</u>

<u>33</u>	<u>40,201</u>	<u>40,889</u>	<u>41,155</u>	<u>48,884</u>	<u>49,645</u>	<u>51,412</u>	<u>52,173</u>	<u>52,934</u>	<u>53,695</u>	<u>54,730</u>
<u>34</u>	<u>40,529</u>	<u>41,217</u>	<u>41,483</u>	<u>49,402</u>	<u>50,163</u>	<u>51,931</u>	<u>52,692</u>	<u>53,452</u>	<u>54,213</u>	<u>55,248</u>
<u>35</u>	<u>40,857</u>	<u>41,545</u>	<u>41,811</u>	<u>49,921</u>	<u>50,682</u>	<u>52,449</u>	<u>53,210</u>	<u>53,971</u>	<u>54,732</u>	<u>55,767</u> ;

And,

On pages twelve through fourteen, section eight-a, after line eight, by striking out the table and inserting in lieu thereof a new table to read as follows:

Years

<u>Exp.</u>	<u>PAY GRADE</u>							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
<u>0</u>	<u>1,726</u>	<u>1,747</u>	<u>1,789</u>	<u>1,842</u>	<u>1,895</u>	<u>1,958</u>	<u>1,990</u>	<u>2,063</u>
<u>1</u>	<u>1,758</u>	<u>1,780</u>	<u>1,821</u>	<u>1,874</u>	<u>1,928</u>	<u>1,991</u>	<u>2,022</u>	<u>2,096</u>
<u>2</u>	<u>1,791</u>	<u>1,812</u>	<u>1,854</u>	<u>1,907</u>	<u>1,960</u>	<u>2,023</u>	<u>2,055</u>	<u>2,128</u>
<u>3</u>	<u>1,823</u>	<u>1,845</u>	<u>1,887</u>	<u>1,940</u>	<u>1,993</u>	<u>2,056</u>	<u>2,088</u>	<u>2,161</u>
<u>4</u>	<u>1,856</u>	<u>1,878</u>	<u>1,919</u>	<u>1,972</u>	<u>2,025</u>	<u>2,089</u>	<u>2,120</u>	<u>2,195</u>
<u>5</u>	<u>1,889</u>	<u>1,910</u>	<u>1,952</u>	<u>2,005</u>	<u>2,058</u>	<u>2,121</u>	<u>2,153</u>	<u>2,227</u>
<u>6</u>	<u>1,921</u>	<u>1,943</u>	<u>1,986</u>	<u>2,038</u>	<u>2,091</u>	<u>2,154</u>	<u>2,186</u>	<u>2,260</u>
<u>7</u>	<u>1,955</u>	<u>1,975</u>	<u>2,018</u>	<u>2,070</u>	<u>2,123</u>	<u>2,187</u>	<u>2,218</u>	<u>2,293</u>
<u>8</u>	<u>1,988</u>	<u>2,008</u>	<u>2,051</u>	<u>2,103</u>	<u>2,156</u>	<u>2,219</u>	<u>2,251</u>	<u>2,325</u>
<u>9</u>	<u>2,020</u>	<u>2,041</u>	<u>2,084</u>	<u>2,137</u>	<u>2,189</u>	<u>2,252</u>	<u>2,283</u>	<u>2,358</u>
<u>10</u>	<u>2,053</u>	<u>2,074</u>	<u>2,116</u>	<u>2,169</u>	<u>2,221</u>	<u>2,286</u>	<u>2,317</u>	<u>2,391</u>
<u>11</u>	<u>2,086</u>	<u>2,107</u>	<u>2,149</u>	<u>2,202</u>	<u>2,254</u>	<u>2,318</u>	<u>2,350</u>	<u>2,423</u>
<u>12</u>	<u>2,118</u>	<u>2,140</u>	<u>2,181</u>	<u>2,235</u>	<u>2,288</u>	<u>2,351</u>	<u>2,382</u>	<u>2,456</u>
<u>13</u>	<u>2,151</u>	<u>2,172</u>	<u>2,214</u>	<u>2,267</u>	<u>2,320</u>	<u>2,383</u>	<u>2,415</u>	<u>2,489</u>
<u>14</u>	<u>2,184</u>	<u>2,205</u>	<u>2,247</u>	<u>2,300</u>	<u>2,353</u>	<u>2,416</u>	<u>2,448</u>	<u>2,521</u>
<u>15</u>	<u>2,216</u>	<u>2,238</u>	<u>2,279</u>	<u>2,332</u>	<u>2,385</u>	<u>2,449</u>	<u>2,480</u>	<u>2,554</u>

<u>16</u>	<u>2,249</u>	<u>2,270</u>	<u>2,312</u>	<u>2,365</u>	<u>2,418</u>	<u>2,481</u>	<u>2,513</u>	<u>2,587</u>
<u>17</u>	<u>2,281</u>	<u>2,303</u>	<u>2,346</u>	<u>2,398</u>	<u>2,451</u>	<u>2,514</u>	<u>2,546</u>	<u>2,620</u>
<u>18</u>	<u>2,314</u>	<u>2,336</u>	<u>2,378</u>	<u>2,430</u>	<u>2,483</u>	<u>2,547</u>	<u>2,578</u>	<u>2,653</u>
<u>19</u>	<u>2,348</u>	<u>2,368</u>	<u>2,411</u>	<u>2,463</u>	<u>2,516</u>	<u>2,579</u>	<u>2,611</u>	<u>2,685</u>
<u>20</u>	<u>2,380</u>	<u>2,401</u>	<u>2,444</u>	<u>2,497</u>	<u>2,549</u>	<u>2,612</u>	<u>2,644</u>	<u>2,719</u>
<u>21</u>	<u>2,413</u>	<u>2,433</u>	<u>2,476</u>	<u>2,529</u>	<u>2,581</u>	<u>2,645</u>	<u>2,676</u>	<u>2,753</u>
<u>22</u>	<u>2,446</u>	<u>2,467</u>	<u>2,509</u>	<u>2,562</u>	<u>2,614</u>	<u>2,678</u>	<u>2,710</u>	<u>2,785</u>
<u>23</u>	<u>2,478</u>	<u>2,500</u>	<u>2,542</u>	<u>2,595</u>	<u>2,648</u>	<u>2,712</u>	<u>2,744</u>	<u>2,819</u>
<u>24</u>	<u>2,511</u>	<u>2,532</u>	<u>2,574</u>	<u>2,627</u>	<u>2,680</u>	<u>2,746</u>	<u>2,777</u>	<u>2,853</u>
<u>25</u>	<u>2,544</u>	<u>2,565</u>	<u>2,607</u>	<u>2,660</u>	<u>2,714</u>	<u>2,778</u>	<u>2,811</u>	<u>2,885</u>
<u>26</u>	<u>2,576</u>	<u>2,598</u>	<u>2,639</u>	<u>2,694</u>	<u>2,748</u>	<u>2,812</u>	<u>2,843</u>	<u>2,919</u>
<u>27</u>	<u>2,609</u>	<u>2,630</u>	<u>2,672</u>	<u>2,726</u>	<u>2,780</u>	<u>2,844</u>	<u>2,877</u>	<u>2,952</u>
<u>28</u>	<u>2,642</u>	<u>2,663</u>	<u>2,706</u>	<u>2,760</u>	<u>2,814</u>	<u>2,878</u>	<u>2,911</u>	<u>2,986</u>
<u>29</u>	<u>2,674</u>	<u>2,697</u>	<u>2,739</u>	<u>2,792</u>	<u>2,847</u>	<u>2,912</u>	<u>2,943</u>	<u>3,020</u>
<u>30</u>	<u>2,708</u>	<u>2,729</u>	<u>2,773</u>	<u>2,826</u>	<u>2,880</u>	<u>2,944</u>	<u>2,977</u>	<u>3,053</u>
<u>31</u>	<u>2,741</u>	<u>2,763</u>	<u>2,807</u>	<u>2,860</u>	<u>2,914</u>	<u>2,978</u>	<u>3,011</u>	<u>3,086</u>
<u>32</u>	<u>2,775</u>	<u>2,796</u>	<u>2,839</u>	<u>2,893</u>	<u>2,946</u>	<u>3,012</u>	<u>3,043</u>	<u>3,120</u>
<u>33</u>	<u>2,809</u>	<u>2,829</u>	<u>2,873</u>	<u>2,927</u>	<u>2,980</u>	<u>3,044</u>	<u>3,077</u>	<u>3,153</u>
<u>34</u>	<u>2,841</u>	<u>2,863</u>	<u>2,907</u>	<u>2,961</u>	<u>3,014</u>	<u>3,078</u>	<u>3,111</u>	<u>3,186</u>
<u>35</u>	<u>2,875</u>	<u>2,897</u>	<u>2,939</u>	<u>2,993</u>	<u>3,046</u>	<u>3,112</u>	<u>3,144</u>	<u>3,220</u>
<u>36</u>	<u>2,909</u>	<u>2,930</u>	<u>2,973</u>	<u>3,027</u>	<u>3,081</u>	<u>3,145</u>	<u>3,178</u>	<u>3,252</u>
<u>37</u>	<u>2,941</u>	<u>2,964</u>	<u>3,007</u>	<u>3,061</u>	<u>3,115</u>	<u>3,179</u>	<u>3,211</u>	<u>3,286</u>
<u>38</u>	<u>2,975</u>	<u>2,996</u>	<u>3,039</u>	<u>3,093</u>	<u>3,147</u>	<u>3,212</u>	<u>3,244</u>	<u>3,320</u>
<u>39</u>	<u>3,009</u>	<u>3,030</u>	<u>3,073</u>	<u>3,127</u>	<u>3,181</u>	<u>3,245</u>	<u>3,278</u>	<u>3,352</u>
<u>40</u>	<u>3,041</u>	<u>3,064</u>	<u>3,106</u>	<u>3,160</u>	<u>3,215</u>	<u>3,279</u>	<u>3,311</u>	<u>3,386</u>

Following extended discussion,

The question being on the adoption of the amendment offered by Senators Prezioso, Baldwin, Beach, Facemire, Jeffries, Ojeda, Plymale, Romano, Stollings, Unger, and Woelfel to the bill, and on this question, Senator Prezioso demanded the yeas and nays.

Senators Palumbo and Mann requested a ruling from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate as their spouses are public school employees.

The Chair replied that any impact on Senators Palumbo and Mann would be as members of a class of persons and that they would be required to vote.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

The nays were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—22.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendments offered by Senators Prezioso, Baldwin, Beach, Facemire, Jeffries, Ojeda, Plymale, Romano, Stollings, Unger, and Woelfel to the bill rejected.

On motions of Senators Prezioso, Baldwin, Facemire, Jeffries, Ojeda, Romano, Stollings, and Woelfel, the following amendment to the bill (Com. Sub. for S. B. 267) was next reported by the Clerk:

On pages eight and nine, section two, after line seven, by striking out the table and inserting in lieu thereof a new table to read as follows:

Years	<u>4th</u>	<u>3rd</u>	<u>2nd</u>	<u>A.B.</u>	<u>A.B.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>Doc-</u>
Exp	Class	Class	Class		+15		+15	+30	+45	torate
0	<u>28.321</u>	<u>29.010</u>	<u>29.276</u>	<u>36.315</u>	<u>37.076</u>	<u>38.843</u>	<u>39.604</u>	<u>40.365</u>	<u>41.365</u>	<u>42.161</u>
1	<u>28.649</u>	<u>29.338</u>	<u>29.604</u>	<u>36.415</u>	<u>37.176</u>	<u>38.943</u>	<u>39.704</u>	<u>40.465</u>	<u>41.465</u>	<u>42.261</u>
2	<u>28.978</u>	<u>29.666</u>	<u>29.932</u>	<u>36.515</u>	<u>37.276</u>	<u>39.043</u>	<u>39.804</u>	<u>40.565</u>	<u>41.565</u>	<u>42.361</u>
3	<u>29.306</u>	<u>29.994</u>	<u>30.260</u>	<u>36.615</u>	<u>37.376</u>	<u>40.143</u>	<u>39.904</u>	<u>40.665</u>	<u>41.665</u>	<u>42.461</u>
4	<u>29.878</u>	<u>30.566</u>	<u>30.832</u>	<u>36.715</u>	<u>37.476</u>	<u>40.243</u>	<u>40.104</u>	<u>40.765</u>	<u>41.765</u>	<u>42.561</u>
5	<u>30.206</u>	<u>30.894</u>	<u>31.160</u>	<u>36.815</u>	<u>37.576</u>	<u>40.343</u>	<u>40.204</u>	<u>40.865</u>	<u>41.865</u>	<u>42.661</u>
6	<u>30.534</u>	<u>31.222</u>	<u>31.488</u>	<u>36.915</u>	<u>37.676</u>	<u>40.443</u>	<u>40.304</u>	<u>40.965</u>	<u>41.965</u>	<u>42.761</u>
7	<u>30.862</u>	<u>31.551</u>	<u>31.816</u>	<u>37.015</u>	<u>37.776</u>	<u>40.543</u>	<u>40.404</u>	<u>41.065</u>	<u>42.065</u>	<u>42.861</u>
8	<u>31.190</u>	<u>31.879</u>	<u>32.145</u>	<u>37.115</u>	<u>37.876</u>	<u>40.643</u>	<u>40.504</u>	<u>41.165</u>	<u>42.165</u>	<u>42.961</u>
9	<u>31.518</u>	<u>32.207</u>	<u>32.473</u>	<u>37.215</u>	<u>37.976</u>	<u>40.743</u>	<u>40.604</u>	<u>41.265</u>	<u>42.265</u>	<u>42.061</u>
10	<u>31.847</u>	<u>32.535</u>	<u>32.801</u>	<u>37.315</u>	<u>38.076</u>	<u>40.843</u>	<u>40.704</u>	<u>41.365</u>	<u>42.365</u>	<u>42.161</u>
11	<u>32.175</u>	<u>32.863</u>	<u>33.129</u>	<u>37.415</u>	<u>38.176</u>	<u>40.943</u>	<u>40.804</u>	<u>41.465</u>	<u>42.465</u>	<u>42.514</u>
12	<u>32.503</u>	<u>33.191</u>	<u>33.457</u>	<u>37.515</u>	<u>38.276</u>	<u>41.043</u>	<u>40.904</u>	<u>41.565</u>	<u>42.565</u>	<u>43.032</u>
13	<u>32.831</u>	<u>33.519</u>	<u>33.785</u>	<u>37.705</u>	<u>38.466</u>	<u>41.143</u>	<u>41.004</u>	<u>41.755</u>	<u>42.665</u>	<u>43.551</u>
14	<u>33.159</u>	<u>33.847</u>	<u>34.113</u>	<u>38.224</u>	<u>38.984</u>	<u>41.243</u>	<u>41.513</u>	<u>42.274</u>	<u>43.034</u>	<u>44.069</u>
15	<u>33.487</u>	<u>34.175</u>	<u>34.441</u>	<u>38.742</u>	<u>39.503</u>	<u>41.343</u>	<u>42.031</u>	<u>42.792</u>	<u>43.553</u>	<u>44.588</u>
16	<u>33.815</u>	<u>34.503</u>	<u>34.769</u>	<u>39.261</u>	<u>40.021</u>	<u>41.789</u>	<u>42.550</u>	<u>43.311</u>	<u>44.071</u>	<u>45.106</u>
17	<u>34.143</u>	<u>34.832</u>	<u>35.097</u>	<u>39.779</u>	<u>40.540</u>	<u>42.308</u>	<u>43.069</u>	<u>43.829</u>	<u>44.590</u>	<u>45.625</u>
18	<u>34.471</u>	<u>35.160</u>	<u>35.426</u>	<u>40.298</u>	<u>41.059</u>	<u>42.826</u>	<u>43.587</u>	<u>44.348</u>	<u>45.109</u>	<u>46.144</u>
19	<u>34.799</u>	<u>35.488</u>	<u>35.754</u>	<u>40.816</u>	<u>41.577</u>	<u>43.345</u>	<u>44.106</u>	<u>44.866</u>	<u>45.627</u>	<u>46.662</u>
20	<u>35.127</u>	<u>35.816</u>	<u>36.082</u>	<u>41.335</u>	<u>42.096</u>	<u>43.863</u>	<u>44.624</u>	<u>45.385</u>	<u>46.146</u>	<u>47.181</u>
21	<u>35.456</u>	<u>36.144</u>	<u>36.410</u>	<u>41.853</u>	<u>42.614</u>	<u>44.382</u>	<u>45.143</u>	<u>45.903</u>	<u>46.664</u>	<u>47.699</u>
22	<u>35.784</u>	<u>36.472</u>	<u>36.738</u>	<u>42.372</u>	<u>43.133</u>	<u>44.900</u>	<u>45.661</u>	<u>46.422</u>	<u>47.183</u>	<u>48.218</u>
23	<u>36.112</u>	<u>36.800</u>	<u>37.066</u>	<u>42.891</u>	<u>43.651</u>	<u>45.419</u>	<u>46.180</u>	<u>46.940</u>	<u>47.701</u>	<u>48.736</u>
24	<u>36.440</u>	<u>37.128</u>	<u>37.394</u>	<u>43.409</u>	<u>44.170</u>	<u>45.938</u>	<u>46.698</u>	<u>47.459</u>	<u>48.220</u>	<u>49.255</u>

<u>25</u>	<u>36.768</u>	<u>37.456</u>	<u>37.722</u>	<u>43.928</u>	<u>44.688</u>	<u>46.456</u>	<u>47.217</u>	<u>47.978</u>	<u>48.738</u>	<u>49.773</u>
<u>26</u>	<u>37.096</u>	<u>37.784</u>	<u>38.050</u>	<u>44.446</u>	<u>45.207</u>	<u>46.975</u>	<u>47.735</u>	<u>48.496</u>	<u>49.257</u>	<u>50.292</u>
<u>27</u>	<u>37.424</u>	<u>38.112</u>	<u>38.378</u>	<u>44.965</u>	<u>45.725</u>	<u>47.493</u>	<u>48.254</u>	<u>49.015</u>	<u>49.775</u>	<u>50.810</u>
<u>28</u>	<u>37.752</u>	<u>38.441</u>	<u>38.706</u>	<u>45.483</u>	<u>46.244</u>	<u>48.012</u>	<u>48.772</u>	<u>49.533</u>	<u>50.294</u>	<u>51.329</u>
<u>29</u>	<u>38.080</u>	<u>38.769</u>	<u>39.035</u>	<u>46.002</u>	<u>46.762</u>	<u>48.530</u>	<u>49.291</u>	<u>50.052</u>	<u>50.812</u>	<u>51.847</u>
<u>30</u>	<u>38.408</u>	<u>39.097</u>	<u>39.363</u>	<u>46.520</u>	<u>47.281</u>	<u>49.049</u>	<u>49.809</u>	<u>50.570</u>	<u>51.331</u>	<u>52.366</u>
<u>31</u>	<u>38.737</u>	<u>39.425</u>	<u>39.691</u>	<u>47.039</u>	<u>47.800</u>	<u>49.567</u>	<u>50.328</u>	<u>51.089</u>	<u>51.849</u>	<u>52.884</u>
<u>32</u>	<u>39.065</u>	<u>39.753</u>	<u>40.019</u>	<u>47.557</u>	<u>48.318</u>	<u>50.086</u>	<u>50.847</u>	<u>51.607</u>	<u>52.368</u>	<u>53.403</u>
<u>33</u>	<u>39.393</u>	<u>40.081</u>	<u>40.347</u>	<u>48.076</u>	<u>48.837</u>	<u>50.604</u>	<u>51.365</u>	<u>52.126</u>	<u>52.887</u>	<u>53.922</u>
<u>34</u>	<u>39.721</u>	<u>40.409</u>	<u>40.675</u>	<u>48.594</u>	<u>49.355</u>	<u>51.123</u>	<u>51.884</u>	<u>52.644</u>	<u>53.405</u>	<u>54.440</u>
<u>35</u>	<u>40.049</u>	<u>40.737</u>	<u>41.003</u>	<u>49.113</u>	<u>49.874</u>	<u>51.641</u>	<u>52.402</u>	<u>53.163</u>	<u>53.924</u>	<u>54.959</u>

Following discussion,

The question being on the adoption of the amendment offered by Senators Prezioso, Baldwin, Facemire, Jeffries, Ojeda, Romano, Stollings, and Woelfel to the bill, and on this question, Senator Blair demanded the yeas and nays.

Senators Palumbo and Mann requested a ruling from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate as their spouses are public school employees.

The Chair replied that any impact on Senators Palumbo and Mann would be as members of a class of persons and that they would be required to vote.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Prezioso, Romano, Stollings, Unger, and Woelfel—11.

The nays were: Arvon, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—22.

Absent: Azinger—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendment offered by Senators Prezioso, Baldwin, Facemire, Jeffries, Ojeda, Romano, Stollings, and Woelfel to the bill rejected.

The bill (Com. Sub. for S. B. 267) was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 268, Eliminating requirement that certain agencies purchase commodities produced on institutional farms.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 324, Removing restrictions where certain traditional lottery games may be played.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 345, Authorizing DNR establish procedures and fee schedule for limited permit hunts.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 350, Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 357, Relating generally to limited video lottery.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 386, Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 430, Encouraging collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 244, Specifying conditions for unlawful possession of firearm at school-sponsored activities.

Senate Bill 322, Relating to employees of Department of Agriculture.

Senate Bill 343, Limiting expenses in preparing list for notice to redeem.

Senate Bill 364, Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle.

Senate Bill 400, Prohibiting state licensing boards from hiring lobbyists.

And,

Eng. Com. Sub. for House Bill 4020, Making technical corrections in the code when referencing chapter 49.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Cline, unanimous consent being granted, it was ordered that the Journal show had Senator Cline been present in the chamber on Wednesday, January 31, 2018, she would have voted “yea” on the passage of Engrossed Committee Substitute for Senate Bill 46, Engrossed Committee Substitute for Senate Bill 71, Engrossed Committee Substitute for Senate Bill 184, Engrossed Committee Substitute for Senate Bill 237, Engrossed Senate Bill 242, Engrossed Committee Substitute for Senate Bill 327, Engrossed Senate Bill 385, and Engrossed Senate Bill 388.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 1:57 p.m., the Senate adjourned until tomorrow, Friday, February 2, 2018, at 11 a.m.

FRIDAY, FEBRUARY 2, 2018

The Senate met at 11:08 a.m.

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

Prayer was offered by Deacon David Galvin, St. James The Greater Catholic Church, Charles Town, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Lynne Carden Arvon, a senator from the ninth district.

Pending the reading of the Journal of Thursday, February 1, 2018,

At the request of Senator Unger, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 4233—A Bill to amend and reenact §40-1A-1, §40-1A-2, §40-1A-4, §40-1A-5, §40-1A-6, and §40-1A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §40-1A-13, §40-1A-14, and §40-1A-15, all relating generally to fraudulent transfers and voidable transactions; establishing that a presumption imposes on the party against which the presumption is directed the burden of proving that the nonexistence of insolvency is more probable than its existence; providing that a creditor making a claim for relief has the burden of proving the elements of the claim for relief by a preponderance of the evidence; setting forth rules regarding the defenses, liability and protection of transferees; establishing the governing law; providing for the application to series organizations; providing for the limiting, modifying or superseding of the federal Electronic Signatures in Global and National Commerce Act; and adding and modifying definitions and headings.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4242—A Bill to amend and reenact §50-4-8 of the Code of West Virginia, 1931, as amended, relating to clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court; and providing an exception for landlord-tenant actions.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 94, Prohibiting counties from regulating fireworks.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 94 (originating in the Committee on Government Organization)—A Bill to amend and reenact §29-3E-10 of the Code of West Virginia, 1931, as amended, relating to fireworks safety; permitting governing board of municipality or county to regulate the use of consumer fireworks within its boundaries; and prohibiting governing board of municipality or county from prohibiting use of consumer fireworks within its boundaries.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 141 (originating in the Committee on Agriculture and Rural Development), Expanding county assessment and collection of head tax on breeding cows.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 141 (originating in the Committee on Government Organization)—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 in the Coyote Control Program; and providing for notice requirements to the land owner.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bills 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, and 233, DNR rule relating to controlling public land corporation's sale, lease, exchange, or transfer of land or minerals.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 230 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-10-1, §64-10-2, §64-10-3, and §64-10-4 of the Code of West Virginia, 1931, as amended, relating generally to the Department of Commerce; authorizing certain agencies to promulgate rules as filed, modified, and amended by the Legislature; repealing a rule; authorizing the Division of Natural Resources to promulgate a legislative rule relating to controlling the public land corporation's sale, lease, exchange, or transfer of land or minerals; authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides; authorizing the Division of Natural Resources to promulgate a legislative rule relating to general hunting; authorizing the Division of Natural

Resources to promulgate a legislative rule relating to special migratory game bird hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses; authorizing the Division of Labor to promulgate a legislative rule relating to Zipline and Canopy Tour Responsibility Act; authorizing the Division of Labor to promulgate a legislative rule relating to bedding and upholstered furniture; authorizing the Division of Labor to promulgate a legislative rule relating to Amusement Rides and Amusement Attractions Safety Act; authorizing the Division of Labor to promulgate a legislative rule relating to Elevator Safety Act; authorizing the Division of Labor to promulgate a legislative rule relating to employer wage bonds; authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies; authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses in commercial transactions; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to operating diesel equipment in underground mines in West Virginia; and repealing the Division of Energy legislative rule relating to community development assessment and real property valuation procedures for Office of Coalfield Community Development.

And,

Senate Bill 361, Relating to treatment supervision under Drug Offender Accountability and Treatment Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 361 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-15-6a of the Code of West Virginia, 1931, as amended, relating to treatment supervision under the Drug Offender Accountability and Treatment Act; expanding offender groups eligible for treatment supervision; including addition of the Administrative Office of the Supreme Court of Appeals, along with the Division of Justice and Community Services, to consult with the Governor's Advisory

Council on Substance Abuse to use appropriated funds to develop proposed substance abuse treatment plans to serve those offenders under treatment supervision in each judicial circuit and on parole supervision; and including the Administrative Office of the Supreme Court of Appeals, along with the Division of Justice and Community Services, in developing qualifications and other matters related to the quality and delivery of services to offenders.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 273, Reducing use of opiates.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 273 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-5H-2 and §16-5H-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5Y-2, §16-5Y-4, and §16-5Y-5 of said code; to amend said code by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, and §16-54-9; 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; 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; providing for an exemption from registration for office-based, medication-assisted treatment program in specified cases; making clarifying amendments to provide for an exemption for medication-assisted treatment programs; clarifying physician responsibility for medication-assisted treatment; clarifying definition of “pain management clinic”; providing for emergency rulemaking; defining terms; providing for an advance directive; requiring consultation with patients prior to prescribing an opioid; limiting the amount of opioid prescriptions; requiring a narcotics contract in certain circumstances; providing exceptions to prescribing limits; providing for referral to a pain clinic or pain specialist; providing reports to licensing boards regarding abnormal or unusual prescribing practices; requiring insurance coverage for certain procedures 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; clarifying who must report to the Controlled Substances Monitoring Database; clarifying the practice of acupuncture; and permitting the investigation and discipline for abnormal and unusual prescribing and dispensing of prescription drugs.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 273), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 341, Creating new court of WV Intermediate Court of Appeals.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 341 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-5-10 of said code, to amend said code by adding thereto a new section, designated §23-5-11a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2018; terminating the Workers' Compensation Board of Review and transferring duties to the Intermediate Court of Appeals; requiring board to dispose of cases by a certain date; requiring contested cases under State Administrative Procedures Act to go to the Intermediate Court of Appeals; transferring jurisdiction for review of family court final orders from circuit courts to Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; altering the residency requirements for membership on the Judicial Vacancy Advisory Commission; creating the Intermediate Court of Appeals; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring three-judge panels for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; specifically excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing that no two judges of the Intermediate Court of Appeals may be residents of the same state senatorial district or of the same county; providing

a process for appointment of judges to the Intermediate Court of Appeals to staggered judicial terms; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected office during judicial term; providing for temporary filling of judicial vacancy occurring before the expiration of an appointed judge's term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the chief judge of each Intermediate Court of Appeals district to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority of the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings take place in publicly available facilities across the state; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for respective districts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing for sunset of the Intermediate Court of Appeals on certain date unless continued by the Legislature; and providing that certain appeals are reviewed and a written decision issued by either

the Intermediate Court of Appeals or the Supreme Court of Appeals, as a matter of right.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 341), under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 371, Relating to proceedings for voluntary custody for examination.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 441, Relating to health care provider taxes.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Tom Takubo,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

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

By Senators Gaunch, Boso, and Cline:

Senate Bill 464—A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to changing the statutory payment date for incremental salary increases due state employees.

Referred to the Committee on Government Organization.

By Senators Trump, Boso, Ferns, Baldwin, and Cline:

Senate Bill 465—A Bill to amend and reenact §49-2-803 of the Code of West Virginia, 1931, as amended, relating generally to mandated reporting of child abuse and neglect; clarifying that sexual abuse and sexual assault constitute abuse of a child for reporting purposes; reducing the time period in which a mandated reporter shall report suspected abuse or neglect; requiring mandated reporters to directly report known or suspected abuse or neglect; eliminating particularized reporting requirements for education employees; eliminating certain exceptions to the reporting time limit; and clarifying that the duty to report is nondelegable.

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

By Senators Trump and Boso:

Senate Bill 466—A Bill to amend and reenact §54-2-12, §54-2-14, §54-2-14a, §54-2-16, §54-2-18, and §54-2-21 of the Code of West Virginia, 1931, as amended, all relating to bringing the statutory interest rate to be paid in condemnation cases into conformity with current statutory rates for other civil cases; and revising antiquated language to meet current legislative standards.

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

By Senator Trump:

Senate Bill 467—A Bill to amend and reenact §29-21-6 and §29-21-13a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-21-9a, all relating generally to Public Defender Services; transferring initial authority to review, approve, modify, or refuse panel attorney vouchers from circuit courts to Public Defender Services; providing for resubmission or reconsideration of vouchers previously modified or refused; establishing procedures for handling of modified or refused vouchers; maintaining final authority over payment of vouchers with circuit courts; authorizing the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to contract for noncriminal legal services; requiring panel attorneys to maintain time-keeping records to enable the attorney to determine time expended on a daily basis; authorizing Governor by executive order to borrow funds from the Revenue Shortfall Reserve Fund to pay appointed counsel and establishing repayment requirements; revising the rates of compensation for various types of cases; and authorizing the executive director to promulgate emergency rules.

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

By Senators Gaunch and Boso:

Senate Bill 468—A Bill to amend and reenact §12-4-7 of the Code of West Virginia, 1931, as amended, relating to changing the date for submission of the Auditor's annual report; adding the President of the Senate and the Speaker of the House of Delegates

as recipients of the annual report; and adding requirement that certain salary information be included in the report for the prior calendar year.

Referred to the Committee on Government Organization.

By Senators Weld, Boso, Unger, Ferns, Maroney, Clements, and Cline:

Senate Bill 469—A Bill to amend and reenact §62-15A-1, §62-15A-2, and §62-15A-3 of the Code of West Virginia, 1931, as amended, relating to converting the Addiction Treatment Pilot Program into a permanent program.

Referred to the Committee on Health and Human Resources.

By Senators Ojeda, Baldwin, Beach, Jeffries, Palumbo, Stollings, and Woelfel:

Senate Bill 470—A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on gender identity or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; providing for sentencing alternatives for persons convicted of violations; and designating amendments to this section as the Justice Through Grace in Communities Act.

Referred to the Committee on the Judiciary.

By Senators Palumbo, Baldwin, Beach, Clements, Jeffries, Maroney, Ojeda, Plymale, Stollings, Takubo, Weld, and Cline:

Senate Bill 471—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 in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation or gender identity; and defining “sexual orientation” and “gender identity”.

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

By Senators Blair, Unger, and Cline:

Senate Bill 472—A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to requiring the Legislature to provide funds to the Department of Health and Human Resources so that it can provide the local boards of health funds for pay raises for their employees when the Legislature provides funds for across-the-board pay raises for state employees, and annually after that.

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

By Senators Takubo, Ojeda, Stollings, Baldwin, and Cline:

Senate Bill 473—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend said code by adding thereto a new section, designated §9-5-20a; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring insurance coverage for the prescription drug Varenicline; prohibiting insurance plans from requiring use of other methods or prescriptions prior to coverage for Varenicline; placing similar requirements on the Public Employees Insurance Agency; placing similar requirements upon the state Medicaid program; allowing a generic alternative, should one become available; and allowing health care providers to provide other medically appropriate prescription drugs.

Referred to the Committee on Health and Human Resources.

By Senators Swope, Azinger, Blair, Boso, Clements, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Sypolt, Trump, Weld, Maroney, and Cline:

Senate Bill 474—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to prohibiting a governmental entity, which requires certain private companies to submit any document that includes records of actual wages paid to employees, from disclosing such document or

information contained therein to any other entity or person; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining “governmental entity”; providing that any document containing records of actual wages paid to employees that is filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record.

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

By Senators Woelfel, Baldwin, and Beach:

Senate Bill 475—A Bill to amend and reenact §19-12E-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-12E-5a, all relating generally to industrial hemp; authorizing the Commissioner of Agriculture to create and administer an industrial hemp seed certification program; authorizing the commissioner to obtain and develop seed varieties for industrial hemp production; authorizing imposition of a fee to be determined by the commissioner; authorizing emergency rulemaking and requiring legislative rulemaking; and requiring the program be consistent with federal law.

Referred to the Committee on Agriculture and Rural Development.

By Senators Sypolt, Boso, Maroney, and Clements:

Senate Bill 476—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §22C-9-6a and §22C-9-7a, all relating to permitting surface owners to seek damages resulting from oil and gas operations through the Oil and Gas Conservation Commission; permitting leaseholders to

unitize drilling interests regardless of the type of well to be drilled; and requiring rulemaking.

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

By Senators Smith, Boso, Clements, Jeffries, Swope, Sypolt, and Cline:

Senate Bill 477—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, relating to the creation of a five-year sunset on all tax credits and tax incentives established by the same chapter.

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

Senators Stollings, Boso, Unger, Beach, and Plymale offered the following resolution:

Senate Resolution 25—Designating February 2, 2018, as Dental Hygienists Day at the Legislature.

Whereas, Dental hygienists, as licensed oral health care professionals, actively promote oral health care and the prevention of oral disease. West Virginia currently has 1,412 total active dental hygienists; and

Whereas, As preventative specialists, dental hygienists contribute to the oral health of West Virginia residents and provide an essential service contributing to their total health; and

Whereas, Dental hygienists give their time and effort in order to provide oral health care to individuals of need, such as children, senior citizens, individuals with low income, and individuals with disabilities; and

Whereas, These services are essential in dental offices, public health facilities, schools, private organizations, and research facilities in providing the best possible oral health care for all citizens; and

Whereas, Promoting the importance of the issues and celebrating the successes of the profession and contributions of dental hygienists will lead to increased public awareness; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 2, 2018, as Dental Hygienists Day at the Legislature; and, be it

Further Resolved, That the Senate urges all citizens to recognize dental hygienists for the many valued services they provide and become more familiar with the practice of dental hygiene; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Dental Hygienists Day.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Stollings regarding the adoption of Senate Resolution 25 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:23 a.m., the Senate recessed to present Senate Resolution 25.

The Senate reconvened at 11:26 a.m. today and resumed business under the sixth order.

Petitions

Senator Woelfel presented a petition from Kevin Hughart and 2,300 West Virginia residents, opposing Senate Bill 270 (*Authorizing DNR implement silvicultural management for state park lands*).

Referred to the Committee on Natural Resources.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 10, Relating generally to PSC jurisdiction.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 10) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 258, Exempting honorably discharged veterans from fees for license to carry deadly weapons.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senator Weld requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a member of the United States Air Force Reserves.

The Chair replied that any impact on Senator Weld would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 258) passed with its title.

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

Eng. Com. Sub. for Senate Bill 267, Increasing salaries of certain state employees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 267 pass?”

Senator Palumbo requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as his spouse is a public school employee.

The Chair replied that any impact on Senator Palumbo would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 267) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 267) takes effect July 1, 2018.

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

Thereafter, at the request of Senator Ojeda, and by unanimous consent, the remarks by Senators Prezioso and Beach regarding the passage of Engrossed Committee Substitute for Senate Bill 267 were ordered printed in the Appendix to the Journal.

At the request of Senator Beach, unanimous consent being granted, the remarks by Senator Romano regarding the passage of Engrossed Committee Substitute for Senate Bill 267 were ordered printed in the Appendix to the Journal.

At the request of Senator Rucker, and by unanimous consent being granted, the remarks by Senators Maynard, Karnes, Azinger, Cline, and Takubo regarding the passage of Engrossed Committee Substitute for Senate Bill 267 were ordered printed in the Appendix to the Journal.

At the request of Senator Trump, unanimous consent being granted, the remarks by Senators Baldwin, Facemire, and Unger regarding the passage of Engrossed Committee Substitute for Senate Bill 267 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill 268, Eliminating requirement that certain agencies purchase commodities produced on institutional farms.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 268) passed with its title.

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

Eng. Senate Bill 324, Removing restrictions where certain traditional lottery games may be played.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—28.

The nays were: Arvon, Azinger, Gaunch, Prezioso, and Unger—5.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 324) passed with its title.

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

Eng. Senate Bill 345, Authorizing DNR establish procedures and fee schedule for limited permit hunts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 345) passed with its title.

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

Eng. Senate Bill 350, Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 350) passed with its title.

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

Eng. Senate Bill 357, Relating generally to limited video lottery.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Baldwin, Beach, Blair, Boso, Clements, Cline, Drennan, Facemire, Ferns, Jeffries, Karnes, Maroney, Maynard, Ojeda, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Azinger, Boley, Gaunch, Palumbo, Prezioso, and Unger—6.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 357) passed with its title.

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

Eng. Com. Sub. for Senate Bill 386, Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 386 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 386) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 386) takes effect from passage.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Plymale regarding the passage of Engrossed Committee Substitute for Senate Bill 386 were ordered printed in the Appendix to the Journal.

Eng. Senate Bill 393, Relating to compensation and composition of WV Racing Commission.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Senate Bill 430, Encouraging collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 244, Specifying conditions for unlawful possession of firearm at school-sponsored activities.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 322, Relating to employees of Department of Agriculture.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 343, Limiting expenses in preparing list for notice to redeem.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 364, Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 400, Prohibiting state licensing boards from hiring lobbyists.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 4020, Making technical corrections in the code when referencing chapter 49.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**ARTICLE 4. PROSECUTING ATTORNEY, REWARDS AND LEGAL ADVICE.****§7-4-4. Prosecutor's advisory council; victim advocates; participation in multidisciplinary planning process.**

~~There is hereby created~~ The prosecutor's advisory council composed of elected prosecuting attorneys of each county of the state or a designated member of their staff is continued. The prosecutor's advisory council ~~shall conduct an initial meeting of all members not later than September 1, 1994, and shall meet not less than one time each year. At the initial meeting and annually thereafter,~~ Annually, the council shall elect from among its membership a chairman of the council who shall set the agenda for the council's meetings and shall appoint necessary committees and direct the work of the council in carrying out its duties under the provisions of this section.

The council shall provide advice, assistance, training, and leadership to the offices of the various county prosecuting attorneys of this state in criminal and civil cases which involve child abuse or neglect or sexual assault or sexual abuse of children. The council shall also provide advice and assistance to the secretary of the Department of Health and Human Resources in the implementation of a multidisciplinary planning process as set forth in ~~article five d, chapter forty nine~~ §49-4-401 through §49-4-413 of this code.

The council may seek funds and programs to provide each prosecuting attorney's office with a staff person to assist children who are crime victims to obtain services and assistance from other agencies and programs in the community. Prosecuting attorneys shall be reimbursed by their respective county commissions for necessary expenses actually incurred when attending meetings of the council.

The council may apply for and receive funds from any grant program of any agency or institution in the United States, public or private, to be used for carrying out the purposes of this section.

§7-4-5. Multidisciplinary investigative teams.

~~On or before January 1, 1995,~~ The prosecuting attorney of each county in the state shall ~~establish~~ maintain a multidisciplinary investigative team, in accordance with the provisions of ~~section three, article five d, chapter forty nine~~ §49-4-402 of this code.

ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.

§7-7-2. Establishment of county in-service training programs; further additional duties for prosecuting attorney in any county in excess of 200,000.

(a) There ~~is~~ are hereby established county in-service training programs as hereinafter set forth.

(b) The Attorney General ~~is hereby authorized and directed to establish such~~ may establish any in-service training programs ~~as in his or her opinion that~~ will do most to assist the prosecuting attorneys in the performance of their duties. The Attorney General is authorized to accept any federal aid which may be made available or any financial assistance which may be available from any private nonprofit organization for the purposes of this section. The prosecuting attorney in any county having a population in excess of 200,000 shall also discharge the additional duties imposed upon him or her by the provisions of ~~section thirteen a, article five, chapter forty nine~~ §49-4-503 of this code.

(c) The State Auditor ~~is hereby authorized and directed to establish such~~ may establish any in-service training programs for county commissioners, county clerks, sheriffs, and their assistants and employees ~~as in his or her opinion that~~ will do most to modernize and improve the services of their respective offices. The State Auditor in conjunction with the West Virginia Supreme Court of Appeals ~~is authorized and directed to such~~ shall establish in-service training programs for circuit clerks and their assistants and

employees. The State Tax Commissioner is authorized and directed to establish such in-service training programs for assessors and their assistants and employees. The State Tax Commissioner, State Auditor, and the West Virginia Supreme Court of Appeals are authorized to accept any federal aid which may be made available or any financial assistance which may be available from any private nonprofit organization for the purpose of this article.

(d) Each of the county officials mentioned in this section, and, at his or her option, one or more of his or her assistants, deputies, and employees, shall participate in the programs established under this section.

(e) The county commission is ~~authorized and directed to expend funds for the purpose of reimbursing such~~ shall reimburse officials and employees for the actual amount expended by them for food, lodging, and registration while in attendance at authorized training for the purpose of this section.

ARTICLE 10. HUMANE OFFICERS.

§7-10-2. Duty of humane officers; reporting requirement when abuse or neglect of individuals suspected; prohibition against interference with humane officers; penalties.

(a) ~~It is the duty of~~ Humane officers ~~to~~ shall prevent the perpetration or continuance of any act of cruelty upon any animal and ~~to~~ investigate and, upon probable cause, ~~to~~ cause the arrest and assist in the prosecution of any person engaging in such cruel and forbidden practices. Upon reasonable cause, and, as provided by law, such officers have the right to access and ~~inspection of~~ inspect records and property ~~as may be~~ reasonably necessary to any investigation.

(b) Whenever a humane officer, pursuant to an investigation of animal cruelty, forms a reasonable suspicion that a minor child, or incapacitated or elderly person, is the victim of abuse or neglect or has a suspicion of domestic violence, he or she shall report the suspicion and the grounds ~~therefor~~ for the suspicion. In the event of suspected child abuse or neglect, the humane officer shall report

to the local child protective services agency of the Department of Health and Human Resources in accordance with the provisions of ~~section five, article six a, chapter forty nine~~ §49-2-809 of this code. In the event of suspected abuse or neglect of an incapacitated or elderly person, he or she shall report to the department's local adult protective services agency in accordance with the provisions of §9-6-11 of this code. In the event of suspected domestic violence, he or she shall report to the State Police in accordance with the provisions of §48-27-101 *et seq.* of this code.

(c) Any person who interferes with, obstructs or resists any humane officer in the discharge of his or her duty is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500 or confined in jail not more than 30 days, or both fined and confined. Any penalties imposed for a violation of this subsection shall be imposed in addition to any penalties the person incurs for cruel or inhumane treatment of any animal.

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 1I. THE CHILD PROTECTION ACT OF 2006.

§15-1I-2. Legislative findings.

(a) The purpose of "The Child Protection Act of 2006" is to put in place a series of programs, criminal law revisions, and other reforms to provide and promote the ability of the children of this state to live their lives without being exposed and subjected to neglect and physical and sexual abuse. The targeted increases in terms of incarceration, enhanced treatment, post-release supervision, and new approaches toward the state's child protection system will, in the aggregate, strengthen government's ability to address this most serious problem. The Legislature finds that the broad reaching measures encompassed in this Act will provide for greater intervention among and punishment and monitoring of individuals who create a risk to our children's safety and well-being.

(b) The Legislature further finds that the following reforms implemented as part of this Act will provide protections to the children of this state and are all important to eliminate risks to children and are essential elements of “The Child Protection Act of 2006”:

(1) Creating a special unit in the State Police specializing in the investigation of child abuse and neglect — §15-2-15 of this code;

(2) Modifying the Sex Offender Registration Act to ensure more effective registration, identification, and monitoring of persons convicted of sexual offenses — §15-12-1 *et seq.* of this code;

(3) Establishing the Child Abuse and Neglect Registry, requiring the registry to disclose information to certain state and local officials — §15-13-1 *et seq.* of this code;

(4) Providing for coded driver’s licenses and nondriver identification cards to more easily identify sexually violent predators — §17B-2-3 of this code;

(5) Prohibiting contractors and service providers convicted of certain offenses from accessing school grounds and providing for the release of criminal history information by the central abuse registry to county school boards — §18-5-15c of this code;

(6) Establishing a task force to study the feasibility of constructing separate correctional facilities for the incarceration and treatment of sex offenders — §25-1-22 of this code;

(7) Requiring the State Police and the Department of Health and Human Resources to maintain statewide child abuse and neglect statistical ~~indexes~~ indices of all convictions and allegations, respectively — §15-2-15 and ~~section eleven, article six-a, chapter forty-nine~~ §49-2-813 of this code;

(8) Providing for increased terms of incarceration for first degree sexual assault and first degree sexual abuse committed against children under the age of 12 — §61-8B-3 and §61-8B-7 of this code;

(9) Eliminating eligibility of certain sex offenders for probation, home incarceration, and alternative sentences and providing for enhanced terms of incarceration for certain subsequent sex offenses committed by recidivist sex offenders — §61-8B-9a and §61-8B-9b of this code;

(10) Providing for polygraph examinations for certain sex offenders on probation, parole, or supervised release — §62-11D-1 *et seq.* of this code;

(11) Providing for electronic monitoring of certain sex offenders on probation, parole, and supervised release — §62-11D-1 *et seq.* of this code;

(12) Establishing a task force to develop measures aimed at managing sexually violent predators released from confinement — §62-11E-1 *et seq.* of this code;

(13) Making psychiatric evaluations a condition of probation eligibility for certain sex offenders — §62-12-2 of this code;

(14) Authorizing the Department of Health and Human Resources to establish qualifications for sex offender treatment programs and counselors — §62-12-2 and §62-12-26 of this code;

(15) Providing for extended supervision of certain offenders and supervised release requirements for sexually violent offenders — §62-12-26 of this code; and

(16) Providing for prerelease risk assessments of certain sex offenders — §62-12-27 of this code.

(c) In addition, the Legislature finds that those enhanced terms of incarceration and post-conviction measures provided for in this Act which impact certain offenders convicted of sexual offenses against adults are necessary and appropriate to protect children from neglect and physical and sexual abuse given that: (1) Clinical research indicates that a substantial percentage of sexual offenders “cross over” among age groups in selecting their victims; (2) many of the risk factors prevalent among sex offenders that “cross over” (e.g., substance abuse, lack of empathy toward victim, inability to

control inappropriate impulses, childhood abuse) also are prevalent among perpetrators of child abuse and neglect; and (3) enhanced terms of incarceration, post-conviction supervision, monitoring, and treatment measures will enable the criminal justice system to identify and address those “cross over” offenders before they can victimize additional children.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-15. State Police Child Abuse and Neglect Investigations Unit.

(a) The superintendent shall ~~establish~~ maintain a special unit of the State Police called the Child Abuse and Neglect Investigations Unit. The purpose of the unit is to focus on identifying, investigating, and prosecuting criminal child abuse and neglect cases, in coordination with Child Protective Services, established pursuant to ~~section nine, article six a, chapter forty nine~~ §49-2-802 of this code. The unit shall assist other State Police members with child abuse or neglect investigations as well as the Division of Child Protective Services. The unit may provide training, technical expertise, and coordination of services for other law-enforcement agencies, Child Protective Services caseworkers, prosecuting attorneys, and multidisciplinary teams established pursuant to the provisions of ~~section two, article five d, chapter forty nine~~ §49-4-402 of this code, to identify, investigate, report, and prosecute criminal child abuse and criminal child neglect cases. However, nothing in this section may be construed to mean that the unit will assume the duties or investigations of other State Police members or other law-enforcement officers.

(b) The unit ~~will comprise~~ shall consist, at a minimum, six members of the State Police. The superintendent shall assign a unit director and ~~shall assign~~ five regional members ~~regionally~~, to be dedicated and trained to assist county Child Protective Services Offices and caseworkers in investigating and coordinating with other law-enforcement personnel, cases of suspected child abuse or neglect. Cases to be investigated include allegations received pursuant to ~~§49-6A-2~~ §49-2-803 of this code, and any other credible child abuse or neglect allegations.

(c) The unit director's duties include:

(1) Overseeing State Police members assigned to the unit;

(2) Coordinating activities of the unit with Child Protection Services;

(3) Assisting Child Protective Services in developing and refining protocols for improving identification and prosecution of suspected criminal acts of child abuse or neglect; and

(4) Assuring that all other directives and responsibilities of the unit are fulfilled.

(d) The unit shall maintain a statewide statistical index on child abuse and neglect convictions resulting from convictions for violations of §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4 and §61-8D-4a of this code, to monitor the timely and proper investigation and disposition of child abuse or neglect cases. The statistical data index maintained by the unit shall not contain information of a specific nature that would identify individual cases or persons.

(e) On or before December 31, of each year, the unit director shall submit an annual report to the Joint Committee on Government and Finance. The annual report is to include the statistical index required under the provisions of subsection (d) of this section, and may include recommendations for statutory or program reforms that will assist the unit and further promote the goals of the unit. The report may not contain information of a specific nature that would identify individual cases or persons.

(f) Every state law-enforcement agency of this state shall periodically provide statistical information regarding child abuse and neglect cases investigated and prosecuted by that law-enforcement agency to the unit.

(g) The superintendent may propose rules for legislative approval or procedural rules as necessary to effectuate the provisions of this section in accordance with the provisions of §29A-3-1 *et seq.* of this code. The superintendent shall provide

forms to law-enforcement agencies, circuit clerks, and parole officers to facilitate submission of appropriate information necessary to prepare the statistical reports required by this section.

(h) There is ~~hereby established~~ continued a special account in the state Treasury, into which shall be deposited any gifts, grants or donations made to the unit, and any other funds directed to be deposited into the account by appropriation of the Legislature, and to be expended for the purposes of this section pursuant to appropriation of the Legislature.

ARTICLE 2C. CENTRAL ABUSE REGISTRY.

§15-2C-1. Definitions.

The following ~~words~~ terms when used in this article have meanings ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(a) “Central abuse registry” or “registry” means the registry created by this article which ~~shall contain~~ contains the names of individuals who have been convicted of a felony or a misdemeanor offense constituting abuse, neglect, or misappropriation of the property of a child or an incapacitated adult or an adult receiving behavioral health services.

(b) “Child abuse and neglect” or “child abuse or neglect” means those terms as defined in ~~section three, article one, chapter forty nine~~ §49-1-201 of this code, and shall include any act with respect to a child which is a crime against the person pursuant to §61-2-1 *et seq.* of this code, any act which is unlawful pursuant to §61-8D-1 *et seq.* of this code and any offense with respect to a child which is enumerated in §15-2C-3 of this code.

(c) “Abuse or neglect of an incapacitated adult” means “abuse,” “neglect,” and “incapacitated adult” as those terms are defined in §9-6-1 of this code, and shall include any act with respect to an incapacitated adult which is a crime against the person pursuant to §61-2-1 *et seq.* of this code, and any offense with respect to an incapacitated adult which is enumerated in §15-2C-3 of this code.

(d) “Adult receiving behavioral health services” means a person over the age of 18 years who is receiving any behavioral health service from a licensed behavioral health provider or any behavioral health provider whose services are paid for, in whole or in part, by Medicaid or Medicare.

(e) “Conviction” of a felony or a misdemeanor means an adjudication of guilt by a court or jury following a hearing on the merits, or entry of a plea of guilty or nolo contendere.

(f) “Residential care facility” means any facility where a child or an incapacitated adult or an adult receiving behavioral health services resides which is subject to registration, licensure, or certification by the Department of Health and Human Resources, and ~~shall include~~ includes nursing homes, personal care homes, residential board and care homes, adult family care homes, group homes, legally unlicensed service providers, residential child care facilities, family based foster care homes, specialized family care homes, and intermediate care facilities for the mentally retarded.

(g) “Misappropriation of property” means any act which is a crime against property under §61-3-1 *et seq.* of this code with respect to a child in a residential care facility or an incapacitated adult or an adult receiving behavioral health services in a residential care facility or a child or an incapacitated adult or an adult receiving behavioral health services who is a recipient of home care services.

(h) “Home care” or “home care services” means services provided to children or incapacitated adults or adults receiving behavioral health services in the home through a hospice provider, a community care provider, a home health agency, through the Medicaid waiver program, or through any person when that service is reimbursable under the state Medicaid program.

(i) “Requester” means the West Virginia Department of Education, any residential care facility, any state licensed day care center, any qualified entity as defined in this section, or any provider of home care services or an adult receiving behavioral health services, providing to the Central Abuse Registry the name

of an individual and other information necessary to identify that individual, and either: (1) Certifying that the individual is being considered for employment or service as a volunteer by the requester or for a contractual relationship with the requester ~~wherein where~~ the individual will provide services to a child or an incapacitated adult or an adult receiving behavioral health services for compensation; or contractors and vendors who have or may have unsupervised access to the child, disabled, or elderly person for whom the qualified entity provides care; or (2) certifying that an allegation of abuse, neglect, or misappropriation of property has been made against the individual.

(j) “Qualified entity” means any business, agency, or organization that provides care, treatment, education, training, instruction, supervision, or recreation for children, the elderly, or individuals with disabilities and is a public, private, or not-for-profit entity within the State of West Virginia and meets the definition of qualified entity under the federal National Child Protection Act of 1993; P.L. 103-209 as amended by the Volunteers for Children Act; P.L. 105-251.

ARTICLE 9. GOVERNOR’S COMMITTEE ON CRIME, DELINQUENCY AND CORRECTION.

§15-9-3. Ascertaining compliance with applicable standards in juvenile detention and correctional facilities.

The Governor’s Committee on Crime, Delinquency and Correction or its designee shall ascertain the compliance of juvenile detention and juvenile correctional facilities operated by or under contract with the Division of Juvenile Services, created pursuant to ~~section two, article five e, chapter forty nine~~ §49-2-902 of this code, with standards for the structure, physical plant, operation, and maintenance of the facilities, promulgated by the juvenile facility standards commission, pursuant to §31-20-9a of this code: *Provided*, That ~~such~~ the review shall not include educational programs in ~~such~~ the facilities.

ARTICLE 11. PAYMENT OF FUNERAL EXPENSES.**§15-11-2. Payment of funeral expenses of law-enforcement, safety, and emergency workers killed in the line of duty.**

(a) The Secretary of Military Affairs and Public Safety shall, upon written request, direct payment from the fund in the form of a draft as provided in this article up to and including an amount not exceeding \$8,000 for the reasonable funeral expenses, including burial expenses, of a law-enforcement, safety, or emergency worker killed on or after January 1, 1999, while carrying out official duties: *Provided*, That ~~no~~ funds shall not be expended for any funeral expense that is otherwise payable pursuant to the provisions of §23-4-1 *et seq.* of this code, as amended, or other benefit programs established by a provision of this code which does not involve employee participation: *Provided, however*, That where other funds for funeral expenses are provided pursuant to the laws of this state, from whatever source, which amount to less than \$8,000, funds provided by the provisions of this section shall be expended so as to ensure that at least \$8,000 is available for reasonable funeral expenses. The secretary shall direct payment of the funeral expenses upon written request of an employer or head of a volunteer organization, as is appropriate pursuant to this article, certifying that the individual for whom funeral expenses are requested was killed while performing official duties.

(b) The secretary shall supply the draft in the name of the person contracting for the funeral services and, if known, the service provider to the employer or agency head making the request who shall tender the draft to the person who contracted for the services.

(c) For the purposes of this section, “law-enforcement, safety, or emergency worker” means:

(1) Any duly authorized member of a law-enforcement agency who is authorized to maintain public peace and order, prevent and detect crime, make arrests, and enforce the laws of the state or any county or municipality of the state, other than parking ordinances, and including those persons employed as security officers at

municipal, county, regional, or state offices, authorities or institutions, although their employers may not be public law-enforcement agencies, employed by the Hatfield-McCoy Regional Recreation Authority, and members of the West Virginia National Guard while engaged in active duty service: *Provided*, That this section does not apply to those persons employed by private security firms or agencies;

(2) Any state, regional, county, or municipal correctional employee;

(3) Any firefighter employed by the state or any political subdivision of the state and any volunteer firefighter performing as a member of a volunteer fire department;

(4) Any “emergency medical services personnel”, as defined in §16-4C-3 of this code, employed by or volunteering for any state agency or institution or political subdivision of the state; or

(5) Any probation officer appointed under the provisions of either §62-12-5 or ~~section fifteen, article five, chapter forty nine §49-4-719~~ of this code.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 2F. PARENTAL NOTIFICATION OF ABORTIONS PERFORMED ON UNEMANCIPATED MINORS.

§16-2F-2. Definitions.

For purposes of this article, unless the context in which used clearly requires otherwise:

As used in this article:

(1) “Abortion” means the use of any instrument, medicine, drug, or any other substance or device with intent to terminate the pregnancy of a female known to be pregnant and with intent to cause the expulsion of a fetus other than by live birth. This article does not prevent the prescription, sale, or transfer of intrauterine contraceptive devices, other contraceptive devices, or other

generally medically accepted contraceptive devices, instruments, medicines or drugs for a female who is not known to be pregnant and for whom the contraceptive devices, instruments, medicines or drugs were prescribed by a physician solely for contraceptive purposes and not for the purpose of inducing or causing the termination of a known pregnancy.

(2) “Medical emergency” means the same as that term is defined in §16-2M-2 of this code.

(3) “Secretary” means the Secretary of the West Virginia Department of Health and Human Resources.

(4) “Unemancipated minor” means any person less than 18 years of age who is not, or has not been, married, who is under the care, custody, and control of the person’s parent or parents, guardian, or court of competent jurisdiction pursuant to applicable federal law or as provided in ~~section twenty seven, article seven, chapter forty nine~~ §49-4-115 of this code.

ARTICLE 3C. AIDS-RELATED MEDICAL TESTING AND RECORDS CONFIDENTIALITY ACT.

§16-3C-1. Definitions.

When used in this article:

(a) “AIDS” means acquired immunodeficiency syndrome.

(b) “Bureau” means the Bureau for Public Health.

(c) “Commissioner” means the commissioner of the Bureau for Public Health.

(d) “Convicted” includes pleas of guilty and pleas of nolo contendere accepted by the court having jurisdiction of the criminal prosecution, a finding of guilty following a jury trial, or a trial to a court and an adjudicated juvenile offender as defined in ~~sections two and four, article one, chapter forty nine~~ §49-1-202 of this code.

(e) “Department” means the State Department of Health and Human Resources.

(f) “Funeral director” has the same meaning ascribed to ~~such~~ that term in §30-6-3 of this code.

(g) “Funeral establishment” has the same meaning ascribed to that term in §30-6-3 of this code.

(h) “HIV” means the human immunodeficiency virus identified as the causative agent of AIDS.

(i) “HIV-related test” means a test for the HIV antibody or antigen or any future valid test approved by the bureau, the federal drug administration, or the Centers for Disease Control and Prevention.

(j) “Health facility” means a hospital, nursing home, physician’s office, clinic, blood bank, blood center, sperm bank, laboratory, or other health care institution.

(k) “Health care provider” means any physician, dentist, nurse, paramedic, psychologist, or other person providing medical, dental, nursing, psychological, or other health care services of any kind.

(l) “Health Information Exchange” means the electronic movement of health-related information in accord with law and nationally recognized standards.

(m) “High risk behavior” means behavior by a person including, but not limited to: (i) Unprotected sex with a person who is living with HIV; (ii) unprotected sex in exchange for money or drugs; (iii) unprotected sex with multiple partners; (iv) anonymous unprotected sex; (v) or needle sharing; (vi) diagnosis of a sexually transmitted disease; or (vii) unprotected sex or sharing injecting equipment in a high HIV prevalence setting or with a person who is living with HIV.

(n) “Medical or emergency responders” means paid or volunteer firefighters, law-enforcement officers, emergency medical technicians, paramedics, or other emergency service personnel, providers, or entities acting within the usual course of their duties; good samaritans and other nonmedical and

nonemergency personnel providing assistance in emergencies; funeral directors; health care providers; the commissioner of the Bureau for Public Health; and all of their employees ~~thereof~~ and volunteers ~~associated therewith~~.

(o) “Patient” or “test subject” or “subject of the test” means the person upon whom a an HIV test is performed, or the person who has legal authority to make health care decisions for the test subject.

(p) “Permitted purpose” is a disclosure permitted by the Health Insurance Portability and Accountability Act of 1996 as amended, or a disclosure consented to or authorized by a patient or test subject.

(q) “Person” includes any natural person, partnership, association, joint venture, trust, public or private corporation, or health facility.

(r) “Release of test results” means a permitted or authorized disclosure of HIV-related test results.

(s) “Significant exposure” means:

(1) Exposure to blood or body fluids through needlestick, instruments, sharps, surgery, or traumatic events; ~~or~~

(2) Exposure of mucous membranes to visible blood or body fluids, to which universal precautions apply according to the national Centers for Disease Control and Prevention, and laboratory specimens that contain HIV (e.g. suspensions of concentrated virus); or

(3) Exposure of skin to visible blood or body fluids, when the exposed skin is chapped, abraded, or afflicted with dermatitis or the contact is prolonged or involving an extensive area.

(t) “Source patient” means any person whose body fluids have been the source of a significant exposure to a medical or emergency responder.

(u) “Targeted testing” means performing an HIV-related test for sub-populations at higher risk, typically defined on the basis of behavior, clinical, or demographic characteristics.

(v) “Victim” means the person or persons to whom transmission of bodily fluids from the perpetrator of the crimes of sexual abuse, sexual assault, incest, or sexual molestation occurred or was likely to have occurred in the commission of such crimes.

ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.

§16-9A-3. Use or possession of tobacco or tobacco products, alternative nicotine products or vapor products by persons under the age of 18 years; penalties.

~~Ne~~ A person under the age of 18 years shall not have on or about his or her person or premises or use any cigarette, or cigarette paper, or any other paper prepared, manufactured or made for the purpose of smoking any tobacco products, in any form; any pipe, snuff, chewing tobacco, tobacco product, or tobacco-derived product: *Provided*, That minors participating in the inspection of locations where tobacco products or tobacco-derived products are sold or distributed pursuant to §16-9A-7 of this code is not considered to violate the provisions of this section. Any person violating the provisions of this section shall for the first violation be fined \$50 and be required to serve eight hours of community service; for a second violation, the person shall be fined \$100 and be required to serve 16 hours of community service; and for a third and each subsequent violation, the person shall be fined \$200 and be required to serve 24 hours of community service. Notwithstanding the provisions of ~~section two, article five, chapter forty-nine~~ §49-4-701 of this code, the magistrate court has concurrent jurisdiction.

ARTICLE 30. WEST VIRGINIA HEALTH CARE DECISIONS ACT.

§16-30-3. Definitions.

For the purposes of this article:

(a) “Actual knowledge” means the possession of information of the person’s wishes communicated to the health care provider orally or in writing by the person, the person’s medical power of attorney representative, the person’s health care surrogate, or other individuals resulting in the health care provider’s personal cognizance of these wishes. Constructive notice and other forms of imputed knowledge are not actual knowledge.

(b) “Adult” means a person who is 18 years of age or older, an emancipated minor who has been established as such pursuant to the provisions of ~~section twenty-seven, article seven, chapter forty-nine~~ §49-4-115 of this code, or a mature minor.

(c) “Advanced nurse practitioner” means a registered nurse with substantial theoretical knowledge in a specialized area of nursing practice and proficient clinical utilization of the knowledge in implementing the nursing process, and who has met the further requirements of ~~title 19, legislative rules for the West Virginia board of examiners for registered professional nurses, series 7 rule,~~ advanced practice registered nurse, 19CSR 7, who has a mutually agreed upon association in writing with a physician, and has been selected by or assigned to the person and has primary responsibility for treatment and care of the person.

(d) “Attending physician” means the physician selected by or assigned to the person who has primary responsibility for treatment and care of the person and who is a licensed physician. If more than one physician shares that responsibility, any of those physicians may act as the attending physician under this article.

(e) “Capable adult” means an adult who is physically and mentally capable of making health care decisions and who is not considered a protected person pursuant to the provisions of chapter 44A of this code.

(f) “Close friend” means any adult who has exhibited significant care and concern for an incapacitated person who is willing and able to become involved in the incapacitated person’s health care and who has maintained regular contact with the

incapacitated person so as to be familiar with his or her activities, health, and religious and moral beliefs.

(g) “Death” means a finding made in accordance with accepted medical standards of either: (1) The irreversible cessation of circulatory and respiratory functions; or (2) the irreversible cessation of all functions of the entire brain, including the brain stem.

(h) “Guardian” means a person appointed by a court pursuant to the provisions of chapter 44A of this code who is responsible for the personal affairs of a protected person and includes a limited guardian or a temporary guardian.

(i) “Health care decision” means a decision to give, withhold, or withdraw informed consent to any type of health care, including, but not limited to, medical and surgical treatments, including life-prolonging interventions, psychiatric treatment, nursing care, hospitalization, treatment in a nursing home or other facility, home health care, and organ or tissue donation.

(j) “Health care facility” means a facility commonly known by a wide variety of titles, including, but not limited to, hospital, psychiatric hospital, medical center, ambulatory health care facility, physicians’ office and clinic, extended care facility operated in connection with a hospital, nursing home, a hospital extended care facility operated in connection with a rehabilitation center, hospice, home health care, and other facility established to administer health care in its ordinary course of business or practice.

(k) “Health care provider” means any licensed physician, dentist, nurse, physician’s assistant, paramedic, psychologist, or other person providing medical, dental, nursing, psychological or other health care services of any kind.

(l) “Incapacity” means the inability because of physical or mental impairment to appreciate the nature and implications of a health care decision, to make an informed choice regarding the alternatives presented, and to communicate that choice in an unambiguous manner.

(m) “Life-prolonging intervention” means any medical procedure or intervention that, when applied to a person, would serve to artificially prolong the dying process or to maintain the person in a persistent vegetative state. Life-prolonging intervention includes, among other things, nutrition and hydration administered intravenously or through a feeding tube. The term “life-prolonging intervention” does not include the administration of medication or the performance of any other medical procedure considered necessary to provide comfort or to alleviate pain.

(n) “Living will” means a written, witnessed advance directive governing the withholding or withdrawing of life-prolonging intervention, voluntarily executed by a person in accordance with the requirements of §16-30-4 of this code.

(o) “Mature minor” means a person, less than 18 years of age, who has been determined by a qualified physician, a qualified psychologist, or an advanced nurse practitioner to have the capacity to make health care decisions.

(p) “Medical information” or “medical records” means and includes without restriction any information recorded in any form of medium that is created or received by a health care provider, health care facility, health plan, public health authority, employer, life insurer, school, or university or health care clearinghouse that relates to the past, present or future physical or mental health of the person, the provision of health care to the person, or the past, present, or future payment for the provision of health care to the person.

(q) “Medical power of attorney representative” or “representative” means a person, 18 years of age or older, appointed by another person to make health care decisions pursuant to the provisions of §16-30-6 of this code or similar act of another state and recognized as valid under the laws of this state.

(r) “Parent” means a person who is another person’s natural or adoptive mother or father or who has been granted parental rights by valid court order and whose parental rights have not been terminated by a court of law.

(s) “Persistent vegetative state” means an irreversible state as diagnosed by the attending physician or a qualified physician in which the person has intact brain stem function but no higher cortical function and has neither self-awareness or awareness of the surroundings in a learned manner.

(t) “Person” means an individual, a corporation, a business trust, a trust, a partnership, an association, a government, a governmental subdivision or agency, or any other legal entity.

(u) “Physician orders for scope of treatment (POST) form” means a standardized form containing orders by a qualified physician that details a person’s life-sustaining wishes as provided by §16-30-25 of this code.

(v) “Principal” means a person who has executed a living will or medical power of attorney.

(w) “Protected person” means an adult who, pursuant to the provisions of chapter 44A of this code, has been found by a court, because of mental impairment, to be unable to receive and evaluate information effectively or to respond to people, events, and environments to an extent that the individual lacks the capacity to: (1) Meet the essential requirements for his or her health, care, safety, habilitation, or therapeutic needs without the assistance or protection of a guardian; or (2) manage property or financial affairs to provide for his or her support or for the support of legal dependents without the assistance or protection of a conservator.

(x) “Qualified physician” means a physician licensed to practice medicine who has personally examined the person.

(y) “Qualified psychologist” means a psychologist licensed to practice psychology who has personally examined the person.

(z) “Surrogate decisionmaker” or “surrogate” means an individual 18 years of age or older who is reasonably available, is willing to make health care decisions on behalf of an incapacitated person, possesses the capacity to make health care decisions, and is identified or selected by the attending physician or advanced nurse practitioner in accordance with the provisions of this article

as the person who is to make those decisions in accordance with the provisions of this article.

(aa) "Terminal condition" means an incurable or irreversible condition as diagnosed by the attending physician or a qualified physician for which the administration of life-prolonging intervention will serve only to prolong the dying process.

ARTICLE 47. ALCOHOL AND DRUG OVERDOSE PREVENTION AND CLEMENCY ACT.

§16-47-5. Immunity, alternative sentencing and clemency options for a person for whom emergency medical assistance was sought.

(a) The immunity provisions in §16-47-4(a) of this code extend to the person for whom emergency medical assistance was sought if, ~~subsequent to~~ after receiving emergency medical assistance, the person participates in, complies with, and completes a substance abuse treatment or recovery program approved by the court. Alternatively, a court may consider the following alternative sentencing and clemency options:

(1) Deferred prosecution under §60-6-26 or ~~under~~ §60A-4-407 of this code;

(2) Pretrial diversion under §61-11-22 of this code;

(3) Adjudication in drug court under §62-15-1 *et seq.* of this code or ~~under section two b, article five, chapter forty nine~~ §49-4-703 of this code; or

(4) Any other appropriate form of alternative sentencing or rehabilitation permitted by this code, including, but not limited to:

(A) Probation;

(B) Conditional discharge under §60-6-26 of this code; or

(C) The weekend jail program, the work program or the community service program under §62-11A-1a of this code.

(b) Notwithstanding any other provision of this section to the contrary, a person who may seek immunity or clemency pursuant to subsection (a) of this section and is charged with an offense not exempted by §16-47-4(a) of this code may enter a plea of guilty to an offense exempted by §16-47-4(a) of this code if the person, after consultation with his or her attorney, so desires.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-6a. Taking a child into custody; driving a motor vehicle with any amount of blood alcohol.

(a) A preliminary breath analysis may be administered to a child whenever a law-enforcement official has reasonable cause to believe the child to have been driving a motor vehicle with any amount of alcohol in his or her blood for the purpose of determining the child's blood alcohol content. ~~Such~~ The breath analysis must be administered as soon as possible after the law-enforcement officer arrives at a reasonable belief that the child has been driving a motor vehicle with any amount of alcohol in his or her blood. Any preliminary breath analysis administered pursuant to this subsection must be administered with a device and in a manner approved by the division of health for that purpose. If a preliminary breath analysis is administered, the results shall be used solely for the purpose of guiding the officer in deciding whether the child, at the time of driving the motor vehicle, had an alcohol concentration in his or her blood of .0002 of one percent or more, by weight, and should, therefore, be taken into custody to administer a secondary test in accordance with the provisions of this section.

(b) A child may be taken into custody by a law-enforcement official without a warrant or court order if the official has reasonable grounds to believe the child to have been driving a motor vehicle with any amount of alcohol in his or her blood. If a preliminary breath analysis is administered and the results of the analysis indicate that the child has an alcohol concentration in his or her blood of less than .0002 of one percent, by weight, the child may not be taken into custody unless other grounds exist under ~~subsection (b), section eight, article five, chapter forty-nine~~ §49-4-705(b) of this code. Upon taking a child

into custody pursuant to the provisions of this section, the official shall take all reasonable steps to cause notification to be made to the child's parent or custodian or, if the parent or custodian cannot be located, to a close relative.

(c) Upon taking a child into custody pursuant to this section, the official shall take the child to a facility where a secondary test of the child's blood or urine may be administered at the direction of the official or a test of the child's breath may be administered by the official. The law-enforcement agency by which such law-enforcement official is employed shall designate whether the secondary test is a test of either blood, breath, or urine: *Provided*, That if the test ~~so designated~~ is a blood test and the child refuses to submit to the blood test, then the law-enforcement official taking the child into custody shall designate in lieu thereof a breath test to be administered. Notwithstanding the provisions of §17C-5-7 of this code, a refusal to submit to a blood test only shall not result in the revocation of the child's license to operate a motor vehicle in this state. Any child taken into custody pursuant to this section shall be given a written statement advising him or her that a refusal to submit to a secondary test of either blood, breath, or urine, as finally designated by the law-enforcement agency or official in accordance with this subsection, will result in the suspension of his or her license to operate a motor vehicle in this state for a period of at least 30 days or a revocation of the license for a period up to life.

(d) If the law-enforcement official taking the child into custody is employed by a law-enforcement agency which does not have available the testing equipment or facilities necessary to conduct any secondary breath test which may be administered pursuant to the provisions of this section, then the official who took the child into custody may request another qualified person to administer a secondary breath test: *Provided*, That the breath test shall be administered in the presence of the official who took the child into custody. The results of ~~such the~~ breath test may be used in evidence to the same extent and in the same manner as if ~~such the~~ test had been conducted by the law-enforcement official who took the child into custody. The qualified person administering the breath test must be a member of the West Virginia state police, the sheriff of the county ~~wherein where~~ the child was taken into custody, or any deputy of ~~such the~~ sheriff or a law-enforcement official of another municipality

within the county wherein the child was taken into custody. Only the person actually administering the secondary breath test is competent to testify as to the results and the veracity of the test. If the secondary test is a blood test, the test shall be conducted in accordance with the provisions of §17C-5-6 of this code.

(e) After taking the child into custody, if the law-enforcement official has reasonable cause to believe that the act of the child in driving the motor vehicle is such that it would provide grounds for arrest for an offense defined under the provisions of §17C-5-2 of this code if the child were an adult, then the official shall proceed to treat the child in the same manner as any other child taken into custody without a warrant or court order, in accordance with the provisions of §17C-5-8 of this code.

(f) If the results of any secondary test administered pursuant to this section indicate that the child, at the time of driving the motor vehicle, had an alcohol concentration in his or her blood of .0008 of one percent or less, by weight, and if the law-enforcement official does not have reasonable cause to believe that the act of the child in driving the motor vehicle is such that it would provide grounds for arrest for an offense defined under the provisions of §17C-5-2 of this code if the child were an adult, then the official shall release the child: *Provided*, That if the results of any secondary test administered pursuant to this section indicate that the child, at the time of driving the motor vehicle, had an alcohol concentration in his or her blood of .0002 of one percent or more, by weight, the child shall only be released to a parent or custodian, or to some other responsible adult.

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-15c. County boards of education; training in prevention of child abuse and neglect and child assault; regulations; funding.

(a) In recognition of the findings of the Legislature as set forth in ~~section one, article six c, chapter forty nine~~ §49-2-401 of this code, the Legislature further finds that public schools are able to provide a special environment for the training of children, parents,

and school personnel in the prevention of child abuse and neglect and child assault and that child abuse and neglect prevention and child assault prevention programs in the public schools are an effective and cost-efficient method of reducing the incidents of child abuse and neglect, promoting a healthy family environment, and reducing the general vulnerability of children.

(b) County boards of education shall ~~be required~~, to the extent funds are provided, ~~to~~ establish programs for the prevention of child abuse and neglect and child assault. ~~Such~~ The programs shall be provided to ~~pupils~~ students, parents and school personnel as ~~deemed~~ considered appropriate. ~~Such~~ The programs shall ~~be in compliance~~ comply with ~~regulations to be~~ rules developed by the state Board of Education with the advice and assistance of the state Department of Health and Human Resources and the West Virginia State Police: *Provided*, That any ~~such~~ programs which substantially comply with the ~~regulations~~ rules adopted by the board and were in effect prior to the adoption of the ~~regulations~~ rules may be continued.

(c) Funds for implementing the child abuse and neglect prevention and child assault prevention programs may be allocated to the county boards of education from the children's trust fund established pursuant to the provisions of ~~article six e, chapter forty-nine~~ §49-2-401 of this code or appropriated for such purpose by the Legislature.

(d) County boards of education shall request from the state Criminal Identification Bureau the record of any and all criminal convictions relating to child abuse, sex-related offenses, or possession of controlled substances with intent to deliver ~~same~~ the controlled substances or all of its future employees. This request shall be made immediately after the effective date of this section, and thereafter as warranted.

(e) Contractors or service providers or their employees may not make direct, unaccompanied contact with students or access school grounds unaccompanied when students are present if it cannot be verified that the contractors, service providers, or employees have not previously been convicted of a qualifying offense, as defined in §15-12-2 of this code. For the purposes of this section, contractor and service provider shall be limited to any vendor, individual, or entity

under contract with a county school board. County school boards may require contractors and service providers to verify the criminal records of their employees before granting ~~the above mentioned~~ contact or access. Where prior written consent is obtained, county school boards may obtain information from the Central Abuse Registry regarding contractors, service providers, and their employees for the purposes of this subsection. Where a contractor or service provider gives his or her prior written consent, the county school board also may share information provided by the Central Abuse Registry with other county school boards for the purposes of satisfying the requirements of this subsection. ~~The requirements of this subsection shall not go into effect until July 1, 2007.~~

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-6a. Incentive for county board participation in circuit court juvenile probation truancy programs.

A county board that enters into a truancy program agreement with the circuit court of the county that (1) provides for the referral of truant juveniles for supervision by the court's probation office pursuant to ~~section eleven, article five, chapter forty nine~~ §49-4-711 of this code and (2) requires the county board to pay for the costs of the probation officer or officers assigned to supervise truant juveniles, shall be reimbursed for one half of the costs of the probation officer or officers, subject to appropriation of the Legislature for this purpose to the West Virginia Department of Education. For any year in which the funds appropriated are insufficient to cover the reimbursement costs, the county's costs shall be reimbursed pro rata.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-1d. Return to school through Juvenile Drug Court for certain students.

(a) When a student is expelled from school pursuant to §18A-5-1a of this code, the county board, county superintendent, or principal for the school from which the student was expelled or the parent, guardian, or custodian may refer the student to a Juvenile

Drug Court, operated pursuant to ~~section two b, article five, chapter forty nine §49-4-703~~ of this code. Upon ~~such~~ referral, the judge assigned to Juvenile Drug Court shall determine whether the student is an appropriate candidate for Juvenile Drug Court.

(b) If the judge determines the student is an appropriate candidate for Juvenile Drug Court, then the court has jurisdiction over the student in the same manner as it has jurisdiction over all other persons in Juvenile Drug Court. ~~Such~~ Jurisdiction over students includes the ability to issue any of the various sanctions available to the Juvenile Drug Court, including temporary detention.

(c)(1) Successful completion of Juvenile Drug Court or certification by the Juvenile Drug Court judge that the student is making satisfactory progress toward successful completion of Juvenile Drug Court warrants consideration for reduction of the expulsion period, pursuant to §18A-5-1a of this code.

(2) The Juvenile Drug Court shall notify the county superintendent of ~~such~~ the completion or certification. The county superintendent shall arrange a meeting with the Juvenile Drug Court treatment team, the court, and the student assistance team of the school from which the student was expelled to discuss the student's history, progress, and potential for improvement.

(3) The student assistance team shall evaluate and recommend whether the student's expulsion period should be reduced, and the student reinstated in school.

(4) The student assistance team's recommendation shall be presented to the superintendent, who shall make the final determination. The superintendent shall prepare a statement detailing reasons for or against school reinstatement and submit the statement to the county board. If the superintendent determines to reduce the expulsion period, he or she shall submit the statement required by §18A-5-1a(i) of this code and place the student in an appropriate school within the district.

(5) A student to be reinstated shall be permitted to return to school no later than the 10th regular school day following notice by the court to the superintendent regarding the student's successful completion or satisfactory progress toward successful completion of Juvenile Drug Court.

CHAPTER 28. STATE CORRECTIONAL AND PENAL INSTITUTIONS.

ARTICLE 1. COMMITMENT OF YOUTHFUL MALE OFFENDERS.

§28-1-2. Commitment; age limits; physical, educational and psychological examinations; admission; transfer and placement.

(a) Any male youth between the ages of 10 and 18 years may be committed to the custody of the Commissioner of Corrections by a circuit court of this state in the manner prescribed in ~~article five, chapter forty nine~~ §49-4-701 through §49-4-725 of this code; and further, any male youth who has been adjudged delinquent pursuant to ~~subdivision (1), section four, article one, chapter forty nine~~ §49-1-202 of this code, who, as a result thereof, was placed on probation and has been found, in a proceeding pursuant to the procedural requirements of ~~article five, chapter forty nine~~ §49-4-701 through §49-4-725 of this code, to have violated a term of probation, prior to the attainment of his or her 20th birthday, which constitutes a criminal offense, may be committed to the custody of the Commissioner of Corrections as a youthful offender.

(b) Every youth committed ~~hereunder~~ under this article shall, following the dispositional proceeding, be transferred to the place or places designated by the Commissioner of Corrections for complete physical, educational, and psychological examinations, including all appropriate tests, to be completed as soon as possible, the completion of the physical examinations to be within 20 days. ~~Such~~ The youth shall be housed in a manner so as to prevent the spread of infectious disease. Following disposition and prior to transfer to the custody of the Commissioner of Corrections, each youth shall be allowed to visit with his or her relatives, without

being committed to jail for a period of not less than one hour. The cost of the examinations ~~herein in this subsection~~ shall be borne by the committing county. The youth shall be provided all treatment and rehabilitation indicated by ~~such~~ the examinations.

In lieu of the physical examinations and tests provided for ~~herein in this subsection~~, the court may, in the absence of objection, have the county health officer or other local health care facility perform physical and mental examinations and tests, so long as ~~such~~ the examinations and tests are performed prior to the dispositional proceeding. Except as otherwise provided by law, ~~no~~ a child shall not be committed to a jail following a dispositional proceeding solely to await a physical, educational, or mental examination or the results ~~thereof~~ of the exam.

(c) All ~~such~~ examinations shall be private. ~~No~~ A youth who is mentally ill or significantly intellectually disabled shall not be committed to, or retained by, the Commissioner of Corrections, but shall be returned to the committing court for further disposition. ~~No~~ A youth who has a serious infectious disease shall not be retained in the custody of the Commissioner of Corrections, but shall be transferred to an appropriate treatment facility. Detailed medical records shall be kept of every youth.

(d) The results of any ~~such~~ physical, educational, and psychological examinations, together with a copy of the petition, the adjudicatory order, and the dispositional order shall accompany every youth committed to the Commissioner of Corrections, without which ~~such~~ the youth shall not be accepted. The commissioner, or his or her designated representative, shall review the records of each youth committed to assure that ~~no~~ a youth is not illegally detained in an inappropriate facility or custodial situation.

(e) The Commissioner of Corrections ~~shall have the authority to~~ may transfer and place such youth in any of the established centers or homes or halfway programs ~~which shall be established,~~ and in less restrictive settings, whether under his or her jurisdiction or private nonprofit residential facilities, as he or she may ~~deem~~ determine appropriate to promote the rehabilitation of ~~such~~ the youth. To the extent possible, ~~no~~ a youth under the age of 15 shall

not be in regular contact with youths between the ages of 16 and 18.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 21. PUBLIC DEFENDER SERVICES.

§29-21-16. Determination of maximum income levels; eligibility guidelines; use of form affidavit; inquiry by court; denial of services; repayment; limitation on remedies against affiant.

(a) The agency shall establish, and periodically review and update financial guidelines for determining eligibility for legal representation made available under the provisions of this article. The agency shall adopt a financial affidavit form for use by persons seeking legal representation made available under the provisions of this article.

(b) All persons seeking legal representation made available under the provisions of this article shall complete the agency's financial affidavit form, which shall be considered as an application for the provision of publicly funded legal representation.

(c) Any juvenile shall have the right to be effectively represented by counsel at all stages of proceedings brought under the provisions of ~~article five, chapter forty nine~~ §49-4-701 through §49-4-725 of this code. If the child advises the court of his or her inability to pay for counsel, the court shall require the child's parent or custodian to execute a financial affidavit. If the financial affidavit demonstrates that neither of the child's parents, or, if applicable, the child's custodian, has sufficient assets to pay for counsel, the court shall appoint counsel for the child. If the financial affidavit demonstrates that either of the child's parents, or, if applicable, the child's custodian, does have sufficient assets to pay for counsel, the court shall order the parent, or, if applicable, the custodian, to provide, by paying for, legal representation for the child in the proceedings.

The court may disregard the assets of the child's parents or custodian and appoint counsel for the child, as provided ~~above in~~ this section, if the court concludes, as a matter of law, that the child and the parent or custodian have a conflict of interest that would adversely affect the child's right to effective representation of counsel, or concludes, as a matter of law, that requiring the child's parent or custodian to provide legal representation for the child would otherwise jeopardize the best interests of the child.

(d) In circuits in which no public defender office is in operation, circuit judges shall make all determinations of eligibility. In circuits in which a public defender office is in operation, all determinations of indigency shall be made by a public defender office employee designated by the executive director. ~~Such~~ The determinations shall be made after a careful review of the financial affidavit submitted by the person seeking representation. The review of the affidavit shall be conducted in accord with the financial eligibility guidelines established by the agency pursuant to subsection (a) of this section. In addition to the financial eligibility guidelines, the person determining eligibility shall consider other relevant factors, including, but not limited to, those set forth in subdivisions (1) through (9) of subsection (e) of this section. If there is substantial reason to doubt the accuracy of information in the financial affidavit, the person determining eligibility may make ~~such~~ any inquiries ~~as are~~ necessary to determine whether the affiant has truthfully and completely disclosed the required financial information.

After reviewing all pertinent matters, the person determining eligibility may find the affiant ~~to be~~ eligible to have the total cost of legal representation provided by the state, or may find that the total cost of providing representation shall be apportioned between the state and the eligible person. A person whose annual income exceeds the maximum annual income level allowed for eligibility may receive all or part of the necessary legal representation, or a person whose income falls below the maximum annual income level for eligibility may be denied all or part of the necessary legal representation if the person determining eligibility finds the person's particular circumstances require that eligibility be allowed

or disallowed, as the case may be, on the basis of one or more of the nine factors set forth in subsection (e) of this section. If legal representation is made available to a person whose income exceeds the maximum annual income level for eligibility, or if legal representation is denied to a person whose income falls below the maximum annual income level for eligibility, the person determining eligibility shall make a written statement of the reasons for the action and shall specifically relate those reasons to one or more of the factors set forth in subsection (e) of this section.

(e) The following factors shall be considered in determining eligibility for legal representation made available under the provisions of this article:

(1) Current income prospects, taking into account, seasonal variations in income;

(2) Liquid assets, assets which may provide collateral to obtain funds to employ private counsel, and other assets which may be liquidated to provide funds to employ private counsel;

(3) Fixed debts and obligations, including federal, state and local taxes, and medical expenses;

(4) Child care, transportation, and other expenses necessary for employment;

(5) Age or physical infirmity of resident family members;

(6) Whether the person seeking publicly funded legal representation has made reasonable and diligent efforts to obtain private legal representation, and the results of those efforts;

(7) The cost of obtaining private legal representation with respect to the particular matter in which assistance is sought;

(8) Whether the person seeking publicly funded legal representation has posted a cash bond for bail or has obtained release on bond for bail through the services of a professional bondsman for compensation and the amount and source of the money provided for ~~such~~ the bond;

(9) The consequences for the individual if legal assistance is denied.

(f) Legal representation requested by the affiant may not be denied in whole or part unless the affiant can obtain legal representation without undue financial hardship. ~~Persons~~ A person determined to be ineligible by public defender personnel may have the initial determination reviewed by a local circuit judge who may amend, modify or rewrite the initial determination. At any stage of the proceedings a circuit court may determine a prior finding of eligibility was incorrect or has become incorrect as the result of the affiant's changed financial circumstances, and may revoke any prior order providing legal representation. In ~~such~~ that event, any attorney previously appointed shall be entitled to compensation under the provisions of law applicable to ~~such~~ the appointment for services already rendered.

(g) In the circumstances and manner set forth below, circuit judges may order repayment to the state, through the office of the clerk of the circuit court having jurisdiction over the proceedings, of the costs of representation provided under this article:

(1) In every case in which services are provided to an indigent person and an adverse judgment has been rendered against such person, the court may require that person, and in juvenile cases, may require the juvenile's parents or custodian, to pay as costs the compensation of appointed counsel, the expenses of the defense, and ~~such~~ any other fees and costs ~~as~~ authorized by statute.

(2) The court shall not order a person to pay costs unless the person is able to pay without undue hardship. In determining the amount and method of repayment of costs, the court shall take account of the financial resources of the person, the person's ability to pay, and the nature of the burden that payment of costs will impose. The fact that the court initially determines, at the time of a case's conclusion, that it is not proper to order the repayment of costs does not preclude the court from subsequently ordering repayment ~~should~~ if the person's financial circumstances change.

(3) When a person is ordered to repay costs, the court may order payment to be made ~~forthwith~~ immediately or within a specified period of time or in specified installments. If a person is sentenced to a term of imprisonment, an order for repayment of costs is not enforceable during the period of imprisonment unless the court expressly finds, at the time of sentencing, that the person has sufficient assets to pay the amounts ordered to be paid or finds there is a reasonable likelihood the person will acquire the necessary assets in the foreseeable future.

(4) A person who has been ordered to repay costs, and who is not in contumacious default in the payment thereof, may at any time petition the sentencing court for modification of the repayment order. If it appears to the satisfaction of the court that continued payment of the amount ordered will impose undue hardship on the person or the person's dependents, the court may modify the method or amount of payment.

(5) When a person ordered to pay costs is also placed on probation or imposition or execution of sentence is suspended, the court may make the repayment of costs a condition of probation or suspension of sentence.

(h) Circuit clerks shall keep a record of repaid counsel fees and defense expenses collected pursuant to this section and shall, quarterly, pay the moneys to the State Auditor who shall deposit the funds in the General Revenue Fund of the state.

(i) The making of an affidavit subject to inquiry under this section does not in any event give rise to criminal remedies against the affiant nor occasion any civil action against the affiant except for the recovery of costs as in any other case where costs may be recovered and the recovery of the value of services, if any, provided pursuant to this article. A person who has made an affidavit knowing the contents ~~thereof~~ of the affidavit to be false may be prosecuted for false swearing as provided by law.

CHAPTER 31. CORPORATIONS.**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND
CORRECTIONAL FACILITY AUTHORITY.****§31-20-2. Definitions.**

Unless the context indicates clearly otherwise, as used in this article:

(a) “Adjacent regional juvenile detention facility” means a facility constructed or maintained on property owned or controlled by the Regional Jail Authority and designed (1) for the short term preadjudicatory detention of juveniles, for the confinement of juveniles who are awaiting transportation to or placement at another juvenile detention facility or juvenile correctional facility, or who are awaiting trial as an adult pursuant to ~~section ten, article five, chapter forty-nine~~ §49-4-710 of this code; or (2) for the court-ordered, short term placement of juveniles in a facility that is characterized by programmatic intervention and by staff restrictions of the movements and activities of juveniles placed there, that limits the juveniles’ access to the surrounding community and that is not characterized by construction fixtures designed to physically restrict the movements and activities of juveniles.

(b) “Authority” or “West Virginia Regional Jail Authority” means the West Virginia Regional Jail and Correctional Facility Authority created by this article.

(c) “Board” means the governing body of the authority.

(d) “Bonds” means bonds of the authority issued under this article.

(e) “Cost of construction or renovation of a local jail facility, regional jail facility or juvenile facility” means the cost of all lands, water areas, property rights, and easements, financing charges, interest prior to and during construction and for a period not exceeding six months following the completion of construction, equipment, engineering and legal services, plans, specifications,

and surveys, estimates of costs and other expenses necessary or incidental to determining the feasibility or practicability of any project, together with any other expenses necessary or incidental to the financing and the construction or renovation of the facilities and the placing of the facilities in operation.

(f) “County” means any county of this state.

(g) “Federal agency” means the United States of America and any department, corporation, agency, or instrumentality created, designated, or established by the United States of America.

(h) “Fund” or “funds” means a Regional Jail and Correctional Facility Authority fund provided in §31-20-10 of this code, including those accounts that may be established by the authority for accurate accounting of the expenditure of public funds by that agency.

(i) “Government” means state and federal government, and any political subdivision, agency or instrumentality of the state or federal government, corporate or otherwise.

(j) “Inmate” means any adult person properly committed to a local or regional jail facility or a correctional facility.

(k) “Local jail facility” means any county facility for the confinement, custody, supervision, or control of adult persons convicted of misdemeanors, awaiting trial, or awaiting transportation to a state correctional facility.

(l) “Municipality” means any city, town, or village in this state.

(m) “Notes” means any notes as defined in §46-3-104 of this code issued under this article by the authority.

(n) “Correctional facility” means any correctional facility, penitentiary, or other correctional institution operated by the Division of Corrections for the incarceration of adults.

(o) “Regional jail facility” or “regional jail” means any facility operated by the authority and used jointly by two or more counties

for the confinement, custody, supervision, or control of adult persons convicted of misdemeanors or awaiting trial or awaiting transportation to a state correctional facility.

(p) “Revenues” means all fees, charges, moneys, profits, payments of principal of, or interest on, loans and other investments, grants, contributions, and all other income received by the authority.

(q) “Security interest” means an interest in the loan portfolio of the authority which is secured by an underlying loan or loans and is evidenced by a note issued by the authority.

(r) “Work farm” has the same meaning as that term is used in §7-8-12 of this code authorizing work farms for individual counties.

(s) “Juvenile detention facility” or “juvenile detention center” means a facility operated by the Division of Juvenile Services (1) for the short term preadjudicatory detention of juveniles, for the confinement of juveniles who are awaiting transportation to or placement at another juvenile detention facility or juvenile correctional facility, or who are awaiting trial as an adult pursuant to ~~section ten, article five, chapter forty nine~~ §49-4-710 of this code; or (2) for the court-ordered, short term placement of juveniles in a facility that is characterized by programmatic intervention and by staff restrictions of the movements and activities of juveniles placed there, that limits the juveniles’ access to the surrounding community and that is not characterized by construction fixtures designed to physically restrict the movements and activities of juveniles.

(t) “Juvenile correctional facility” means a facility operated by the Division of Juvenile Services (1) for the postdispositional confinement of juveniles adjudicated of offenses that would be criminal offenses if committed by an adult; or (2) for the court-ordered placement of juveniles in a facility that is characterized by programmatic intervention and by staff restrictions of the movements and activities of juveniles placed there, that limits the juveniles’ access to the surrounding community, and that is not

characterized by construction fixtures designed to physically restrict the movements and activities of juveniles.

(u) “Juvenile facility” means an adjacent regional juvenile detention facility, a juvenile detention facility, a juvenile detention center, or a juvenile correctional facility.

CHAPTER 33. INSURANCE.

ARTICLE 4. GENERAL PROVISIONS.

§33-4-20. Cancellation, nonrenewal or limitation of coverage of life or sickness and accident insurance.

(a) For purposes of this section, the following definitions shall apply:

(1) “Abuse,” as used in this section, means the occurrence of one or more of the following acts between family or household members:

(A) Attempting to cause or intentionally, knowingly, or recklessly causing physical harm to another with or without dangerous or deadly weapons;

(B) Placing another in reasonable apprehension of physical harm;

(C) Creating fear of physical harm by harassment, psychological abuse, or threatening acts;

(D) Committing either sexual assault or sexual abuse as those terms are defined in §61-8B-1 *et seq.* and §61-8D-1 *et seq.* of this code;

(E) Holding, confining, detaining, or abducting another person against that person’s will;

(F) Intentionally or recklessly damaging, destroying, or taking the tangible property of another individual;

(G) Insulting, taunting, or challenging another individual or engaging in a course of alarming or distressing conduct in a manner which is likely to provoke a violent or disorderly response or which is likely to cause humiliation, degradation, or fear in another individual;

(H) Trespassing on or in the property of another individual, or on or in property from which the trespasser has been excluded by court order;

(I) Child abuse or neglect, as defined in ~~section three, article one, chapter forty nine~~ §49-1-201 of this code;

(J) Kidnapping, concealment, or removal of a minor child from his or her custodian or from a person entitled to visitation, as set forth in §61-2-14 through §61-2-14e of this code.

(2) “Family or household member” means current or former spouses, persons living as spouses, persons who formerly resided as spouses, parents, children and stepchildren, current or former sexual or intimate partners, other persons related by blood or marriage, persons who are presently or in the past have resided or cohabited together, or a person with whom the victim has a child in common.

(3) “Victim of abuse,” as used in this section, means an individual who has been or is subject to abuse, including, but not limited to, an individual who seeks, has sought, or should have sought medical or psychological treatment for abuse, protection from abuse or shelter from abuse.

(b) For all policies issued or renewed after the effective date of this section, ~~no~~ a person or entity engaged in the business of providing life or health insurance, or both, in this state may not:

(1) Deny, refuse to issue, refuse to renew, refuse to reissue, cancel, or otherwise terminate an insurance policy or restrict coverage on any individual because that individual is, has been, or may be the victim of abuse;

(2) Add any surcharge or rating factor to a premium of an insurance policy because an individual has been or may be the victim of abuse;

(3) Exclude or limit coverage for losses or deny a claim incurred because an individual has been or may be the victim of abuse; or

(4) Require as part of the application process any information regarding whether that individual has been or may be the victim of abuse.

(c) Nothing in this section may be construed to prohibit a person from declining to issue an insurance policy insuring the life of an individual who is or has been the victim of abuse if the perpetrator of abuse is the applicant or would be the owner of the insurance policy.

(d) Nothing in this section may be construed to prohibit a person from underwriting or rating a risk on the basis of a preexisting physical or mental condition, even if the condition had been caused by abuse: *Provided, That:*

(1) The person routinely underwrites or rates the condition in the same manner with respect to an insured or an applicant who is not a victim of abuse;

(2) The fact that an individual is, has been, or may be the victim of abuse may not be considered a physical or mental condition; and

(3) The underwriting or rating is not used to evade the intent of this law or any other provision of law. A person may not be held civilly or criminally liable for any cause of action which may be brought because of compliance with this section.

CHAPTER 48. DOMESTIC RELATIONS.

ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-MAKING RESPONSIBILITY OF CHILDREN.

§48-9-205. Permanent parenting plan.

(a) A party seeking a judicial allocation of custodial responsibility or decision-making responsibility under this article shall file a proposed parenting plan with the court. Parties may file a joint plan. A proposed plan shall be verified and shall state, to the extent known or reasonably discoverable by the filing party or parties:

(1) The name, address, and length of residence of any adults with whom the child has lived for one year or more, or in the case of a child less than one year old, any adults with whom the child has lived since the child's birth;

(2) The name and address of each of the child's parents and any other individuals with standing to participate in the action under §48-9-103 of this code;

(3) A description of the allocation of care taking and other parenting responsibilities performed by each person named in subdivisions (1) and (2) of this subsection during the twenty-four months preceding the filing of an action under this article;

(4) A description of the work and child-care schedules of any person seeking an allocation of custodial responsibility, and any expected changes to these schedules in the near future;

(5) A description of the child's school and extracurricular activities;

(6) A description of any of the limiting factors as described in §48-9-209 of this code that are present, including any restraining orders against either parent to prevent domestic or family violence, by case number and jurisdiction;

(7) Required financial information; and

(8) A description of the known areas of agreement and disagreement with any other parenting plan submitted in the case.

The court shall maintain the confidentiality of any information required to be filed under this section when the person giving that information has a reasonable fear of domestic abuse and disclosure of the information would increase that fear.

(b) The court shall develop a process to identify cases in which there is credible information that child abuse or neglect, as defined in ~~section three, article one, chapter forty nine~~ §49-1-201 of this code, or domestic violence as defined in §48-27-202 of this code has occurred. The process shall include assistance for possible victims of domestic abuse in complying with subdivision (6), subsection (a) of this section, and referral to appropriate resources for safe shelter, counseling, safety planning, information regarding the potential impact of domestic abuse on children, and information regarding civil and criminal remedies for domestic abuse. The process shall also include a system for ensuring that jointly submitted parenting plans that are filed in cases in which there is credible information that child abuse or domestic abuse has occurred receive the court review that is mandated by §48-9-201(b) of this code.

(c) Upon motion of a party and after consideration of the evidence, the court shall order a parenting plan consistent with the provisions of §48-9-206, §48-9-207, §48-9-208 and §48-9-209 of this code, containing:

(1) A provision for the child's living arrangements and each parent's custodial responsibility, which shall include either:

(A) A custodial schedule that designates in which parent's home each minor child will reside on given days of the year; or

(B) A formula or method for determining such a schedule in sufficient detail that, if necessary, the schedule can be enforced in subsequent proceedings by the court;

(2) An allocation of decision-making responsibility as to significant matters reasonably likely to arise with respect to the child;

(3) A provision consistent with §48-9-202 of this code for resolution of disputes that arise under the plan, and remedies for violations of the plan; and

(4) A plan for the custody of the child should one or both of the parents as a member of the National Guard, a reserve component, or an active duty component be mobilized, deployed, or called to active duty.

(d) A parenting plan may, at the court's discretion, contain provisions that address matters that are expected to arise in the event of a party's relocation, or provide for future modifications in the parenting plan if specified contingencies occur.

PART III - FACT FINDING.

§48-9-301a. Child abuse allegations.

(a) If allegations of child abuse are made during a child custody proceeding and the court has concerns regarding the child's safety, the court may take any reasonable, temporary steps as the court, in its discretion, ~~deems~~ considers appropriate under the circumstances to protect the child's safety until an investigation can be completed. Nothing in this subsection shall affect the applicability of ~~sections two and nine of article six a, chapter forty nine~~ §49-2-802 and §49-2-803 of this code.

(b) If allegations of child abuse are made during a child custody proceeding, the court may request that the local child protective service conduct an investigation of the allegations pursuant to ~~article six a, chapter forty nine~~ §49-2-801 through §49-2-814 of this code. Upon completion of the investigation, the agency shall report its findings to the court.

ARTICLE 22. ADOPTION.

PART III. CONSENT OR RELINQUISHMENT; ABANDONMENT.

§48-22-301. Persons whose consent or relinquishment is required; exceptions.

(a) Subject to the limitations hereinafter set forth, consent to or relinquishment for adoption of a minor child is required of:

(1) The parents or surviving parent ~~whether adult or infant~~ of a marital child, whether adult or infant;

(2) The outsider father of a marital child who has been adjudicated to be the father of the child or who has filed a paternity action which is pending at the time of the filing of the petition for adoption;

(3) The birth mother ~~whether adult or infant~~ of a nonmarital child, whether adult or infant; and

(4) The determined father.

(b) Consent or relinquishment shall not be required of a parent or of any other person having custody of the adoptive child:

(1) Whose parental rights have been terminated pursuant to the provisions of ~~article three, chapter forty nine~~ §49-4-114 of this code;

(2) Whom the court finds has abandoned the child as set forth in ~~22-306~~ §48-22-306 of this code; or

(3) Who, in a stepparent adoption, is the birth parent or adoptive parent of the child and is married to the petitioning adoptive parent. In such stepparent adoption, the parent must assent to the adoption by joining as a party to the petition for adoption.

(c) If the mother, legal father, or determined father is under disability, the court may order the adoption if it finds:

(1) The parental rights of the person are terminated, abandoned, or permanently relinquished;

(2) The person is incurably insane; or

(3) The disability arises solely because of age and an otherwise valid consent or relinquishment has been given.

(d) If all persons entitled to parental rights of the child sought to be adopted are deceased or have been deprived of the custody of the child by law, then consent or relinquishment is required of the

legal guardian or of any other person having legal custody of the child at the time. If there is no legal guardian nor any person who has legal custody of the child, then consent or relinquishment is required from some discreet and suitable person appointed by the court to act as the next friend of the child in the adoption proceedings.

(e) If one of the persons entitled to parental rights of the child sought to be adopted is deceased, only the consent or relinquishment of the surviving person entitled to parental rights is required.

(f) If the child to be adopted is 12 years of age or over, the consent of the child is required to be given in the presence of a judge of a court of competent jurisdiction, unless for extraordinary cause, the requirement of such consent is waived by the court.

(g) Any consent to adoption or relinquishment of parental rights shall have the effect of authorizing the prospective adoptive parents or the agency to consent to medical treatment for the child, whether or not such authorization is expressly stated in the consent or relinquishment.

ARTICLE 26. DOMESTIC VIOLENCE ACT.

PART VII. CONFIDENTIALITY.

§48-26-701. Confidentiality.

(a) ~~No~~ A program licensed pursuant to this article may not disclose, reveal, or release or be compelled to disclose, reveal, or release, any written records or personal or personally identifying information about a program participant created or maintained in providing services, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected, pursuant to this article except:

(1) Upon written consent, or upon oral consent in emergency situations defined by legislative rule, of the person seeking or who has sought services from the program;

(2) In any proceeding brought under §9-6-4 and §9-6-5 of this code or ~~article six, chapter forty-nine~~ §49-4-601 through §49-4-610 of this code;

(3) As mandated by ~~article six a, chapter forty-nine~~ §49-2-801 through §49-2-814 and §9-6-1 *et seq.* of this code;

(4) Pursuant to an order of any court based upon a finding that ~~said~~ the information is sufficiently relevant to a proceeding before the court to outweigh the importance of maintaining the confidentiality established by this section;

(5) To protect against a clear and substantial danger of imminent injury by a person receiving services to himself or herself or another; or

(6) As authorized by the releases signed by batterer intervention and prevention program participants pursuant to the provisions of subsection (b) of this section.

(b) Batterer intervention and prevention program participants shall authorize the release of information by signing the following releases:

(1) Allowing the provider to inform the victim or alleged victim and the victim's advocates that the batterer is participating in a batterer intervention and prevention program with the provider and to provide information to the victim or alleged victim and her or his advocates, if necessary, for the victim's or alleged victim's safety;

(2) Allowing prior and current service providers to provide information about the batterer to the provider;

(3) Allowing the provider, for good cause, to provide information about the batterer to relevant legal entities, including courts, parole officers, probation officers, child protective services, adult protective services, law enforcement, licensed domestic violence programs, or other referral agencies;

(4) Allowing the provider to report to the court, if the participation was court ordered, and to the victim or alleged victim, if she or he requests and provides a method of notification, and to ~~his or her~~ her or his advocate, any assault, failure to comply with program requirements, failure to attend the program, threat of harm by the batterer, reason for termination, and recommendations for changes in the court order; and

(5) Allowing the provider to report to the victim or alleged victim, or ~~his or her~~ her or his advocate, without the participant's authorization, all perceived threats of harm, the participant's failure to attend, and reason for termination.

(c) Monitored parenting and exchange programs may disclose to one parent or guardian, without the permission of the other parent or guardian, any perceived threat of harm or violation of the court order or violation of the monitored parenting and exchange program rules by the other parent or guardian.

(d) ~~No~~ A monitored parenting and exchange program may not release information about the child without consent of the parent with custodial responsibility or guardian.

(e) In addition to the provisions set forth in this section, the release of a victim's personally identifying information is subject to the provisions of 42 U.S.C. § 13925(b)(2).

(f) ~~No~~ A consent or authorization for the transmission or disclosure of confidential information is not effective unless it is signed by the program participant whose information is being disclosed. Every person signing an authorization shall be given a copy.

(g) A victim of domestic violence, dating violence, sexual assault, or stalking shall not be required to provide consent to release his or her personally identifying information as a condition of eligibility for the services, nor may any personally identifying information be shared in order to comply with federal or state reporting, evaluation, or data collection requirements: *Provided*, That nothing in this section prohibits a program from reporting

suspected abuse or neglect, as defined by law, when the program is mandated by law to report suspected abuse or neglect.

§48-26-1002. Exclusions.

The provisions of this part do not apply to therapeutic or supervised visitation or exchanges or any activity conducted by the state or others in abuse and neglect proceedings pursuant to ~~articles six and six a, chapter forty nine~~ §49-2-801 through §49-2-814 and §49-4-601 through §49-4-610 of this code in which assessment, evaluation, formulation of a treatment plan, case management, counseling, therapy, or similar activities occur.

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.

§48-27-403. Emergency protective orders of court; hearings; persons present.

(a) Upon the filing of a verified petition under this article, the magistrate court may enter an emergency protective order as it may ~~deem~~ determine necessary to protect the petitioner or minor children from domestic violence and, upon good cause shown, may do so ex parte without the necessity of bond being given by the petitioner. Clear and convincing evidence of immediate and present danger of abuse to the petitioner or minor children ~~shall constitute~~ constitutes good cause for the issuance of an emergency protective order pursuant to this section. If the respondent is not present at the proceeding, the petitioner or the petitioner's legal representative shall certify to the court, in writing, the efforts which have been made to give notice to the respondent or just cause why notice should not be required. Copies of medical reports or records may be admitted into evidence to the same extent as though the original ~~thereof reports or records~~. The custodian of ~~such the~~ the records ~~shall not be~~ is not required to be present to authenticate ~~such the~~ the records for any proceeding held pursuant to this subsection. If the magistrate court determines to enter an emergency protective order, the order shall prohibit the respondent from possessing firearms.

(b) Following the proceeding, the magistrate court shall order a copy of the petition to be served immediately upon the respondent, together with a copy of any emergency protective order entered pursuant to the proceedings, a notice of the final hearing before the family court, and a statement of the right of the respondent to appear and participate in the final hearing, as provided in subsection (d) of this section. Copies of any order entered under the provisions of this section, a notice of the final hearing before the family court, and a statement of the right of the petitioner to appear and participate in the final hearing, as provided in subsection (d) of this section, shall also be delivered to the petitioner. Copies of any order entered shall also be delivered to any law-enforcement agency having jurisdiction to enforce the order, including municipal police, the county sheriff's office and local office of the State Police, within 24 hours of the entry of the order. An emergency protective order is effective until modified by order of the family court upon hearing as provided in subsection (d) of this section. The order is in full force and effect in every county in this state.

(c) Subsequent to the entry of the emergency protective order, service on the respondent, and the delivery to the petitioner and law-enforcement officers, the court file shall be transferred to the office of the clerk of the circuit court for use by the family court.

(d) The family court shall schedule a final hearing on each petition in which an emergency protective order has been entered by a magistrate. The hearing shall be scheduled not later than 10 days following the entry of the order by the magistrate. The notice of the final hearing shall be served on the respondent and delivered to the petitioner, as provided in subsection (b) of this section, and must set forth the hearing date, time, and place and include a statement of the right of the parties to appear and participate in the final hearing. The notice must also provide that the petitioner's failure to appear will result in a dismissal of the petition and that the respondent's failure to appear may result in the entry of a protective order against him or her for a period of 90 or 180 days, as determined by the court. The notice must also include the name, mailing address, physical location, and telephone number of the

family court having jurisdiction over the proceedings. To facilitate the preparation of the notice of final hearing required by the provisions of this subsection, the family court must provide the magistrate court with a day and time in which final hearings may be scheduled before the family court within the time required by law.

(e) Upon final hearing the petitioner must prove, by a preponderance of the evidence, the allegation of domestic violence or that he or she reported or witnessed domestic violence against another and has, as a result, been abused, threatened, harassed, or has been the subject of other actions to attempt to intimidate him or her, or ~~such~~ the petition shall be dismissed by the family court. If the respondent has not been served with notice of the emergency protective order, the hearing may be continued to permit service to be effected. The failure to obtain service upon the respondent does not constitute a basis to dismiss the petition. Copies of medical reports may be admitted into evidence to the same extent as though the original thereof, upon proper authentication, by the custodian of ~~such~~ the records.

(f) ~~No~~ A person requested by a party to be present during a hearing held under the provisions of this article shall not be precluded from being present unless ~~such~~ that person is to be a witness in the proceeding and a motion for sequestration has been made and ~~such~~ the motion has been granted. A person found by the court to be disruptive may be precluded from being present.

(g) Upon hearing, the family court may dismiss the petition or enter a protective order for a period of 90 days or, in the discretion of the court, for a period of 180 days. The hearing may be continued on motion of the respondent, at the convenience of the court. Otherwise, the hearing may be continued by the court no more than seven days. If a hearing is continued, the family court may modify the emergency protective order as it ~~deems~~ considers necessary.

(h) Notwithstanding any other provision of this code to the contrary, a petition filed pursuant to this section that results in the issuance of an emergency protective order naming a juvenile as the respondent in which the petition for the emergency protective order

is filed by or on behalf of the juvenile's parent, guardian or custodian, or other person with whom the juvenile resides shall be treated as a petition authorized by ~~section seven, article five, chapter forty nine~~ §49-4-704 of this code, alleging the juvenile is a juvenile delinquent: *Provided*, That the magistrate court shall notify the prosecuting attorney in the county where the emergency protective order is issued within 24 hours of the issuance of the emergency protective order and the prosecuting attorney may file an amended verified petition to comply with the provisions of ~~subsection (a) of section seven, article five, chapter forty nine~~ §49-4-704(a) of this code within two judicial days.

CHAPTER 49. CHILD WELFARE.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

PART II. DEFINITIONS.

§49-1-201. Definitions related, but not limited, to child abuse and neglect.

When used in this chapter, terms defined in this section have the meanings ascribed to them that relate to, but are not limited to, child abuse and neglect, except in those instances where a different meaning is provided or the context in which the word is used clearly indicates that a different meaning is intended.

“Abandonment” means any conduct that demonstrates the settled purpose to forego the duties and parental responsibilities to the child;

“Abused child” means:

(1) A child whose health or welfare is being harmed or threatened by:

(A) A parent, guardian, or custodian who knowingly or intentionally inflicts, attempts to inflict, or knowingly allows another person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home. Physical injury

may include an injury to the child as a result of excessive corporal punishment;

(B) Sexual abuse or sexual exploitation;

(C) The sale or attempted sale of a child by a parent, guardian, or custodian in violation of §61-2-14h of this code;

(D) Domestic violence as defined in §48-27-202 of this code;
or

(E) Human trafficking or attempted human trafficking, in violation of §61-14-2 of this code.

(2) A child conceived as a result of sexual assault, as that term is defined in this section, or as a result of the violation of a criminal law of another jurisdiction which has the same essential elements: *Provided*, That no victim of sexual assault may be determined to be an abusing parent, as that term is defined in this section, based upon being a victim of sexual assault.

“Abusing parent” means a parent, guardian, or other custodian, regardless of his or her age, whose conduct has been adjudicated by the court to constitute child abuse or neglect as alleged in the petition charging child abuse or neglect.

“Battered parent” for the purposes of §49-4-601 *et seq.* of this code means a respondent parent, guardian, or other custodian who has been adjudicated by the court to have not condoned the abuse or neglect and has not been able to stop the abuse or neglect of the child or children due to being the victim of domestic violence as defined by §48-27-202 of this code, which was perpetrated by the same person or persons determined to have abused or neglected the child or children.

“Child abuse and neglect” or “child abuse or neglect” means any act or omission that creates an abused child or a neglected child as those terms are defined in this section.

“Child abuse and neglect services” means social services which are directed toward:

(A) Protecting and promoting the welfare of children who are abused or neglected;

(B) Identifying, preventing, and remedying conditions which cause child abuse and neglect;

(C) Preventing the unnecessary removal of children from their families by identifying family problems and assisting families in resolving problems which could lead to a removal of children and a breakup of the family;

(D) In cases where children have been removed from their families, providing time-limited reunification services to the children and the families so as to reunify those children with their families, or some portion of the families;

(E) Placing children in suitable adoptive homes when reunifying the children with their families, or some portion of the families, is not possible or appropriate; and

(F) Assuring the adequate care of children or juveniles who have been placed in the custody of the department or third parties.

“Condition requiring emergency medical treatment” means a condition which, if left untreated for a period of a few hours, may result in permanent physical damage; that condition includes, but is not limited to, profuse or arterial bleeding, dislocation or fracture, unconsciousness, and evidence of ingestion of significant amounts of a poisonous substance.

“Imminent danger to the physical well-being of the child” means an emergency situation in which the welfare or the life of the child is threatened. These conditions may include an emergency situation when there is reasonable cause to believe that any child in the home is or has been sexually abused or sexually exploited, or reasonable cause to believe that the following conditions threaten the health, life, or safety of any child in the home:

(A) Nonaccidental trauma inflicted by a parent, guardian, custodian, sibling, babysitter or other caretaker;

(B) A combination of physical and other signs indicating a pattern of abuse which may be medically diagnosed as battered child syndrome;

(C) Nutritional deprivation;

(D) Abandonment by the parent, guardian, or custodian;

(E) Inadequate treatment of serious illness or disease;

(F) Substantial emotional injury inflicted by a parent, guardian, or custodian;

(G) Sale or attempted sale of the child by the parent, guardian, or custodian;

(H) The parent, guardian, or custodian's abuse of alcohol or drugs or other controlled substance as defined in §60A-1-101 of this code, has impaired his or her parenting skills to a degree as to pose an imminent risk to a child's health or safety; or

(I) Any other condition that threatens the health, life or safety of any child in the home.

"Neglected child" means a child:

(A) Whose physical or mental health is harmed or threatened by a present refusal, failure or inability of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education, when that refusal, failure, or inability is not due primarily to a lack of financial means on the part of the parent, guardian, or custodian;

(B) Who is presently without necessary food, clothing, shelter, medical care, education, or supervision because of the disappearance or absence of the child's parent or custodian; or

(C) "Neglected child" does not mean a child whose education is conducted within the provisions of §18-8-1 *et seq.* of this code.

“Petitioner or copetitioner” means the department or any reputable person who files a child abuse or neglect petition pursuant to §49-4-601 et seq. of this code.

“Permanency plan” means the part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available.

“Respondent” means all parents, guardians, and custodians identified in the child abuse and neglect petition who are not petitioners or copetitioners.

“Sexual abuse” means:

(A) Sexual intercourse, sexual intrusion, sexual contact, or conduct proscribed by §61-8c-3 of this code, which a parent, guardian, or custodian engages in, attempts to engage in, or knowingly procures another person to engage in, with a child notwithstanding the fact that for a child who is less than 16 years of age, the child may have willingly participated in that conduct or the child may have suffered no apparent physical, mental or emotional injury as a result of that conduct or, for a child 16 years of age or older, the child may have consented to that conduct or the child may have suffered no apparent physical injury or mental or emotional injury as a result of that conduct;

(B) Any conduct where a parent, guardian, or custodian displays his or her sex organs to a child, or procures another person to display his or her sex organs to a child, for the purpose of gratifying the sexual desire of the parent, guardian, or custodian, of the person making that display, or of the child, or for the purpose of affronting or alarming the child; or

(C) Any of the offenses proscribed in §61-8b-7, §61-8b-8, or §61-8b-9 of this code.

“Sexual assault” means any of the offenses proscribed in §61-8b-3, §61-8b-4, or §61-8b-5 of this code.

“Sexual contact” means sexual contact as that term is defined in §61-8b-1 of this code.

“Sexual exploitation” means an act where:

(A) A parent, custodian, or guardian, whether for financial gain or not, persuades, induces, entices or coerces a child to engage in sexually explicit conduct as that term is defined in §61-8c-1 of this code;

(B) A parent, guardian, or custodian persuades, induces, entices or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian or a third person, or to display his or her sex organs under circumstances in which the parent, guardian, or custodian knows that the display is likely to be observed by others who would be affronted or alarmed;
or

(C) A parent, guardian, or custodian knowingly maintains or makes available a child for the purpose of engaging the child in commercial sexual activity in violation of §61-14-5 of this code.

“Sexual intercourse” means sexual intercourse as that term is defined in §61-8b-1 of this code.

“Sexual intrusion” means sexual intrusion as that term is defined in §61-8b-1 of this code.

“Serious physical abuse” means bodily injury which creates a substantial risk of death, causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 2A. FAMILY COURTS.

§51-2A-2. Family court jurisdiction; exceptions; limitations.

(a) The family court shall exercise jurisdiction over the following matters:

(1) All actions for divorce, annulment or separate maintenance brought under the provisions of §48-3-1 *et seq.*, §48-4-1 *et seq.*, or

§48-5-1 *et seq.* of this code, except as provided in subsections (b) and (c) of this section;

(2) All actions to obtain orders of child support brought under the provisions of §48-11-1 *et seq.*, §48-12-1 *et seq.*, and §48-14-1 *et seq.* of this code;

(3) All actions to establish paternity brought under the provisions of §48-24-1 *et seq.* of this code and any dependent claims related to such actions regarding child support, parenting plans or other allocation of custodial responsibility or decision-making responsibility for a child;

(4) All actions for grandparent visitation brought under the provisions of §48-10-1 *et seq.* of this code;

(5) All actions for the interstate enforcement of family support brought under §48-16-1 *et seq.* of this code and for the interstate enforcement of child custody brought under the provisions of §48-20-1 *et seq.* of this code;

(6) All actions for the establishment of a parenting plan or other allocation of custodial responsibility or decision-making responsibility for a child, including actions brought under the Uniform Child Custody Jurisdiction and Enforcement Act, as provided in §48-20-1 *et seq.* of this code;

(7) All petitions for writs of habeas corpus ~~wherein~~ in which the issue contested is custodial responsibility for a child;

(8) All motions for temporary relief affecting parenting plans or other allocation of custodial responsibility or decision-making responsibility for a child, child support, spousal support or domestic violence;

(9) All motions for modification of an order providing for a parenting plan or other allocation of custodial responsibility or decision-making responsibility for a child or for child support or spousal support;

(10) All actions brought, including civil contempt proceedings, to enforce an order of spousal or child support or to enforce an order for a parenting plan or other allocation of custodial responsibility or decision-making responsibility for a child;

(11) All actions brought by an obligor to contest the enforcement of an order of support through the withholding from income of amounts payable as support or to contest an affidavit of accrued support, filed with the circuit clerk, which seeks to collect an arrearage;

(12) All final hearings in domestic violence proceedings;

(13) Petitions for a change of name, exercising concurrent jurisdiction with the circuit court;

(14) All proceedings for payment of attorney fees if the family court judge has jurisdiction of the underlying action;

(15) All proceedings for property distribution brought under §48-7-1 *et seq.* of this code;

(16) All proceedings to obtain spousal support brought under §48-8-1 *et seq.* of this code;

(17) All proceedings relating to the appointment of guardians or curators of minor children brought pursuant to §44-10-3, §44-10-4 and §44-10-6 of this code, exercising concurrent jurisdiction with the circuit court; and

(18) All proceedings relating to petitions for sibling visitation.

(b) If an action for divorce, annulment, or separate maintenance does not require the establishment of a parenting plan or other allocation of custodial responsibility or decision-making responsibility for a child and does not require an award or any payment of child support, the circuit court has concurrent jurisdiction with the family court over the action if, at the time of the filing of the action, the parties also file a written property settlement agreement executed by both parties.

(c) If an action for divorce, annulment, or separate maintenance is pending and a petition is filed pursuant to the provisions of ~~article six, chapter forty nine~~ §49-4-601 through §49-4-610 of this code alleging abuse or neglect of a child by either of the parties to the divorce, annulment, or separate maintenance action, the orders of the circuit court in which the abuse or neglect petition is filed shall supersede and take precedence over an order of the family court respecting the allocation of custodial and decision-making responsibility for the child between the parents. If no order for the allocation of custodial and decision-making responsibility for the child between the parents has been entered by the family court in the pending action for divorce, annulment, or separate maintenance, the family court shall stay any further proceedings concerning the allocation of custodial and decision-making responsibility for the child between the parents and defer to the orders of the circuit court in the abuse or neglect proceedings.

(d) If a family court judge is assigned as a judicial officer of a domestic violence court then jurisdiction of all proceedings relating to criminal misdemeanor crimes of domestic violence as referenced in §48-27-301 of this code involving a family or household member as referenced in §48-27-204(1) through §48-27-204(6) and §48-27-204(7)(A), §48-27-204(7)(B), and §48-27-204(7)(H) of this code shall be concurrent with the circuit and magistrate courts.

(e) A family court is a court of limited jurisdiction. A family court is a court of record only for the purpose of exercising jurisdiction in the matters for which the jurisdiction of the family court is specifically authorized in this section and in chapter 48 of this code. A family court may not exercise the powers given courts of record in §51-5-1 of this code or exercise any other powers provided for courts of record in this code unless specifically authorized by the Legislature. A family court judge is not a “judge of any court of record” or a “judge of a court of record” as the terms are defined and used in §51-9-1 *et seq.* of this code.

ARTICLE 7. OFFICIAL REPORTERS.**§51-7-8. Transcripts to be furnished indigent persons in juvenile delinquency and child abuse and neglect proceedings upon timely request; payment therefor.**

In any proceeding held pursuant to ~~article five or six, chapter forty nine~~ §49-4-601 through §49-4-725 of this code in which an indigent respondent or his or her counsel has filed a written request, in the manner prescribed by the Supreme Court of Appeals, evidencing an intent to appeal a decision of a circuit court in the proceeding, the court, upon presentation of a written request, presented within 30 days after the entry of the order sought to be appealed, shall authorize and direct the court reporter to furnish a transcript of the testimony of the proceeding or the part or parts ~~thereof~~ of the transcript that have specifically been requested.

The court, after being sufficiently satisfied of the reasonableness of a voucher or claim submitted for payment of the cost of preparing the transcript, shall certify the cost to the State Auditor, who shall, in a timely manner, pay the court reporter's fee from appropriations to the Supreme Court of Appeals.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**ARTICLE 2. CRIMES AGAINST THE PERSON.****§61-2-14h. Prohibition of purchase or sale of child; penalty; definitions; exceptions.**

(a) Any person or agency who knowingly offers, gives, or agrees to give to another person money, property, service, or other thing of value in consideration for the recipient's locating, providing, or procuring a minor child for any purpose which entails a transfer of the legal or physical custody of ~~said~~ the child, including, but not limited to, adoption or placement, is guilty of a felony and subject to fine and imprisonment as provided ~~herein~~ in this section.

(b) Any person who knowingly receives, accepts, or offers to accept money, property, service, or other thing of value to locate,

provide or procure a minor child for any purpose which entails a transfer of the legal or physical custody of ~~said~~ the child, including, but not limited to, adoption or placement, is guilty of a felony and subject to fine and imprisonment as provided ~~herein~~ in this section.

(c) Any person who violates the provisions of this section is guilty of a felony and, upon conviction thereof, may be confined in the state correctional facility for not less than one year nor more than 10 years or, in the discretion of the court, be confined in jail not more than one year and fined not less than \$2,000 nor more than \$10,000.

(d) A child whose parent, guardian, or custodian has sold or attempted to sell said child in violation of the provisions of §48-22-1 *et seq.* of this code may be deemed an abused child as defined by ~~section three, article one, chapter forty nine~~ §49-1-201 of this code. The court may place such a child in the custody of the Department of Health and Human Resources or with ~~such other~~ another responsible person as dictated by the best interests of the child ~~dictate~~.

(e) This section does not prohibit the payment or receipt of the following:

(1) Fees paid for reasonable and customary services provided by the Department of Health and Human Resources or any licensed or duly authorized adoption or child-placing agency;

(2) Reasonable and customary legal, medical, hospital or other expenses incurred in connection with the pregnancy, birth, and adoption proceedings;

(3) Fees and expenses included in any agreement in which a woman agrees to become a surrogate mother; or

(4) Any fees or charges authorized by law or approved by a court in a proceeding relating to the placement plan, prospective placement, or placement of a minor child for adoption.

(f) At the final hearing on the adoption as provided in §48-22-1 *et seq.* of this code, an affidavit of any fees and expenses paid or promised by the adoptive parents shall be submitted to the court.

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-12b. Escape from custody of the Director of Juvenile Services.

(a) Any person, under the age of 18 years of age, who escapes or attempts to escape from the custody of the Director of Juvenile Services, regardless of where ~~such that~~ person is confined or where ~~such the~~ escape occurs, is guilty of a delinquent act and subject to the jurisdiction of the circuit court of the county in which the escape occurred, pursuant to ~~section two, article five, chapter forty-nine~~ §49-4-701 of this code: *Provided*, That upon agreement of all parties, the prosecution of the escape may be transferred to the circuit court from which the juvenile was originally committed.

(b) Any person, over the age of 18 years of age or any juvenile who has been transferred to the adult jurisdiction of the committing court, who escapes or attempts to escape from the custody of the Director of Juvenile Services, regardless of where ~~such that~~ person is confined or where ~~such the~~ escape or attempted escape occurs, is guilty of escape and, if the person is detained or confined for an offense which is a felony or would have been a felony if committed by an adult is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not more than five years. Any person, over the age of 18 years of age or any juvenile who has been transferred to the adult jurisdiction of the committing court, who is detained for an offense which is a misdemeanor or would have been a misdemeanor if committed by an adult is guilty of a misdemeanor and, upon conviction thereof, shall be confined in a regional jail for not more than one year.

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-25. Falsely reporting child abuse.

(a) Any person who knowingly and intentionally reports or causes to be reported to a law-enforcement officer, child protective

service worker, or judicial officer that another has committed child sexual abuse, child abuse, or neglect as ~~such~~ those terms are defined in ~~section three, article one, chapter forty nine~~ §49-1-201 of this code who when doing so knows or has reason to know ~~such~~ the accusation is false and who does it with the intent to influence a child custody decision shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than \$1,000, sentenced to not more than sixty hours of court-approved community service, or both.

(b) In addition to any other sanctions imposed by the provisions of this section, any person convicted of a violation of this section shall be required to attend and complete a court-approved parenting class.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-8. Possession of deadly weapons by minors; prohibitions.

Notwithstanding any other provision of this article to the contrary, a person under the age of 18 years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: *Provided*, That a minor may possess a firearm upon premises owned by ~~said~~ the minor or his or her family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his or her family, with the permission of the owner or lessee of ~~such~~ the property: *Provided, however*, That nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess ~~such~~ the weapon.

A violation of this section by a person under the age of 18 years shall subject the child to the jurisdiction of the circuit court under the provisions of ~~article five, chapter forty nine~~ §49-4-701 through §49-4-725 of this code, and ~~such~~ the minor may be proceeded against in the same manner as if he or she had committed an act

which if committed by an adult would be a crime, and may be adjudicated delinquent.

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-12. Incest; penalty.

(a) For the purposes of this section:

(1) "Aunt" means the sister of a person's mother or father;

(2) "Brother" means the son of a person's mother or father;

(3) "Daughter" means a person's natural daughter, adoptive daughter, or the daughter of a person's husband or wife;

(4) "Father" means a person's natural father, adoptive father, or the husband of a person's mother;

(5) "Granddaughter" means the daughter of a person's son or daughter;

(6) "Grandfather" means the father of a person's father or mother;

(7) "Grandmother" means the mother of a person's father or mother;

(8) "Grandson" means the son of a person's son or daughter;

(9) "Mother" means a person's natural mother, adoptive mother, or the wife of a person's father;

(10) "Niece" means the daughter of a person's brother or sister;

(11) "Nephew" means the son of a person's brother or sister;

(12) "Sexual intercourse" means any act between persons involving penetration, however slight, of the female sex organ by the male sex organ or involving contact between the sex organs of one person and the mouth or anus of another person;

(13) “Sexual intrusion” means any act between persons involving penetration, however slight, of the female sex organ or of the anus of any person by an object for the purpose of degrading or humiliating the person so penetrated or for gratifying the sexual desire of either party;

(14) “Sister” means the daughter of a person’s father or mother;

(15) “Son” means a person’s natural son, adoptive son, or the son of a person’s husband or wife; and

(16) “Uncle” means the brother of a person’s father or mother.

(b) A person is guilty of incest when such person engages in sexual intercourse or sexual intrusion with his or her father, mother, brother, sister, daughter, son, grandfather, grandmother, grandson, granddaughter, nephew, niece, uncle, or aunt.

(c) Any person who violates the provisions of this section shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than 5 years nor more than 15 years, or fined not less than \$500 nor more than \$5,000 and imprisoned in the penitentiary not less than five years nor more than fifteen years.

(d) In addition to any penalty provided under this section and any restitution which may be ordered by the court under §61-11A-1 *et seq.* of this code, the court may order any person convicted under the provisions of this section, where the victim is a minor, to pay all or any portion of the cost of medical, psychological, or psychiatric treatment of the victim, the need for which results from the act or acts for which the person is convicted, whether or not the victim is considered to have sustained bodily injury.

(e) In any case where a person is convicted of an offense described ~~herein~~ in this section against a child and further has or may have custodial, visitation, or other parental rights to the child, the court shall find that the person is an abusing parent within the meaning of ~~article six, chapter forty nine~~ §49-4-601 through §49-4-610 of this code, and shall take ~~such~~ further action in accord with the provisions of ~~said article~~ those sections.

ARTICLE 8B. SEXUAL OFFENSES.**§61-8B-11a. Convictions for offenses against children.**

In any case where a person is convicted of an offense described in this article against a child and the person has custodial, visitation, or other parental rights to the child who is the victim of the offense or any child who resides in the same household as the victim, the court shall, at the time of sentencing, find that the person is an abusing parent within the meaning of ~~article six, chapter forty nine~~ §49-4-601 through §49-4-610 of this code as to the child victim, and may find that the person is an abusing parent as to any child who resides in the same household as the victim, and shall take ~~such~~ further action in accord with the provisions of ~~said article~~ those sections.

ARTICLE 8C. FILMING OF SEXUALLY EXPLICIT CONDUCT OF MINORS.**§61-8C-3b. Prohibiting juveniles from manufacturing, possessing and distributing nude or partially nude images of minors; creating exemptions; declaring a violation to be an act of juvenile delinquency; and providing for the punishment thereof.**

(a) Any minor who intentionally possesses, creates, produces, distributes, presents, transmits, posts, exchanges, or otherwise disseminates a visual portrayal of another minor posing in an inappropriate sexual manner or who distributes, presents, transmits, posts, exchanges, or otherwise disseminates a visual portrayal of himself or herself posing in an inappropriate sexual manner ~~shall be~~ is guilty of an act of delinquency and, upon adjudication, disposition may be made by the circuit court pursuant to the provisions of ~~article five, chapter forty nine~~ §49-4-701 through §49-4-725 of this code.

(b) As used in this section:

(1) “Posing in an inappropriate sexual manner” means exhibition of a bare female breast, female or male genitalia, pubic, or rectal areas of a minor for purposes of sexual titillation.

(2) “Visual portrayal” means:

(A) A photograph;

(B) A motion picture;

(C) A digital image;

(D) A digital video recording; or

(E) Any other mechanical or electronic recording process or device that can preserve, for later viewing, a visual image of a person that includes, but is not limited to, computers, cellphones, personal digital assistance, and other digital storage or transmitting devices;

(c) It shall be an affirmative defense to an alleged violation of this section that a minor charged with possession of the prohibited visual depiction did neither solicit its receipt nor distribute, transmit, or present it to another person by any means.

(d) Notwithstanding the provisions of §15-12-1 *et seq.* of this code, an adjudication of delinquency under the provisions of this section shall not subject the minor to the requirements of ~~said~~ that article and chapter.

ARTICLE 8D. CHILD ABUSE.

§61-8D-9. Convictions for offenses against children.

In any case where a person is convicted of a felony offense against a child as set forth in this article and the person has custodial, visitation or other parental rights to the child who is the victim of the offense or any child who resides in the same household as the victim, the court shall, at the time of sentencing, find that the person is an abusing parent within the meaning of ~~article six, chapter forty nine~~ §49-4-601 through §49-4-610 of this code as to the child victim, and may find that the person is an abusing parent as to any child who resides in the same household as the victim, and shall take such further action in accord with the provisions of ~~said article~~ those sections.

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.**§61-11-23. Punishment for juvenile convicted as an adult; eligibility for parole; factors to be considered prior to sentencing.**

(a) Notwithstanding any other provision of law to the contrary, a sentence of life imprisonment without the possibility of parole may not be imposed on a person who:

(1) Is convicted of an offense punishable by life imprisonment; and

(2) Was less than 18 years of age at the time the offense was committed.

(b) Unless otherwise provided by this code, the provisions of §62-12-1 *et seq.* of this code ~~shall govern~~ governs the eligibility for parole of a person who is convicted of an offense and sentenced to confinement if he or she was less than 18 years of age at the time the offense was committed, except that a person who is convicted of one or more offenses for which the sentence or any combination of sentences imposed is for a period that renders the person ineligible for parole until he or she has served more than 15 years shall be eligible for parole after he or she has served 15 years if the person was less than 18 years of age at the time each offense was committed.

(c) In addition to other factors required by law to be considered prior to the imposition of a sentence, in determining the appropriate sentence to be imposed on a person who has been transferred to the criminal jurisdiction of the court pursuant to ~~section ten, article five, chapter forty nine~~ §49-4-710 of this code and who has been subsequently tried and convicted of a felony offense as an adult, the court shall consider the following mitigating circumstances:

(1) Age at the time of the offense;

(2) Impetuosity;

(3) Family and community environment;

(4) Ability to appreciate the risks and consequences of the conduct;

(5) Intellectual capacity;

(6) The outcomes of a comprehensive mental health evaluation conducted by ~~an~~ a mental health professional licensed to treat adolescents in the State of West Virginia: *Provided*, That no provision of this section may be construed to require that a comprehensive mental health evaluation be conducted;

(7) Peer or familial pressure;

(8) Level of participation in the offense;

(9) Ability to participate meaningfully in his or her defense;

(10) Capacity for rehabilitation;

(11) School records and special education evaluations;

(12) Trauma history;

(13) Faith and community involvement;

(14) Involvement in the child welfare system; and

(15) Any other mitigating factor or circumstances.

(d)(1) Prior to the imposition of a sentence on a person who has been transferred to the criminal jurisdiction of the court pursuant to ~~section ten, article five, chapter forty nine~~ §49-4-710 of this code, and who has been subsequently tried and convicted of ~~an~~ a felony offense as an adult, the court shall consider the outcomes of any comprehensive mental health evaluation conducted by an mental health professional licensed to treat adolescents in the State of West Virginia. The comprehensive mental health evaluation must include the following:

(A) Family interviews;

- (B) Prenatal history;
- (C) Developmental history;
- (D) Medical history;
- (E) History of treatment for substance use;
- (F) Social history; and
- (G) A psychological evaluation.

(2) The provisions of this subsection are only applicable to sentencing proceedings for convictions rendered after the effective date of this section and ~~shall~~ do not constitute sufficient grounds for the reconsideration of sentences imposed as the result of convictions rendered after the effective date of this section.

ARTICLE 12. POSTMORTEM EXAMINATIONS.

§61-12-10. When autopsies made and by whom performed; records of date investigated; copies of records and information; reporting requirements.

(a) If in the opinion of the chief medical examiner, or of the county medical examiner of the county in which the death in question occurred, it is advisable and in the public interest that an autopsy be made, or if an autopsy is requested by either the prosecuting attorney or the judge of the circuit court or other court of record having criminal jurisdiction in that county, an autopsy shall be conducted by the chief medical examiner or his or her designee, by a member of his or her staff, or by a competent pathologist designated and employed by the chief medical examiner under the provisions of this article. For this purpose, the chief medical examiner may employ any county medical examiner who is a pathologist who holds board certification or board eligibility in forensic pathology or has completed an American Board of Pathology fellowship in forensic pathology to make the autopsies, and the fees to be paid for autopsies under this section shall be in addition to the fee provided for investigations pursuant to §61-12-8 of this code. A full record and report of the findings

developed by the autopsy shall be filed with the office of the chief medical examiner by the person making the autopsy.

(b) Within the discretion of the chief medical examiner, or of the person making the autopsy, or if requested by the prosecuting attorney of the county, or of the county where any injury contributing to or causing the death was sustained, a copy of the report of the autopsy shall be furnished to the prosecuting attorney.

(c) The office of the chief medical examiner shall keep full, complete and properly indexed records of all deaths investigated, containing all relevant information concerning the death and the autopsy report if an autopsy report is made. Any prosecuting attorney or law-enforcement officer may secure copies of these records or information necessary for the performance of his or her official duties.

(d) Copies of these records or information shall be furnished, upon request, to any court of law, or to the parties therein to whom the cause of death is a material issue, except where the court determines that interests in a civil matter conflict with the interests in a criminal proceeding, in which case the interests in the criminal proceeding shall take precedence. The office of chief medical examiner shall be reimbursed a reasonable rate by the requesting party for costs incurred in the production of records under this subsection and subsection (c) of this section.

(e) The chief medical examiner is authorized to release investigation records and autopsy reports to the multidisciplinary team authorized by ~~section three, article five d, chapter forty nine~~ §49-4-402 of this code and as authorized in subsection (h) of this section. At the direction of the Secretary of the Department of Health and Human Resources the chief medical examiner may release records and information to other state agencies when considered to be in the public interest.

(f) Any person performing an autopsy under this section ~~is empowered to~~ may keep and retain, for and on behalf of the chief medical examiner, any tissue from the body upon which the

autopsy was performed which may be necessary for further study or consideration.

(g) In cases of the death of any infant in the State of West Virginia where sudden infant death syndrome is the suspected cause of death and the chief medical examiner or the medical examiner of the county in which the death in question occurred considers it advisable to perform an autopsy, ~~it is the duty of the chief medical examiner or the medical examiner of the county in which the death occurred to~~ shall notify the sudden infant death syndrome program within the division of maternal and child health and to inform the program of all information to be given to the infant's parents.

(h) If the chief medical officer determines that a drug overdose is the cause of death of a person, the chief medical examiner shall provide notice of the death to the West Virginia Controlled Substances Monitoring Program Database Review Committee established pursuant to §60A-9-5(b) of this code and shall include in the notice any information relating to the cause of the fatal overdose.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 6B. PROTECTION AND PRESERVATION OF STATEMENTS AND TESTIMONY OF CHILD WITNESS.

§62-6B-5. Memorialization of statements of certain child witnesses; admissibility; hearing.

(a) After the effective date of this section, whenever any law-enforcement officer, physician, psychologist, social worker, or investigator, in the course of his or her employment or profession or while engaged in an active criminal investigation as a law-enforcement officer or an agent of a prosecuting attorney, obtains a statement from a child 13 years of age or younger who is an alleged victim in an investigation or prosecution alleging a violation of the provisions of §61-8B-3, §61-8B-4, §61-8B-5, or §61-8B-7 of this code, he or she shall ~~forthwith~~ immediately make

a contemporaneous written notation and recitation of the statement received or obtained. An audio recording or video recording with sound capability of the statement may be used in lieu of the written recitation required by the provisions of this section. Failure to comply with the provisions of this section creates a presumption that the statement is inadmissible. The statement may be admitted if, after a hearing on the matter, the court finds by clear and convincing evidence that the failure to comply with the provisions of this section was a good faith omission and that the content of the proffered statement is an accurate recital of the information provided by the child and is otherwise admissible.

(b) The provisions of this section shall not apply to:

~~(1) Persons engaged in investigation pursuant to the provisions of article six or seven, chapter forty nine of this code~~

~~(2) (1) Medical personnel and other persons performing a forensic medical examination of a child who is an alleged victim; and~~

~~(3) (2) Prosecuting attorneys when counseling with a child in preparation for eliciting the child's testimony in court.~~

The bill (Eng. Com. Sub. for H. B. 4020), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 102, Creating WV Uniform Fiduciary Access to Digital Assets Act.

Com. Sub. for Senate Bill 181, Authorizing MAPS promulgate legislative rules.

Senate Bill 425, Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan.

Senate Bill 462, Establishing contribution holiday for public pension plans funded at 130 percent or more.

Senate Bill 463, Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture.

And,

Eng. Com. Sub. for House Bill 4013, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Ojeda, Beach, Stollings, Drennan, Blair, Smith, and Swope.

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

At the request of Senator Prezioso, unanimous consent being granted, the remarks by Senators Beach and Stollings were ordered printed in the Appendix to the Journal.

At the request of Senator Weld, and by unanimous consent, the remarks by Senator Drennan were ordered printed in the Appendix to the Journal.

At the request of Senator Ferns, unanimous consent being granted, the remarks by Senators Blair and Smith were ordered printed in the Appendix to the Journal.

At the request of Senator Ferns, and by unanimous consent, a leave of absence for the day was granted Senator Mann.

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

On motion of Senator Ferns, the Senate adjourned until, Monday, February 5, 2018, at 11 a.m.

MONDAY, FEBRUARY 5, 2018

The Senate met at 11:41 a.m.

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

Prayer was offered by Pastor Betsy Kelly, daughter of the Honorable John R. Kelly, a delegate from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Roman W. Prezioso, Jr., a senator from the thirteenth district.

Pending the reading of the Journal of Friday, February 2, 2018,

At the request of Senator Baldwin, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. House Bill 2612—A Bill to repeal §17C-14-1 of the Code of West Virginia, 1931, as amended, relating to unattended motor vehicles; and penalty.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4138—A Bill to amend and reenact §29-3-16a of the Code of West Virginia, 1931, as amended, relating to requiring each public or private school and daycare center that uses a fuel-burning heating system or other fuel-burning

heating device that emits combustion gases to install carbon monoxide detectors in certain locations.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Joint Resolution 3, Judicial Budget Oversight Amendment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Joint Resolution 3 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the authority of the Legislature with regard to the state budget; giving the Legislature the authority to reduce items in the budget relating to the judiciary; providing that the Legislature may not condition the increase or decrease of an item relating to the judiciary upon a particular ruling, order, or decision of a court of this state; amending obsolete language regarding when the Governor shall submit the budget to the Legislature to accurately reflect current constitutional requirements; making numerous technical corrections; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The resolution (Com. Sub. for S. J. R. 3), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

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

By Senators Stollings, Palumbo, Jeffries, and Plymale:

Senate Bill 478—A Bill to amend and reenact §5-16-7 and §5-16-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-16B-6f; to amend said code by adding thereto a new section, designated §9-5-27; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to mandatory insurance coverage for treatment of mitochondrial disease and other similar metabolism or genetic conditions, including, but not limited to, the use of certain vitamin and nutritional supplements; and requiring coverage even if supplements must be compounded.

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

By Senator Gaunch:

Senate Bill 479—A Bill to amend and reenact §6-9-1a, §6-9-7, §6-9-8, and §6-9-9a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §6-9-9b, all relating to audits, reviews, and monitoring of local government offices; defining terms; clarifying applicable audit requirements; establishing a small government monitoring program; authorizing the Auditor, acting in the capacity as chief inspector, to oversee and maintain the monitoring program; directing the Auditor to prescribe policies and procedures for the

monitoring program; authorizing cooperative agreements with higher education institutions to perform and participate in the monitoring program; changing the expenditure threshold for performance of annual audits; clarifying the notification and publication requirements when misfeasance, malfeasance, or nonfeasance is discovered as part of an audit, examination, or investigation; lowering the time frame in which a legal authority has to take action upon recommendations from an audit; raising the cost limits for certain municipalities for performance of services by the chief inspector; removing Class III municipalities from the cost limits; adding cost limits for municipalities policemen and firemen pension and relief funds; authorizing chief inspector to designate certain reports as confidential; and declaring that audit work papers created by the chief inspector division are confidential and not deemed public records.

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

By Senators Beach, Romano, Jeffries, Baldwin, Stollings, Ojeda, Unger, Facemire, Woelfel, Plymale, Palumbo, Prezioso, and Clements:

Senate Bill 480—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-6-1 and §10-6-2, all relating to the creation of a West Virginia Sports Hall of Fame Commission; designating membership and terms of the commission; filling commission vacancies; establishing the commission's duties; establishing a foundation; and requiring the foundation to draft bylaws for adoption and to manage property acquired by the West Virginia Sports Hall of Fame.

Referred to the Committee on Government Organization.

By Senator Beach:

Senate Bill 481—A Bill to amend and reenact §21-11-10 of the Code of West Virginia, 1931, as amended, relating to requiring persons building residential structures to inform the county board of education of the number of units to be constructed and the estimated number of occupants of those structures; and requiring

this information be provided before a building permit may be issued.

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

By Senators Beach and Cline:

Senate Bill 482—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to allowing magistrates to carry firearms in a county courthouse or on the premises of a court of law, including family courts.

Referred to the Committee on the Judiciary.

By Senators Weld, Cline, Ferns, and Baldwin:

Senate Bill 483—A Bill expiring funds to the Department of Veterans Assistance – Veterans Facilities Support Fund, fund 6703, fiscal year 2018, organization 0613, in the amount of \$7,000,000 from the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2018, organization 0704, and making a supplementary appropriation out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Veterans Assistance – Veterans Facilities Support Fund, fund 6703, fiscal year 2018, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

By Senators Sypolt, Karnes, and Ferns:

Senate Bill 484—A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to creating the Business Liability Protection Act; the right to limit possession of firearms on certain premises; providing definitions; misdemeanor criminal offense and penalty; prohibiting employers from certain specific actions against a person when that person possesses a firearm legally, including a condition of employment; providing a duty of care of public and private employers and immunity from liability; authorizing the Attorney General to enforce this statute,

including the right to sue or seek injunctive relief; and providing for civil fines.

Referred to the Committee on the Judiciary.

By Senator Blair:

Senate Bill 485—A Bill to amend and reenact §23-2C-3 of the Code of West Virginia, 1931, as amended, relating to the termination of the Workers' Compensation Debt Reduction Fund assessment on self-insured employers.

Referred to the Committee on Finance.

By Senators Ojeda, Baldwin, Beach, Facemire, Jeffries, Plymale, Prezioso, Romano, Stollings, and Unger:

Senate Bill 486—A Bill to amend and reenact §11-13A-3a and §11-13A-5a of the Code of West Virginia, 1931, as amended, all relating to stabilizing Public Employees Insurance Agency (PEIA) benefits; dedicating a portion of the severance tax on natural gas to the benefit of public employee and retiree health care; creating a special fund account entitled the PEIA Fund; and requiring the increase in the severance tax on natural gas to be deposited into the PEIA Fund.

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

By Senators Ojeda, Romano, Baldwin, Beach, Facemire, Jeffries, Palumbo, Plymale, Prezioso, Stollings, and Unger:

Senate Bill 487—A Bill to repeal §16A-4-1 of the Code of West Virginia, 1931, as amended; to repeal §16A-6-4 of said code; to amend and reenact §16A-2-1 of said code; to amend and reenact §16A-3-1, §16A-3-2, §16A-3-3, and §16A-3-4 of said code; to amend and reenact §16A-4-2, §16A-4-3, and §16A-4-5 of said code; to amend and reenact §16A-6-3, §16A-6-6, §16A-6-12, and §16A-6-13 of said code; to amend and reenact §16A-7-5 of said code; to amend and reenact §16A-8-1 and §16A-8-2 of said code; to amend and reenact §16A-9-1 of said code; to amend said code by adding thereto two new sections, designated §16A-9-3 and §16A-9-4; to amend and reenact §16A-11-1 of said code; and to

amend and reenact §16A-12-8 of said code, all relating to the West Virginia Medical Cannabis Act; amending and removing definitions; defining terms; removing the requirement for practitioners to be registered; allowing data gathering to indicate where a specific form of medical cannabis was not recommended; removing the four-hour training course for physicians; increasing the two-hour training course for principals and employees to eight hours and adding requirements for the training; removing the Freedom of Information Act exemption for practitioner credentials; authorizing the medical cannabis sales in edible and plant-based form; removing the prohibition on smoking medical cannabis; authorizing licensed patients and caregivers to grow medical cannabis under certain restrictions; repealing the section requiring registration of physicians eligible to issue certifications to patients to use medical cannabis; adjusting certification requirements to reflect the removal of the practitioner registry; removing the requirement that other treatments be ineffective before recommending medical cannabis; clarifying the duration of a dosage that may be dispensed; expanding on the requirement that applicants are required to be residents of this state; permitting transfer of permits under certain circumstances; removing the requirement for separate regions associated with medical cannabis dispensaries; repealing the section requiring notice be printed in the State Register; authorizing the commissioner to set a sliding initial fee schedule for growers based on acreage of the farm; setting a maximum fee for growers; allowing a grower or processor to pay its initial fee in two installments; adding additional prior convictions that result in a prohibition of being affiliated with a medical cannabis registrant; adjusting the current waiver process for persons previously convicted to prohibit certain persons from being eligible for a waiver in certain circumstances; removing the cap on the number of growers, processors, and dispensaries; removing the prohibition on a grower or processor being a dispensary; removing the requirement that a dispensary have a physician or pharmacist onsite at all times and clarifying other requirements; authorizing delivery by a dispensary to a caregiver's residence during certain times but prohibiting delivery to a commercial business and certain temporary housing locations; clarifying that Tax Division of Department of Revenue, along with

Bureau for Public Health within the West Virginia Department of Health and Human Resources, will monitor price of medical cannabis; clarifying that Tax Division will administer, collect, and enforce medical cannabis tax; clarifying imposition of tax; detailing imposition of tax with respect to growers or processors that sell to a dispensary in which they have an economic interest; removing the exemption on medical cannabis from the sales tax; permitting exchange of information; providing that information exchanged is not subject to disclosure under Freedom of Information Act; requiring payment of tax by electronic funds transfer; requiring electronic filing of tax returns; authorizing legislative, interpretive, and procedural rules, as necessary to implement tax provisions; making tax subject to provisions of West Virginia Tax Crimes and Penalties Act; making tax subject to provisions of the West Virginia Tax Procedure and Administration Act; adding a doctor of osteopathic medicine to the advisory board; removing the ability of the bureau to sanction the registration of a practitioner due to the removal of the requirement to register; and removing the ability of the bureau to order restitution against a registrant.

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

Senators Cline, Plymale, and Unger offered the following resolution:

Senate Resolution 26—Congratulating the Wyoming East High School golf team for winning the 2017 Class AA state championship.

Whereas, The Wyoming East High School golf team had an outstanding year on the links, compiling a record of 98-17-1; and

Whereas, The Wyoming East High School golf team displayed a strong will and determination throughout the entire season, and for their efforts, won the 2017 Class AA state championship; and

Whereas, The Wyoming East High School golf team is coached by Robert “Doc” Warner, and consists of players: Patrick

Smith, Michael Grawe, Evan Preece, Noah Quesenberry, Gavin Roberts, Ethan Bradford, Matthew Caldwell, Jacob Pinter, Conner Hall, Logan Miller, and Josh Seaton; and

Whereas, The 2017 Wyoming East High School golf team will be remembered as one of the best high school golf teams to ever be assembled in history of the State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Wyoming East High School golf team for winning the 2017 Class AA state championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Wyoming East High School golf team.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Cline regarding the adoption of Senate Resolution 26 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 12:02 p.m., the Senate recessed to present Senate Resolution 26.

The Senate reconvened at 12:05 p.m. today and resumed business under the sixth order.

Senators Beach, Prezioso, Plymale, Unger, and Stollings offered the following resolution:

Senate Resolution 27—Celebrating the achievements and contributions of athletes from Marion County to the great State of West Virginia.

Whereas, Marion County was founded on January 14, 1842, and named for Francis Marion, also known as the Swamp Fox. It

was formed from parts of Monongalia and Harrison Counties and was part of Virginia until 1863 when the State of West Virginia was formed; and

Whereas, Marion County is home to Fairmont State University, founded in 1865 as a private institution and became a state institution in 1867, and Prickett's Fort State Park, established in 1975 to commemorate life on the Virginia frontier during the late 18th century; and

Whereas, Marion County has a heritage of frontier spirit, hardiness, and perseverance. There is also an appreciation for a competitive attitude and athletic success at all levels, including in the secondary, collegiate, and professional arenas; and

Whereas, Mary Lou Retton, a native of Fairmont, competed in the 1984 Olympics in gymnastics and was awarded one gold, two silvers, and two bronze medals; and

Whereas, Fielding H. Yost, born and raised in Fairview, played college football and served as head football coach at six different colleges and universities, including 25 years at the University of Michigan where they won six national championships and beat Stanford in the 1902 Rose Bowl, the first college bowl game; and

Whereas, Cam Henderson, born in Joetown, was both the head football coach and head basketball coach at Muskingum College, Marshall University, and, most notably, Davis and Elkins College where his combined record was 800 wins, 336 losses and 13 ties. He is credited with creating the 2-3 zone defense and the fast break in basketball; and

Whereas, Mary Hervatin Boswell attended Fairmont State from 1949-1953, played two seasons on the men's tennis team, and was the first female to letter in a varsity sport at Fairmont State in 1952 and 1953. In 2007, she won the ITF Super-Seniors World Championship; and

Whereas, Marion County has six high schools that have either closed or been consolidated into other schools. These schools include: Monongah, Fairview, Fairmont-Dunbar, Mannington,

Farmington and Barrackville. These schools brought home a total of 23 state championship trophies in football, boys basketball, baseball, and wrestling; and

Whereas, Dave Tork, of Fairmont, is a retired pole vaulter who set his personal best (5.08 meters) in June of 1964. He was the Men's Pole Vault World Record Holder in 1962 and won a gold medal in the Pan American games in Sao Paulo in 1963; and

Whereas, Frank "Gunner" Gatski, born and raised in Farmington, was a center for the Cleveland Browns in the 1940s and 1950s. He played football for Marshall University, joined the Army and fought in World War II, and then finished his studies at Auburn University. As a linebacker and center for the Cleveland Browns and Detroit Lions he was a four-time AAFC Champion, four-time NFL Champion, and played in one Pro-Bowl game; and

Whereas, Rick Harris attended Fairmont State from 1955-1958 and participated in baseball, football, and swimming. He was a member of WVIAC Championship teams in all three sports. He lettered three years for football and baseball and two years for swimming; and

Whereas, Marion County currently has three high schools: Fairmont Senior, East Fairmont, and North Marion. These three schools have earned a total of 67 state championships beginning in 1903 when Fairmont Senior won the first state football championship, including North Marion's girls basketball team that won three state championships in a row, and East Fairmont who brought home the state championship in boys cross country in 2017; and

Whereas, Sally Simpson Lambert attended Fairmont State from 1984-1987 excelling on the swim team. She was part of two relay teams that set NAIA national records in 400m medley and 800m freestyle, set school records for 100m butterfly, 200m butterfly, 400m medley relay and 800m freestyle, and was named the team's Outstanding Swimmer in 1987.

Whereas, Sam Huff, born in Edna Gas and raised in Farmington, played as a linebacker for Farmington High School, West Virginia University, the New York Giants, and the Washington Redskins. He played in five Pro-Bowl games, one NFL Championship game, and was named to the 1950s All-Decade Team; and

Whereas, Denver Smith played football, baseball, and basketball and ran track for Fairmont State from 1948-1952. He made the 9th longest kickoff return in football history (81 yards) in 1951 and was named to the WVIAC All-Time Team in track. He holds the Over 65 World Record in 60m hurdles, the Over 65 US Record in 100m hurdles, and eight-time national pentathlon and nine-time national decathlon champion for USA Masters; and

Whereas, Dr. Sam Church was Athletic Director and Wrestling Coach from 1972-1980. He coached six NAIA All-Americans, won four WVIAC Championships and led Fairmont State to four top 25 finishes at the NAIA National Tournament; and

Whereas, Lisa Monteleone Barone played women's basketball for Fairmont State from 1987-1991 where she was two-time NAIA Academic All-American. She scored 1,490 career points and grabbed 826 rebounds. She set the school record for career free throws, free-throw percentage, and single-season free throws; and

Whereas, Nick Saban, born and raised in Fairmont, attended Monongah High School. As a football coach, he has coached at numerous colleges and universities including WVU and most recently Alabama. He has led teams to seven SEC championships and six National championships. He has been designated Coach of the Year 13 times by five organizations including the SEC and Associated Press; and

Whereas, Bill Stewart, from Grafton, attended Fairmont State where he was a three-year letter winner and team captain. He was an assistant coach at several colleges and universities and head coach at VMI and West Virginia. He led the Mountaineers to victory in the 2008 Fiesta Bowl and won the BIG EAST Conference title in 2010; therefore, be it

Resolved by the Senate:

That the Senate hereby celebrates the achievements and contributions of athletes from Marion County to the great State of West Virginia; and, be it

Further Resolved, That the Senate commends the competitive spirit and the willingness to strive for perfection as exemplified by the many athletes who were born and raised in Marion County or attended Fairmont State University; and be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Marion County Commission, the City of Fairmont, and the Marion County Board of Education.

At the request of Senator Beach, 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 eighth order of business.

Eng. Com. Sub. for Senate Bill 244, Specifying conditions for unlawful possession of firearm at school-sponsored activities.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Senate Bill 322, Relating to employees of Department of Agriculture.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 322) passed with its title.

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

Eng. Senate Bill 343, Limiting expenses in preparing list for notice to redeem.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Azinger—1.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 343) passed with its title.

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

Eng. Senate Bill 364, Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 364) passed with its title.

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

Eng. Senate Bill 393, Relating to compensation and composition of WV Racing Commission.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Senate Bill 400, Prohibiting state licensing boards from hiring lobbyists.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 400 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 400) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Senate Bill 400—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, all relating to lobbying by state boards and commissions.

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

Eng. Senate Bill 430, Encouraging collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4020, Making technical corrections in the code when referencing chapter 49.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4020) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4020—A Bill to amend and reenact §7-4-4 and 7-4-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-7-2 of said code; to amend and reenact §7-10-2 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §15-2-15 of said code; to amend and reenact §15-2C-1 of said code; to amend and reenact 15-9-3 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §16-2F-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-9A-3 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §16-47-5 of said code; to amend and reenact §17C-5-6a of said code; to amend and reenact §18-5-15c of said code; to amend and reenact §18-8-6a of said code; to amend and reenact §18A-5-1d of said code; to amend and reenact §28-1-2 of said code; to amend and reenact §29-21-16 of said code; to amend and reenact §31-20-2 of said code; to amend and reenact §33-4-20 of said code; to amend and reenact §48-9-205 and §48-9-301 of said code; to amend and reenact §48-22-301 of said code; to amend and reenact

§48-26-701 and §48-26-1002 of said code; to amend and reenact §48-27-403 of said code; to amend and reenact §49-1-201 of said code; to amend and reenact §51-2A-2 of said code; to amend and reenact §51-7-8 of said code; to amend and reenact §61-2-14h of said code; to amend and reenact §61-5-12b of said code; to amend and reenact §61-6-25 of said code; to amend and reenact §61-7-8 of said code; to amend and reenact §61-8-12 of said code; to amend and reenact §61-8B-11a of said code; to amend and reenact §61-8C-3b of said code; to amend and reenact §61-8D-9 of said code; to amend and reenact §61-11-23 of said code; to amend and reenact §61-12-10 of said code; and to amend and reenact §62-6B-5, all relating to clarifying and making technical corrections in the code when referencing chapter 49 of this code due to 2015 revisions to chapter 49 of this code; and defining terms.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 102, Creating WV Uniform Fiduciary Access to Digital Assets Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 181, Authorizing MAPS promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 425, Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 462, Establishing contribution holiday for public pension plans funded at 130 percent or more.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 463, Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 4013, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.

§6-9A-6. Enforcement by injunctions; actions in violation of article voidable; voidability of bond issues.

The circuit court in the county where the public agency regularly meets has jurisdiction and is a proper venue to enforce this article upon civil action commenced by any citizen of this state within 120 days after the action complained of was taken or the decision complained of was made. Where the action seeks injunctive relief, no bond may be required unless the petition appears to be without merit or made with the sole intent of harassing or delaying or avoiding return by the governing body.

The court is empowered to compel compliance or enjoin noncompliance with the provisions of this article and to annul a decision made in violation of this article. An injunction may also

order that subsequent actions be taken or decisions be made in conformity with the provisions of this article: *Provided*, That no bond issue that has been passed or approved by any governing body in this state may be annulled under this section if notice of the meeting at which the bond issue was finally considered was given at least 10 days prior to the meeting by a Class I legal advertisement published in accordance with the provisions of §59-3-1 *et seq.* of this code in a qualified newspaper having a general circulation in the geographic area represented by that governing body.

In addition to or in conjunction with any other acts or omissions which may be determined to be in violation of this article, it is a violation of this article for a governing body to hold a private meeting with the intention of transacting public business, thwarting public scrutiny and making decisions that eventually become official action.

Any order which compels compliance or enjoins noncompliance with the provisions of this article, or which annuls a decision made in violation of this article shall include findings of fact and conclusions of law and shall be recorded in the minutes of the governing body.

CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.

ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-2. Venue for certain suits and actions

(a) Except as otherwise provided in this section, the following proceedings shall be brought and prosecuted only in the Circuit Court of Kanawha County:

(1) Any suit in which the Governor, any other state officer, or a state agency is made a party defendant, except as garnishee or suggestee.

(2) Any suit attempting to enjoin or otherwise suspend or affect a judgment or decree on behalf of the state obtained in any circuit court.

(b) Any proceeding for injunctive or mandamus relief involving the taking, title, or collection for or prevention of damage to real property may be brought and presented in the circuit court of the county in which the real property affected is situate.

(c) Any suit for which insurance coverage administered by the state Board of Risk and Insurance Management under §29-12-1 et seq. of this code exists may be brought and prosecuted in the circuit court of any county where the acts or omissions giving rise to the suit occurred or in the Circuit Court of Kanawha County;

(d) Any suit filed against a state agency, as provided for in §6-9a-1 et seq. of this code, may be brought and prosecuted in the Circuit Court of Kanawha County or in the circuit court of any county where the state agency regularly meets.

(e) This section shall apply ~~applies~~ only to ~~such~~ proceedings as are not prohibited by the constitutional immunity of the state from suit under section 35, article VI of the Constitution of the State.

§14-2-2a. Venue for suits and actions involving ~~West Virginia University and Marshall University~~ state institutions of higher education.

(a) Notwithstanding the provisions of §14-2-2 of this code, any civil action in which ~~the West Virginia University board of Governors, West Virginia University, the West Virginia University Medical School~~ the governing board of any state institution of higher education, any state institution of higher education, or any department or office of any of those entities, or any officer, employee, agent, intern or resident of any of those entities, acting within the scope of his or her employment, is made a party defendant, shall be brought in the circuit court of any county wherein the cause of action arose, unless otherwise agreed by the parties.

~~(b) Notwithstanding the provisions of section two of this article, any civil action in which Marshall University board of Governors, Marshall University, the Marshall University School of Medicine or any department or office of any of those entities, or~~

~~any officer, employee, agent, intern or resident of any of those entities, acting within the scope of his or her employment, is made a party defendant, shall be brought in the circuit court of any county wherein the cause of action arose, unless otherwise agreed by the parties.~~

~~(e)~~ (b) The exclusive venue provisions of this section are not applicable to:

(1) An action involving an entity or person named in subsections (a) ~~or (b)~~ of this section as garnishee or suggestee; and

(2) A proceeding for injunctive or mandamus relief involving the taking, title, or collection for or prevention of damage to real property, and where general laws or court rules provide that proper venue is in the county in which the real property affected is situate.

~~(d)~~ (c) This section ~~shall apply~~ applies only to ~~such~~ proceedings ~~as are~~ not prohibited by the constitutional immunity of the state from suit under section thirty-five, article VI of the Constitution of the State.

CHAPTER 56. PLEADING AND PRACTICE.

ARTICLE 1. VENUE.

§56-1-1. Venue generally.

(a) Any civil action or other proceeding, except where it is otherwise specially provided, may hereafter be brought in the circuit court of any county:

(1) Wherein any of the defendants may reside or the cause of action arose, except that an action of ejectment or unlawful detainer must be brought in the county wherein the land sought to be recovered, or some part thereof, is;

(2) If a corporation or other corporate entity ~~be~~ is a defendant, wherein its principal office is or wherein its mayor, president or other chief officer resides; or if its principal office ~~be~~ not in this state, and its mayor, president or other chief officer do not reside

therein, wherein it does business; or if it ~~be~~ is a corporation or other corporate entity organized under the laws of this state which has its principal office located outside of this state and which has no office or place of business within the state, the circuit court of the county in which the plaintiff resides or the circuit court of the county in which the seat of state government is located ~~shall have~~ has jurisdiction of all actions at law or suits in equity against the corporation or other corporate entity, where the cause of action arose in this state or grew out of the rights of stockholders with respect to corporate management;

(3) If it ~~be~~ is to recover land or subject it to a debt, where the land or any part may be;

(4) If it ~~be~~ is against one or more nonresidents of the state, where any one of them may be found and served with process or may have estate or debts due him, her, or them;

(5) If it ~~be~~ is to recover a loss under any policy of insurance upon either property, life or health or against injury to a person, where the property insured was situated either at the date of the policy or at the time when the right of action accrued or the person insured had a legal residence at the date of his or her death or at the time when the right of action accrued;

(6) If it ~~be~~ is on behalf of the state in the name of the Attorney General or otherwise, where the seat of government is; or

(7) If a judge of a circuit ~~be~~ is interested in a case which, but for such interest, would be proper for the jurisdiction of his or her court, the action or suit may be brought in any county in an adjoining circuit.

(b) Whenever a civil action or proceeding is brought in the county where the cause of action arose under the provisions of subsection (a) of this section, if no defendant resides in the county, a defendant to the action or proceeding may move the court before which the action is pending for a change of venue to a county where one or more of the defendants resides and upon a showing by the moving defendant that the county to which the proposed change of

venue would be made would better afford convenience to the parties litigant and the witnesses likely to be called, and if the ends of justice would be better served by the change of venue, the court may grant the motion.

(c) For all civil actions filed on or after July 1, 2018, a nonresident of the state may not bring an action in a court of this state unless all or a substantial part of the acts or omissions giving rise to the claim asserted occurred in this state: *Provided*, That unless barred by the statute of limitations or otherwise time barred in the state where the action arose, a nonresident of this state may file an action in state court in this state if the nonresident cannot obtain jurisdiction in either federal or state court against the defendant in the state where the action arose. A nonresident bringing such an action in this state shall be required to establish, by filing an affidavit with the complaint for consideration by the court, that the action cannot be maintained in the state where the action arose due to lack of any legal basis to obtain personal jurisdiction over the defendant: *Provided, however*, that the provisions of this subsection do not apply to civil actions filed against West Virginia citizens, residents, corporations, or other corporate entities.

In a civil action where more than one plaintiff is joined, each plaintiff must independently establish proper venue. A person may not intervene or join in a pending civil action as a plaintiff unless the person independently establishes proper venue. If venue is not proper as to any such nonresident plaintiff in any court of this state, the court shall dismiss the claims of such plaintiff without prejudice to refile in a court in any other state or jurisdiction. When venue is proper as to one defendant, it is also proper as to any other defendant with respect to all actions arising out of the same transaction or occurrence.

For purposes of this subsection, “nonresident” means any person, whether a citizen of this state or another state, who was domiciled outside the State of West Virginia at the time of the acts or omissions giving rise to the claim asserted: *Provided*, That a member of the armed forces of the United States who is stationed beyond the territorial limits of this state, but who was a resident of

this state at the time of his or her entry into such service, and any full-time student of any college or university of this state, even though he or she is paying nonresident tuition, is considered a resident under this subsection.

The bill (Eng. Com. Sub. for H. B. 4013), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 94, Prohibiting counties from regulating fireworks.

Com. Sub. for Com. Sub. for Senate Bill 141, Expanding county assessment and collection of head tax on breeding cows.

Com. Sub. for Senate Bill 230, Authorizing Department of Commerce promulgate legislative rules.

Com. Sub. for Senate Bill 361, Relating to treatment supervision under Drug Offender Accountability and Treatment Act.

And,

Senate Bill 371, Relating to proceedings for voluntary custody for examination.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Ojeda, Beach, Trump, Plymale, Gaunch, Romano, and Karnes.

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

At the request of Senator Maynard, unanimous consent being granted, the remarks by Senator Karnes were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Cline, the name of Senator Cline was removed as a sponsor of **Senate Bill 471** (*Relating to unlawful discriminatory practices in categories covered by Human Rights Act and Fair Housing Act*).

At the request of Senator Ferns, and by unanimous consent, a leave of absence for the day was granted Senator Clements.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:37 p.m., the Senate adjourned until tomorrow, Tuesday, February 6, 2018, at 11 a.m.

TUESDAY, FEBRUARY 6, 2018

The Senate met at 11:13 a.m.

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

Prayer was offered by the Reverend Frank Miller, Director of Operations, West Virginia Baptist Conference Center in Ripley, West Virginia.

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

Pending the reading of the Journal of Monday, February 5, 2018,

At the request of Senator Beach, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2655—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3C-14c, relating to defining and establishing the crime of cyberbullying; defining terms; providing exceptions; and establishing a criminal penalty.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2662—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i, relating to and prohibiting the waste of game animals, game birds or game fish and creating a misdemeanor with criminal penalties for the violation thereof.

Referred to the Committee on Natural Resources.

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

Eng. Com. Sub. for House Bill 2696—A Bill to amend and reenact §20-2-42a, §20-2-42q, §20-2-42s and §20-2-42v of the Code of West Virginia, 1931, as amended, all relating to crossbow hunting; clarifying that the use of crossbows with Class A hunting and trapping license during big game seasons requires additional licenses, stamps or permits (with exception of buck firearms seasons); permitting crossbow hunting with Class RB and Class RRB licenses; permitting crossbow hunting with Class UU licenses; and permitting crossbow hunting with Class BG stamp.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4162—A Bill to amend and reenact §19-21A-4 of the Code of West Virginia, 1931, as amended, relating to the duties and powers conferred upon the State Conservation Committee; granting authority to the State Conservation Committee to contract for services directly related to natural disaster recovery and stream restoration related to flooding, on an as needed basis; permitting the State Conservation Committee to comply with present and future federal aid statutes and regulations including execution of contracts or agreements with programs of the United States government and its proper departments, bureaus or agencies relating to natural disaster response, recovery or stream restoration related to flooding; permitting the State Conservation Committee to promulgate emergency and legislative rules to effectuate the provisions as amended during the 2018 regular session of the Legislature; and removing references to outdated and incorrect code citations.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4251—A Bill to amend and reenact §18B-2A-1 of the Code of West Virginia, 1931, as amended, relating to permitting employees of higher education institutions outside of this state to be appointed to a board of governors of a state institution of higher education.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 78, Continuing personal income tax adjustment for certain retirees.

Com. Sub. for Senate Bill 271, Creating centralized Shared Services Section of Department of Administration.

Com. Sub. for Senate Bill 283, Relating generally to procurement by state agencies.

And,

Senate Bill 346, Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 87, Allowing purchase of Class XS resident senior hunting, fishing and trapping licenses at age 65.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 151, Creating Appropriation Supremacy Act of 2018.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 335, Protecting employees' wages or salaries from being withheld or diverted for political activities.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 335 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 and §21-5-3 of said code, all relating to withholding or diverting an employee's wages or salary; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee's wages or salary for political activities without express,

written authorization; providing that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed, or extended on or after July 1, 2018, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2018; providing that certain violations are not subject to civil and criminal penalties; providing that certain violations are governed under the Wage Payment and Collections Act; making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities unless affirmatively authorized by the individual; providing that an authorization is valid for no more than 12 months from the date it is made; defining “agency shop fees”; providing that the provisions shall not otherwise apply to or abrogate a written or oral contract of agreement or any provisions in effect on or before June 30, 2018; modifying the definitions of “wages”, “deductions”, and “fringe benefits”; removing the requirement that an assignment or order be acknowledged by the party making the same before a notary public or other official authorized to take acknowledgments; requiring that an assignment or order shall be in writing; and providing that the changes made to the assignment of wages during the regular session of the Legislature, 2018, apply to any written or oral contract or agreement entered into, modified, renewed, or extended on or after July 1, 2018, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2018.

And,

Senate Bill 395, Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 395 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §22B-1-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §22B-2-3 of

said code; to amend and reenact §22B-3-3 of said code; and to amend and reenact §22B-4-3 of said code, all relating to the general provisions for judicial review of final orders of various environmental boards; providing for appeal directly to the West Virginia Supreme Court, except in certain cases; requiring petition be filed within 30 days of entry of the final order; providing that appeal does not automatically stay any final order or action approved by a board; authorizing the chief or director to employ outside legal counsel without approval of the Attorney General; and providing that decisions of the Air Quality Board, Environmental Quality Board, and Surface Mine Board may be directly appealed to the Supreme Court of Appeals, except in certain cases.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 370, Exempting nonpaid volunteers at ski areas from workers compensation benefits.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael T. Azinger,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 379, Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR.

And,

Senate Bill 382, Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 406, Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael T. Azinger,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 404, Relating to sex offender registry information.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 404 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-12-2 and §15-12-4 of the Code of West Virginia, 1931, as amended, all relating generally to the sex offender registry; adding required information to be provided to the registry by offenders; and clarifying the duration of registration for qualifying offenders as related to offenses involving perceived minors is life.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 451, Permitting Sunday hunting on public lands.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Joint Resolution 12, Acknowledging Legislative Authority Relating to Protection of Innocent Life Amendment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Joint Resolution 12 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending article VI thereof, by adding thereto a new section, designated section 57, relating to clarifying that nothing in the Constitution of West Virginia secures or protects a right to abortion, and nothing in the Constitution requires the funding of an abortion; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 4135, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

And,

Eng. House Bill 4146, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Stollings, Takubo, Unger, Jeffries, Beach, and Prezioso:

Senate Bill 488—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 Excess Lottery Fund, 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 Boso, Stollings, Takubo, Unger, Rucker, Weld, Baldwin, Sybolt, Jeffries, Cline, and Maroney:

Senate Bill 489—A Bill to amend and reenact §5H-1-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-21-25, all relating to creating the West Virginia Volunteer First Responder 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; and authorizing a tax credit for certain volunteers.

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

By Senators Gaunch and Boso:

Senate Bill 490—A Bill to amend and reenact §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-19, and §30-39-21 of the Code of West Virginia, 1931, as amended, all relating to adopting the Revised Uniform Athlete Agents Act of 2015; modifying and adding definitions; granting rule-making authority to the Secretary of State; appointing Secretary of State as agent for service of process on nonresident athlete agent; establishing seven-day limit on athlete agent to register; requiring additional information in registration process; allowing for reciprocal registration; allowing the Secretary of State to consider whether the athlete agent has pled guilty or no contest to a crime of moral turpitude in its decision to issue registration; providing requirements for reciprocal renewals of registration; providing Secretary of State authority to suspend or revoke registration for same reasons as would justify refusal to issue certificate of registration; increasing fees; adding information to required contract terms; requiring certain notices by athlete agent to educational institutions; allowing parent and guardian of student athlete ability to cancel contract; requiring athlete agent to create certain sources of information; expanding scope of who might engage in prohibited conduct under the act; expanding scope of who can be charged with a criminal violation of the act; enabling student athletes to bring civil action for act or omission of athlete agent; making a civil violation an unfair trade or deceptive practice under West Virginia law; establishing relation to the Electronic Signatures in Global and National Commerce Act; and modifying effective date.

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

By Senators Boso and Cline:

Senate Bill 491—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to establishing a fee for the expungement of certain criminal convictions upon proper petition.

Referred to the Committee on the Judiciary.

By Senators Trump, Boso, Gaunch, Maroney, Rucker, Takubo, Stollings, Unger, and Cline:

Senate Bill 492—A Bill to amend and reenact §30-30-16 and §30-30-18 of the Code of West Virginia, 1931, as amended, all relating to provisionally licensed social workers with the Department of Health and Human Resources; eliminating special requirements for department provisionally licensed social workers; requiring amendment of a legislative rule of the Board of Social Work; repealing a rule of the department; clarifying an individual's voluntary pursuit of provisional license; grandfathering those department employees with a provisional license; and exempting from licensure persons employed as children and adult services workers with the department except for certain senior and supervisory staff.

Referred to the Committee on Government Organization.

By Senator Azinger:

Senate Bill 493—A Bill to repeal §33-26B-1, §33-26B-2, §33-26B-3, §33-26B-4, §33-26B-5, §33-26B-6, §33-26B-7, §33-26B-8, §33-26B-9, §33-26B-10, §33-26B-11, §33-26B-12, §33-26B-13, §33-26B-14, §33-26B-15, and §33-26B-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-26A-2, §33-26A-3, §33-26A-5, §33-26A-6, §33-26A-7, §33-26A-8, §33-26A-9, §33-26A-11, §33-26A-12, §33-26A-14, and §33-26A-19 of this code, all relating to the West Virginia Life and Health Insurance Guaranty Association Act.

Referred to the Committee on Banking and Insurance.

By Senators Azinger and Ferns:

Senate Bill 494—A Bill to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating to providing that members of the State Teachers Retirement System shall be considered absent from service as a teacher or nonteacher while serving as an officer with a statewide professional teaching association, or who have served in that capacity; and providing that retirants, who served in that capacity while members, shall be

considered to have been absent from service as a teacher by reason of that service.

Referred to the Committee on Pensions.

By Senator Azinger:

Senate Bill 495—A Bill to amend and reenact §33-20-4 of the Code of West Virginia, 1931, as amended, relating to commercial insurance rates; and designating specific insurance coverages which are exempt from rate filing requirements under this article.

Referred to the Committee on Banking and Insurance.

Senators Gaunch, Jeffries, Plymale, Stollings, Unger, Boso, Baldwin, Cline, Beach, and Drennan offered the following resolution:

Senate Resolution 28—Designating February 6, 2018, as West Virginia State University Day at the Legislature.

Whereas, West Virginia State University offers award-winning academics, exceptional athletics, and ground-breaking research; and

Whereas, The University was founded as the West Virginia Colored Institute by the West Virginia Legislature 127 years ago on March 17, 1891, as a public historically black college and university in Institute, West Virginia; and

Whereas, It was one of the original group of African-American land-grant colleges established by the second Morrill Act of 1890; and

Whereas, Along with existing academic programs, military education became an integral part of the curriculum, with the Legislature passing a bill to admit up to 60 cadets in 1899; and

Whereas, In 1927, under the leadership of President John W. Davis, through the expansion of academic programs and the construction of new buildings, the institution was accredited by the North Central Association of Colleges and Schools making it the

first of 17 original African-American land-grant schools to be certified by a regional association and one of only four African-American colleges to gain such status. It became the first public college in West Virginia to be accredited by the North Central Association of Colleges and Schools, holding the longest continuous accreditation of any public college or university in West Virginia; and

Whereas, In 1929, the institution became known as West Virginia State College and was recognized as one of the leading public institutions of higher education for African-Americans; and

Whereas, In 1954, the United States Supreme Court gave its historic decision outlawing school segregation and West Virginia State College rapidly transitioned to an integrated institution; and

Whereas, Under the leadership of President William J. L. Wallace, the motto “A Living Laboratory of Human Relations,” was adopted and West Virginia State College garnered national attention, hailing, “a tribute to the character and courage of the people of Kanawha Valley,” for the resulting substantial enrollment increases after the removal of racial barriers; and

Whereas, In 2004, the West Virginia Legislature approved the transition to university status; and

Whereas, West Virginia State University now offers 77 academic program options leading to 23 baccalaureates and five masters degrees; and

Whereas, West Virginia State University is actively working with other state institutions of higher education to create additional pathways for degree-seeking students; and

Whereas, As one of only two land-grant institutions in the state, West Virginia State University’s Extension Service serves 38 counties. These services aid approximately 20,000 people throughout the year; and

Whereas, As a regional research institution, West Virginia State University contributes significantly to state economic

development efforts in the areas of biotechnology, plant, microbial, and animal research, amassing \$15 million in research funding; and

Whereas, With every dollar the state invests in West Virginia State University, the university generates nearly \$16 spent in the West Virginia economy, resulting in an estimated economic output of \$254 million per year; and

Whereas, College Choice, based on data provided by U. S. News & World Report, National Center on Educational Statistics, and Payscale, ranked West Virginia State University the second-best public college or university in the State of West Virginia; and

Whereas, Prominent alumni from West Virginia State University include scholars, celebrities, politicians, business people, athletes, and leaders, who have distinguished themselves across the globe and changed the world, such as the Tuskegee Airmen; Colonel “Spanky” Roberts; NBA legend, Earl Lloyd; and NASA mathematician, Katherine Johnson, who inspired the film, “Hidden Figures”, and continues to lead the nation, state, and countless local communities, spurring essential cultural and economic change for the betterment of all; and

Whereas, Since its founding 127 years ago, West Virginia State University has always proven to be a community of students and outstanding faculty and staff, devoted to helping people find their passion and gain the education needed to launch successful careers and change the world. Students like Taylor Conaway, the Student Government President for the 2017-2018 academic year, who exhibits a passion for instilling initiatives that strengthened the power of the constituent’s voice. It is a passion that drives her aspiration to become Chief Justice of the United States Supreme Court of Appeals, and, like many West Virginia State University students, strives to leave a lasting impact in the world; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 6, 2018, as West Virginia State University Day at the Legislature; and, be it

Further Resolved, That the Senate hereby recognizes West Virginia State University for its tremendous contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Dr. Anthony L. Jenkins, President of West Virginia State University.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Gaunch and Drennan regarding the adoption of Senate Resolution 28 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:30 a.m., the Senate recessed to present Senate Resolution 28.

The Senate reconvened at 11:35 a.m. today and resumed business under the sixth order.

Senators Carmichael (Mr. President), Drennan, Plymale, Stollings, Palumbo, Unger, Boso, and Beach offered the following resolution:

Senate Resolution 29—Congratulating the Hurricane High School boys' soccer team for winning the 2017 Class AAA state championship.

Whereas, The Hurricane High School boys' soccer team had an outstanding season, posting a 19-1-4 record, on its way to winning the school's second state championship in soccer; and

Whereas, The Hurricane High School boys' soccer team is led by head coach, Jim Dagosteen, and assistant coaches, Braeden Collins, Kent Bailey, and Drue Smith, and includes players: Anele Nnachi; Dalton Burch; Huston Peyton; Lucas Torres; Jacob Perdew; Colton Jones; Alik Assi; Reece Moss; Michael Mohebbi; Noah Ferrell; Jake Smith; Ethan Wood; Ryan Fisher; Drake Lester;

Jackson Snavelly; Alex Foose; Nick Eskins; Alex Torres; Trey Wilcox; Andrew Linville; Sawyer White; Braden Lowe; Bryce Underwood; Andrew Harper; Caleb White; Connor Briggs; Carter Maddox; Chance Burch; Drew Altizer; Zach Green; Ben Altizer; Ethan Boyd; Isaiah Gillespie; Gabe Burch; Seth Phillips; and Noah Wolford; and

Whereas, The Hurricane High School boys' soccer team displayed talent and determination for an entire season and is a shining example of what can be accomplished with teamwork, dedication, and spirit; and

Whereas, The 2017 Hurricane High School boys' soccer team will be remembered as one of the best soccer teams in West Virginia history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Hurricane High School boys' soccer team for winning the 2017 Class AAA state championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Hurricane High School boys' soccer team.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Drennan and Boso regarding the adoption of Senate Resolution 29 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:38 a.m., the Senate recessed to present Senate Resolution 29.

The Senate reconvened at 11:42 a.m. today and proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 102, Creating WV Uniform Fiduciary Access to Digital Assets Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Clements, Ojeda, Plymale, and Unger—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 102) passed with its title.

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

Eng. Com. Sub. for Senate Bill 181, Authorizing MAPS promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Clements, Ojeda, Plymale, and Unger—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 181) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Clements, Ojeda, Plymale, and Unger—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 181) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 244, Specifying conditions for unlawful possession of firearm at school-sponsored activities.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Trump, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motions of Senators Trump, Azinger, Rucker, and Palumbo, the following amendment to the bill was reported by the Clerk and adopted:

On pages one and two, section eleven-a, lines eight through eighteen, by striking out all of subdivision (1) and inserting in lieu thereof a new subdivision, designated subdivision (1), to read as follows:

(1) It is unlawful to possess a firearm or other deadly weapon:

(A) On a school bus as defined in §17A-1-1 of this code;

(B) In or on the grounds of any primary or secondary educational facility of any type; *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds thereof;

(C) At a school-sponsored function that is taking place in a specific area that is owned, rented or leased by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board or local public school for the actual period of time the function is occurring.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 244 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Clements, Ojeda, Plymale, and Unger—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 244) passed with its title.

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

Eng. Senate Bill 393, Relating to compensation and composition of WV Racing Commission.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Blair, unanimous consent was granted to offer amendments to the bill on third reading.

Thereupon, on motion of Senator Blair, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page four, section four, lines twenty-four and twenty-five, by striking out the words “all five members of” and inserting in lieu thereof the words “two additional members to occupy the two newly created positions on”;

And,

On page four, section four, line twenty-five, after the word “above.” by inserting the following: The current members of the commission as of the effective date of the 2018 amendment shall retain their seats: *Provided*, That each member of the commission who is reappointed after the effective date of the 2018 amendment must be qualified according to at least one of the five classifications above, so that each of the five fields of knowledge relevant to racing is represented on the commission.

The bill, as just amended, was again ordered to engrossment.

Engrossed Senate Bill 393 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Clements, Ojeda, Plymale, and Unger—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 393) passed with its title.

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

Eng. Senate Bill 425, Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Clements, Ojeda, Plymale, and Unger—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 425) passed with its title.

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

Eng. Senate Bill 430, Encouraging collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was referred to the Committee on Rules.

Eng. Senate Bill 462, Establishing contribution holiday for public pension plans funded at 130 percent or more.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Clements, Ojeda, Plymale, and Unger—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 462) passed with its title.

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

Eng. Senate Bill 463, Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Prezioso, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Beach, Romano, and Stollings—3.

Absent: Clements, Ojeda, Plymale, and Unger—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 463) passed with its title.

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

Eng. Com. Sub. for House Bill 4013, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Clements, Ojeda, Plymale, and Unger—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4013) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4013—A Bill to amend and reenact §6-9A-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §14-2-2 and §14-2-2a of said code, and to amend and reenact §56-1-1 of said code, all relating to venue in West Virginia state courts; providing that the circuit court in the county where the public agency regularly meets is a proper venue for certain claims; providing that any suit for which insurance

coverage administered by the state board of risk and insurance management exists may be brought in the circuit court of Kanawha County or in the circuit court of any county where the acts of omissions giving rise to the suit occurred; providing that certain suits filed against a state agency may be brought in the circuit court of Kanawha County or in circuit court of any county where the state agency regularly meets; providing that any civil action in which the governing board of any state institution of higher education or any state institution of higher education is made a party defendant shall be brought in the circuit court of the county wherein the cause of action arose, unless otherwise agreed upon; providing that nonresidents may not bring actions in the courts of this state unless all or a substantial part of the acts or omissions giving rise to the claim occurred in the state; providing an effective date; providing that nonresidents may file actions in the state courts if they cannot otherwise obtain jurisdiction in the state where the action arose, unless barred by the statute of limitations in the state the action arose; requiring the filing of an affidavit; providing that the provisions do not apply to actions filed against West Virginia citizens, residents, corporations, or other corporate entities; providing that each plaintiff must establish venue; providing that persons may not intervene or join in a pending action as plaintiff unless they independently establish venue; providing that courts shall dismiss claims without prejudice if venue is not proper as to a nonresident plaintiff; providing that venue is proper as to other defendants if venue is proper as to one defendant with respect to all actions arising out of the same transaction or occurrence; providing a definition of “nonresident”; and providing exceptions for members of the armed forces of the United States and students of any college or university of this state.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 94, Prohibiting counties from regulating fireworks.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was referred to the Committee on the Judiciary.

Com. Sub. for Com. Sub. for Senate Bill 141, Expanding county assessment and collection of head tax on breeding cows.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 230, Authorizing Department of Commerce promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 361, Relating to treatment supervision under Drug Offender Accountability and Treatment Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 371, Relating to proceedings for voluntary custody for examination.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Palumbo, Maynard, Romano, and Smith.

At the request of Senator Smith, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of a coal mining fatality at Sentinel Mine in Barbour County, West Virginia, today.

At the request of Senator Beach, and by unanimous consent, the remarks by Senator Palumbo were ordered printed in the Appendix to the Journal.

At the request of Senator Karnes, unanimous consent being granted, the remarks by Senator Romano were ordered printed in the Appendix to the Journal.

At the request of Senator Ferns, and by unanimous consent, the remarks by Senator Smith were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Plymale, the name of Senator Plymale was removed as a sponsor of **Senate Bill 487** (*Relating to WV Medical Cannabis Act*).

At the request of Senator Ferns, unanimous consent being granted, leaves of absence for the day were granted Senators Clements, Unger, Plymale, and Ojeda.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:21 p.m., the Senate adjourned until tomorrow, Wednesday, February 7, 2018, at 11 a.m.

WEDNESDAY, FEBRUARY 7, 2018

The Senate met at 11:11 a.m.

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

Prayer was offered by Dr. William McCoy, First Presbyterian Church, Charleston, West Virginia, who then proceeded in the singing of "Take Me Home, Country Roads".

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Tuesday, February 6, 2018,

At the request of Senator Ferns, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2693—A Bill to amend and reenact §20-2-3 of the Code of West Virginia, 1931, as amended, relating to state ownership of wildlife.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4199—A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse, defining terms, authorizing an AMAP to administer medication in nursing home, providing

certain exemptions from chapter thirty licensing requirements, establishing requirements for training curricula and competency evaluation procedures, establishing procedures by which an AMAP must administer medication, requiring nursing homes using an AMAP to establish an administrative monitoring system, permitting a registered professional nurse to withdraw authorization for an AMAP to administer medications in certain circumstances, allowing certain fees to be collected, providing limits on administration of medication by an AMAP, providing that use of an AMAO in nursing homes is permissive, and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect January 1, 2019, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4230—A Bill to amend and reenact §33-4-15a of the Code of West Virginia, 1931, as amended, relating to credit for reinsurance; purpose; establishing requirements for domestic insurers to be allowed a credit; requirements for reinsurers; establishing where assets that provide security to fund United States obligations are to be maintained by a non-United States insurer or reinsurer; providing for the filing and valuation of claims, and the distribution of assets of an insolvent non-United States insurer or reinsurer; providing for an asset or reduction from liability for reinsurance ceded by a domestic insurer when certain requirements are not met; defining a qualified United States financial institution; providing authority to the Insurance Commissioner to promulgate legislative and emergency rules; effective date.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 441, Relating to health care provider taxes.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 272 (originating in the Committee on Health and Human Resources), Relating generally to drug control.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 272 (originating in the Committee on Finance)—A Bill to amend and reenact §16-5T-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-5T-6; to amend and reenact §16-46-4 of said code; and to amend said code by adding thereto a new section, designated §16-46-7, all relating generally to drug control; requiring hospital emergency rooms and departments, as well as certain other law-enforcement and medical care providers, to report suspected or confirmed drug overdoses and other drug-related instances to the Office of Drug Control Policy; allowing the Office of Drug Control Policy to establish a pilot program for community response to persons who have experienced a recent overdose; requiring local and state governmental agencies to require first responders, regardless of frequency of drug overdoses in their communities, to carry Naloxone and be trained in its use subject to funding and

availability; and providing for a statewide standing order for Naloxone by the state health officer.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 290, Relating to DEP standards of water quality and effluent limitations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 290 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §22-11-6 of the Code of West Virginia, 1931, as amended, relating to standards of water quality and effluent limitations; providing that the secretary may issue water pollution control permits that contain water quality-based effluent limits that are adjusted to reflect credit for pollutants in the permittee's intake water; providing that the secretary may not set benchmarks for substances in, or conditions of, discharges of stormwater that are more restrictive than the acute aquatic life water quality criterion, the federal benchmark, the chronic aquatic life water quality criterion, or the ambient aquatic life advisory concentration; providing that the secretary shall establish effluent limits for stormwater that are developed in accordance with mixing zones that are appropriate for relevant conditions, upon request by a permit applicant; and providing that the secretary shall promptly develop guidance for determining how benchmarks in permits demonstrate the adequacy of stormwater best management practices.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 360, Clarifying royalty owed in oil and gas lease.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 360 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22-6-8 of the Code of West Virginia, 1931, as amended, relating to oil and gas permits not to be on flat well royalty leases; legislative findings and declarations; and permit requirements.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill (Com. Sub. for S. B. 360), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 368, Protecting consumers against business using automatic purchase renewals without consent.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 368 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, and §46A-6N-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that the business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanism for cancellation of the automatic renewal or continuous offer in the acknowledgement; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that the business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements;

providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; providing the court discretion to award to plaintiff costs of the action, including reasonable attorneys' fees; providing that plaintiff is not entitled to costs and attorneys' fees under certain circumstances; providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions.

And,

Senate Bill 433, Rewriting code sections regarding pyramid promotional schemes.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 433 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, all relating to pyramid promotional schemes; defining terms; prohibiting pyramid promotional schemes; allowing certain plan or operations which do not cause inventory loading and implement a bona fide inventory repurchase program; specifying requirements for recruiting literature, sales manuals, and contracts; providing that a bona fide inventory repurchase program is not required to apply to certain inventory; and requiring certain disclosures.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Trump, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the fourth order of business.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 392, Reconfiguring Emergency Medical Services Advisory Council.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 392 (originating in the Committee on Government Organization)—A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating to the Emergency Medical Services Advisory Council; and reconfiguring the membership of the council.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 407, Licensing and approval of child care programs.

And,

Senate Bill 411, Removing Commissioner of Bureau for Public Health from State Board of Sanitarians.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Government Organization.

Respectfully submitted,

Tom Takubo,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Government Organization.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 408, Licensing of nursing homes and assisted living residences.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 408 (originating in the Committee on Health and Human Resources)—A Bill to repeal §16-5D-16 and §16-5D-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5C-3 of said code; and to amend and reenact §16-5D-2, §16-5D-3, §16-5D-4, §16-5D-5, §16-5D-6, §16-5D-7, §16-5D-8, §16-5D-9, §16-5D-10, §16-5D-11, §16-5D-12, §16-5D-13, and §16-5D-15 of said code, all relating to the licensure of nursing homes and assisted living residences; repealing duplicative sections of code; defining terms; requiring real-time online public information in lieu of annual report; clarifying rule requirements; allowing physical and electronic delivery methods for reports; and clarifying enforcement action and due process procedures.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 408), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 412, Relating to authority of county litter control officers.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 427, Modifying form of notice for certain tax delinquencies.

Senate Bill 464, Changing statutory payment date for incremental salary increases due state employees.

And,

Senate Bill 468, Changing date and recipients for submission of Auditor's annual report.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 440, Establishing Library Facilities Improvement Fund.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 440 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-24, relating to establishing the Library Facilities Improvement Fund; setting forth general structure of fund and distribution of funds; and providing for rulemaking.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 1, US Army SGT Denver E. Short Memorial Road.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Gregory L. Boso,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Boley:

Senate Bill 496—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-27, relating to the care and management of feral cats.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 497—A Bill to amend and reenact §47-1-21 of the Code of West Virginia, 1931, as amended, relating to the registration of business; removing a requirement that the Division of Labor charge an annual device registration fee; and removing a provision related to the fees that are collected pursuant to this section.

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

By Senators Maynard, Stollings, and Plymale:

Senate Bill 498—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-3a, relating to Cabwaylingo State Forest; creating a pilot project permitting all-terrain or recreational vehicles on designated roads and trails in Cabwaylingo State Forest; permitting the director to designate roads, trails, and campgrounds; permitting the director to establish special season and permit; applying the ATV, UTV, and Motorcycle Responsibility Act to the project; and requiring Legislative Auditor to review project and file report.

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

By Senators Maroney, Clements, Prezioso, Stollings, Takubo, Plymale, Cline, and Jeffries:

Senate Bill 499—A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying that a person who has received a degree of Doctor of Medicine or its equivalent from a school of medicine located outside the United States must have successfully completed one year of Accreditation Council for Graduate Medical Education approved postgraduate clinical training before the person can be licensed to practice medicine in West Virginia.

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

By Senators Baldwin, Mann, Gaunch, Jeffries, Woelfel, and Plymale:

Senate Bill 500—A Bill to amend and reenact section one, chapter 180, Acts of the Legislature, regular session, 1985, authorizing the City of White Sulphur Springs, Greenbrier County, West Virginia, to expend both principal and interest from a special interest-bearing fund.

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

By Senators Drennan, Cline, Jeffries, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Weld, Woelfel, Boso, and Plymale:

Senate Bill 501—A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to the accrued benefit of retirees in the Deputy Sheriff Retirement System.

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

By Senators Drennan, Cline, Maynard, and Rucker:

Senate Bill 502—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-21A-1, §30-21A-2, §30-21A-3, §30-21A-4, §30-21A-5, §30-21A-6, §30-21A-7, §30-21A-8, §30-21A-9, §30-21A-10, §30-21A-11, and §30-21A-12, all relating to creating the Patient Safety Evidence-Based Prescribing Act; providing for the preparation for prescriptive authority and authorization; providing for certification renewal; providing for the compliance with state and federal statutes; requiring notification to the Board of Pharmacy; establishing prescribing standards; providing for collaboration with primary care providers; providing for the amending and potential conflict with other code provision; defining terms; providing a short title; and requiring rulemaking.

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

By Senators Blair and Unger:

Senate Bill 503—A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-16-4 of said code, all relating to shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities.

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

By Senators Maynard and Plymale:

Senate Bill 504—A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to adding an

exception for seasonal amusement park workers from the definition of “employee”.

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

By Senator Maynard:

Senate Bill 505—A Bill to amend and reenact §5F-1-5 of the Code of West Virginia, 1931, as amended, relating to requiring that contact information of an official or employee of the state, who uses a mobile phone either furnished by the employer or service is paid by the employer for the official’s or employee’s personal phone use in state business, be listed on an agency’s online directory and agency’s website.

Referred to the Committee on Government Organization.

By Senators Swope, Smith, Boso, and Cline:

Senate Bill 506—A Bill to repeal §21-16-1, §21-16-2, §21-16-3, §21-16-4, §21-16-5, §21-16-6, §21-16-7, §21-16-8, §21-16-9, and §21-16-10 of the Code of West Virginia, 1931, as amended; to repeal §29-3D-1, §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-5, §29-3D-6, §29-3D-7 and §29-3D-8 of said code; and to amend and reenact §29-3-12b of said code, relating to deregulating persons who perform work on heating, ventilating, and cooling systems and fire dampers.

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

By Senators Ferns, Boso, Swope, and Plymale:

Senate Bill 507—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, and §18C-9-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at colleges and universities in West Virginia; defining terms; creating a board of trustees to

govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements for the establishment of magnet school programs; providing for restrictions on the amount that may be charged for tuition, fees, room, board, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and county support for the Katherine Johnson Scholarship Fund based upon per pupil allocations; defining terms; and providing for rulemaking.

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

Senators Stollings, Smith, Boso, Drennan, Beach, and Plymale offered the following resolution:

Senate Concurrent Resolution 12—Requesting the Division of Highways to name bridge number 22-10-28.14 (22A038), locally known as West Hamlin Bridge carrying WV 10 over the Guyandotte River in Lincoln County, the “U. S. Army SP4 Darrell Gregory Triplett Memorial Bridge”.

Whereas, Darrell Gregory Triplett was born in West Hamlin and was an honor graduate of Guyan Valley High School in 1965. He was a veteran of the Vietnam War, with only a month left in the army, he was coming home on a weekend pass to celebrate his twenty-first birthday when he was killed in a plane crash at Yeager Airport in 1968; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army SP4 Darrell Gregory Triplett and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-10-28.14 (22A038), locally known as West Hamlin Bridge carrying WV 10 over the Guyandotte River in Lincoln County, the “U. S. Army SP4 Darrell Gregory Triplett Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SP4 Darrell Gregory Triplett 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 Weld, Stollings, Boso, Unger, Drennan, Swope, Beach, Prezioso, Plymale, and Cline offered the following resolution:

Senate Resolution 30—Designating February 7, 2018, as Veterans Visibility Day at the Legislature.

Whereas, From the Revolutionary War, which gave America its identity as a free and democratic nation, to this moment, America’s men and women have always risen to the call of duty in

order to defend and preserve our freedom and help maintain freedom throughout the world; and

Whereas, Per capita, more citizens from West Virginia have served in our nation's armed forces than from any other state and we are proud of our citizens who, despite danger, have done what they must for peace and freedom; and

Whereas, Through wars, conflicts, and the threat of terror, thousands of West Virginians have paid the ultimate price for freedom with their lives and thousands more have been wounded in battle; and

Whereas, The Senate is proud to honor those currently serving in harm's way in Iraq, Afghanistan, and in other countries all over the world to protect democracy from the threat of terror; and

Whereas, It is always important that we honor the many brave West Virginians who have faced the enemy, been wounded, and given their lives not only for our freedom, but for freedom around the world; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 7, 2018, as Veterans Visibility Day at the Legislature; and, be it

Further Resolved, That the Senate expresses its sincere gratitude to all West Virginian veterans and those men and women currently serving in the armed forces to protect our freedom; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Department of Veterans Assistance.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Weld regarding the adoption of

Senate Resolution 30 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:32 a.m., the Senate recessed to present Senate Resolution 30.

The Senate reconvened at 11:37 a.m. today and resumed business under the sixth order.

Senators Takubo, Stollings, Boso, Unger, Swope, Beach, Prezioso, Plymale, Cline, and Jeffries offered the following resolution:

Senate Resolution 31—Designating February 7, 2018, as Go Red For Women Day.

Whereas, Cardiovascular diseases are the number one killer of women in the United States; and

Whereas, Cardiovascular diseases kills one woman every 80 seconds in the United States; and

Whereas, About 80 percent of cardiovascular diseases may be prevented; and

Whereas, Some risk factors, such as blood pressure, smoking, cholesterol, and lack of regular physical activity, can be controlled; and

Whereas, The American Heart Association's Go Red For Women movement motivates women to learn their family history and to meet with a health care provider to determine their risk for cardiovascular diseases and stroke; and

Whereas, Go Red For Women encourages women to take control of their heart health by knowing five numbers that can be lifechanging: Total cholesterol; HDL (good) cholesterol; blood pressure; blood sugar; and body mass index; and

Whereas, By increasing awareness, speaking out about heart disease, and empowering women to reduce their risk for

cardiovascular diseases, thousands of lives can be saved each year; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 7, 2018, as Go Red For Women Day; and, be it

Further Resolved, That the Senate urges all citizens to show their support for women and the fight against heart disease by commemorating this day by wearing the color red; and

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Go Red For Women Day.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Takubo regarding the adoption of Senate Resolution 31 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:40 a.m., the Senate recessed to present Senate Resolution 31.

The Senate reconvened at 11:43 a.m. today and proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 141, Expanding county assessment and collection of head tax on breeding cows.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 141 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Ojeda and Prezioso—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 141) passed with its title.

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

Eng. Com. Sub. for Senate Bill 230, Authorizing Department of Commerce promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Ojeda and Prezioso—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 230) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Ojeda and Prezioso—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 230) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 361, Relating to treatment supervision under Drug Offender Accountability and Treatment Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Ojeda and Prezioso—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com Sub. for S. B. 361) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Ojeda and Prezioso—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 361) takes effect from passage.

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

Eng. Senate Bill 371, Relating to proceedings for voluntary custody for examination.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 371 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Ojeda and Prezioso—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 371) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Ojeda and Prezioso—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 371) takes effect from passage.

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

The Senate proceeded to the tenth order of business.

The following bills and joint resolution on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Senate Bill 78, Continuing personal income tax adjustment for certain retirees.

Com. Sub. for Senate Bill 271, Creating centralized Shared Services Section of Department of Administration.

Com. Sub. for Senate Bill 283, Relating generally to procurement by state agencies.

Com. Sub. for Senate Bill 335, Protecting employees' wages or salaries from being withheld or diverted for political activities.

Senate Bill 346, Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses.

Senate Bill 379, Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR.

Senate Bill 382, Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund.

Com. Sub. for Senate Bill 395, Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board.

Com. Sub. for Senate Bill 404, Relating to sex offender registry information.

Com. Sub. for Senate Joint Resolution 12, No Constitutional right to abortion Amendment.

Eng. Com. Sub. for House Bill 4135, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

And,

Eng. House Bill 4146, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Plymale, unanimous consent being granted, it was ordered that the Journal show had Senator Plymale been present in the chamber on yesterday, Tuesday, February 6, 2018, he would have voted “yea” on the passage of Engrossed Committee Substitute for Senate Bill 102, Engrossed Committee Substitute for Senate Bill 181, Engrossed Committee Substitute for Senate Bill 244, Engrossed Senate Bill 393, Engrossed Senate Bill 425, Engrossed Senate Bill 462, Engrossed Senate Bill 463, and Engrossed Committee Substitute for House Bill 4013.

Senator Gaunch called attention to yesterday being the birthday of Richie Novak, Senate Technical Support, and on behalf of the Senate extended felicitations and good wishes to Richie Novak.

At the request of Senator Ferns, and by unanimous consent, leaves of absence for the day were granted Senators Ojeda and Prezioso.

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

On motion of Senator Ferns, at 11:58 a.m., the Senate adjourned until tomorrow, Thursday, February 8, 2018, at 11 a.m.

THURSDAY, FEBRUARY 8, 2018

The Senate met at 11:14 a.m.

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

Prayer was offered by Dr. D. W. Cummings, Senior Pastor, Bethlehem Apostolic Temple, Wheeling, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Wednesday, February 7, 2018,

At the request of Senator Blair, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2654—A Bill to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding county commissions' ability to dispose of county or district property; adding the ability of county commissions to dispose of such property to an authority, commission, instrumentality, or agency established by act of the State of West Virginia or any of its political subdivisions; noting that such sales are not required to be made considering the property's present commercial or market value; setting a minimum value for such sales; revising the requirement that property conveyed to volunteer fire department or volunteer ambulance service, or to an authority, commission, instrumentality, or agency, reverts back to county commission following termination of use; and, to provide that such reversionary right may be disclaimed in a deed by the county commission.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 3020—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, and to amend and reenact §20-7-9 of said code, relating to unlawful acts in natural resources law generally; unlawful methods of hunting and fishing and other unlawful acts; catching, taking, killing or attempting to catch, take or kill any fish by any means within two hundred feet of agency personnel stocking fish into public waters; creating a misdemeanor for violations thereof; and providing for criminal penalties for such violations; criminal penalties for the offense of hunting, trapping or fishing on the lands of another person; criminal penalties for the offense of entering on to posted lands; criminal penalties for the offense of destroying posted land signs; setting those criminal penalties for such offenses to be equivalent to those of the offense of criminal trespass, including for conviction of subsequent offenses of the same; and making technical changes.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4020, Making technical corrections in the code when referencing chapter 49.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title of the bill and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4020—A Bill to amend and reenact §7-4-4 and §7-4-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-7-2 of said code; to amend and reenact §7-10-2 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §15-2-15 of said code; to amend and reenact §15-2C-1 of said code; to amend and reenact §15-9-3 of said code; to amend and reenact §15-11-2 of said code; to amend and reenact §16-2F-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-9A-3 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §16-47-5 of said code; to amend and reenact §17C-5-6a of said code; to amend and reenact §18-5-15c of said code; to amend and reenact §18-8-6a of said code; to amend and reenact §18A-5-1d of said code; to amend and reenact §28-1-2 of said code; to amend and reenact §29-21-16 of said code; to amend and reenact §31-20-2 of said code; to amend and reenact §33-4-20 of said code; to amend and reenact §48-9-205 and §48-9-301a of said code; to amend and reenact §48-22-301 of said code; to amend and reenact §48-26-701 and §48-26-1002 of said code; to amend and reenact §48-27-403 of said code; to amend and reenact §49-1-201 of said code; to amend and reenact §51-2A-2 of said code; to amend and reenact §51-7-8 of said code; to amend and reenact §61-2-14h of

said code; to amend and reenact §61-5-12b of said code; to amend and reenact §61-6-25 of said code; to amend and reenact §61-7-8 of said code; to amend and reenact §61-8-12 of said code; to amend and reenact §61-8B-11a of said code; to amend and reenact §61-8C-3b of said code; to amend and reenact §61-8D-9 of said code; to amend and reenact §61-11-23 of said code; to amend and reenact §61-12-10 of said code; and to amend and reenact §62-6B-5, all relating to clarifying and making technical corrections in the code when referencing chapter 49 of this code due to 2015 revisions to chapter 49 of said code; and defining terms.

On motion of Senator Ferns, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4020, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Arvon, Ojeda, Prezioso, and Unger—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4020) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4156—A Bill to amend and reenact §30-7-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-7-5a, all relating to school of nursing faculty requirements; establishing the qualifications of full and part time nursing school faculty members; granting exceptions; and defining a term.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 4175—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to requiring payment for health care services.

Referred to the Committee on Banking and Insurance.

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

Eng. House Bill 4178—A Bill to amend and reenact §16-5C-2 and §16-5C-5 of the Code of West Virginia, 1931, as amended, all relating to permitting certain portions of certified nurse aide training to be provided through distance learning technologies.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 4275—A Bill to amend and reenact §15-2D-2 and §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to the law-enforcement authority of the director and officers of the division of protective services; exempting certain safety and security information from disclosure under the West Virginia Freedom of Information Act; and

clarifying that agencies installing electronic security systems designed to connect with the division's command center must be approved prior to installation.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4359—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to the removal of animals left unattended in motor vehicles; defining terms, setting forth conditions to rescue and retrieve an animal in danger in an unattended vehicle; providing for written notice to the owner of the motor vehicle; providing for payment of fees and costs associated with the maintenance, care and medical treatment of an animal; limiting search of a motor vehicle during rescue; providing for seizure of items found in certain circumstances; providing for civil and criminal immunity to persons, their employees or agents who retrieve an animal; and providing for criminal penalties.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 57, Requiring attorney source payment be disclosed in certain hearings.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 57 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§22B-1-7a; to amend said code by adding thereto a new section, designated §24-1-7a; and to amend said code by adding thereto a new article, designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, §46A-6N-6, §46A-6N-7, and §46A-6N-8, all relating to third-party litigation financing; providing that a party involved in a proceeding before the environmental boards shall disclose whether their attorney is being paid for by someone other than the party involved; providing disclosure requirements; providing that a party involved in a proceeding before the Public Service Commission shall disclose whether their attorney is being paid for by someone other than the party involved; providing disclosure requirements; defining terms; providing that a litigation financier shall register as a litigation financier in this state; providing registration requirements for business entities, partnerships, and individuals; providing that litigation financiers shall secure a bond or an irrevocable letter of credit; providing to whom the bond is payable; requiring that the litigation financiers amend their registration if their information changes or becomes inaccurate; providing that the Secretary of State may promulgate rules; providing that the terms of the litigation financing transaction shall be set forth in a completed, written contract; providing that the litigation financing contract shall contain a right of rescission; providing that a litigation financing contract shall contain certain written acknowledgements and disclosures; providing that a litigation financier shall not pay or offer to pay commissions, referral fees, or other consideration to any attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees for referring a consumer to the litigation financier; providing that a litigation financier shall not accept commissions, referral fees, or other consideration; providing that a litigation financier shall not advertise false or misleading information; providing that a litigation financier shall not refer a consumer to a specific attorney, law firm, medical provider, chiropractor, or physical therapist; providing an exception; providing that a litigation financier shall supply copies of the contract to the consumer or consumer's attorney; providing that a litigation financier shall not attempt to waive any of consumer's remedies; providing that a litigation financier shall not attempt to effect arbitration or otherwise effect waiver of a consumer's right

to a jury trial; providing that a litigation financier shall not offer legal advice; providing that a litigation financier shall not assign the litigation financing contract; providing that a litigation financing contract shall contain certain disclosures and terms; providing form disclosures; providing that a violation shall render the contract unenforceable; providing that a court may award costs and attorneys' fees against defendant; clarifying authority of the Attorney General; providing that a contingent right to receive an amount under a legal claim may be assigned by a consumer; providing a priority of liens; providing exceptions for certain liens and claims; providing a maximum annual fee; providing a maximum frequency annual fee charges; providing that fees may compound semiannually but not based on any lesser time period; providing means for calculating annual percentage fee or rate of return; providing maximum terms for fees; and restricting incorporation of prior obligations.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Judiciary.

Senator Karnes, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 339, Relating to WV Retirement Health Benefit Trust Fund within PEIA.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert Karnes,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 365, Relating to Young Entrepreneur Reinvestment Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 375, Relating to farmers markets.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 375 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and

reenact §19-35-2, §19-35-3, and §19-35-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-35-5, all relating to farmers markets; removing local health departments from farmers market permit process; transferring rules and regulations for farmers markets, cottage foods, acidified foods, nonpotentially hazardous foods, and exempted foods from Department of Health and Human Resources to Department of Agriculture; clarifying consignment markets; requiring farmers market registration and fees; expanding farmers market vendor permits and fee structure to include cottage foods permit; clarifying certain farm and food products require other permits; permitting sampling of certain food products; clarifying scope, labeling, and sources of cottage foods; requiring online farmers market sales be delivered in person; permitting home, farm, community, or commercial kitchen to be used by cottage foods vendor as determined by the department; and clarifying that cottage foods includes certain acidified foods, nonpotentially hazardous foods, and exempted foods.

And,

Senate Bill 446, Relating to agritourism.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 446 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, §19-36-5, and §19-36-6, all relating to agritourism generally; creating the Agritourism Responsibility Act; making findings; establishing authority and duties of the Commissioner of Agriculture related to agritourism; defining terms; establishing duties of agritourism businesses and participants in agritourism activities; limiting liability of agritourism businesses, employees, and volunteers associated therewith; requiring notice of certain rights, limitations on liability, and responsibilities of participants in agritourism activities; immunizing agritourism business and agritourism professionals from certain acts of simple negligence and exceptions

thereto; authorizing Commissioner of Agriculture, in consultation with the Secretary of Commerce, to promulgate and propose rules; clarifying that operation of agritourism business does not change status of the facilities and property used for building code and tax purposes; and exempting structures of agritourism business occasionally used for events from building code requirements for entities engaged in such activities on a full-time basis.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Dave Sypolt,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 415, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery Sports Wagering activities.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 415 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22D-1, §29-22D-2, §29-22D-3, §29-22D-4, §29-22D-5, §29-22D-6, §29-22D-7, §29-22D-8, §29-22D-9, §29-22D-10, §29-22D-11, §29-22D-12, §29-22D-13, §29-22D-14, §29-22D-15, §29-22D-16, §29-22D-17, §29-22D-18, §29-22D-19, §29-22D-20, §29-22D-21, §29-22D-22, §29-22D-23, and §29-22D-24, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery sports wagering activities, after a federal law against such wagering is no longer in effect; providing legislative findings; defining terms; detailing duties and powers of the West

Virginia Lottery Commission; providing rule-making authority and emergency rule-making authority; limiting sports wagering to existing racetrack casinos and the casino in a historic resort hotel; providing for four types of licenses to be issued related to sports betting; establishing license requirements and prohibitions; authorizing licensing fees; requiring adoption and posting of house rules; defining duties of an operator conducting sports wagering; requiring the posting of betting limits; authorizing sports wagering agreements with other governments; prohibiting unauthorized sports wagering in this state; creating the West Virginia Lottery Sports Wagering Fund; authorizing the collection of license fees; authorizing the West Virginia Lottery to collect an administrative allowance from gross sports wagering receipts; authorizing the West Virginia Lottery to levy and collect a tax in the amount of 10 percent of adjusted gross sports wagering receipts; clarifying that privilege tax in is in lieu of certain other taxes; providing that credits are not allowed against the privilege tax; providing that certain expenditures related to sports wagering are facility modernization improvements eligible for recoupment; defining how moneys deposited in the West Virginia Lottery Sports Wagering Fund shall be distributed; authorizing certain agreements between the West Virginia Lottery and law enforcement; imposing civil penalties for certain violations; establishing crimes related to unauthorized sports wagering and imposing criminal penalties; establishing crimes related to authorized sports wagering and imposing criminal penalties; providing for the forfeiture of property for certain violations; preempting this article from state and local law; and establishing certain exemptions from federal law.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 415), under the original double committee reference, was then referred to the Committee on Finance.

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 474, Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 474 (originating in the Committee on the Workforce)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to prohibiting a governmental entity that requires certain private companies to submit any document that includes records of actual wages paid to employees from disclosing such document or information contained therein to any other entity or person other than state or federal agencies; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining “governmental entity”; providing that any document containing records of actual wages paid to employees that is filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person other than a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Chandler Swope,
Chair.

The bill (Com. Sub. for S. B. 474), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Eng. Com. Sub. for House Bill 2546, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Chandler Swope,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill 2612, Repealing section relating to unattended motor vehicles and penalties.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Maynard and Cline:

Senate Bill 508—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, §5B-2J-4, and §5B-2J-5, all relating to establishing a State Trail Authority within the Development Office; authorizing the authority to appoint a statewide trail coordinator and to hire district trail coordinators; specifying the powers of the State Trail Authority; specifying powers and duties of statewide trail coordinator and district trail coordinators; and providing a sunset provision.

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

By Senators Maynard and Cline:

Senate Bill 509—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-15, relating to providing the commissioner with the authority to designate road as “Historic Route”; establishing rule-making authority; and mandatory collaboration with Division of Highways to create and erect signs.

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

By Senators Maynard, Takubo, Stollings, Cline, Boso, and Plymale:

Senate Bill 510—A Bill to amend and reenact §16-5B-18 of the Code of West Virginia, 1931, as amended, relating to

designation of hospitals for stroke treatment; adding a designation as a thrombectomy-capable stroke center; modifying the makeup of the advisory committee; requiring approval of legislative rules by the advisory committee prior to filing; providing for a database; and prohibiting certain inspections of hospitals conducted by the Department of Health and Human Resources.

Referred to the Committee on Health and Human Resources.

By Senators Azinger, Gaunch, Rucker, Swope, Trump, Blair, Boso, and Ferns:

Senate Bill 511—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §44-10A-1, §44-10A-2, and §44-10A-3, all relating to creating the Parents' Bill of Rights.

Referred to the Committee on the Judiciary.

Senators Beach, Stollings, and Plymale offered the following resolution:

Senate Concurrent Resolution 13—Requesting the Division of Highways to name bridge number 31-7-7.58 (31A311), locally known as Wana Bridge, carrying WV 7 over West Virginia Fork of Dunkard Creek in Monongalia County, the “Jeffrey Alan Clovis Memorial Bridge”.

Whereas, Jeffrey Alan Clovis was born January 29, 1968, and was the first child of Donald Charles Clovis and Linda Kay Tucker of Morgantown, West Virginia, and stepson to Donna Clovis and Darrell Tucker; and

Whereas, Jeffrey Alan Clovis was a 1986 graduate of Clay-Battelle High School, a member of the Loyal Order of Moose in Waynesburg, PA, and a member of the Kingdom Evangelical Church of Westover, West Virginia; and

Whereas, Jeffrey Alan Clovis was a 27-year veteran towing operator, receiving a certification of achievement from the Towing Recovery Association of America and was certified as a Nationally Certified Master Tower; and

Whereas, Jeffrey Alan Clovis was known for his good nature and ability to make others feel comfortable in any situation while remaining vigilant in his professional responsibilities; and

Whereas, Jeffrey Alan Clovis of Wadestown, West Virginia, tragically lost his life while responding to a service call along Interstate 79 on August 9, 2016; and

Whereas, Jeffrey Alan Clovis shall be remembered on the Wall of Fallen Heroes at the International Towing and Recovery Hall of Fame in Chattanooga, Tennessee; and

Whereas, Jeffrey Alan Clovis is survived by his wife, Sheila Clovis; daughter, Jennifer Clovis; step-daughter, Skyler Johnson; brother, Brent Clovis; and step-sister, Michelle Yost; and

Whereas, It is most fitting that we pay tribute to the sacrifices and accomplishments of Jeffrey Alan Clovis by naming this bridge in his honor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 31-7-7.58 (31A311), locally known as Wana Bridge, carrying WV 7 over West Virginia Fork of Dunkard Creek in Monongalia County, the “Jeffrey Alan Clovis Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Jeffrey Alan Clovis Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

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

Senate Concurrent Resolution 14—Requesting the Division of Highways to name bridge number 40-60-0.03 (40A142), locally known as the Culloden Railroad Overpass, carrying US Route 60 over CSX Railroad in Putnam County, the “U. S. Army SPC 4 William L. Amos Memorial Bridge”.

Whereas, William L. Amos was born on October 7, 1940, in Cabell County; and

Whereas, William L. Amos attended Cabell County schools and graduated from Milton High School in 1958; and

Whereas, William L. Amos served his country as a SPC 4 in the Army, HHC, 1st Battalion, 28th Infantry, 1st Infantry Division; and

Whereas, SPC 4 William L. Amos was killed in action on July 27, 1967, in Binh Duong Province, South Vietnam; and

Whereas, SPC 4 William L. Amos was the recipient of the Purple Heart, the Combat Infantryman Badge, the Vietnam Service Medal, the Vietnam Campaign Medal, and the National Defense Service Medal; and

Whereas, The Milton City Council, American Legion Post 139, the Veterans of Foreign Wars, Milton Post 9796, and the Milton Rotary Club have submitted individual resolutions to name the bridge after SPC 4 William L. Amos; and

Whereas, No fewer than 158 individuals have also signed a petition to name the bridge after SPC 4 William L. Amos; and

Whereas, It is fitting and proper that SPC 4 William L. Amos be honored by having this bridge named for a soldier who gave the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name bridge number 40-60-0.03 (40A142), locally known as Culloden Railroad Overpass, carrying US Route 60 over CSX

Railroad in Putnam County, the “U. S. Army SPC 4 William L. Amos Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the “U. S. Army SPC 4 William L. Amos Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate hereby is 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 Weld, Ferns, Stollings, Unger, Boso, Plymale, and Maroney offered the following resolution:

Senate Resolution 32—Honoring the heroic actions of Brooke County Sheriff Deputies Devin C. Baker, Kristen L. Richmond, and Shane S. Siranovic.

Whereas, On September 11, 2017, a massive fire broke out in an abandoned factory located on Charles Street, in Wellsburg, West Virginia; and

Whereas, In response to calls being placed to the Brooke County Emergency Dispatch, Brooke County Sheriff Deputies Devin Baker, Kristen Richmond, and Shane Siranovic were the first emergency personnel to arrive on scene, where they encountered a massive three-story blaze with reports that multiple juveniles had trespassed into the building just prior to the fire; and

Whereas, Deputies Baker and Siranovic, along with Corporal Richmond, made entry into the burning building to begin a search for the juveniles; and

Whereas, After approximately five minutes, the building’s roof began to collapse due to the flames, causing Deputy Siranovic to make the decision that all three had to evacuate the scene; and

Whereas, Despite their awareness of the dangerous situation which confronted them, as the officers reached the stairs to exit the building, Deputy Siranovic heard a noise that sounded like a person calling for help, and the trio made the choice to risk their own lives to make one last search for the juveniles; and

Whereas, With heavy smoke and flames quickly engulfing the building, the officers were forced to stay low and feel their way around the building as they continuously called out for the juveniles; and

Whereas, A few minutes into their search, Deputy Siranovic finally was able to locate a female juvenile and sent her in the direction of the exit with Corporal Richmond, who then escorted the juvenile out of the building and into safety; and

Whereas, Deputies Baker and Siranovic then continued deeper into the burning building, at great risk to themselves, in search of the male juvenile; and

Whereas, Deputy Baker then forced his way into a closed room and found the male juvenile, then escorted him out through the building, which at that time had been nearly overtaken by smoke and flames; and

Whereas, Within minutes of the officers evacuating the juveniles from the fire, the building's roof collapsed, causing the majority of the building's brick structure to collapse into itself and the street; and

Whereas, Deputies Baker and Siranovic and Corporal Richmond all displayed exemplary bravery and heroism by placing themselves in imminent danger in an effort to save the lives of others; therefore, be it

Resolved by the Senate:

That the Senate hereby honors the heroic actions of Brooke County Sheriff Deputies Devin C. Baker, Kristen L. Richmond, and Shane S. Siranovic; and, be it

Further Resolved, That the Senate expresses its sincere gratitude and appreciation to Deputies Baker and Siranovic and Corporal Richmond and commends them for their selfless, dedicated public service; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Deputies Baker and Siranovic and Corporal Richmond.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Weld and Boso regarding the adoption of Senate Resolution 32 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:35 a.m., the Senate recessed to present Senate Resolution 32.

The Senate reconvened at 11:38 a.m. today and resumed business under the sixth order.

Senators Baldwin, Mann, Stollings, Takubo, Unger, Blair, Cline, Boso, Plymale, Jeffries, and Maroney offered the following resolution:

Senate Resolution 33—Recognizing the West Virginia School of Osteopathic Medicine for excellence in medical education and its many contributions to the State of West Virginia.

Whereas, The West Virginia School of Osteopathic Medicine's main campus is located in Lewisburg, West Virginia, and its statewide campus offices are located throughout the Mountain State; and

Whereas, The mission of the West Virginia School of Osteopathic Medicine is to educate students from diverse backgrounds as lifelong learners in osteopathic medicine and complementary health-related programs; to support and develop

graduate medical education training; to advance scientific knowledge through academic, clinical, and basic science research; and to promote patient-centered, evidence-based medicine; and

Whereas, The West Virginia School of Osteopathic Medicine is dedicated to serving, first and foremost, the State of West Virginia and the health care needs of its residents, emphasizing primary care in rural areas; and

Whereas, The West Virginia School of Osteopathic Medicine is a leader in producing graduates who practice in rural settings, has a nationally recognized faculty, and has developed innovative programs using funding from the Rural Health Initiative, such as the Green Coat Program; and

Whereas, U. S. News & World Report has ranked the West Virginia School of Osteopathic Medicine among the top medical schools in the nation in primary care, rural, and family medicine for the past 19 years, solidifying the school's reputation as a place where scientific study and compassion are joined in one curriculum; and

Whereas, The West Virginia School of Osteopathic Medicine is known nationwide for its efforts in rural, family, and primary care medicine and has earned many accolades to support its efforts, including: First among all medical schools in the United States graduating physicians who practice in rural areas (Academic Medicine, 2010 Study); fifth in the nation for percentage of medical school graduates entering primary care residency specialties (U. S. News & World Report, 2018); fourteenth in the nation for family medicine (U. S. News & World Report, 2018); fourteenth in the nation for rural medicine (U. S. News & World Report, 2018); and

Whereas, Third and fourth year students from the West Virginia School of Osteopathic Medicine completed 1,394 rural clinical rotations in West Virginia this past academic year; and

Whereas, The West Virginia School of Osteopathic Medicine has been recognized by the Chronicle of Higher Education for six

consecutive years as a “great college to work for”, the first institution in West Virginia to receive this honor; and

Whereas, Graduates of the West Virginia School of Osteopathic Medicine practice medicine in 47 of West Virginia’s 55 counties and in all 50 states and the District of Columbia, and making a significant contribution to the health care needs of the citizens of West Virginia and the nation; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the West Virginia School of Osteopathic Medicine for excellence in medical education and its many contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia School of Osteopathic Medicine.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Baldwin and Takubo regarding the adoption of Senate Resolution 33 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:43 a.m., the Senate recessed to present Senate Resolution 33.

The Senate reconvened at 11:46 a.m. today and proceeded to the seventh order of business.

Senate Concurrent Resolution 1, US Army SGT Denver E. Short Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Stollings regarding the adoption of Senate Concurrent Resolution 1 were ordered printed in the Appendix to the Journal.

Senate Concurrent Resolution 12, US Army SP4 Darrell Gregory Triplett Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the ninth order of business.

Senate Bill 78, Continuing personal income tax adjustment for certain retirees.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 271, Creating centralized Shared Services Section of Department of Administration.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 283, Relating generally to procurement by state agencies.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 335, Protecting employees' wages or salaries from being withheld or diverted for political activities.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 346, Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 379, Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 382, Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 395, Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 404, Relating to sex offender registry information.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Joint Resolution 12, No Constitutional right to abortion Amendment.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Palumbo, the following amendments to the resolution were reported by the Clerk and considered simultaneously:

On page one, section fifty-seven, line fourteen, by striking out the section heading and substituting therefor a new section heading, to read as follows:

§57. No constitutional right to abortion, except in the case of rape, incest, or medical necessity.;

On page one, section fifty-seven, line sixteen, after the word “abortion” by changing the period to a colon and inserting the following proviso: *Provided*, That this Constitution secures and protects a right to abortion for a woman who is a victim of incest or rape resulting in pregnancy, or if the abortion is medically necessary to save the life of the woman.;

On page one, line nineteen, after the word “abortion” by inserting a comma and the words “except in the case of rape, incest, or medical necessity”;

And,

On page one, line twenty-two, after the word “abortion” by inserting the words “except in the case of rape, incest, or medical necessity”.

Following discussion,

The question being on the adoption of Senator Palumbo’s amendments to the resolution (Com. Sub. for S. J. R. 12), and on this question, Senator Ferns demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Jeffries, Palumbo, Romano, and Stollings—7.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—22.

Absent: Arvon, Ojeda, Prezioso, Unger, and Woelfel—5.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Palumbo's amendments to the resolution rejected.

The resolution (Com. Sub. for S. J. R. 12) was then ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 4135, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 4146, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Com. Sub. for Senate Bill 272, Relating generally to drug control.

Com. Sub. for Senate Bill 290, Relating to DEP standards of water quality and effluent limitations.

Com. Sub. for Senate Bill 368, Protecting consumers against business using automatic purchase renewals without consent.

Com. Sub. for Senate Bill 392, Reconfiguring membership of Emergency Medical Services Advisory Council.

Senate Bill 427, Modifying form of notice for certain tax delinquencies.

Com. Sub. for Senate Bill 433, Rewriting code sections regarding pyramid promotional schemes.

Com. Sub. for Senate Bill 440, Establishing Library Facilities Improvement Fund.

Senate Bill 441, Relating to health care provider taxes.

Senate Bill 464, Changing statutory payment date for incremental salary increases due state employees.

And,

Senate Bill 468, Changing date and recipients for submission of Auditor's annual report.

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

The Senate then proceeded to the thirteenth order of business.

At the respective requests of Senators Stollings and Unger, the names of Senators Stollings and Unger were removed as sponsors of **Senate Bill 492** (*Eliminating certain special requirements for DHHR provisionally licensed social workers*).

At the request of Senator Romano, the name of Senator Romano was removed as a sponsor of **Senate Concurrent Resolution 10** (*Proposing amendment to US Constitution restoring free and fair elections*).

At the request of Senator Ferns, and by unanimous consent, leaves of absence for the day were granted Senators Prezioso, Ojeda, Unger, and Arvon.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:09 p.m., the Senate adjourned until tomorrow, Friday, February 9, 2018, at 11 a.m.

FRIDAY, FEBRUARY 9, 2018

The Senate met at 11:16 a.m.

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

Prayer was offered by Pastor Tim Harper, Reamer Gospel Tabernacle, Clendenin, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ron Stollings, a senator from the seventh district.

Pending the reading of the Journal of Thursday, February 8, 2018,

At the request of Senator Mann, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. House Bill 4332—A Bill to amend and reenact §30-5-22 and §30-5-29 of the Code of West Virginia, 1931, as amended, all relating to home peritoneal renal dialysis to patients with end state renal disease.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 4350—A Bill to repeal §47-1A-1, §47-1A-2, §47-1A-3, §47-1A-4, §47-1A-5, §47-1A-6, §47-

1A-7, §47-1A-8, §47-1A-9, §47-1A-10, §47-1A-11, §47-1A-12, §47-1A-13, §47-1A-14, §47-1A-15, §47-1A-17 and §47-1A-18 of the Code of West Virginia, 1931, as amended, all relating to repealing the regulation and control of bedding and upholstery businesses.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 36, Relating generally to DNA testing.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 36 (originating in the Committee on the Judiciary)—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 DNA sample submission; 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; providing that DNA samples taken by law-enforcement and corrections personnel in compliance with this article are deemed to be in good faith; exempting law-enforcement and correctional officers from civil and criminal liability for good faith collection of samples done in a reasonable manner consistent with generally accepted practices;

directing that erroneously obtained DNA samples be removed from database and samples destroyed; and clarifying that judicial expungement proceedings proceed by petition.

And,

Senate Bill 397, Creating crime of impersonating blind or disabled person.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 397 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-15-9, relating to making it a misdemeanor to impersonate a person who is blind or disabled; making it a misdemeanor for a person to fraudulently represent himself or herself to be the owner or trainer of a service animal; and establishing penalties.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 288, Regulating cremation, embalming and directing of funeral service.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 288 (originating in the Committee on Government Organization)—A Bill to repeal §30-6-22a, §30-6-

23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18, §30-6-19, §30-6-20, §30-6-21, and §30-6-22 of said code, all relating to regulation of cremation, embalming, and funeral service directing; defining terms; terminating the Board of Funeral Service Examiners; transferring the functions of the board to the Secretary of State; specifying timeline and duties for the transfer of functions and property; providing special provisions and authority to Secretary of State to facilitate transfer; providing rule-making authority for Secretary of State; continuing existing rules previously promulgated by the board; authorizing Secretary of State to request repeal of rules previously promulgated by the board; establishing timeline for promulgation of rules by Secretary of State in 2018; authorizing the promulgation of emergency rules; creating special revenue account; eliminating special revenue account utilized by Board of Funeral Service Examiners and transferring funds; providing for the transfer of assets and liabilities to new account; providing for periodic sweep of funds into General Revenue Fund; eliminating outdated and obsolete language; authorizing Secretary of State to grant funeral service license; updating requirements for funeral service license; reclassifying certificate to operate crematory as license; authorizing Secretary of State to grant license to operate crematory; updating requirements for license to operate crematory; updating language related to license reciprocity and courtesy card holders to give authority to Secretary of State; authorizing Secretary of State to enter into reciprocity agreements; authorizing Secretary of State to issue registration to be an apprentice; updating requirements for licensure of funeral establishments; authorizing Secretary of State to issue funeral establishment license; updating requirements for licensure of crematories; authorizing Secretary of State to issue crematory license; modifying requirements for inspectors and inspections; authorizing Secretary of State to appoint inspectors; updating requirements for renewal of licenses, courtesy cards, and registrations; eliminating requirement for Board of Funeral Service Examiners to provide continuing education; modifying order of

persons authorized to give written permission for cremation; updating language concerning preneed affidavit; requiring Secretary of State to refuse to issue license, renewal, or registration if certain requirements not met; authorizing Secretary of State to take action against licensee, registrant or applicant under certain circumstances; requiring Secretary of State establish means for public to submit complaints; requiring Secretary of State to investigate all complaints received; setting procedures for investigations; specifying powers and procedures for conducting hearings and rendering disposition of contested cases; granting the authority to suspend or revoke an authorization to practice without a prior hearing under certain circumstances; setting burden of proof; providing right of appeal from determination of Secretary of State; authorizing informal disposition; making violations of article a criminal act; establishing criminal penalties; authorizing Secretary of State or interested person to seek injunctions for violations of article; providing for referral of criminal matters to appropriate authorities; permitting criminal actions to be brought by Attorney General, United States Attorney, or local prosecuting attorney; providing that single act is evidence of violation; providing for certain inapplicability of article; and correcting references and updating terms throughout.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 319, Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 319 (originating in the Committee on Education)—A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to allowing, in certain instances, individuals completing a secondary education program in a public, private, or home school and individuals obtaining a GED or equivalent to be eligible for the PROMISE scholarship.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Kenny Mann,
Chair.

The bill (Com. Sub. for S. B. 319), under the original double committee reference, was then referred to the Committee on Finance.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 321, Relating to powers and duties of Public Land Corporation.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 321 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-11-3 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the Public Land Corporation; allowing the proceeds of public lands to be given to the agency or institution with title to the public land; authorizing the Public Land

Corporation to retain proceeds to cover any expenses incurred; requiring all agencies and institutions provide an annual inventory of public lands; and including in the annual report to the Legislature those agencies or institutions that do not comply with annual inventory reporting requirements to the Public Land Corporation.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 401, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 407, Licensing and approval of child care programs.

And has amended same.

And,

Com. Sub. for Senate Bill 408, Licensing of nursing homes and assisted living residences.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 411, Removing Commissioner of Bureau for Public Health from State Board of Sanitarians.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 450, Collecting and analyzing statistical information pertaining to terminating pregnancies under Medicaid Program.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 450 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12a, relating to collecting and analyzing statistical information pertaining to termination of pregnancies under the West Virginia Medicaid Program; declaring legislative objectives; requiring the submission of reporting forms by physicians; providing for patient confidentiality; specifying required information; providing for the collection and aggregation of data; permitting access to de-identified data; and requiring the creation of analytical reports.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 450), under the original double committee reference, was then referred to the Committee on Finance.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 469, Converting Addiction Treatment Pilot Program to permanent program.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 469 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §62-15A-1, §62-15A-2, and §62-15A-3 of the Code of West Virginia, 1931, as amended, all relating to converting the Addiction Treatment Pilot Program into a permanent program.

And,

Senate Bill 473, Requiring insurance coverage for the prescription drug Varenicline.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 473 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend said code by adding thereto a new section, designated §9-5-20a; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring insurance coverage for the prescription drug Varenicline; prohibiting insurance plans from requiring use of other methods or prescriptions prior to coverage for Varenicline; placing similar requirements on the Public Employees Insurance Agency; placing similar requirements upon the state Medicaid program; allowing a generic alternative, should one become available; and allowing health care providers to provide other medically appropriate prescription drugs.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Tom Takubo,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 472, Providing funds to DHHR for local boards of health employee pay raises.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 472 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to requiring the Legislature to provide funds to the Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees, and annually after that.

With recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance; and then, under the original double committee reference, to the Committee on Government Organization.

Respectfully submitted,

Tom Takubo,
Chair.

On motion of Senator Ferns, the bill (Com. Sub. for S. B. 472) contained in the foregoing report from the Committee on Health and Human Resources was then referred to the Committee on Finance; and then, under the original double committee reference, to the Committee on Government Organization.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 477, Relating to five-year sunset on tax credits and incentives.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 479, Establishing local government monitoring by Auditor.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution 11, Evans Center for Excellence in Aircraft Maintenance.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 11 (originating in the Committee on Government Organization)—Requesting Congress name the West Virginia National Guard 167th Maintenance Operations Center the “Evans Center for Excellence in Aircraft Maintenance”.

Whereas, SMSgt. Kenneth “Catbird” W. Evans is a native West Virginian who was born and raised in Corton, West Virginia. Upon his high school graduation in 1955, SMSgt. Evans attended and graduated aircraft maintenance technical training at Sheppard AFB, TX. SMSgt. Evans served in the West Virginia Air National Guard at Charleston Regional Airfield, Charleston, West Virginia, until 1958, when he entered full-time service with the National Guard in Martinsburg; and

Whereas, SMSgt. Evans enlisted in the West Virginia Air National Guard in 1954 at the age of 17. He completed basic military training at Samson AFB, NY, the summer before completing his senior year of high school in Clendenin, WV; and

Whereas, On June 4, 1958, SMSgt. Evans was credited with acts of heroism when he rushed into a burning cargo plane that crashed at the airfield in Martinsburg and pulled the unconscious pilot, who was trapped in the nose section, and two other souls to safety. On October 7, 1958, SMSgt. Evans was awarded the Soldier’s Medal for his heroic actions; and

Whereas, During SMSgt. Evans’ 39 years of service, he flew numerous combat missions in Vietnam, logged over 10,000 flying hours as a flight engineer in multiple aircraft, led the aircraft maintenance team that resulted in two VOLANT RODEO victories (1974-1985), and was considered a subject matter expert both in aircraft maintenance and as a flight engineer. When the strut

system on the C-130 began to fail, SMSgt. Evans single-handedly identified an engineering flaw and served as the subject-matter expert leading Lockheed Martin's efforts in the redesign of the aircraft's strut system. This accomplishment sustained the C-130's mission readiness for the Department of Defense; and

Whereas, The West Virginia Air National Guard, specifically the 167th Airlift Wing, has become a world-class force multiplier because of the superior leadership, mentorship, dedication, and commitment of SMSgt. Evans. SMSgt. Evans' efforts and accomplishments during his 39 years of service well exceed those of his peers and make him a significant role model for other Mountaineer Airman to follow; and

Whereas, SMSgt. Kenneth "Catbird" W. Evans will forever be a Mountaineer Airman and has earned recognition for his lifelong service and commitment to the 167th Airlift Wing, the citizens of West Virginia, and this nation; and

Whereas, It is fitting that the West Virginia National Guard 167th Maintenance Operations Center be named the "Evans Center for Excellence in Aircraft Maintenance" as an everlasting tribute to SMSgt. Kenneth "Catbird" W. Evans for his dedicated public service to his state and nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests Congress name the West Virginia National Guard 167th Maintenance Operations Center the "Evans Center for Excellence in Aircraft Maintenance"; and, be it

Further Resolved, That the Legislature hereby requests the Congressional delegation of West Virginia advance and support efforts to name the West Virginia National Guard 167th Maintenance Operations Center the "Evans Center for Excellence in Aircraft Maintenance"; and, be it

Further Resolved, That the Senate extends its most sincere gratitude and apperception to SMSgt. Kenneth "Catbird" W. Evans for his dedicated public service; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to SMSgt. Kenneth “Catbird” W. Evans, the West Virginia National Guard, and to Senator Manchin, Senator Capito, Representative McKinley, Representative Mooney, and Representative Jenkins.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2831, Relating to the reconstitution of the Driver’s Licensing Advisory Board.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Trump, Takubo, Romano, Boso, Plymale, and Cline:

Senate Bill 512—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-19, relating to authorizing certain West Virginia courthouse

security officers to carry concealed firearms; setting forth requirements; granting courthouse security officers arrest powers under certain circumstances; and stating legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act.

Referred to the Committee on the Judiciary.

By Senators Trump, Stollings, Plymale, and Cline:

Senate Bill 513—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to increasing the amount a retirant may earn if employed by a covered employer.

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

By Senators Sypolt, Stollings, and Boso:

Senate Bill 514—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; and entering into the compact with all jurisdictions also enacting the compact.

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

By Senators Gaunch, Stollings, Boso, and Cline:

Senate Bill 515—A Bill to amend and reenact §8-19-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-20-10 of said code; to amend and reenact §16-13-16 of said code; to amend and reenact §16-13A-9 of said code; to amend and reenact §24-1-1 of said code; and to amend and reenact §24-2-1, §24-2-2, §24-2-3, §24-2-4a, §24-2-4b, and §24-2-11 of said code, all relating to clarifying Public Service Commission jurisdiction over water and sewer utilities owned by political subdivisions; establishing uniformity in the class of publications required by municipalities and public service districts for the revision in rates; providing a time period for the filing of and resolution of complaints filed at the Public Service Commission regarding actions of municipalities; clarifying language regarding rate

changes and notice requirements for municipal utilities; and providing the time period pertaining to the filing of appeals and the resolution of appeals of rate and construction projects decided by county commissions.

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

By Senators Sypolt, Romano, and Cline:

Senate Bill 516—A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6-42, all relating to requiring the Secretary of the Department of Environmental Protection to work with the State Tax Commissioner, the Public Service Commission, and county assessors to develop a system for verifying production information submitted by an oil or gas producer in connection with the producer's severance tax returns and other production reports; and requiring the cooperation of persons submitting the reports.

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

By Senators Maynard, Sypolt, and Cline:

Senate Bill 517—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-14; and to amend said code by adding thereto a new section, designated §60A-9-10, all relating generally to drug overdoses and controlled substances monitoring; requiring state director of health or any county or municipal health officer investigate all instances of persons who have suffered or suspected of having suffered a drug overdose; requiring health care providers to report all instances of persons who have suffered or suspected of having suffered a drug overdose to state director of health; requiring the Board of Pharmacy to review and evaluate any complaint regarding health care providers with prescriptive authority have or may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a Schedule II, III, or IV controlled substance; establishing requirements; requiring hearings; authorizing disciplinary actions be taken; and authorizing

rulemaking by state director of health, the Board of Pharmacy, and Board of Medicine.

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

At the request of Senator Stollings, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the sixth order of business.

Senators Romano, Facemire, Unger, Stollings, and Plymale offered the following resolution:

Senate Concurrent Resolution 15—Requesting the Division of Highways to name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the “U. S. Marine Corps SGT Stephen E. Drummond Memorial Bridge”.

Whereas, Stephen E. Drummond was born January 15, 1931, in Spelter, West Virginia, the son of General Shafter Drummond and Ruby Freeman Drummond; and

Whereas, Stephen E. Drummond had three brothers, Robert, Eugene, and Shafter “Brud” Drummond; and

Whereas, Stephen E. Drummond graduated from Victory High School in Clarksburg, West Virginia, and married Natalie Dodd, his childhood sweetheart, who was born on the same day and preceded him in death in 2009, and with whom he raised two children, daughter Ricki and son Jeff; and

Whereas, Stephen E. Drummond was drafted after high school graduation and became a proud U. S. Marine. After basic training, he saw intense combat in Korea. One day before his tour of duty was to end in Korea, his leg was severely wounded by shrapnel at the Battle of Vegas during an intense Chinese offensive; and

Whereas, SGT Stephen E. Drummond and other U. N. soldiers were captured and he was held as a prisoner of war for four months; and

Whereas, SGT Stephen E. Drummond was released as a prisoner of war with the signing of the armistice on July 27, 1953; and

Whereas, SGT Stephen E. Drummond was awarded the Purple Heart Medal, a United Nations Service Medal, the National Defense Service Medal, and the Korean Ambassador for Peace Medal; and

Whereas, After returning home to Spelter, SGT Stephen E. Drummond earned a bachelor's degree from Fairmont State College and a Master's Degree from Miami University of Ohio, and began a career of more than 20 years as a mentor, coach, teacher, principal, administrator, and superintendent in various school systems; and

Whereas, Following retirement, SGT Stephen E. Drummond enjoyed traveling, visiting family members, and creating and selling his invention, Tara-Lite, for which he held a design patent; and

Whereas, SGT Stephen E. Drummond died November 23, 2013; and

Whereas, It is fitting to dedicate an enduring memorial to SGT Stephen E. Drummond in recognition of his service to his country, to his community, and to the teaching profession; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the "U. S. Marine Corps SGT Stephen E. Drummond Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Marine Corps SGT Stephen E. Drummond 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, Unger, Stollings, and Plymale offered the following resolution:

Senate Concurrent Resolution 16—Requesting that the Division of Highways name bridge number 17-7-4.07 (17A042), locally known as Sardis Bridge, carrying County Route 7 over Tenmile Creek in Harrison County, the “Sardis District Veterans Memorial Bridge”.

Whereas, Naming this bridge after all the men and women who have served in the United States armed forces from the Sardis District is a fitting and enduring memorial to commemorate their service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-7-4.07 (17A042), locally known as Sardis Bridge, carrying County Route 7 over Tenmile Creek in Harrison County, the “Sardis District Veterans Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Sardis District Veterans 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 Rucker, Unger, Stollings, and Plymale offered the following resolution:

Senate Concurrent Resolution 17—Requesting the Division of Highways name bridge number 19-340-14.66 (19A037), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road, and CSX Railroad in Jefferson County, the “John Hancock Hall Memorial Bridge”.

Whereas, John Hancock Hall was the inventor of the M1819 Hall breech-loading rifle and was a mass production innovator; and

Whereas, In 1819, John Hancock Hall, a New England gun maker, signed a contract with the United States War Department to produce 1,000 breech-loading rifles, a weapon he had designed and patented in 1811; and

Whereas, Under the terms of the contract, Hall came to Harpers Ferry, where he constructed an industrial complex along the Shenandoah River. This site soon became known as Hall’s Rifle Works, and the small island on which it stood was called Lower Hall Island; and

Whereas, Hall spent several years tooling new workshops and perfecting precision machinery for producing rifles with interchangeable parts—a boldly ambitious goal for an industry which was traditionally based on the manual labor of skilled craftsmen; and

Whereas, Hall’s innovations in construction, tools, controls, stops, and gauges were historic breakthroughs in milling iron and machine tools; and

Whereas, The men who had learned Hall’s methods of interchangeable parts while working at his factories in Harpers Ferry went on to apply those methods to the production of shoes, watches, clocks, bicycles, clothing, rubber goods, and later, automobiles. Hall’s methods transformed the United States from an economy of workshop craftsmen to a nation of industrialized mass production—the American system; and

Whereas, Hall's achievement formed the basis of mass production that ushered in our modern age; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 19-340-14.66 (19A037), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road, and CSX Railroad in Jefferson County, the "John Hancock Hall Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested have made and be placed signs identifying the bridge as the "John Hancock Hall Memorial Bridge"; and, be it

Further Revolved, 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, Unger, Stollings, Romano, Karnes, Sypolt, Drennan, Plymale, Facemire, and Cline offered the following resolution:

Senate Resolution 34—Designating February 9, 2018, as Corrections Day at the Legislature.

Whereas, The West Virginia Division of Corrections, the Regional Jail Authority, and the Division of Juvenile Services are committed to enhance public safety by providing safe, secure, and humane facilities, operating an effective system of offender re-entry and community supervision, reducing offender recidivism, and assisting victims of crime; and

Whereas, The Division of Corrections, the Regional Jail Authority, and the Division of Juvenile Services are further committed to providing effective beneficial services that promote positive development and accountability while preserving community safety and sustaining a work environment predicated upon principles of professionalism, with dignity and respect for all; and

Whereas, It is the vision of these agencies to be recognized as innovative leaders in providing quality correctional services; and

Whereas, The adult and juvenile correctional population continues to expand and it is important for agency representatives and policymakers to appreciate the nature and magnitude of the growth; and

Whereas, Previous information provided to this body should assist public officials and agency representatives in planning for the future and developing policies for the management of the West Virginia correctional population, both adult and juvenile, as well as providing adequate pay, benefits, and a safe, secure workplace for the employees in the correctional system; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 9, 2018, as Corrections Day at the Legislature; and, be it

Further Resolved, That the Senate recognizes the exceptional service and commitment of the employees of the Division of Corrections, the Regional Jail Authority, and the Division of Juvenile Services; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Corrections, the Director of the Regional Jail Authority, and the Director of the Division of Juvenile Services.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Boso, Clements, Ojeda, and Azinger regarding the adoption of Senate Resolution 34 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:42 a.m., the Senate recessed to present Senate Resolution 34.

The Senate reconvened at 11:46 a.m. today and resumed business under the sixth order.

Senators Ferns, Weld, Unger, Stollings, Karnes, Sypolt, Boso, Plymale, Cline, and Rucker offered the following resolution:

Senate Resolution 35—Recognizing the distinguished military service of Brigadier General John C. “Doc” Bahnsen, Jr.

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr., was born in Albany, Georgia, on November 8, 1934; and

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr., was commissioned a Second Lieutenant in 1956, following his graduation from the United States Military Academy, West Point, New York, where he earned a Bachelor of Science degree. He also earned a Master’s degree in Public Administration from Shippensburg State College; and

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr.’s, military education includes the Infantry Officer Basic Course, the Army Aviation School, the Armor Officer Advanced Course, the Command and General Staff College, and the Army War College; and

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr., commanded an attack helicopter platoon, an air cavalry troop and an armored cavalry squadron during two combat tours in Vietnam; a tank platoon, a tank company, and a tank battalion during two tours in Germany; and the 1st Aviation Brigade at Ft. Rucker, Alabama. Upon selection for Brigadier General, he served as the Assistant Division Commander, 2nd Armored Division, Ft. Hood, Texas, from 1980 to 1982, and as the Chief of Staff, Combined Field Army, Uijongbu, Korea, from 1982 to 1984, and as Chief of Staff, III Corps and Ft. Hood until his retirement in July 1986. Additionally, he was an instructor at the Armor School and held numerous other staff jobs throughout his career; and

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr., is among the 50 Most Highly Decorated U. S. Military Personnel of all time, with individual decorations and awards including: One

Distinguished Service Cross; 5 Silver Stars; 4 Legions of Merit; 3 Distinguished Flying Crosses; 4 Bronze Stars (3 with V device for valor); 2 Purple Hearts; 1 Meritorious Service Medal; 51 Air Medals, (3 with V device for valor); 4 Army Commendation Medals, (1 with V device for valor); National Defense Service Ribbon with 1 cluster; Vietnam Campaign Service Medal with 7 clusters; Korea Defense Service Medal; Army Service Ribbon; Overseas Service Ribbon with numeral 2 attached; Republic of Vietnam Campaign Medal; Master Aviator Wings and Parachutist Badge; and General Staff Officer Identification Badge; and

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr., in addition to his individual decorations and awards, has received Unit Awards: Navy Unit Commendation Medal; Army Meritorious Unit Commendation Medal; Republic of Vietnam Cross of Gallantry with Palm. Foreign Awards: Two Republic of Vietnam Cross of Gallantry medals (silver and bronze star); Republic of Korea National Order of Security Medal. Honorary Awards: Gold Order of St. George Medallion (Armor Association Award); Order of St. Barbara Medal (Artillery Award); Order of St. Michael (Army Aviation Award); Order of Military Medical Merit (Medical Corps Award); Army Aviation Hall of Fame 2007; Air Force Gathering of Eagles - selected as an Eagle 2014; Georgia Aviation Hall of Fame 2016; West Point Distinguished Graduate 2016; and

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr., is now a retired resident of Hancock County, West Virginia; and

Whereas, On behalf of the citizens of West Virginia, it is fitting and proper that the Senate pay tribute to Brigadier General John C. “Doc” Bahnsen, Jr., a man who has lived by the motto “this we’ll defend” and has fought fiercely for his state and nation, for the cause of our freedom, and for freedom around the world; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the distinguished military service of Brigadier General John C. “Doc” Bahnsen, Jr.; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to Brigadier General John C. “Doc” Bahnsen, Jr., for his dedicated service to a grateful state and nation; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Brigadier General John C. “Doc” Bahnsen, Jr.

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 (S. R. 35), and on this question, Senator Trump demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 35) adopted.

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senators Ferns, Ojeda, Weld, and Trump regarding the adoption of Senate Resolution 35 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:55 a.m., the Senate recessed to present Senate Resolution 35.

The Senate reconvened at 12:00 p.m. today and resumed business under the sixth order.

Petitions

Senator Ojeda presented a petition from Patricia Valentine and 210 seventh senatorial district residents, requesting the Legislature to implement a PIPP Plus Program to help low-income residents pay for household heating and to allow multiple utility companies to offer competitive utility services in West Virginia.

Referred to the Committee on Government Organization.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 13, Jeffrey Alan Clovis Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 14, US Army SPC 4 William L. Amos Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 78, Continuing personal income tax adjustment for certain retirees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 78) passed with its title.

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

Eng. Com. Sub. for Senate Bill 271, Creating centralized Shared Services Section of Department of Administration.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 271) passed with its title.

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

Eng. Com. Sub. for Senate Bill 283, Relating generally to procurement by state agencies.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 283 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 283) passed with its title.

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

Eng. Com. Sub. for Senate Bill 335, Protecting employees’ wages or salaries from being withheld or diverted for political activities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 335 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Clements, Facemire, Jeffries, Mann, Ojeda, Palumbo, Prezioso, Romano, Stollings, Unger, and Woelfel—13.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 335) passed with its title.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Trump regarding the passage of Engrossed Committee Substitute for Senate Bill 335 were ordered printed in the Appendix to the Journal.

At the request of Senator Prezioso, unanimous consent being granted, the remarks by Senator Romano regarding the passage of Engrossed Committee Substitute for Senate Bill 335 were ordered printed in the Appendix to the Journal.

Eng. Senate Bill 346, Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 346) passed with its title.

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

Eng. Senate Bill 379, Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 379) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 379) takes effect from passage.

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

Eng. Senate Bill 382, Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 382) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 382) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 395, Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 395 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 395) passed with its title.

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

Eng. Com. Sub. for Senate Bill 404, Relating to sex offender registry information.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney,

Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 404) passed with its title.

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

Eng. Com. Sub. for Senate Joint Resolution 12, No Constitutional right to abortion Amendment.

On third reading, coming up in regular order, was read a third time and put upon its adoption.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Joint Resolution 12 be adopted?”

On the adoption of the resolution, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Prezioso, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—25.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Romano, and Stollings—9.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for S. J. R. 12) adopted, as follows:

Eng. Com. Sub. for Senate Joint Resolution 12—Proposing an amendment to the Constitution of the State of West Virginia, amending article VI thereof, by adding thereto a new section, designated section 57, relating to clarifying that nothing in the Constitution secures or protects a right to abortion, and nothing in the Constitution requires the funding of an abortion; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2018, which proposed amendment is that article VI thereof be amended by adding thereto a new section, designated section 57, to read as follows:

ARTICLE VI. THE LEGISLATURE.

§57. No constitutional right to abortion.

Nothing in this Constitution secures or protects a right to abortion or requires the funding of abortion.

Resolved further, That in accordance with the provisions of §3-11-1 *et seq.* of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered “Amendment No. 1” and designated as “No Constitutional right to abortion Amendment”, and the purpose of the proposed amendment is summarized as follows: “To amend the West Virginia Constitution to clarify that nothing in the Constitution of West Virginia secures or protects a right to abortion or requires the funding of abortion”.

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

Eng. Com. Sub. for House Bill 4135, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4135) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4135) takes effect from passage.

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

Eng. House Bill 4146, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Cline, Mann, and Swope—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4146) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Cline, Mann, and Swope—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4146) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 272, Relating generally to drug control.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 290, Relating to DEP standards of water quality and effluent limitations.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 368, Protecting consumers against business using automatic purchase renewals without consent.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 392, Reconfiguring membership of Emergency Medical Services Advisory Council.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 427, Modifying form of notice for certain tax delinquencies.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 433, Rewriting code sections regarding pyramid promotional schemes.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 440, Establishing Library Facilities Improvement Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 441, Relating to health care provider taxes.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 464, Changing statutory payment date for incremental salary increases due state employees.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 468, Changing date and recipients for submission of Auditor's annual report.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 57, Relating to third-party litigation financing.

Senate Bill 365, Relating to Young Entrepreneur Reinvestment Act.

Com. Sub. for Senate Bill 375, Relating to farmers markets.

Com. Sub. for Senate Bill 446, Creating Agritourism Responsibility Act.

Eng. Com. Sub. for House Bill 2546, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned.

And,

Eng. House Bill 2612, Repealing section relating to unattended motor vehicles and penalties.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Maroney, the name of Senator Maroney was removed as a sponsor of **Senate Bill 369** (*Relating to powers and authority of newly created divisions of Administrative Services and Corrections and Rehabilitation within MAPS*).

At the request of Senator Cline, the name of Senator Cline was removed as a sponsor of **Senate Bill 401** (*Requiring specified coverage in health benefit plans for treatment of substance abuse disorders*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 1:12 p.m., the Senate adjourned until Monday, February 12, 2018, at 11 a.m.

MONDAY, FEBRUARY 12, 2018

The Senate met at 11:15 a.m.

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

Prayer was offered by the Reverend Father Leon Alexander, Saint John XXIII Pastoral Center, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Douglas E. Facemire, a senator from the twelfth district.

Pending the reading of the Journal of Friday, February 9, 2018,

At the request of Senator Trump, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 4023—A Bill to repeal §30-7C-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-7C-3 of said code, all relating to the regulation of dialysis technicians; establishing temporary permit time-frames; clarifying that permit holder is eligible to renew his or her permit; and repealing an advisory council.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 4025—A Bill to amend and reenact §30-5-11 of the Code of West Virginia, 1931, as amended, relating to permitting reciprocity for licensure as a pharmacy technician.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 4186—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating generally to guaranteed asset protection waivers; providing short title, purpose, legislative intent, and applicability of section; defining certain terms; specifying requirements for offering guaranteed asset protection waivers; requiring contractual liability or other insurance policies on guaranteed asset protection waivers in certain circumstances; requiring certain disclosures; providing for cancellation or non-cancellation; specifying requirements upon cancellation in certain circumstances; exempting certain requirements in commercial transactions; excluding waivers from consumer sales and service tax; and, providing an effective date.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4236—A Bill to amend and reenact §5A-10-9 of the Code of West Virginia, 1931, as amended, relating to requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division; removing the exemption of certain agencies from reporting property holdings to the Real Estate Division; clarifying the information to be reported annually by agencies; and requiring an annual report by the Real Estate Division to the Governor and Legislature.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4276—A Bill to amend and reenact §62-11A-1 of the Code of West Virginia, 1931, as amended, relating to allowing magistrates to grant work release privileges.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4410—A Bill to amend and reenact §29-22B-1107 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Maroney, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 119, Establishing WV business growth in low-income communities tax credit.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 119 (originating in the Committee on Economic Development)—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 for entities making certain investments; providing title; defining terms; establishing amount of credit allowed; establishing limitations on transferability; providing process for certification of qualified equity investment; providing for nonrefundable application fee; providing maximum amount to be certified for each fund; prohibiting entity making investment from owning or operating business beneficiary of loan made thereunder; providing new capital requirement; providing reporting requirements; providing eligibility requirements for receiving tax credits; providing method for calculating amount of allowable tax credit; providing for recapture of tax credits under certain circumstances; providing reissue of recaptured tax credits; and providing for letter rulings.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 119), under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 273 (originating in the Committee on Health and Human Resources), Reducing use of opiates.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 273 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §16-5H-2 and §16-5H-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5Y-2, §16-5Y-4, and §16-5Y-5 of said code; to amend said code by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, and §16-54-9; 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 §30-10-19 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 said code by adding thereto a new section, designated §60A-5-509; 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; providing for an exemption from registration for office-based, medication-assisted treatment program in specified cases; making clarifying amendments to provide for an exemption for medication-assisted treatment programs; clarifying physician responsibility for medication-assisted treatment; clarifying definition of “pain management clinic”; providing for emergency rulemaking; defining terms; providing for an advance directive; requiring consultation with patients prior to prescribing an opioid; limiting

the amount of opioid prescriptions; requiring a narcotics contract in certain circumstances; providing exceptions to prescribing limits; providing for referral to a pain clinic or pain specialist; providing reports to licensing boards regarding abnormal or unusual prescribing practices; requiring insurance coverage for certain procedures to treat chronic pain; requiring the Board of Pharmacy to report quarterly to various licensing boards; exempting the Board of Pharmacy from certain purchasing requirements; clarifying who must report to the Controlled Substances Monitoring Database; precluding retaliation against a health care provider for declining to prescribe a narcotic; clarifying the practice of acupuncture; and permitting the investigation and discipline for abnormal and unusual prescribing and dispensing of prescription drugs.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 341 (originating in the Committee on the Judiciary), Creating new court of WV Intermediate Court of Appeals.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 341 (originating in the Committee on Finance)—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-5-10 of said code; to amend said code by adding thereto a new section, designated §23-5-11a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said

code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2018; terminating the Workers' Compensation Board of Review and transferring duties to the Intermediate Court of Appeals; requiring board to dispose of cases by a certain date; requiring contested cases under State Administrative Procedures Act to go to the Intermediate Court of Appeals; transferring jurisdiction for review of family court final orders from circuit courts to Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; altering the residency requirements for membership on the Judicial Vacancy Advisory Commission; creating the Intermediate Court of Appeals; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring three-judge panels for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; specifically excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing that no two judges of the Intermediate Court of Appeals may be residents of the same state senatorial district or of the same county; providing a process for appointment of judges to the Intermediate Court of Appeals to staggered judicial terms; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected office during judicial term; providing for temporary filling of judicial vacancy occurring before the expiration of an appointed judge's term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the chief judge of each Intermediate Court of Appeals district to publish and submit certain reports to the Legislature and Supreme Court of

Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority of the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings take place in publicly available facilities across the state; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for respective districts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing for sunset of the Intermediate Court of Appeals on certain date unless continued by the Legislature; and providing that certain appeals are reviewed and a written decision issued by either the Intermediate Court of Appeals or the Supreme Court of Appeals, as a matter of right.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 347 (originating in the Committee on Natural Resources), Relating to operation of motorboats.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 347 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §20-7-11, §20-7-12, §20-7-13, §20-7-14, §20-7-18, §20-7-18d, and §20-7-19 of the Code of West Virginia, 1931, as amended, all relating to the operation of motorboats; defining the term “state of principle operation”; establishing a fee schedule for motorboat registration; establishing motorboat numbering, lighting, fire extinguishers, engine bilges, and flotation device requirements; increasing the financial amount of property damage before certain accidents need to be reported; clarifying the requirements for the operation of personal watercrafts; limiting the hours during the day water skiing and surfboarding are permitted; and authorizing rulemaking.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 348, Allowing for disposal of service weapons of special DNR police officers.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 348 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §20-7-1d and §20-7-1f of the Code of West Virginia, 1931, as amended, all relating to awarding service sidearm or handgun to natural resources police officers and special natural resources police officers upon retirement; modifying terms to reference sidearm or handguns rather than revolvers; modifying provisions relating to disposal of service sidearm or handgun when they are replaced due to routine wear; exempting sidearm or handguns replaced due to routine wear from surplus property provisions and authorizing sale of such sidearm or handguns to officers at fair market value; and furnishing uniform for burial.

And,

Senate Bill 458, Prohibiting political subdivisions from enacting regulations or legal requirements relating to employer-employee relationship.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 458 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, and §21-5A-4, all relating to prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; defining terms; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates information requested, required, or excluded on an application for employment; providing an exception; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay a wage higher than any applicable state or federal law; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing

in the locality; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates work stoppage, strike activity, or means by which employees organize; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer or its employees to participate in an apprenticeship or apprenticeship training program not required by federal or state law; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates an employee's hours and scheduling; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards or requirements regarding the sale or marketing of consumer merchandise that are different from or in addition to state law; providing an exception; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards of care or conduct of certain professions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date is void; providing that the prohibitions do not apply to employees of a political subdivision; and clarifying the effect on the West Virginia Alcohol and Drug-Free Workplace Act.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 355 (originating in the Committee on Government Organization), Dissolving IS&C Division under Office of Technology.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 355 (originating in the Committee on Finance)—A Bill to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10, and §5A-7-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-4 and §5A-6-8 of said code; and to amend said code by adding thereto two new sections, designated §5A-6-4d and §5A-6-4e, all relating to dissolving the Information Services and Communications Division; repealing article related to Information Services and Communications Division; authorizing Chief Technology Officer to provide training and other services; authorizing Chief Technology Officer provide information services; authorizing Chief Technology Officer to assess fees for services provided; requiring Chief Technology Officer provide fixed schedule of fees for providing information services; setting forth procedure to be followed if spending unit contests schedule; requiring the Chief Technology Officer to oversee telecommunications services to state spending units; requiring the Chief Technology Officer to supervise and maintain the central mailing office; directing the deposit of any moneys received for services; continuing special revenue account for administration of telecommunications services; directing Chief Technology Officer to review receipt of charges received from members; setting forth grounds for Chief Technology Officer to challenge charges with vendor and process for doing so; requiring Office of Technology apportion charges among spending units and bill spending units; requiring Office of Technology pay uncontested amounts due for telecommunications services; requiring state spending units pay statements from Office of Technology; authorizing the secretary to direct the transfer of funds into the special revenue account for unpaid telecommunications services; authorizing the secretary to assess a

penalty with notice on spending units for unpaid amounts for telecommunications services; authorizing Chief Technology Officer to invoice spending units for amounts paid on behalf of the spending unit; providing a process for state spending units to contest amounts due; authorizing the Secretary of the Department of Administration to make a final decision on contested amounts due; authorizing Chief Technology Officer to discontinue telecommunication services to spending unit that fails to comply with provisions of article; authorizing a proportional fee be assessed against spending units; defining terms; granting rule-making authority; making technical corrections; authorizing a special fund to receive moneys for services provided by the agency; transferring Information Services and Communication Fund to Office of Technology; closing Chief Technology Officer Administration Fund and transferring any remaining balance; authorizing the Chief Technology Officer to grant waivers for certain services required by statute; and requiring waiver be granted to constitutional officers for certain services upon request.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 370, Exempting nonpaid volunteers at ski areas from workers' compensation benefits.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 370 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §23-2-1a of the Code of West Virginia, 1931, as amended, all relating to employees

subject to workers' compensation laws; exempting from workers' compensation those persons who volunteer time or services, without wages, for a ski area operator, or a program or activity sponsored by a ski area operator; providing notice requirements; and defining a term.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 461, Extending time to file petition for motor fuel excise tax refund.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 461 (originating in the Committee on Finance)—A Bill to amend and reenact §11-14C-9 and §11-14C-31 of the Code of West Virginia, 1931, as amended, all relating to petitions for tax refunds; and extending the time period to file a petition for motor fuel excise tax refunds.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Joint Resolution 3 (originating in the Committee on the Judiciary), Judicial Budget Oversight Amendment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Joint Resolution 3 (originating in the Committee on Finance)—Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the authority of the Legislature with regard to the state budget; giving the Legislature the authority to reduce items in the budget relating to the judiciary; providing that the Legislature may not make any law that conditions an increase or decrease of an item relating to the judiciary upon a particular ruling, order, or decision of a court of this state; amending obsolete language regarding when the Governor shall submit the budget to the Legislature to accurately reflect current constitutional requirements; making numerous technical corrections; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute for committee substitute be adopted.

Respectfully submitted,

Craig Blair,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Joint Resolution 8, County Economic Development Amendment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Joint Resolution 8 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to authorizing the Legislature to, by general law, allocate a portion of ad valorem property taxes paid by owners of certain new manufacturing facilities and large capital additions to existing manufacturing facilities located in counties in which county commissions elect to fund infrastructure capital improvements, in whole or in part, using property taxes; defining a term; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The resolution (Com. Sub. for S. J. R. 8), under the original double committee reference, was then referred to the Committee on Finance.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 4162, Granting authority to the State Conservation Committee to contract for flood response.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Takubo, Jeffries, Maroney, Maynard, Romano, Stollings, Cline, Boso, and Plymale:

Senate Bill 518—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-9-7, relating to extending the West Virginia Invests Grant programs to public and private four-year institutions who have two-year programs that meet the eligibility requirements of the grant program.

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

By Senator Woelfel:

Senate Bill 519—A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating to increasing the salaries of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges, and magistrates.

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

By Senator Cline:

Senate Bill 520—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §17C-1-70 and §17C-1-71; and to amend and reenact §17C-17-9a, §17C-17-11a, and §17C-17-11d of said code, all relating to increasing the weight limits for vehicles on highways other than

the national system of interstate and defense highways; and providing definitions.

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

By Senators Trump, Gaunch, Maynard, Stollings, and Boso:

Senate Bill 521—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-13, relating to requiring any newly appointed chief executive of a municipal law-enforcement agency to be a certified law-enforcement officer; and providing that current chief executives are unaffected by this requirement.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 522—A Bill to amend and reenact §29A-1-3b of the Code of West Virginia, 1931, as amended; and to amend and reenact §29A-3-5, §29A-3-8, §29A-3-12, and §29A-3-19 of said code, all relating generally to the Administrative Procedures Act; providing that rules become void if statutory authority is repealed; requiring agencies and boards to notify licensees of rule changes that include fee increases; providing that legislative exempt, procedural, or interpretive rules may be repealed by an agency upon notification to Secretary of State; relating to the deadline for filing agency-approved rules; providing that certain expiring final filed rules are not subject to comment period; and authorizing the Legislative Rule-Making Review Committee to begin reviewing final filed rules with sunset provisions on May 1, 2019.

Referred to the Committee on the Judiciary.

Senators Stollings and Plymale offered the following resolution:

Senate Concurrent Resolution 18—Requesting the Division of Highways name bridge number 23-119/5-4.05 (23A-259), locally known as Right Fork Pine Creek Box Beam, carrying CR

119/5 over Right Fork of Pine Creek in Logan County, the “Balentine Brothers Bridge”.

Whereas, Paul H. Balentine was born on March 22, 1943, in Omar, Logan County, West Virginia; Phillip D. Balentine was born on January 19, 1945, in Omar, Logan County, West Virginia, the sons of Paul Balentine and Georgia Perry Balentine. They were educated in Logan County schools; and

Whereas, Paul H. Balentine served honorably in the United States Navy, ending his active service in 1965 while serving on the USS Wood CTY IST1178. Phillip D. Balentine served honorably in the United States Marine Corps in Vietnam and ended his active service in 1968; and

Whereas, Naming the bridge is an appropriate recognition of their contributions to their country, 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 bridge number 23-119/5-4.05 (23A-259), locally known as Right Fork Pine Creek Box Beam, carrying CR 119/5 over Right Fork of Pine Creek in Logan County, the “Balentine Brothers 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 “Balentine Brothers Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Stollings and Plymale offered the following resolution:

Senate Concurrent Resolution 19—Requesting the Division of Highways name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge, carrying CR 10/7 over Huff Creek in Logan County, West Virginia, the “John B. Short Memorial Bridge”.

Whereas, John B. Short was born in 1923, the son of LeRoy and Linda Jackson Short of Davin, West Virginia. He died in 2008. He was a graduate of Man High School in 1942 and enlisted in the U. S. Army Air Corps in 1943, where he served until 1946. He went to electrician school in Michigan and, upon his return, he married Ruby K. Nunley. They had seven children. John retired as chief electrician with Pittston Coal Company in 1986. He was an avid outdoorsman, hunter, and fisherman; and

Whereas, It is fitting that an enduring memorial be established to commemorate this individual who meant so much to his family and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, the “John B. Short Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “John B. Short 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 Clements, Carmichael (Mr. President), Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker,

Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Woelfel offered the following resolution:

Senate Resolution 36—Memorializing the life of Jan Vineyard, wife, mother, and dedicated public servant.

Whereas, Jan Vineyard was born May 16, 1956, to Charles and Wanda Smith. Jan grew up in Nitro, WV, and graduated from Nitro High School in 1974. She was a lifelong member of St. Paul's United Methodist Church on 21st Street; and

Whereas, Jan Vineyard always credited her parents with giving her the support and the cornerstone values for her life—a strong faith, a willingness to work hard, and always treating everyone with respect. These traits always served her well throughout all parts of her life; and

Whereas, After graduating from Nitro High School, Jan Vineyard went on to Marshall University where she ultimately earned an Associate's, Bachelor's, and Master's degree. Her first career after college was with Ashland Oil in Ashland, Kentucky. There she was responsible for logistics and transportation scheduling for crude oil, gasoline, and other petroleum products. Later with Ashland, Jan moved into a sales position where her education, her industry knowledge, and her way with people combined to make her an instant success; and

Whereas, Jan Vineyard was so successful that one of her competitor's in West Virginia eventually convinced her to leave Ashland Oil to become the president of the petroleum marketing industry's trade association serving member-businesses throughout the state. Over the years, Jan's leadership and vision led to the successful expansion of the association's scope and membership through a number of mergers and joint ventures; and

Whereas, In 2015, in recognition of all of her successes, Jan was elected to Marshall University's Lewis College of Business's Hall of Fame; and

Whereas, Through all of her endeavors in the business world, Jan Vineyard always believed that the education she received at

Nitro and at Marshall served as the foundation for all the success that followed; and

Whereas, Jan Vineyard volunteered as a board member on a number of advisory and governance boards including the Marshall University College of Business, Marshall's Yeager Scholars Board, and the Marshall University Foundation Board. For a number of years she chaired the Board of Governors for the Kanawha Valley Community and Technical College and, later, its successor, BridgeValley Community and Technical College. Jan was a graduate of Leadership West Virginia and later chaired its board of directors. She served on the board of directors of Edgewood Summit, the West Virginia Business and Industry Council, the West Virginia Society of Association Executives, and was appointed to the Governor's Blue Ribbon Commission on Highways. For her ongoing efforts supporting transportation safety in West Virginia, she was named as Highway Safety Champion of the Year in 2013 by the Governor's Highway Safety Program; and

Whereas, Jan Vineyard focused a lot of her time supporting various charities that help West Virginia children and families in need. She led her organizations' members to support multiple fundraising drives every year to raise money for these charities. Over the years, these included Make-A-Wish Foundation, the Charleston YMCA, Children's Miracle Network, and West Virginia Children's Home Society. Through her leadership, Jan's organizations raised millions of dollars for these charities. Of everything she accomplished, Jan was most proud of this; and

Whereas, Jan Vineyard was married to her beloved husband, Gary Vineyard, for 34 years, with whom she shared the joy of having one son, Craig; and

Whereas, Sadly, Jan Vineyard passed away on May 30, 2017, bringing an end to a productive life of public service and leaving behind a host of family and friends all of whom will miss her dearly; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of Jan Vineyard, wife, mother, and dedicated public servant; and, be it

Further Resolved, That the Senate extends its most sincere condolences to the family of Jan Vineyard; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of Jan Vineyard.

At the request of Senator Clements, 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 (S. R. 36), and on this question, Senator Blair demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 36) adopted.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Clements regarding the adoption of Senate Resolution 36 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:37 a.m., the Senate recessed to present Senate Resolution 36.

The Senate reconvened at 11:44 a.m. today and resumed business under the sixth order.

Senators Romano, Facemire, Unger, Stollings, and Plymale offered the following resolution:

Senate Resolution 37—Celebrating the bicentennial of the City of Weston, West Virginia.

Whereas, The City of Weston, West Virginia, was established on January 1, 1818; and

Whereas, Weston began on an isolated farmland reached by only narrow horse trails, then grew in both population and aspirations to become a major crossroads for the rest of the 19th century, building a major hospital for the mentally ill, bringing the railroad, and expanding its commerce to become a regional center for the lumber industry; and

Whereas, From the late 19th century throughout the 20th century, Weston attracted and grew a diverse glass industry that made the name Weston Glass both nationally and internationally known and admired; and

Whereas, Weston is the county seat of Lewis County, and is home to the Weston Downtown Historic District, Weston Downtown Residential Historic District, and Trans-Alleghany Lunatic Asylum Historic Landmark; and

Whereas, Weston has produced many notable West Virginians over the past two centuries, including: Author, Alexander Scott Withers; statesman, Jonathan McCally Bennett; Congressman Andrew Edmiston, Jr.; United States Senator Rush D. Holt, Sr.; West Virginia University football player and league official, Fred Wyant; musician, Buddy Hayes; World War II USAAF Pilot, Lt. Col. Charlie Brown; cable television pioneer, M. William Adler; and longtime West Virginia State Senator, William R. Sharpe, Jr.; and

Whereas, The City of Weston's greatest asset is its citizens who contribute every day to making Weston and West Virginia a better place to live for generations to come; and

Whereas, On the occasion of its bicentennial, we hereby recognize the City of Weston and its citizens for their contributions to the great State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby celebrates the bicentennial of the City of Weston, West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the City of Weston.

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

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senators Romano and Facemire regarding the adoption of Senate Resolution 37 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:49 a.m., the Senate recessed to present Senate Resolution 37.

The Senate reconvened at 11:53 a.m. today and, at the request of Senator Ferns, and by unanimous consent, returned to the fourth order of business.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 523 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for purposes of this article; and providing that wind power projects be taxed at the real property rate.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Randy E. Smith,
Chair.

On motion of Senator Smith, the bill (S. B. 523) contained in the foregoing report from the Committee on Energy, Industry, and Mining was then referred to the Committee on Finance.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 524 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended, relating to disposition of complaint proceedings; and making technical corrections.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 525 (originating in the Committee on Government Organization)—A Bill to repeal §16-4C-6c of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22A-10-3, relating to

emergency medical technicians – mining; and transferring certification requirements for emergency medical technician – mining to the chapter governing miners’ health, safety and training.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The Senate proceeded to the seventh order of business.

Com. Sub. for Senate Concurrent Resolution 11, Evans Center for Excellence in Aircraft Maintenance.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

Senate Concurrent Resolution 15, US Marine SGT Stephen E. Drummond Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 16, Sardis District Veterans Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 17, John Hancock Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 272, Relating generally to drug control.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 272) passed with its title.

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

Eng. Com. Sub. for Senate Bill 290, Relating to DEP standards of water quality and effluent limitations.

On third reading, coming up in regular order, was read a third time.

Pending discussion,

At the request of Senator Palumbo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill 368, Protecting consumers against business using automatic purchase renewals without consent.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 368 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 368) passed with its title.

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

Eng. Com. Sub. for Senate Bill 392, Reconfiguring membership of Emergency Medical Services Advisory Council.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 392) passed with its title.

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

Eng. Senate Bill 427, Modifying form of notice for certain tax delinquencies.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 427) passed with its title.

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

Eng. Com. Sub. for Senate Bill 433, Rewriting code sections regarding pyramid promotional schemes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 433) passed with its title.

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

Eng. Com. Sub. for Senate Bill 440, Establishing Library Facilities Improvement Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 440) passed with its title.

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

Eng. Senate Bill 441, Relating to health care provider taxes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Azinger and Karnes—2.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 441) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Azinger and Karnes—2.

Absent: Beach—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 441) takes effect July 1, 2018.

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

Eng. Senate Bill 464, Changing statutory payment date for incremental salary increases due state employees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 464) passed with its title.

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

Eng. Senate Bill 468, Changing date and recipients for submission of Auditor's annual report.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 468) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 57, Relating to third-party litigation financing.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 365, Relating to Young Entrepreneur Reinvestment Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 375, Relating to farmers markets.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 446, Creating Agritourism Responsibility Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 2546, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2612, Repealing section relating to unattended motor vehicles and penalties.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 36, Relating generally to DNA testing.

Com. Sub. for Senate Bill 288, Regulating cremation, embalming and directing of funeral service.

Com. Sub. for Senate Bill 321, Relating to powers and duties of Public Land Corporation.

Com. Sub. for Senate Bill 397, Creating crime of impersonating blind or disabled person.

Senate Bill 407, Licensing and approval of child care programs.

Com. Sub. for Senate Bill 408, Licensing of nursing homes and assisted living residences.

Senate Bill 411, Removing Commissioner of Bureau for Public Health from State Board of Sanitarians.

Com. Sub. for Senate Bill 469, Converting Addiction Treatment Pilot Program to permanent program.

Com. Sub. for Senate Bill 473, Requiring insurance coverage for the prescription drug Varenicline.

And,

Eng. Com. Sub. for House Bill 2831, Relating to the reconstitution of the Driver's Licensing Advisory Board.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Maynard, Woelfel, Baldwin, Blair, Takubo, Boso, Ojeda, Stollings, Gaunch, Clements, Trump, and Prezioso.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Gaunch, Clements, Trump, and Prezioso were ordered printed in the Appendix to the Journal.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 1:06 p.m., the Senate adjourned until tomorrow, Tuesday, February 13, 2018, at 11 a.m.

TUESDAY, FEBRUARY 13, 2018

The Senate met at 11:16 a.m.

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

Prayer was offered by Pastor Chad Cowan, Pastor of Care Ministries, Bible Center Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Glenn D. Jeffries, a senator from the eighth district.

Pending the reading of the Journal of Monday, February 12, 2018,

At the request of Senator Boley, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

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

Health and Human Resources, Department of (Breast and Cervical Cancer Screening Program) (§16-33-6)

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2841—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §5F-2-8, relating to requiring board members to attend a board meeting in order to be compensated for that meeting; requiring the member to attest in writing to his or her attendance; requiring certain board members or officers to witness the same; and requiring records related to attendance of certain board meetings be kept for at least five years.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4142—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-4b, relating to providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority increases in annual pay: providing legislative findings; providing funding sources; providing that pay rates and employment requirements shall not be subject to procedures for state employees' grievances; providing for primacy of section; limiting private causes of action; and, providing that if employee will make more than the maximum allowable by the Division of Personnel for the pay grade, this salary increase shall still take effect, and that employee shall make more than the pay grade maximum.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4320—A Bill to amend and reenact §39B-1-114 of the Code of West Virginia, 1931, as amended; and to amend and reenact §39B-2-101 of said code, all relating to limiting the ability of an agent under a power of attorney to take self-benefiting actions; clarifying the presumption that an act is not within the scope of authority granted in a power of attorney when an agent benefits from the act to the detriment of an ancestor, spouse, heir, or descendant; and clarifying the prohibition against an agent exercising authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4380—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Agriculture, Fund 8736, fiscal year 2018, Organization 1400, and to the Department of Agriculture – State Conservation Committee, Fund 8783, fiscal year 2018, Organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4381—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance

of federal monies remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2018, organization 0402, and to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2018, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4384—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Transportation, Division of Public Transit, fund 8745, fiscal year 2018, organization 0805, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4386—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, 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.

The Senate proceeded to the fourth order of business.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 339, Relating to WV Retirement Health Benefit Trust Fund within PEIA.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 358, Relating to magistrate court costs for criminal proceedings.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 358 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §50-3-2 of the Code of West Virginia, 1931, as amended, relating to authorizing the imposition of a \$25 clerk's fee for processing criminal bonds; establishing person responsible for payment of fee by type of bond issued; exempting personal recognizance bonds from fee; and providing that fees collected be deposited in the Magistrate Court Fund.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 398, Relating to requirements for making consumer loans.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 416, Making fishing for catfish with bare hands lawful.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 416 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to providing that noodling, or fishing for catfish using one's bare hands, is lawful.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 416), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 472, Providing funds to DHHR for local boards of health employee pay raises.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Craig Blair,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 495, Designating specific insurance coverages exempt from rate filing requirements.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 495 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §33-20-4 of the Code of West Virginia, 1931, as amended, relating to commercial insurance rates; and designating specific insurance coverages which are exempt from rate filing requirements.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 498, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3004, Relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4242, Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Ojeda, Beach, Facemire, Jeffries, Plymale, Prezioso, Romano, Stollings, and Unger:

Senate Bill 526—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; providing for a three-year period of salary increases for all state employees; and establishing a minimum annualized salary for state employees.

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

By Senators Ojeda, Beach, Facemire, Jeffries, Plymale, Prezioso, Romano, Smith, Stollings, Takubo, and Baldwin:

Senate Bill 527—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §23-

4D-1, §23-4D-2, §23-4D-3, §23-4D-4, §23-4D-5, and §23-4D-6, all relating to creating the West Virginia Black Lung Program; granting entitlement for pain and suffering for occupational pneumoconiosis; providing that 10 years' exposure as a miner is a conclusive presumption of entitlement to pain and suffering benefits; calculation of benefits; tax credit for benefits; imposing additional severance tax and tax on generation of electricity by solar and wind devices; creating the State Black Lung Fund; requiring the Governor and Legislature to cooperate with other states to attempt to recoup the federal excise tax on coal; and proposal of rules by the Insurance Commissioner and Tax Commissioner.

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

By Senator Trump:

Senate Bill 528—A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to providing for an additional circuit court judge for the nineteenth judicial circuit.

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

By Senators Rucker, Azinger, Drennan, Maynard, Smith, Sypolt, and Cline:

Senate Bill 529—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, §5-30-7, and §5-30-8, all relating to creating the Citizen and State Accountability Act; authorizing departments, agencies, and officials of state or local government to apply for major and minor grant agreements; establishing the requirements for applying for the grant agreements; requiring reports; requiring written consent of major grant requests by the Governor; permitting the Governor to prohibit the submission of a minor grant application or prohibit the acceptance of any such grant; repealing all statutes that conflict with the Citizen and State Accountability Act; and defining terms.

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

By Senators Maynard and Cline:

Senate Bill 530—A Bill to amend and reenact §31D-1-131 of the Code of West Virginia, 1931, as amended, relating to the Secretary of State; and requiring the establishment of searchable databases for West Virginia registered corporation and sole proprietorship information.

Referred to the Committee on Government Organization.

By Senators Gaunch and Cline:

Senate Bill 531—A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-3-6 of said code, all relating to eliminating the requirement that municipal courts wait at least 90 days prior to notifying the Division of Motor Vehicles of a person's failure to appear or failure to pay assessed costs, fines, forfeitures, or penalties.

Referred to the Committee on the Judiciary.

By Senators Rucker, Azinger, Cline, Karnes, Swope, Ferns, and Sypolt:

Senate Bill 532—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to administering the ACT or SAT tests to all eleventh grade students.

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

By Senators Trump and Cline:

Senate Bill 533—A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to equalizing the criminal penalties for intimidating and retaliating against public officers and employees, jurors, and witnesses; increasing penalty for intimidation of such persons to a felony; and establishing criminal penalties.

Referred to the Committee on the Judiciary.

Senators Drennan, Takubo, Stollings, Romano, Baldwin, Cline, Plymale, and Maynard offered the following resolution:

Senate Resolution 38—Designating February 13, 2018, as West Virginia Child Care Association Celebrating Children and Families Day at the Legislature.

Whereas, The State of West Virginia and the West Virginia Child Care Association have some of the best child welfare professionals and agencies in the country; and

Whereas, These child welfare professionals and agencies have dedicated their time to making life better for West Virginia's children and families; and

Whereas, These West Virginia professionals and agencies have a compassion that never ends, a hope for a better tomorrow and a dedication to their efforts over the long haul; and

Whereas, These West Virginia professionals and agencies work with West Virginia's child welfare and behavioral health stakeholders to eliminate policy barriers and day-to-day practices that reduce the effective utilization of in-state resources; and

Whereas, West Virginia Child Care Association's professionals and agencies do everything possible to provide opportunities for West Virginia's children and families to receive treatment and services in West Virginia, where they can remain in their communities, with their families, and connected to their support systems; and

Whereas, These professionals and agencies are regulated by the State of West Virginia through legislation and by oversight of the Department of Health and Human Resources and Department of Education; and

Whereas, By using West Virginia child welfare professionals and agencies our state is doing what is best for West Virginia's children and their families; and

Whereas, These West Virginia child care professionals and agencies advocate for and deliver services and support to provide for the safety, wellbeing and opportunities for children and families to achieve their hopes, dreams, and goals; and

Whereas, These professionals and agencies provide family driven, youth-guided, culturally competent, and trauma-informed care for the citizens of West Virginia; and

Whereas, The West Virginia professionals, who care for the at-risk children in our state and the organizations that exist to impact the lives of these children and their families, provide quality care in our communities; and

Whereas, This quality care is provided in a variety of settings, including community agencies, hospitals, residential treatment, family and treatment foster care, educational institutions, and seeks to provide resources and guidance that promotes the safety, wellbeing, and permanency of West Virginia's children and families; and

Whereas, West Virginia's child welfare providers dedicate themselves to excellence in their profession through licensing, advocacy, education, and professional development; and

Whereas, The Senate recognizes and appreciates the outstanding dedication, devotion, and care of the West Virginia Child Care Association professionals and agencies for their caring, commitment, and for making a difference in the lives of children in the State of West Virginia, their families, and communities; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 13, 2018, as West Virginia Child Care Association Celebrating Children and Families Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Child Care Association.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Drennan regarding the adoption of Senate Resolution 38 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:31 a.m., the Senate recessed to present Senate Resolution 38.

The Senate reconvened at 11:35 a.m. today and resumed business under the sixth order.

Senators Ferns, Takubo, Stollings, Baldwin, Cline, and Plymale offered the following resolution:

Senate Resolution 39—Designating the week of February 11-17, 2018, as WV 211 Awareness Week.

Whereas, the State of West Virginia recognizes the challenges families face; and

Whereas, Every hour of every day someone in West Virginia needs essential services; and

Whereas, WV 211 keeps an accurate and comprehensive database that can be used to find critical resources to meet the needs of West Virginians that can improve and save lives; and

Whereas, WV 211 is efficient, confidential, free, and easy to use and connects people with a resource specialist who can help find services and local resources for community-based health services, disaster and crisis information, and volunteer opportunities; and

Whereas, WV 211 responds to real people with real help 24 hours a day, seven days a week; and

Whereas, Last year, WV 211 handled over 45,000 calls for help; therefore, be it

Resolved by the Senate:

That the Senate hereby designates the week of February 11-17, 2018, as WV 211 Awareness Week; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to WV 211 for its dedicated public service to the citizens of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of WV 211.

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.

On motion of Senator Ferns, at 11:38 a.m., the Senate recessed to present Senate Resolution 39.

The Senate reconvened at 11:41 a.m. today and, at the request of Senator Unger, and by unanimous consent, returned to the second order of business and the introduction of guests.

At the request of Senator Maynard, unanimous consent being granted, the Senate returned to the consideration of

Senate Bill 498, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest.

Having been reported from the Committee on Natural Resources and, under the original double committee reference, referred to the Committee on Government Organization in earlier proceedings today,

At the request of Senator Gaunch, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of Senate Bill 498.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 18, Balentine Brothers Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 19, John B. Short Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 57, Relating to third-party litigation financing.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 57) passed with its title.

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

Eng. Com. Sub. for Senate Bill 290, Relating to DEP standards of water quality and effluent limitations.

Having been read a third time on yesterday, Monday, February 12, 2018, and now coming up in regular order, was reported by the Clerk.

The question being “Shall Engrossed Committee Substitute for Senate Bill 290 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 290) passed with its title.

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

Eng. Senate Bill 365, Relating to Young Entrepreneur Reinvestment Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 365) passed with its title.

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

Eng. Com. Sub. for Senate Bill 375, Relating to farmers markets.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 375 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 375) passed.

On motion of Senator Sypolt, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 375—A Bill to amend and reenact §19-35-2, §19-35-3, and §19-35-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-35-5, all relating to farmers markets; removing local health departments from farmers market vendor permit process; transferring rules and regulations for

farmers markets, cottage foods, acidified foods, nonpotentially hazardous foods, and exempted foods from Department of Health and Human Resources to Department of Agriculture; requiring rules to set forth quantity limitations for cottage foods; clarifying consignment farmers markets; defining terms; requiring registration of farmers markets; expanding farmers market vendor permit to permit the sale of cottage foods; establishing fees for farmers market vendor permits; clarifying certain farm and food products require other permits; permitting local health departments to inspect and suspend food establishment permits in certain circumstances; permitting the Department of Agriculture to establish regulations permitting the sampling of certain farm and food products; permitting local health departments to sample and inspect farmers market vendors in certain circumstances; permitting local health departments to invoke cessation of production in certain circumstances; clarifying scope, labeling, and sources of cottage foods; requiring online farmers market sales be delivered in person; permitting home, farm, community, or commercial kitchen to be used by cottage foods vendor as determined by the Department of Agriculture; and clarifying that a farmers market vendor permit is not required to sell nonpotentially hazardous foods and exempted foods.

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

Eng. Com. Sub. for Senate Bill 446, Creating Agritourism Responsibility Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 446 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard,

Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 446) passed with its title.

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

Eng. Com. Sub. for House Bill 2546, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. House Bill 2612, Repealing section relating to unattended motor vehicles and penalties.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Boso—1.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2612) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 36, Relating generally to DNA testing.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 288, Regulating cremation, embalming and directing of funeral service.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 321, Relating to powers and duties of Public Land Corporation.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 397, Creating crime of impersonating blind or disabled person.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk and adopted:

On page one, section nine, line thirteen, by striking out “§5-15-9(a)” and inserting in lieu thereof “§5-15-4”.

The bill (Com. Sub. for S. B. 397), as amended, was then ordered to engrossment and third reading.

Senate Bill 407, Licensing and approval of child care programs.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 408, Licensing of nursing homes and assisted living residences.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 411, Removing Commissioner of Bureau for Public Health from State Board of Sanitarians.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 469, Converting Addiction Treatment Pilot Program to permanent program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 473, Requiring insurance coverage for the prescription drug Varenicline.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 2831, Relating to the reconstitution of the Driver's Licensing Advisory Board.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills and joint resolution on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Com. Sub. for Senate Bill 273, Reducing use of certain prescription drugs.

Com. Sub. for Com. Sub. for Senate Bill 341, Relating generally to WV Appellate Reorganization Act of 2018.

Com. Sub. for Com. Sub. for Senate Bill 347, Relating to operation of motorboats.

Com. Sub. for Senate Bill 348, Allowing for disposal of service weapons of special DNR police officers.

Com. Sub. for Com. Sub. for Senate Bill 355, Dissolving IS&C Division under Office of Technology.

Com. Sub. for Senate Bill 370, Exempting nonpaid volunteers at ski areas from workers' compensation benefits.

Com. Sub. for Senate Bill 458, Prohibiting political subdivisions from enacting regulations or legal requirements relating to employer-employee relationship.

Com. Sub. for Senate Bill 461, Extending time to file petition for motor fuel excise tax refund.

Senate Bill 524, Relating to disposition of complaint proceedings.

Senate Bill 525, Relating to certification for emergency medical training - mining.

Com. Sub. for Com. Sub. for Senate Joint Resolution 3, Judicial Budget Oversight Amendment.

And,

Eng. Com. Sub. for House Bill 4162, Granting authority to the State Conservation Committee to contract for flood response.

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

On motion of Senator Ferns, a leave of absence for the day was granted Senator Mann.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:08 p.m., the Senate adjourned until tomorrow, Wednesday, February 14, 2018, at 11 a.m.

WEDNESDAY, FEBRUARY 14, 2018

The Senate met at 11:15 a.m.

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

Prayer was offered by the Reverend Jim Butcher, Madison Baptist Church, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert D. Beach, a senator from the thirteenth district.

Randall Reid-Smith, Commissioner of the Division of Culture and History, proceeded in the singing of "Amazing Grace".

Silas and Hazel Riley of Hillsboro, West Virginia, then proceeded in the playing of "Waynesboro" and "Pretty Little Dog".

Pending the reading of the Journal of Tuesday, February 13, 2018,

At the request of Senator Cline, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

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

Environmental Protection, Department of (Special Reclamation Fund Advisory Council) (§22-1-17)

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 62, Adjusting requirements for hiring school attendance directors.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page one, section three, line fifteen, by striking out the words “with five or more years of experience”.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 62, as amended by the House of Delegates, was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 62 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 62) passed with its title.

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

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2018, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4009—A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the state Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the State Treasury in the General Revenue Fund of the state, and exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; prohibiting agreements to settlement or agreement terms that are contrary to the depositing of funds in the State Treasury; requiring transfer of funds from the Consumer Protection Recovery Fund into the General Revenue Fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring reporting by the Attorney General as to the receipts and expenditures of funds and disposition of matters; and repealing provisions governing the disposition of certain fees of the Attorney General taxed as costs in legal proceedings.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4407—A Bill to amend and reenact §18A-3-1f of the Code of West Virginia, 1931, as amended, relating to eligibility for alternative program teacher certificate; removing eligibility requirement to have academic major or occupational area the same as or similar to subject matter being hired to teach; and adding English Sign Language option to eligibility provisions for alternative program in American Sign Language.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 14th day of February, 2018, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 4020), Making technical corrections in the code when referencing chapter 49.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 47, Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child.

With an amendment from the Committee on Military pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Military to which the bill was first referred.

Respectfully submitted,

Tom Takubo,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 61, Prohibiting smoking in motor vehicle when minor 16 years old or less is present.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 87, Allowing purchase of Class XS resident senior hunting, fishing and trapping licenses at age 65.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 87 (originating in the Committee on Government Organization)—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.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 293, Adding grievance and appellate procedures and judicial review for participants in DHHR safety and treatment program.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 293 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §17C-5A-3 of the Code of West Virginia, 1931, as amended, relating to the addition of grievance and appellate procedures and judicial review for individuals participating, or who have participated, in the Department of Health and Human Resources' safety and treatment program; and authorizing the Secretary of the

Department of Health and Human Resources to promulgate rules to add such procedures and judicial review for participants of the safety and treatment program.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 293), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 402, Creating exemption from certain contract and common carrier laws for motor vehicles.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 402 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from certain contract and common carrier laws for motor vehicles used exclusively for the transportation of railroad personnel.

And,

Senate Bill 439, Exempting motor vehicles engaged in nonemergency transportation of Medicaid members from PSC requirements.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 439 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to exempting vehicles engaged in nonemergency transportation of Medicaid members by centers for independent living from certain statutory requirements.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Government Organization.

Respectfully submitted,

Gregory L. Boso,
Chair.

The bills (Com. Sub. for S. B. 402 and 439), under the original double committee references, were then referred to the Committee on Government Organization.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 415, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery sports wagering activities.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 418, Relating to WV Monument and Memorial Protection Act of 2018.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 418 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2018; prohibiting the removal, renaming, alteration, or relocation, of any statue, monument, memorial, plaque, nameplate, school, street, bridge, or building recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, or named or dedicated in honor of, certain historical, military, labor, civil rights, and Native-American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office; and authorizing the Legislature to grant waivers under certain circumstances.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill (Com. Sub. for S. B. 418), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 424, Allowing developmentally disabled person purchase base hunting license.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 424 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended, relating to providing a lawful method for a developmentally disabled person to obtain a base hunting license free of charge; providing issuance of modified certificate of training for developmentally disabled persons; providing requirements for issuance of modified certificate of training to for developmentally disabled persons; providing definition of “developmentally disabled”; providing issuance of base hunting license to developmentally disabled persons who have modified certificate issued by the Division of Natural Resources; providing requirements for application for modified certificate of training; requiring that no developmentally disabled person holding a base license issued under a modified certificate of training may hunt or trap unless accompanied and directly supervised by an adult at least 18 years of age who may lawfully hunt in this state; providing all licenses and stamps issued by the Division of Natural Resources held by such adult shall apply to the developmentally disabled person while accompanied and directly supervised by such adult; requiring that person obtaining a license under a modified certificate of training must attend an on-site hunter training course and successfully complete all nonwritten aspects of the course to receive a certificate; and providing criminal penalties for violations.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 424), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 444, Repealing antiquated code sections regarding safety glass and lighting in motor vehicles.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Gregory L. Boso,
Chair.

Senator Karnes, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 465, Relating to mandated reporting of child abuse and neglect.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 465 (originating in the Committee on Education)—A Bill to amend and reenact §49-2-803 of the Code of West Virginia, 1931, as amended, relating generally to mandated reporting of child abuse and neglect; clarifying that sexual abuse and sexual assault constitute abuse of a child for

reporting purposes; reducing the time period in which a mandated reporter is required to report suspected abuse or neglect; requiring mandated reporters to directly report known or suspected abuse or neglect; eliminating certain broad reporting requirements applicable to any person over the age of 18; eliminating certain exceptions to the reporting time limit; eliminating particularized reporting requirements for education employees; and eliminating provisions pertaining to conduct involving students or students and school personnel.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert Karnes,
Vice Chair.

The bill (Com. Sub. for S. B. 465), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 467, Relating generally to Public Defender Services.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 467 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §29-21-6 and §29-21-13a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-21-9a, all relating generally to Public Defender Services; transferring initial authority to review, approve, modify, or refuse panel attorney vouchers from circuit courts to Public Defender

Services; providing for resubmission or reconsideration of vouchers previously modified or refused; establishing procedures for handling of modified or refused vouchers; maintaining final authority over payment of vouchers with circuit courts; authorizing the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to contract for noncriminal legal services; providing for payment of contracts; authorizing agency to reduce or reject vouchers or requests for payment; requiring panel attorneys to maintain time-keeping records to enable the attorney to determine time expended on a daily basis; authorizing Governor by executive order to borrow funds from the Revenue Shortfall Reserve Fund to pay appointed counsel and establish repayment requirements; requiring Secretary of Administration's clarification that borrowing is necessary; expiring authorization to borrow on January 1, 2020; setting record-keeping standards; requiring prompt processing and payment of vouchers; revising the rates of compensation for various types of cases; and authorizing the executive director to promulgate emergency rules.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 467), under the original double committee reference, was then referred to the Committee on Finance.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 510, Designating hospitals for stroke treatment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 510 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-5B-18 of the Code of West Virginia, 1931, as amended, relating to designation of hospitals for stroke treatment; adding a designation as a thrombectomy-capable stroke center; modifying the makeup of the advisory committee; requiring approval of legislative rules by the advisory committee prior to filing; providing for a database; and prohibiting certain inspections of hospitals conducted by the Department of Health and Human Resources.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Tom Takubo,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Palumbo, Takubo, Stollings, Woelfel, Cline, and Jeffries:

Senate Bill 534—A Bill to amend and reenact §16-9A-4 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for certain tobacco-related offenses on public school property; and correcting a typographical error.

Referred to the Committee on the Judiciary.

By Senators Trump, Unger, Stollings, Woelfel, Plymale, and Cline:

Senate Bill 535—A Bill to amend and reenact §30-29-4 of the Code of West Virginia, 1931, as amended, relating to increasing a fee, included in court costs of criminal cases, dedicated to funding

training, professional development, and certification programs for law-enforcement officers.

Referred to the Committee on the Judiciary.

By Senators Jeffries, Unger, Takubo, and Beach:

Senate Bill 536—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to authorizing lifetime hunting, fishing, and trapping licenses for foster or adoptive children who have not reached the second year of their placement to be the same cost as resident children who have not reached their second birthday.

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

By Senators Plymale, Unger, Stollings, Woelfel, and Jeffries:

Senate Bill 537—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to creation of the Business PROMISE+ Scholarship; establishing the scholarship under the management of the Higher Education Policy Commission; creating a special revenue account; explaining funding for the scholarship; authorizing the issuance of tax credits for certain businesses; authorizing legislative rules by the Higher Education Policy Commission and the Tax Commissioner; setting student eligibility; noting business benefits and requirements; creating a process for awarding a specific amount of funds; detailing student requirements upon receipt of the scholarship; and requiring the creation of a deferral and waiver program for certain requirements.

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

By Senators Baldwin, Arvon, Beach, Cline, Drennan, Facemire, Jeffries, Mann, Ojeda, Plymale, Prezioso, Romano, Stollings, Woelfel, Unger, and Takubo:

Senate Bill 538—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to providing a credit against personal income

tax for classroom teachers for nonreimbursed costs of supplies; and setting a maximum credit of \$500.

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

By Senators Trump, Stollings, and Woelfel:

Senate Bill 539—A Bill to amend and reenact §14-2-17a of the Code of West Virginia, 1931, as amended, relating to increasing the limit for settling claims against the Division of Highways under the shortened procedure for road condition claims.

Referred to the Committee on the Judiciary.

By Senators Trump and Stollings:

Senate Bill 540—A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating to increasing salaries of magistrates, supreme court justices, circuit court judges, and family court judges pursuant to the 2017 recommendations of the Judicial Compensation Commission.

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

By Senators Prezioso, Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Romano, Stollings, Unger, Woelfel, and Cline:

Senate Bill 541—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing salaries for members of the West Virginia State Police over a three-year period; increasing the annual interval salary increase; and setting effective dates.

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

By Senators Baldwin, Mann, Stollings, and Jeffries:

Senate Bill 542—A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to requiring the creation of a four-year middle high school pilot program as a part

of the Upper Kanawha Valley Resiliency and Revitalization Program; setting forth legislative findings; allowing State Superintendent of Schools to override decision of certain high school and county board of education in certain instances; requiring research of other similar programs for the purpose of seeking advice and incorporating best aspects of other programs; requiring indicators from which the success of the program can be measured; and requiring reports to the Legislative Oversight Commission on Education Accountability.

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

By Senators Trump and Cline:

Senate Bill 543—A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating generally to confidentiality of medical records for patients' physical, mental, or emotional conditions; eliminating disclosure exception for treatment or internal review purposes; eliminating 30-day requirement; eliminating requirement that provider make good faith effort to obtain consent from the patient or legal representative; eliminating requirement that the minimum information necessary is released for a specifically stated purpose; eliminating requirement that prompt notice of the disclosure, the recipient of the information, and the purpose of the disclosure is given to the patient or legal representative; providing an exception for guardianship proceedings and for family members of a person subject to guardianship members; providing for disclosure of records through a written release and authorization; and adopting provisions of federal law which pertain to disclosure of protected health information.

Referred to the Committee on the Judiciary.

By Senators Mann, Boso, Cline, and Jeffries:

Senate Bill 544—A Bill to amend and reenact §5-10D-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-4a, §20-17-5, §20-17-6, §20-17-6a, §20-17-6b, §20-17-6c, §20-17-6d, §20-17-6e, §20-17-7, §20-17-8,

§20-17-9, §20-17-10, §20-17-11, §20-17-11a, §20-17-11b, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, and §20-17-23, all relating to establishing the West Virginia Division of Natural Resources Police Officers' Retirement System.

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

Senators Sybolt, Stollings, Boso, and Cline offered the following resolution:

Senate Concurrent Resolution 20—Requesting the Department of Health and Human Resources and the Bureau for Medical Services review and update Medicaid reimbursement rates for ground and air ambulance services.

Whereas, Ambulance squads are dedicated to providing the utmost health care to the citizens of West Virginia; and

Whereas, Ambulance squads are often the first to respond to scenes of accidents and medical emergencies to provide life-saving care and transport in times of need; and

Whereas, Ambulance agencies are critical to the state's response to the declared national emergency related to opioid and other drug overdoses often administering life-saving care; and

Whereas, The state's rural population and mountain topography make it difficult and increasingly costly to maintain rapid emergency response; and

Whereas, Most ambulance agencies in West Virginia receive minimal funding from state, county, and local governments to support their services; and

Whereas, Ambulance squads are dependent on reimbursement by payers such as Medicaid, Medicare, and commercial health insurance to maintain emergency medical coverage in West Virginia; and

Whereas, Medicaid medical reimbursements for ground ambulance services have not been increased in over 17 years; and

Whereas, In that 17-year period ambulance agencies have experienced significant increases in all costs of service delivery including fuel, liability insurance, workers' compensation, required medical supplies and equipment, employee compensation, and other expenses since the last Medicaid ambulance rate increase; and

Whereas, Over 70 ambulance agencies have closed in the last 10 years, many citing rising costs and low Medicaid reimbursement rates as reasons for their closure; and

Whereas, Additional ambulance agencies currently face closure without additional funding; slowing response times and access to critical emergency medical care in rural, medically underserved communities; therefore, be it

Resolved by the Legislature of West Virginia:

That the Department of Health and Human Resources and the Bureau for Medical Services review and update Medicaid reimbursement rates for ground and air ambulance services; and, be it

Further Resolved, That the Department of Health and Human Resources and the Bureau for Medical Services report to the Senate Government Organization Committee the findings of their rate review for providers of ground and air ambulance services by June 1, 2018; and, be it

Further Resolved, That the Department of Health and Human Resources and the Bureau for Medical Services establish a process to thereafter review on an annual basis the rates paid for ambulance services to ensure rates are adequate to maintain vital emergency medical services for the citizens and taxpayers of West Virginia; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the

Department of Health and Human Resources and the Commissioner of the Bureau for Medical Services.

Which, under the rules, lies over one day.

Senators Stollings, Beach, and Plymale offered the following resolution:

Senate Concurrent Resolution 21—Requesting the Division of Highways name bridge number 23-16/49-0.02 (23A234), locally known as Ellis Lumber Bridge, carrying County Route 16/49 over Buffalo Creek in Logan County, the “U. S. Army PFC Charles Thurman ‘Buddy’ Ellis Memorial Bridge”.

Whereas, Charles Thurman “Buddy” Ellis was born November 14, 1924, in Sunbeam, WV, son of the late Floyd and Catherine Ellis; and

Whereas, He attended Logan County schools until the eighth grade; and

Whereas, He joined the United States Army on June 10, 1943, where he served on the beaches of Normandy during WWII; and loved to tell stories about the war and how it was in Normandy that he learned to drive; and he returned home on February 16, 1946; and

Whereas, When he returned home he began driving a truck for Ideal Cleaners. It was there that he met his wife, Juanita, whom he married on February 15, 1947. After some time, he began selling merchandise, along with delivering dry-cleaning on his delivery truck. He and Juanita founded Ellis Clothing in the 1950s, which sold clothing, housewares, and general merchandise. In 1972, the decision was made to focus on hardware and building supplies. They bought property in Crown and erected a new store. Ellis Supply prospered and continues to serve our area today, with locations in Crown and Oceana; and

Whereas, He and his wife joined a church on November 20, 1949, and helped build the current Man Church of the Nazarene. Buddy believed that you should be in church any time the door is

open and that supporting the church should be a priority. Throughout his 68 years of church membership, Buddy served in many offices and capacities including: Lifelong trustee on the church board where he served for over 60 years; sang with the choir; salted the parking lot; kept the candy basket stocked with peppermints; Sunday school teacher; Sunday school superintendent; church treasurer; and church bus driver. Leading people to Jesus was his passion in life. He transported countless people to church over the years and never had a conversation that didn't include his testimony or a church invitation; and

Whereas, Charles Thurman "Buddy" Ellis, 92, of Man, joined his beloved wife, Juanita, in heaven on Thursday, April 20, 2017; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army, PFC Thurman "Buddy" Ellis and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-16/49-0.02 (23A234), locally known as Ellis Lumber Bridge, carrying County Route 16/49 over Buffalo Creek in Logan County, the "U. S. Army PFC Thurman 'Buddy' Ellis Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army PFC Charles Thurman 'Buddy' Ellis 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 Stollings, Beach, and Plymale offered the following resolution:

Senate Concurrent Resolution 22—Requesting the Division of Highways name a portion of Old Route 10, known as Three-Mile Curve, from the bridge to the railroad tracks, in Logan, Logan County, the “U. S. Army Colonel Larkin Bilton Vance Memorial Highway”.

Whereas, Larkin Bilton Vance was born in 1928 and was educated in a one-room school in Logan County until the eighth grade. He attended Man High School until 1943 and enlisted in the United States Navy at the age of 15. He reported to the Great Lakes Training Center and, after his training, was assigned to a ship leaving for the Pacific. At the end of WWII, he held the position of head quartermaster on the ship stationed in Okinawa. He continued his military pursuits and served in the Korean War, Vietnam, and the Cuban and Belgian Congo crises. He graduated from Army Officer Candidate School at Fort Benning, Georgia, in 1952 and retired after 30 years of service as a Colonel in the U. S. Army. He then served with NATO for an additional 10 years. During this time, he had the opportunity to meet with many distinguished world leaders. He was inducted into the Hall of Fame at Fort Benning and awarded the Civilian Award, a coveted national award for outstanding citizenship; and

Whereas, Naming this road is an appropriate recognition of Colonel Larkin Bilton Vance’s contributions to his country and to the state and community of his birth; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Old Route 10, known as Three-Mile Curve, from the bridge to the railroad tracks, in Logan, Logan County, the “U. S. Army Colonel Larkin Bilton Vance Memorial Highway”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “U. S. Army Colonel Larkin Bilton Vance Memorial Highway”; 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 Stollings, Takubo, Unger, Beach, Plymale, Cline, Drennan, and Prezioso offered the following resolution:

Senate Resolution 40—Designating February 14, 2018, as Tiny Hearts Day at the Legislature.

Whereas, The mission of the West Virginia Chapter of the American Academy of Pediatrics is to attain the optimal health and wellbeing of all infants, children, adolescents, and young adults by uniting and educating pediatricians and facilitating an effective partnership between pediatricians and other child experts and advocates; and

Whereas, Pediatricians play a critical role in improving the health of our citizens; and

Whereas, The prevention of major threats to children's health and the control and management of chronic diseases, obesity, injury, communicable diseases, and other problems cannot be managed solely in the pediatric office; and

Whereas, The 2018 legislative priorities of the West Virginia Chapter of the American Academy of Pediatrics are: Providing access to health care; advancing child health by maintaining strong immunization laws; firearm injury prevention; obesity prevention and treatment; addressing the opioid epidemic and Neonatal Abstinence Syndrome; and raising the legal age to purchase tobacco to 21 and to promote tobacco cessation; and

Whereas, The West Virginia Chapter of the American Academy of Pediatrics will continue to put kids' health first and be a voice for vulnerable children and families in West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 14, 2018, as Tiny Hearts Day at the Legislature; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to the West Virginia Chapter of the American Academy of Pediatrics for the important work they do and for the positive impact they have on the health of West Virginia children and families; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Chapter of the American Academy of Pediatrics.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Stollings regarding the adoption of Senate Resolution 40 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:49 a.m., the Senate recessed to present Senate Resolution 40.

The Senate reconvened at 11:53 a.m. today and resumed business under the sixth order.

Senators Carmichael (Mr. President), Unger, Stollings, Maynard, Beach, Boso, Plymale, Cline, Drennan, and Prezioso offered the following resolution:

Senate Resolution 41—Designating February 14, 2018, as Arts Day at the Legislature.

Whereas, The arts in West Virginia are diverse in scope. From art classes in schools to symphonic performances in theaters, large and small, the arts play an important role in education, community life, and personal development; and

Whereas, The importance of arts to West Virginians can be seen in small rural towns and metropolitan areas where artists and artisans are welcome as entrepreneurial businesses and arts activities range from fairs and festivals to theater presentations; and

Whereas, West Virginia, with its broad ethnic base, is home to traditional arts that range from music and dance to artisan crafts and fine art. The Mountain State art community is contemporary as well with local galleries, art studios, and other programs that encourage, promote, and showcase the exciting work of today's artists; and

Whereas, A cornerstone of the state's arts program is the grants program administered by the West Virginia Division of Culture and History Arts Section. Supported by funding from the National Endowment for the Arts and the West Virginia Legislature, the Division of Culture and History Arts Section awarded more than \$2.165 million in grants in fiscal year 2017 that helped fund programming, activities, and support for arts organizations of all sizes. The grants go to individual artists, arts organizations, schools, and communities; and

Whereas, Recognizing the importance of arts in education, STEAM Power WV focuses exclusively on arts in education. Educators in the fields of science, technology, engineering, and math and in the arts are encouraged to develop projects that combine the arts with one or more of the STEM disciplines. The projects provide students with opportunities for innovation, problem-solving, creativity, and contextual thinking – all aptitudes that are critical to 21st century college and career readiness; and

Whereas, The innovative statewide VH1 Save The Music Foundation program continues to place musical instruments in qualified public middle schools thanks to the matching partnership between VH1 Save The Music Foundation and generous West Virginia individuals and organizations that provided matching funds; and

Whereas, The arts in West Virginia contribute to the vitality of communities and encourage creativity in West Virginians of all ages; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 14, 2018, as Arts Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Culture and History.

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.

On motion of Senator Ferns, at 11:56 a.m., the Senate recessed to present Senate Resolution 41.

The Senate reconvened at 11:59 a.m. today and resumed business under the sixth order.

Senators Gaunch, Carmichael (Mr. President), Unger, Stollings, Woelfel, Maynard, Boso, Plymale, Cline, and Drennan offered the following resolution:

Senate Resolution 42—Recognizing the contribution of car dealers to the economy of West Virginia.

Whereas, The automobile business is over 100 years old and many dealerships in West Virginia have been in the business of providing vehicles for most of that time. Several dealerships are now being operated and managed by fourth-generation dealers and the majority of dealerships are family owned and operated; and

Whereas, West Virginia dealers are strong partners in the economy providing almost 13,000 jobs directly and indirectly. Hiring and training local residents enables many the opportunity to stay in West Virginia to enjoy the beauty of their home state; and

Whereas, Local dealers serve on many community and professional boards keeping in mind that we want a strong community and corporate presence. As local dealers, they stand ready to assist in times of need for communities. Providing staging centers during recent floods for donation, as well as being major donors, ensuring that supplies were delivered to areas in need; and

Whereas, Being involved in all levels of the educational communities to afford career opportunities for future employees, education, both traditional and otherwise, enables our industry to attract and keep next generations. Through the West Virginia Automobile and Truck Dealers Association and the National Automobile Dealers Association, all level of training and certification prepare all levels for career development and progression; and

Whereas, Providing safe and affordable transportation is a major goal for franchise dealers. With little or no public transportation, our citizens must depend on personal transportation to meet their needs; and

Whereas, Inventory taxes paid on vehicles and real estate are a main stay for local taxes for education and local needs. Vehicle taxes provide 18.1 percent of the total retail sales; and

Whereas, As of 2016 in West Virginia, there were 135 new dealerships, providing 12,955 total jobs resulting in \$4.8 billion in annual sales and \$305 million in payroll for hard-working West Virginians; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the contribution of car dealers to the economy of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of the West Virginia Automobile and Truck Dealers Association, Ruth Lemmon.

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

On motion of Senator Ferns, at 12:05 p.m., the Senate recessed to present Senate Resolution 42.

The Senate reconvened at 12:10 p.m. today and, at the request of Senator Ferns, and by unanimous consent, returned to the fourth order of business.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 545 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to driving privileges and requirements for persons under the age of 18; prohibiting use of wireless communication device while operating motor vehicle and specifying exception; and making violation of level-three license terms and conditions subject to penalty provision.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory L. Boso,
Chair.

On motion of Senator Boso, the bill (S. B. 545) contained in the foregoing report from the Committee on Transportation and Infrastructure was then referred to the Committee on the Judiciary.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 36, Relating generally to DNA testing.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill 288, Regulating cremation, embalming and directing of funeral service.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 288 pass?”

Senator Mann requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a funeral director.

The Chair replied that any impact on Senator Mann would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 288) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 288) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 321, Relating to powers and duties of Public Land Corporation.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 321) passed with its title.

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

Eng. Com. Sub. for Senate Bill 397, Creating crime of impersonating blind or disabled person.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 397) passed with its title.

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

Eng. Senate Bill 407, Licensing and approval of child care programs.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker,

Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 407) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Senate Bill 407—A Bill to amend and reenact §49-1-203 and §49-1-206 of the Code of West Virginia, 1931, as amended, all relating to modifying definitions related to licensing and approval of child care programs; modifying definitions related to child advocacy, care, residential, and treatment programs eliminating ability for family child care homes, informal family child care homes or relative family child care homes to self-certify compliance with legislative rules; eliminating statutory caps on the number of children under 24 months of age in family child care facilities and family child care homes; and making technical corrections.

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

Eng. Com. Sub. for Senate Bill 408, Licensing of nursing homes and assisted living residences.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker,

Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 408) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 408—A Bill to repeal §16-5D-16 and §16-5D-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5C-3 of said code; and to amend and reenact §16-5D-2, §16-5D-3, §16-5D-4, §16-5D-5, §16-5D-6, §16-5D-7, §16-5D-8, §16-5D-9, §16-5D-10, §16-5D-11, §16-5D-12, §16-5D-13, and §16-5D-15 of said code, all relating to the licensure of nursing homes and assisted living residences; requiring real-time online publication of certain information related to nursing homes and assisted residences by secretary of Department of Health and Human Resources in lieu of annual report; identifying information to be published online; defining terms; updating definitions; clarifying rule requirements; identifying additional legislative rules to be proposed by secretary of Department of Health and Human Resources; allowing physical and electronic delivery methods for certain reports; repealing outdated sections of code; eliminating duplicative provisions of code; clarifying enforcement action and due process procedures; setting forth actions to be taken if license is suspended, denied, limited or revoked; requiring reporting by assisted living residence administrator to secretary of Board of Pharmacy; barring certain individuals from application to operate another assisted living facility; setting maximum period of suspension on license suspension for assisted living facility; and making technical corrections.

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

Eng. Senate Bill 411, Removing Commissioner of Bureau for Public Health from State Board of Sanitarians.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 411) passed with its title.

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

Eng. Com. Sub. for Senate Bill 469, Converting Addiction Treatment Pilot Program to permanent program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 469 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker,

Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 469) passed with its title.

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

Eng. Com. Sub. for Senate Bill 473, Requiring insurance coverage for the prescription drug Varenicline.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Azinger—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 473) passed with its title.

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

Eng. Com. Sub. for House Bill 2546, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion and a point of inquiry to the President, with resultant response thereto,

The question being “Shall Engrossed Committee Substitute for House Bill 2546 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—26.

The nays were: Baldwin, Beach, Jeffries, Ojeda, Palumbo, Prezioso, Romano, and Stollings—8.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2546) passed with its title.

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

Eng. Com. Sub. for House Bill 2831, Relating to the reconstitution of the Driver’s Licensing Advisory Board.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2831) passed.

On motion of Senator Gaunch, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2831—A Bill to amend and reenact §17B-2-7a of the Code of West Virginia, 1931, as amended, relating to the Driver's Licensing Advisory Board; requiring one member of the advisory board to be a board certified neurologist licensed to practice medicine in this state; reducing number of physicians or surgeons serving on advisory board from four to three; permitting current appointees to advisory board to continue to serve until successors have been appointed; authorizing Commissioner of Motor Vehicles to request opinion of advisory board; requiring the board to respond to requests of the commissioner for opinions; providing reimbursement for advisory board members for actual and necessary expenses; requiring reimbursement to be consistent with guidelines of Travel Management Office; and eliminating sunset provision for advisory board.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 273, Reducing use of certain prescription drugs.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Com. Sub. for Senate Bill 341, Relating generally to WV Appellate Reorganization Act of 2018.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 347, Relating to operation of motorboats.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Trump, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page two, section twelve, line seven, after “70” by inserting the words “or more”;

And,

On page three, section twelve, line thirty-four, by striking out “§20-12-(a)” and inserting in lieu thereof “§20-7-12(a)”.

The bill (Com. Sub. for Com. Sub. for S. B. 347), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 348, Allowing for disposal of service weapons of special DNR police officers.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 355, Dissolving IS&C Division under Office of Technology.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 370, Exempting nonpaid volunteers at ski areas from workers’ compensation benefits.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 458, Prohibiting political subdivisions from enacting regulations or legal requirements relating to employer-employee relationship.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Romano, the following amendment to the bill was reported by the Clerk:

On page four, section four, after line twelve, by inserting a new subsection, designated subsection (e), to read as follows:

(e) Nothing in this article shall be construed to interfere, limit, or restrict the ability of a political subdivision to contract with any third party for goods or services.

Following discussion,

The question being on the adoption of Senator Romano's amendment to the bill, the same was put and did not prevail.

On motion of Senator Romano, the following amendments to the bill (Com. Sub. for S. B. 458) were next reported by the Clerk and considered simultaneously:

On page three, section three, line two, after the word "requirement" by inserting the words "unless it is placed on the ballot before the voters of the political subdivision in a regularly scheduled election and more votes are cast in favor of it than are cast in opposition,";

And,

On page four, section four, line seven, after the word "article" by inserting a comma and the words "unless it is placed on the ballot before the voters of the political subdivision in a regularly scheduled election and more votes are cast in favor of it than are cast in opposition".

Following discussion,

The question being on the adoption of Senator Romano's amendments to the bill, the same was put and did not prevail.

The bill (Com. Sub. for S. B. 458) was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 461, Extending time to file petition for motor fuel excise tax refund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 524, Relating to disposition of complaint proceedings.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 525, Relating to certification for emergency medical training - mining.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Joint Resolution 3, Judicial Budget Oversight Amendment.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Romano, the following amendment to the resolution was reported by the Clerk:

On page three, section fifty-one, line nine, after the words "*Provided, That*" by inserting the following: "no item relating to the judiciary may be decreased by more than three percent compared to the previous fiscal year's appropriation for that item without a separate vote on the bill's third reading that requires two thirds of the members elected to each house, taken by yeas and nays, on the specific question of the reduction in the items relating

to the judiciary prior to the final vote on passage of the bill: *Provided, however*, That the separate vote on decreasing an item relating to the judiciary is not required if the percentage decrease is equivalent to or less than the decrease for the entire state budget as compared to the previous fiscal year: *Provided further*, That”.

Following discussion,

Senator Romano requested unanimous consent to amend his foregoing amendment.

Which consent was not granted, Senator Blair objecting.

The question now being on the adoption of Senator Romano’s amendment to the resolution, the same was put and did not prevail.

The resolution (Com. Sub. for Com. Sub. for S. J. R. 3) was then ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 4162, Granting authority to the State Conservation Committee to contract for flood response.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Senate Bill 339, Relating to WV Retirement Health Benefit Trust Fund within PEIA.

Com. Sub. for Senate Bill 358, Imposing fee for processing criminal bonds.

Senate Bill 398, Relating to requirements for making consumer loans.

Com. Sub. for Senate Bill 495, Designating specific insurance coverages exempt from rate filing requirements.

Senate Bill 498, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest.

Eng. Com. Sub. for House Bill 3004, Relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates.

And,

Eng. Com. Sub. for House Bill 4242, Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Plymale and Ojeda.

Thereafter, at the request of Senator Blair, and by unanimous consent, the remarks by Senator Plymale were ordered printed in the Appendix to the Journal.

At the request of Senator Romano, unanimous consent being granted, the remarks by Senator Ojeda were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 1:54 p.m., the Senate adjourned until tomorrow, Thursday, February 15, 2018, at 11 a.m.

THURSDAY, FEBRUARY 15, 2018

The Senate met at 11:37 a.m.

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

Prayer was offered by the Reverend Mark Wood, First Baptist Church, Spencer, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael T. Azinger, a senator from the third district.

Pending the reading of the Journal of Wednesday, February 14, 2018,

At the request of Senator Arvon, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2018, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 267, Increasing salaries of certain state employees.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 15. PUBLIC SAFETY

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.

(a) The superintendent shall establish within the West Virginia State Police a system to provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second lieutenant, and first lieutenant; the classification of nonsupervisory members within the field operations force to the ranks of trooper, senior trooper, trooper first class, or corporal; the classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary reclassification of members assigned to administrative duties as administrative support specialist I-VIII.

(b) The superintendent may propose legislative rules for promulgation in accordance with ~~article three, chapter twenty-nine~~ ~~a~~ §29A-3-1 et seq. of this code for the purpose of ensuring consistency, predictability, and independent review of any system developed under the provisions of this section.

(c) The superintendent shall provide to each member a written manual governing any system established under the provisions of this section and specific procedures shall be identified for the evaluation and testing of members for promotion or reclassification and the subsequent placement of any members on a promotional eligibility or reclassification recommendation list.

(d) Beginning on ~~July 1, 2011~~ July 1, 2018, members shall receive annual salaries payable at least twice per month as follows:

~~ANNUAL SALARY SCHEDULE (BASE PAY)~~

~~SUPERVISORY AND NONSUPERVISORY RANKS~~

Cadet During Training	\$ 33,994
Cadet Trooper After Training	\$ 41,258
Trooper Second Year	42,266
Trooper Third Year	42,649
Senior Trooper	43,048
Trooper First Class	43,654

Corporal.....	44,260
Sergeant.....	48,561
First Sergeant	50,712
Second Lieutenant.....	52,862
First Lieutenant.....	55,013
Captain.....	57,164
Major.....	59,314
Lieutenant Colonel.....	61,465

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST
CLASSIFICATION

I.....	42,266
II.....	43,048
III.....	43,654
IV.....	44,260
V.....	48,561
VI.....	50,712
VII.....	52,862
VIII.....	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

I.....	42,266
II.....	43,048

III	43,654
IV	44,260
V	48,561
VI	50,712
VII	52,862
VIII	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

<u>Cadet During Training</u>	<u>\$ 34,858</u>
<u>Cadet Trooper After Training</u>	<u>\$ 42,122</u>
<u>Trooper Second Year</u>	<u>43,130</u>
<u>Trooper Third Year</u>	<u>43,513</u>
<u>Senior Trooper</u>	<u>43,912</u>
<u>Trooper First Class</u>	<u>44,518</u>
<u>Corporal</u>	<u>45,124</u>
<u>Sergeant</u>	<u>49,425</u>
<u>First Sergeant</u>	<u>51,576</u>
<u>Second Lieutenant</u>	<u>53,726</u>
<u>First Lieutenant</u>	<u>55,877</u>
<u>Captain</u>	<u>58,028</u>
<u>Major</u>	<u>60,178</u>
<u>Lieutenant Colonel</u>	<u>62,329</u>

ANNUAL SALARY SCHEDULE (BASE PAY)ADMINISTRATION SUPPORT SPECIALIST
CLASSIFICATION

<u>I</u>	<u>43,130</u>
<u>II</u>	<u>43,912</u>
<u>III</u>	<u>44,518</u>
<u>IV</u>	<u>45,124</u>
<u>V</u>	<u>49,425</u>
<u>VI</u>	<u>51,576</u>
<u>VII</u>	<u>53,726</u>
<u>VIII</u>	<u>55,877</u>

ANNUAL SALARY SCHEDULE (BASE PAY)CRIMINALIST CLASSIFICATION

<u>I</u>	<u>43,130</u>
<u>II</u>	<u>43,912</u>
<u>III</u>	<u>44,518</u>
<u>IV</u>	<u>45,124</u>
<u>V</u>	<u>49,425</u>
<u>VI</u>	<u>51,576</u>
<u>VII</u>	<u>53,726</u>
<u>VIII</u>	<u>55,877</u>

Beginning July 1, 2019, the annual salaries for members of each of the West Virginia State Police, the Administration Support

Specialists, and the Criminalist classifications set forth in the schedules in this subsection shall be increased an additional \$432.

Each member of the West Virginia State Police whose salary is fixed and specified in this annual salary schedule is entitled to the length of service increases set forth in subsection (e) of this section and supplemental pay as provided in subsection (g) of this section.

(e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in subsection (d) of this section for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective during his or her next year of service and a like increase at yearly intervals thereafter, with the increases to be cumulative.

(f) In applying the salary schedules set forth in this section where salary increases are provided for length of service, members of the West Virginia State Police in service at the time the schedules become effective shall be given credit for prior service and shall be paid the salaries the same length of service entitles them to receive under the provisions of this section.

(g) The Legislature finds and declares that because of the unique duties of members of the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour laws to them. Accordingly, members of the West Virginia State Police are excluded from the provisions of state wage and hour law. This express exclusion shall not be construed as any indication that the members were or were not covered by the wage and hour law prior to this exclusion.

In lieu of any overtime pay they might otherwise have received under the wage and hour law, and in addition to their salaries and increases for length of service, members who have completed basic

training and who are exempt from federal Fair Labor Standards Act guidelines may receive supplemental pay as provided in this section.

The authority of the superintendent to propose a legislative rule or amendment thereto for promulgation in accordance with ~~article three, chapter twenty nine~~ a §29A-3-1 et seq. of this code to establish the number of hours per month which constitute the standard pay period for the members of the West Virginia State Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in excess of the standard pay period. The superintendent shall certify at least twice per month to the West Virginia State Police's payroll officer the names of those members who have worked in excess of the standard pay period and the amount of their entitlement to supplemental payment. The supplemental payment may not exceed \$200 per pay period. The superintendent and civilian employees of the West Virginia State Police are not eligible for any supplemental payments.

(h) Each member of the West Virginia State Police, except the superintendent and civilian employees, shall execute, before entering upon the discharge of his or her duties, a bond with security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful performance of his or her duties, and the bond shall be approved as to form by the Attorney General and as to sufficiency by the Governor.

(i) In consideration for compensation paid by the West Virginia State Police to its members during those members' participation in the West Virginia State Police Cadet Training Program pursuant to ~~section eight, article twenty nine, chapter thirty~~ §30-29-8 of this code, the West Virginia State Police may require of its members by written agreement entered into with each of them in advance of such participation in the program that, if a member should voluntarily discontinue employment any time within one year immediately following completion of the training program, he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal to that part of such year

which the member has chosen not to remain in the employ of the West Virginia State Police.

(j) Any member of the West Virginia State Police who is called to perform active duty training or inactive duty training in the National Guard or any reserve component of the armed forces of the United States annually shall be granted, upon request, leave time not to exceed 30 calendar days for the purpose of performing the active duty training or inactive duty training and the time granted may not be deducted from any leave accumulated as a member of the West Virginia State Police.

CHAPTER 18. EDUCATION.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-8. Foundation allowance for professional student support services.

(a) The basic foundation allowance to the county for professional student support personnel shall be the amount of money determined in accordance with the following:

(1) The sum of the state minimum salaries, as determined in accordance with the provisions of article four, chapter eighteen of this code, for all state aid eligible school nurse and counselor positions in the county during the two thousand eight fiscal year which number shall be reduced in the same proportion as the number of professional educators allowed to be funded under section four of this article to the total number of professional educators employed that are state aid eligible. In performing this calculation, the numerator shall be the number of professional educators actually funded under section four of this article and the denominator shall be the total number of professional educators employed that are eligible to be funded under section four of this article;

(2) The amount derived from the calculation in subdivision (1) of this subsection is increased by one half percent;

(3) The amount derived from the calculation in subdivision (2) of this subsection is the basic foundation allowance to the county for professional student support personnel for the two thousand nine fiscal year;

(4) For fiscal years two thousand ten, two thousand eleven, two thousand twelve and two thousand thirteen, the basic foundation allowance to the county for professional student support personnel increases by one-half percent per year over the allowance for the previous year; and

(5) For all fiscal years thereafter, the basic foundation allowance to the county for professional student support personnel remains the same amount as in the two thousand thirteen fiscal year, plus any additional amount of funding necessary to cover the increases in the State Minimum Salary Schedule set forth in §18A-4-2 of this code effective for the fiscal year beginning July 1, 2018, and thereafter.

(b) The additional positions for counselors that may be created as a result of the one percent increase provided pursuant to this section shall be assigned to schools where the counselor can:

(1) Enhance student achievement;

(2) Provide early intervention for students in grades prekindergarten through five; and

(3) Enhance student development and career readiness.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-2. State minimum salaries for teachers.

(a) It is the goal of the Legislature to increase the state minimum salary for teachers with zero years of experience and an A. B. degree, including the equity supplement, to at least \$43,000 by fiscal year 2019.

(b) ~~Beginning July 1, 2014~~ (1) For school year 2018 – 2019, and continuing thereafter, each teacher shall receive the amount prescribed in the state State Minimum Salary Schedule as set forth in this section; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to ~~section five a of this article~~ §18A-4-5a of this code during the contract year.

STATE MINIMUM SALARY SCHEDULE

Years Exp.	4 th Class	3 rd Class	2 nd Class	A.B. A.B.	A.B. +15	M.A. M.A.	M.A. +15	M.A. +30	M.A. +45	Doc- torate
0	27,917	28,606	28,872	30,315	31,076	32,843	33,604	34,365	35,126	36,161
1	28,245	28,934	29,200	30,833	31,594	33,362	34,123	34,883	35,644	36,679
2	28,574	29,262	29,528	31,352	32,113	33,880	34,641	35,402	36,163	37,198
3	28,902	29,590	29,856	31,871	32,631	34,399	35,160	35,920	36,681	37,716
4	29,474	30,162	30,428	32,633	33,394	35,162	35,923	36,683	37,444	38,479
5	29,802	30,490	30,756	33,152	33,913	35,680	36,441	37,202	37,963	38,998
6	30,130	30,818	31,084	33,670	34,431	36,199	36,960	37,720	38,481	39,516
7	30,458	31,147	31,412	34,189	34,950	36,717	37,478	38,239	39,000	40,035
8	30,786	31,475	31,741	34,707	35,468	37,236	37,997	38,757	39,518	40,553
9	31,114	31,803	32,069	35,226	35,987	37,754	38,515	39,276	40,037	41,072
10	31,443	32,131	32,397	35,746	36,506	38,274	39,035	39,796	40,556	41,591
11	31,771	32,459	32,725	36,264	37,025	38,793	39,553	40,314	41,075	42,110
12	32,099	32,787	33,053	36,783	37,543	39,311	40,072	40,833	41,593	42,628
13	32,427	33,115	33,381	37,301	38,062	39,830	40,590	41,351	42,112	43,147
14	32,755	33,443	33,709	37,820	38,580	40,348	41,109	41,870	42,630	43,665
15	33,083	33,771	34,037	38,338	39,099	40,867	41,627	42,388	43,149	44,184
16	33,411	34,099	34,365	38,857	39,617	41,385	42,146	42,907	43,667	44,702
17	33,739	34,428	34,693	39,375	40,136	41,904	42,665	43,425	44,186	45,221
18	34,067	34,756	35,022	39,894	40,655	42,422	43,183	43,944	44,705	45,740
19	34,395	35,084	35,350	40,412	41,173	42,941	43,702	44,462	45,223	46,258
20	34,723	35,412	35,678	40,931	41,692	43,459	44,220	44,981	45,742	46,777
21	35,052	35,740	36,006	41,449	42,210	43,978	44,739	45,499	46,260	47,295

22	35,380	36,068	36,334	41,968	42,729	44,496	45,257	46,018	46,779	47,814
23	35,708	36,396	36,662	42,487	43,247	45,015	45,776	46,536	47,297	48,332
24	36,036	36,724	36,990	43,005	43,766	45,534	46,294	47,055	47,816	48,851
25	36,364	37,052	37,318	43,524	44,284	46,052	46,813	47,574	48,334	49,369
26	36,692	37,380	37,646	44,042	44,803	46,571	47,331	48,092	48,853	49,888
27	37,020	37,708	37,974	44,561	45,321	47,089	47,850	48,611	49,371	50,406
28	37,348	38,037	38,302	45,079	45,840	47,608	48,368	49,129	49,890	50,925
29	37,676	38,365	38,631	45,598	46,358	48,126	48,887	49,648	50,408	51,443
30	38,004	38,693	38,959	46,116	46,877	48,645	49,405	50,166	50,927	51,962
31	38,333	39,021	39,287	46,635	47,396	49,163	49,924	50,685	51,445	52,480
32	38,661	39,349	39,615	47,153	47,914	49,682	50,443	51,203	51,964	52,999
33	38,989	39,677	39,943	47,672	48,433	50,200	50,961	51,722	52,483	53,518
34	39,317	40,005	40,271	48,190	48,951	50,719	51,480	52,240	53,001	54,036
35	39,645	40,333	40,599	48,709	49,470	51,237	51,998	52,759	53,520	54,555

Years	<u>4th</u>	<u>3rd</u>	<u>2nd</u>	<u>A.B.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>Doc-</u>	
Exp	<u>Class</u>	<u>Class</u>	<u>Class</u>	<u>A.B.</u>	<u>+ 15</u>	<u>M.A.</u>	<u>+ 15</u>	<u>+ 30</u>	<u>+ 45</u>	<u>torate</u>
<u>0</u>	<u>28,725</u>	<u>29,414</u>	<u>29,680</u>	<u>31,123</u>	<u>31,884</u>	<u>33,651</u>	<u>34,412</u>	<u>35,173</u>	<u>35,934</u>	<u>36,969</u>
<u>1</u>	<u>29,053</u>	<u>29,742</u>	<u>30,008</u>	<u>31,641</u>	<u>32,402</u>	<u>34,170</u>	<u>34,931</u>	<u>35,691</u>	<u>36,452</u>	<u>37,487</u>
<u>2</u>	<u>29,382</u>	<u>30,070</u>	<u>30,336</u>	<u>32,160</u>	<u>32,921</u>	<u>34,688</u>	<u>35,449</u>	<u>36,210</u>	<u>36,971</u>	<u>38,006</u>
<u>3</u>	<u>29,710</u>	<u>30,398</u>	<u>30,664</u>	<u>32,679</u>	<u>33,439</u>	<u>35,207</u>	<u>35,968</u>	<u>36,728</u>	<u>37,489</u>	<u>38,524</u>
<u>4</u>	<u>30,282</u>	<u>30,970</u>	<u>31,236</u>	<u>33,441</u>	<u>34,202</u>	<u>35,970</u>	<u>36,731</u>	<u>37,491</u>	<u>38,252</u>	<u>39,287</u>
<u>5</u>	<u>30,610</u>	<u>31,298</u>	<u>31,564</u>	<u>33,960</u>	<u>34,721</u>	<u>36,488</u>	<u>37,249</u>	<u>38,010</u>	<u>38,771</u>	<u>39,806</u>
<u>6</u>	<u>30,938</u>	<u>31,626</u>	<u>31,892</u>	<u>34,478</u>	<u>35,239</u>	<u>37,007</u>	<u>37,768</u>	<u>38,528</u>	<u>39,289</u>	<u>40,324</u>
<u>7</u>	<u>31,266</u>	<u>31,955</u>	<u>32,220</u>	<u>34,997</u>	<u>35,758</u>	<u>37,525</u>	<u>38,286</u>	<u>39,047</u>	<u>39,808</u>	<u>40,843</u>
<u>8</u>	<u>31,594</u>	<u>32,283</u>	<u>32,549</u>	<u>35,515</u>	<u>36,276</u>	<u>38,044</u>	<u>38,805</u>	<u>39,565</u>	<u>40,326</u>	<u>41,361</u>
<u>9</u>	<u>31,922</u>	<u>32,611</u>	<u>32,877</u>	<u>36,034</u>	<u>36,795</u>	<u>38,562</u>	<u>39,323</u>	<u>40,084</u>	<u>40,845</u>	<u>41,880</u>
<u>10</u>	<u>32,251</u>	<u>32,939</u>	<u>33,205</u>	<u>36,554</u>	<u>37,314</u>	<u>39,082</u>	<u>39,843</u>	<u>40,604</u>	<u>41,364</u>	<u>42,399</u>
<u>11</u>	<u>32,579</u>	<u>33,267</u>	<u>33,533</u>	<u>37,072</u>	<u>37,833</u>	<u>39,601</u>	<u>40,361</u>	<u>41,122</u>	<u>41,883</u>	<u>42,918</u>
<u>12</u>	<u>32,907</u>	<u>33,595</u>	<u>33,861</u>	<u>37,591</u>	<u>38,351</u>	<u>40,119</u>	<u>40,880</u>	<u>41,641</u>	<u>42,401</u>	<u>43,436</u>

<u>13</u>	<u>33,235</u>	<u>33,923</u>	<u>34,189</u>	<u>38,109</u>	<u>38,870</u>	<u>40,638</u>	<u>41,398</u>	<u>42,159</u>	<u>42,920</u>	<u>43,955</u>
<u>14</u>	<u>33,563</u>	<u>34,251</u>	<u>34,517</u>	<u>38,628</u>	<u>39,388</u>	<u>41,156</u>	<u>41,917</u>	<u>42,678</u>	<u>43,438</u>	<u>44,473</u>
<u>15</u>	<u>33,891</u>	<u>34,579</u>	<u>34,845</u>	<u>39,146</u>	<u>39,907</u>	<u>41,675</u>	<u>42,435</u>	<u>43,196</u>	<u>43,957</u>	<u>44,992</u>
<u>16</u>	<u>34,219</u>	<u>34,907</u>	<u>35,173</u>	<u>39,665</u>	<u>40,425</u>	<u>42,193</u>	<u>42,954</u>	<u>43,715</u>	<u>44,475</u>	<u>45,510</u>
<u>17</u>	<u>34,547</u>	<u>35,236</u>	<u>35,501</u>	<u>40,183</u>	<u>40,944</u>	<u>42,712</u>	<u>43,473</u>	<u>44,233</u>	<u>44,994</u>	<u>46,029</u>
<u>18</u>	<u>34,875</u>	<u>35,564</u>	<u>35,830</u>	<u>40,702</u>	<u>41,463</u>	<u>43,230</u>	<u>43,991</u>	<u>44,752</u>	<u>45,513</u>	<u>46,548</u>
<u>19</u>	<u>35,203</u>	<u>35,892</u>	<u>36,158</u>	<u>41,220</u>	<u>41,981</u>	<u>43,749</u>	<u>44,510</u>	<u>45,270</u>	<u>46,031</u>	<u>47,066</u>
<u>20</u>	<u>35,531</u>	<u>36,220</u>	<u>36,486</u>	<u>41,739</u>	<u>42,500</u>	<u>44,267</u>	<u>45,028</u>	<u>45,789</u>	<u>46,550</u>	<u>47,585</u>
<u>21</u>	<u>35,860</u>	<u>36,548</u>	<u>36,814</u>	<u>42,257</u>	<u>43,018</u>	<u>44,786</u>	<u>45,547</u>	<u>46,307</u>	<u>47,068</u>	<u>48,103</u>
<u>22</u>	<u>36,188</u>	<u>36,876</u>	<u>37,142</u>	<u>42,776</u>	<u>43,537</u>	<u>45,304</u>	<u>46,065</u>	<u>46,826</u>	<u>47,587</u>	<u>48,622</u>
<u>23</u>	<u>36,516</u>	<u>37,204</u>	<u>37,470</u>	<u>43,295</u>	<u>44,055</u>	<u>45,823</u>	<u>46,584</u>	<u>47,344</u>	<u>48,105</u>	<u>49,140</u>
<u>24</u>	<u>36,844</u>	<u>37,532</u>	<u>37,798</u>	<u>43,813</u>	<u>44,574</u>	<u>46,342</u>	<u>47,102</u>	<u>47,863</u>	<u>48,624</u>	<u>49,659</u>
<u>25</u>	<u>37,172</u>	<u>37,860</u>	<u>38,126</u>	<u>44,332</u>	<u>45,092</u>	<u>46,860</u>	<u>47,621</u>	<u>48,382</u>	<u>49,142</u>	<u>50,177</u>
<u>26</u>	<u>37,500</u>	<u>38,188</u>	<u>38,454</u>	<u>44,850</u>	<u>45,611</u>	<u>47,379</u>	<u>48,139</u>	<u>48,900</u>	<u>49,661</u>	<u>50,696</u>
<u>27</u>	<u>37,828</u>	<u>38,516</u>	<u>38,782</u>	<u>45,369</u>	<u>46,129</u>	<u>47,897</u>	<u>48,658</u>	<u>49,419</u>	<u>50,179</u>	<u>51,214</u>
<u>28</u>	<u>38,156</u>	<u>38,845</u>	<u>39,110</u>	<u>45,887</u>	<u>46,648</u>	<u>48,416</u>	<u>49,176</u>	<u>49,937</u>	<u>50,698</u>	<u>51,733</u>
<u>29</u>	<u>38,484</u>	<u>39,173</u>	<u>39,439</u>	<u>46,406</u>	<u>47,166</u>	<u>48,934</u>	<u>49,695</u>	<u>50,456</u>	<u>51,216</u>	<u>52,251</u>
<u>30</u>	<u>38,812</u>	<u>39,501</u>	<u>39,767</u>	<u>46,924</u>	<u>47,685</u>	<u>49,453</u>	<u>50,213</u>	<u>50,974</u>	<u>51,735</u>	<u>52,770</u>
<u>31</u>	<u>39,141</u>	<u>39,829</u>	<u>40,095</u>	<u>47,443</u>	<u>48,204</u>	<u>49,971</u>	<u>50,732</u>	<u>51,493</u>	<u>52,253</u>	<u>53,288</u>
<u>32</u>	<u>39,469</u>	<u>40,157</u>	<u>40,423</u>	<u>47,961</u>	<u>48,722</u>	<u>50,490</u>	<u>51,251</u>	<u>52,011</u>	<u>52,772</u>	<u>53,807</u>
<u>33</u>	<u>39,797</u>	<u>40,485</u>	<u>40,751</u>	<u>48,480</u>	<u>49,241</u>	<u>51,008</u>	<u>51,769</u>	<u>52,530</u>	<u>53,291</u>	<u>54,326</u>
<u>34</u>	<u>40,125</u>	<u>40,813</u>	<u>41,079</u>	<u>48,998</u>	<u>49,759</u>	<u>51,527</u>	<u>52,288</u>	<u>53,048</u>	<u>53,809</u>	<u>54,844</u>
<u>35</u>	<u>40,453</u>	<u>41,141</u>	<u>41,407</u>	<u>49,517</u>	<u>50,278</u>	<u>52,045</u>	<u>52,806</u>	<u>53,567</u>	<u>54,328</u>	<u>55,363</u>

(2) For school year 2019 – 2020, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$404; specific additional amounts prescribed in this section or article; and any county supplement in

effect in a county pursuant to §18A-4-5a of this code during the contract year.

(3) For school year 2020 – 2021, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$808; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(4) For school year 2021 – 2022, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$1,212; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(c) Six hundred dollars shall be paid annually to each classroom teacher who has at least 20 years of teaching experience. The payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

(d) To meet the objective of salary equity among the counties as set forth in ~~section five of this article~~ §18A-4-5 of this code, each teacher shall be paid an equity supplement amount as applicable for his or her classification of certification or classification of training and years of experience as follows, subject to the provisions of that section:

(1) For “4th Class” at zero years of experience, \$1,781. An additional \$38 shall be paid for each year of experience up to and including 35 years of experience;

(2) For “3rd Class” at zero years of experience, \$1,796. An additional \$67 shall be paid for each year of experience up to and including 35 years of experience;

(3) For “2nd Class” at zero years of experience, \$1,877. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(4) For “A. B.” at zero years of experience, \$2,360. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(5) For “A. B. + 15” at zero years of experience, \$2,452. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(6) For “M. A.” at zero years of experience, \$2,644. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(7) For “M. A. + 15” at zero years of experience, \$2,740. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(8) For “M. A. + 30” at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(9) For “M. A. + 45” at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience; and

(10) For “Doctorate” at zero years of experience, \$2,927. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience.

These payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to ~~section five a of this article~~ §18A-4-5a of this code; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

§18A-4-8a. Service personnel minimum monthly salaries.

(a) The minimum monthly pay for each service employee shall be as follows:

(1) ~~Beginning July 1, 2014, For school year 2018 – 2019, and continuing thereafter,~~ the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the ~~state~~ State Minimum Pay Scale Pay Grade and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the ~~state~~ State Minimum Pay Scale Pay Grade set forth in this subdivision.

STATE MINIMUM PAY SCALE PAY GRADE

<u>Years</u>	<u>PAY GRADE</u>							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
0	1,660	1,681	1,723	1,776	1,829	1,892	1,924	1,997
1	1,692	1,714	1,755	1,808	1,862	1,925	1,956	2,030
2	1,725	1,746	1,788	1,841	1,894	1,957	1,989	2,062
3	1,757	1,779	1,821	1,874	1,927	1,990	2,022	2,095
4	1,790	1,812	1,853	1,906	1,959	2,023	2,054	2,129
5	1,823	1,844	1,886	1,939	1,992	2,055	2,087	2,161
6	1,855	1,877	1,920	1,972	2,025	2,088	2,120	2,194
7	1,889	1,909	1,952	2,004	2,057	2,121	2,152	2,227
8	1,922	1,942	1,985	2,037	2,090	2,153	2,185	2,259
9	1,954	1,975	2,018	2,071	2,123	2,186	2,217	2,292
10	1,987	2,008	2,050	2,103	2,155	2,220	2,251	2,325
11	2,020	2,041	2,083	2,136	2,188	2,252	2,284	2,357
12	2,052	2,074	2,115	2,169	2,222	2,285	2,316	2,390
13	2,085	2,106	2,148	2,201	2,254	2,317	2,349	2,423
14	2,118	2,139	2,181	2,234	2,287	2,350	2,382	2,455

15	2,150	2,172	2,213	2,266	2,319	2,383	2,414	2,488
16	2,183	2,204	2,246	2,299	2,352	2,415	2,447	2,521
17	2,215	2,237	2,280	2,332	2,385	2,448	2,480	2,554
18	2,248	2,270	2,312	2,364	2,417	2,481	2,512	2,587
19	2,282	2,302	2,345	2,397	2,450	2,513	2,545	2,619
20	2,314	2,335	2,378	2,431	2,483	2,546	2,578	2,653
21	2,347	2,367	2,410	2,463	2,515	2,579	2,610	2,687
22	2,380	2,401	2,443	2,496	2,548	2,612	2,644	2,719
23	2,412	2,434	2,476	2,529	2,582	2,646	2,678	2,753
24	2,445	2,466	2,508	2,561	2,614	2,680	2,711	2,787
25	2,478	2,499	2,541	2,594	2,648	2,712	2,745	2,819
26	2,510	2,532	2,573	2,628	2,682	2,746	2,777	2,853
27	2,543	2,564	2,606	2,660	2,714	2,778	2,811	2,886
28	2,576	2,597	2,640	2,694	2,748	2,812	2,845	2,920
29	2,608	2,631	2,673	2,726	2,781	2,846	2,877	2,954
30	2,642	2,663	2,707	2,760	2,814	2,878	2,911	2,987
31	2,675	2,697	2,741	2,794	2,848	2,912	2,945	3,020
32	2,709	2,730	2,773	2,827	2,880	2,946	2,977	3,054
33	2,743	2,763	2,807	2,861	2,914	2,978	3,011	3,087
34	2,775	2,797	2,841	2,895	2,948	3,012	3,045	3,120
35	2,809	2,831	2,873	2,927	2,980	3,046	3,078	3,154
36	2,843	2,864	2,907	2,961	3,015	3,079	3,112	3,186
37	2,875	2,898	2,941	2,995	3,049	3,113	3,145	3,220
38	2,909	2,930	2,973	3,027	3,081	3,146	3,178	3,254
39	2,943	2,964	3,007	3,061	3,115	3,179	3,212	3,286
40	2,975	2,998	3,040	3,094	3,149	3,213	3,245	3,320

<u>Years</u>								
<u>Exp.</u>	<u>PAY GRADE</u>							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
0	<u>1.704</u>	<u>1.725</u>	<u>1.767</u>	<u>1.820</u>	<u>1.873</u>	<u>1.936</u>	<u>1.968</u>	<u>2.041</u>
1	<u>1.736</u>	<u>1.758</u>	<u>1.799</u>	<u>1.852</u>	<u>1.906</u>	<u>1.969</u>	<u>2.000</u>	<u>2.074</u>
2	<u>1.769</u>	<u>1.790</u>	<u>1.832</u>	<u>1.885</u>	<u>1.938</u>	<u>2.001</u>	<u>2.033</u>	<u>2.106</u>
3	<u>1.801</u>	<u>1.823</u>	<u>1.865</u>	<u>1.918</u>	<u>1.971</u>	<u>2.034</u>	<u>2.066</u>	<u>2.139</u>
4	<u>1.834</u>	<u>1.856</u>	<u>1.897</u>	<u>1.950</u>	<u>2.003</u>	<u>2.067</u>	<u>2.098</u>	<u>2.173</u>
5	<u>1.867</u>	<u>1.888</u>	<u>1.930</u>	<u>1.983</u>	<u>2.036</u>	<u>2.099</u>	<u>2.131</u>	<u>2.205</u>
6	<u>1.899</u>	<u>1.921</u>	<u>1.964</u>	<u>2.016</u>	<u>2.069</u>	<u>2.132</u>	<u>2.164</u>	<u>2.238</u>
7	<u>1.933</u>	<u>1.953</u>	<u>1.996</u>	<u>2.048</u>	<u>2.101</u>	<u>2.165</u>	<u>2.196</u>	<u>2.271</u>
8	<u>1.966</u>	<u>1.986</u>	<u>2.029</u>	<u>2.081</u>	<u>2.134</u>	<u>2.197</u>	<u>2.229</u>	<u>2.303</u>
9	<u>1.998</u>	<u>2.019</u>	<u>2.062</u>	<u>2.115</u>	<u>2.167</u>	<u>2.230</u>	<u>2.261</u>	<u>2.336</u>
10	<u>2.031</u>	<u>2.052</u>	<u>2.094</u>	<u>2.147</u>	<u>2.199</u>	<u>2.264</u>	<u>2.295</u>	<u>2.369</u>
11	<u>2.064</u>	<u>2.085</u>	<u>2.127</u>	<u>2.180</u>	<u>2.232</u>	<u>2.296</u>	<u>2.328</u>	<u>2.401</u>
12	<u>2.096</u>	<u>2.118</u>	<u>2.159</u>	<u>2.213</u>	<u>2.266</u>	<u>2.329</u>	<u>2.360</u>	<u>2.434</u>
13	<u>2.129</u>	<u>2.150</u>	<u>2.192</u>	<u>2.245</u>	<u>2.298</u>	<u>2.361</u>	<u>2.393</u>	<u>2.467</u>
14	<u>2.162</u>	<u>2.183</u>	<u>2.225</u>	<u>2.278</u>	<u>2.331</u>	<u>2.394</u>	<u>2.426</u>	<u>2.499</u>
15	<u>2.194</u>	<u>2.216</u>	<u>2.257</u>	<u>2.310</u>	<u>2.363</u>	<u>2.427</u>	<u>2.458</u>	<u>2.532</u>
16	<u>2.227</u>	<u>2.248</u>	<u>2.290</u>	<u>2.343</u>	<u>2.396</u>	<u>2.459</u>	<u>2.491</u>	<u>2.565</u>
17	<u>2.259</u>	<u>2.281</u>	<u>2.324</u>	<u>2.376</u>	<u>2.429</u>	<u>2.492</u>	<u>2.524</u>	<u>2.598</u>
18	<u>2.292</u>	<u>2.314</u>	<u>2.356</u>	<u>2.408</u>	<u>2.461</u>	<u>2.525</u>	<u>2.556</u>	<u>2.631</u>
19	<u>2.326</u>	<u>2.346</u>	<u>2.389</u>	<u>2.441</u>	<u>2.494</u>	<u>2.557</u>	<u>2.589</u>	<u>2.663</u>
20	<u>2.358</u>	<u>2.379</u>	<u>2.422</u>	<u>2.475</u>	<u>2.527</u>	<u>2.590</u>	<u>2.622</u>	<u>2.697</u>
21	<u>2.391</u>	<u>2.411</u>	<u>2.454</u>	<u>2.507</u>	<u>2.559</u>	<u>2.623</u>	<u>2.654</u>	<u>2.731</u>
22	<u>2.424</u>	<u>2.445</u>	<u>2.487</u>	<u>2.540</u>	<u>2.592</u>	<u>2.656</u>	<u>2.688</u>	<u>2.763</u>
23	<u>2.456</u>	<u>2.478</u>	<u>2.520</u>	<u>2.573</u>	<u>2.626</u>	<u>2.690</u>	<u>2.722</u>	<u>2.797</u>
24	<u>2.489</u>	<u>2.510</u>	<u>2.552</u>	<u>2.605</u>	<u>2.658</u>	<u>2.724</u>	<u>2.755</u>	<u>2.831</u>

25	<u>2,522</u>	<u>2,543</u>	<u>2,585</u>	<u>2,638</u>	<u>2,692</u>	<u>2,756</u>	<u>2,789</u>	<u>2,863</u>
26	<u>2,554</u>	<u>2,576</u>	<u>2,617</u>	<u>2,672</u>	<u>2,726</u>	<u>2,790</u>	<u>2,821</u>	<u>2,897</u>
27	<u>2,587</u>	<u>2,608</u>	<u>2,650</u>	<u>2,704</u>	<u>2,758</u>	<u>2,822</u>	<u>2,855</u>	<u>2,930</u>
28	<u>2,620</u>	<u>2,641</u>	<u>2,684</u>	<u>2,738</u>	<u>2,792</u>	<u>2,856</u>	<u>2,889</u>	<u>2,964</u>
29	<u>2,652</u>	<u>2,675</u>	<u>2,717</u>	<u>2,770</u>	<u>2,825</u>	<u>2,890</u>	<u>2,921</u>	<u>2,998</u>
30	<u>2,686</u>	<u>2,707</u>	<u>2,751</u>	<u>2,804</u>	<u>2,858</u>	<u>2,922</u>	<u>2,955</u>	<u>3,031</u>
31	<u>2,719</u>	<u>2,741</u>	<u>2,785</u>	<u>2,838</u>	<u>2,892</u>	<u>2,956</u>	<u>2,989</u>	<u>3,064</u>
32	<u>2,753</u>	<u>2,774</u>	<u>2,817</u>	<u>2,871</u>	<u>2,924</u>	<u>2,990</u>	<u>3,021</u>	<u>3,098</u>
33	<u>2,787</u>	<u>2,807</u>	<u>2,851</u>	<u>2,905</u>	<u>2,958</u>	<u>3,022</u>	<u>3,055</u>	<u>3,131</u>
34	<u>2,819</u>	<u>2,841</u>	<u>2,885</u>	<u>2,939</u>	<u>2,992</u>	<u>3,056</u>	<u>3,089</u>	<u>3,164</u>
35	<u>2,853</u>	<u>2,875</u>	<u>2,917</u>	<u>2,971</u>	<u>3,024</u>	<u>3,090</u>	<u>3,122</u>	<u>3,198</u>
36	<u>2,887</u>	<u>2,908</u>	<u>2,951</u>	<u>3,005</u>	<u>3,059</u>	<u>3,123</u>	<u>3,156</u>	<u>3,230</u>
37	<u>2,919</u>	<u>2,942</u>	<u>2,985</u>	<u>3,039</u>	<u>3,093</u>	<u>3,157</u>	<u>3,189</u>	<u>3,264</u>
38	<u>2,953</u>	<u>2,974</u>	<u>3,017</u>	<u>3,071</u>	<u>3,125</u>	<u>3,190</u>	<u>3,222</u>	<u>3,298</u>
39	<u>2,987</u>	<u>3,008</u>	<u>3,051</u>	<u>3,105</u>	<u>3,159</u>	<u>3,223</u>	<u>3,256</u>	<u>3,330</u>
40	<u>3,019</u>	<u>3,042</u>	<u>3,084</u>	<u>3,138</u>	<u>3,193</u>	<u>3,257</u>	<u>3,289</u>	<u>3,364</u>

(2) For school year 2019 – 2020, and continuing thereafter, the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the State Minimum Pay Scale Pay Grade, plus \$22; and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay Scale Pay Grade, plus \$11.

~~(2)~~ (3) Each service employee shall receive the amount prescribed in the State Minimum Pay Scale Pay Grade in accordance with the provisions of this subsection according to their class title and pay grade as set forth in this subdivision:

CLASS TITLE	PAY GRADE
Accountant I	D
Accountant II	E
Accountant III	F
Accounts Payable Supervisor	G
Aide I	A
Aide II	B
Aide III	C
Aide IV	D
Audiovisual Technician	C
Auditor	G
Autism Mentor	F
Braille Specialist	E
Bus Operator	D
Buyer	F
Cabinetmaker	G
Cafeteria Manager	D
Carpenter I	E
Carpenter II	F
Chief Mechanic	G
Clerk I	B
Clerk II	C
Computer Operator	E
Cook I	A
Cook II	B
Cook III	C
Crew Leader	F
Custodian I	A
Custodian II	B
Custodian III	C
Custodian IV	D
Director or Coordinator of Services	H
Draftsman	D
Early Childhood Classroom Assistant Teacher I	E
Early Childhood Classroom Assistant Teacher II	E
Early Childhood Classroom Assistant Teacher III	F
Educational Sign Language Interpreter I	F
Educational Sign Language Interpreter II	G

Electrician I	F
Electrician II	G
Electronic Technician I	F
Electronic Technician II	G
Executive Secretary	G
Food Services Supervisor	G
Foreman	G
General Maintenance	C
Glazier	D
Graphic Artist	D
Groundsman	B
Handyman	B
Heating and Air Conditioning Mechanic I	E
Heating and Air Conditioning Mechanic II	G
Heavy Equipment Operator	E
Inventory Supervisor	D
Key Punch Operator	B
Licensed Practical Nurse	F
Locksmith	G
Lubrication Man	C
Machinist	F
Mail Clerk	D
Maintenance Clerk	C
Mason	G
Mechanic	F
Mechanic Assistant	E
Office Equipment Repairman I	F
Office Equipment Repairman II	G
Painter	E
Paraprofessional	F
Payroll Supervisor	G
Plumber I	E
Plumber II	G
Printing Operator	B
Printing Supervisor	D
Programmer	H
Roofing/Sheet Metal Mechanic	F
Sanitation Plant Operator	G
School Bus Supervisor	E

Secretary I	D
Secretary II	E
Secretary III	F
Sign Support Specialist	E
Supervisor of Maintenance	H
Supervisor of Transportation	H
Switchboard Operator-Receptionist	D
Truck Driver	D
Warehouse Clerk	C
Watchman	B
Welder	F
WVEIS Data Entry and Administrative Clerk	B

(b) An additional \$12 per month is added to the minimum monthly pay of each service person who holds a high school diploma or its equivalent.

(c) An additional \$11 per month also is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds 12 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(2) A service person who holds 24 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(3) A service person who holds 36 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(4) A service person who holds 48 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(5) A service employee who holds 60 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(6) A service person who holds 72 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(7) A service person who holds 84 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(8) A service person who holds 96 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(9) A service person who holds 108 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(10) A service person who holds 120 college hours or comparable credit obtained in a trade or vocational school as approved by the state board.

(d) An additional \$40 per month also is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds an associate's degree;

(2) A service person who holds a bachelor's degree;

(3) A service person who holds a master's degree;

(4) A service person who holds a doctorate degree.

(e) An additional \$11 per month is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds a bachelor's degree plus 15 college hours;

(2) A service person who holds a master's degree plus 15 college hours;

(3) A service person who holds a master's degree plus 30 college hours;

(4) A service person who holds a master's degree plus 45 college hours; and

(5) A service person who holds a master's degree plus 60 college hours.

(f) To meet the objective of salary equity among the counties, each service person is paid an equity supplement, as set forth in ~~section five of this article~~ §18A-4-5 of this code, of \$164 per month, subject to the provisions of that section. These payments: (i) Are in addition to any amounts prescribed in the applicable State Minimum Pay Scale Pay Grade, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to ~~section five b of this article~~ §18A-4-5b of this code; (ii) are paid in equal monthly installments; and (iii) are considered a part of the state minimum salaries for service personnel.

(g) When any part of a school service person's daily shift of work is performed between the hours of 6:00 p. m. and 5:00 a. m. the following day, the employee is paid no less than an additional \$10 per month and one half of the pay is paid with local funds.

(h) Any service person required to work on any legal school holiday is paid at a rate one and one-half times the person's usual hourly rate.

(i) Any full-time service personnel required to work in excess of their normal working day during any week which contains a school holiday for which they are paid is paid for the additional hours or fraction of the additional hours at a rate of one and one-half times their usual hourly rate and paid entirely from county board funds.

(j) A service person may not have his or her daily work schedule changed during the school year without the employee's written consent and the person's required daily work hours may not be changed to prevent the payment of time and one-half wages or the employment of another employee.

(k) The minimum hourly rate of pay for extra duty assignments as defined in ~~section eight-b of this article~~ §18A-4-8b of this code is no less than one seventh of the person's daily total salary for each hour the person is involved in performing the assignment and paid entirely from local funds: *Provided*, That an alternative minimum hourly rate of pay for performing extra duty assignments within a particular category of employment may be used if the alternate hourly rate of pay is approved both by the county board and by the affirmative vote of a two-thirds majority of the regular full-time persons within that classification category of employment within that county: *Provided, however*, That the vote is by secret ballot if requested by a service person within that classification category within that county. The salary for any fraction of an hour the employee is involved in performing the assignment is prorated accordingly. When performing extra duty assignments, persons who are regularly employed on a one-half day salary basis shall receive the same hourly extra duty assignment pay computed as though the person were employed on a full-day salary basis.

(l) The minimum pay for any service personnel engaged in the removal of asbestos material or related duties required for asbestos removal is their regular total daily rate of pay and no less than an additional \$3 per hour or no less than \$5 per hour for service personnel supervising asbestos removal responsibilities for each hour these employees are involved in asbestos-related duties. Related duties required for asbestos removal include, but are not limited to, travel, preparation of the work site, removal of asbestos, decontamination of the work site, placing and removal of equipment and removal of structures from the site. If any member of an asbestos crew is engaged in asbestos-related duties outside of the employee's regular employment county, the daily rate of pay is no less than the minimum amount as established in the employee's regular employment county for asbestos removal and an additional \$30 per each day the employee is engaged in asbestos removal and related duties. The additional pay for asbestos removal and related duties shall be payable entirely from county funds. Before service personnel may be used in the removal of asbestos material or related duties, they shall have completed a federal Environmental Protection Act-approved training program and be licensed. The

employer shall provide all necessary protective equipment and maintain all records required by the Environmental Protection Act.

(m) For the purpose of qualifying for additional pay as provided in ~~section eight of this article~~ §18A-5-8 of this code, an aide is considered to be exercising the authority of a supervisory aide and control over pupils if the aide is required to supervise, control, direct, monitor, escort, or render service to a child or children when not under the direct supervision of a certified professional person within the classroom, library, hallway, lunchroom, gymnasium, school building, school grounds, or wherever supervision is required. For purposes of this section, “under the direct supervision of a certified professional person” means that certified professional person is present, with and accompanying the aide.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 267—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-8 of said code; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing compensation for certain public employees; increasing the annual salaries of members of the West Virginia State Police; increasing the minimum salaries payable to public school teachers and professional personnel during the contract year; and increasing the minimum monthly pay for public school service personnel.

Referred to the Committee on Rules.

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

Eng. Com. Sub. for House Bill 2995—A Bill to amend and reenact §30-10-12 of the Code of West Virginia, 1931, as amended, relating to reciprocal qualifications for certification as an animal euthanasia technician.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2018, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4024—A Bill to repeal §9-5-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §9-5-9 of said code, all relating generally to direct cremation or direct burial expenses for indigent persons; decreasing the maximum amount paid by the Department of Health and Human Resources for indigent burial or cremation; making certain relatives of the indigent person liable for direct cremation or direct burial expenses; authorizing the Department of Health and Human Resources to recover direct cremation or direct burial expenses from relatives liable for those costs; requiring affidavits be signed and filed; requiring direct cremation in certain circumstances; defining terms; and establishing a criminal penalty.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4027—A Bill to amend and reenact §30-3-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3-16, all relating to creating an education permit for allopathic physician resident; prohibiting the practice of medicine and surgery without an authorization from the board; removing an exemption; providing an application process; providing criteria to obtain the permit; and providing emergency rulemaking authority; and providing rulemaking authority.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 4180—A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and authorizing the Director of the Division of Natural Resources to establish procedures and a fee schedule for individuals applying for limited permit hunts.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4197—A Bill to amend and reenact §24-6-5 of the Code of West Virginia, 1931, as amended, relating to requiring persons employed to dispatch emergency calls in county emergency dispatch centers to complete a training course in emergency cardiovascular care for telephonic cardiopulmonary resuscitation; requiring training to be completed by a certain date; and requiring calls to be transferred to call center in certain circumstances.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 4279—A Bill to amend and reenact §9-6-1 and §9-6-2 of the Code of West Virginia, 1931, as amended, relating to adult protective services system; defining terms; and adding a goal that must be consider when creating a rule.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 4306—A Bill to amend and reenact §16-2-5 of the Code of West Virginia, 1931, as amended, relating to permitting local boards of health to combine.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 15th day of February, 2018, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 4135), Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

And,

(H. B. 4146), Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 319 (originating in the Committee on Education), Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 319 (originating in the Committee on Finance)—A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to allowing, in certain instances, individuals completing a secondary education program in a public, private, or home school and individuals obtaining a GED or equivalent to be eligible for the PROMISE scholarship; and eliminating the requirement of a 3.0 grade point average for eligibility.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Following a point of inquiry to the President, with resultant response thereto,

The Senate resumed business under the fourth order.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 359, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 359 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-5-1 of the Code of West Virginia, 1931, as amended, relating generally to mental hygiene proceedings; eliminating requirement that new mental hygiene commissioners undergo a minimum of three days training in mental hygiene areas; removing requirement that training program include training in manifestations of mental

illness and addiction; and authorizing the Supreme Court to establish curricula for mental hygiene commissioners and those magistrates designated by the chief judge of a judicial circuit to hold probable cause and emergency detention hearings involving involuntary hospitalization.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 359), under the original double committee reference, was then referred to the Committee on Finance.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 406, Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement.

Com. Sub. for Senate Bill 450, Collecting and analyzing statistical information pertaining to terminating pregnancies under Medicaid Program.

And,

Senate Bill 479, Establishing local government monitoring by Auditor.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 423, Relating to hunting, trapping, or fishing on another person's lands.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 423 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-7-9 of the Code of West Virginia, 1931, as amended, relating to criminal penalties for the offenses of hunting, trapping, or fishing on the lands of another person, entering onto posted lands, and destroying posted land signs; and raising the range of fines that a court may impose for such offenses.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 423), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 451, Permitting Sunday hunting on public lands.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 451 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-9 of said code, all relating generally to hunting and fishing; authorizing the use of certain technologies for hunting coyote, fox, racoon, opossum, and skunk; regulating firearm use and possession in certain places; prohibiting the use of a drone or unmanned aircraft to wound, harass, or transport wildlife; allowing certain persons to carry a rifle or shotgun for self-defense, with certain exceptions; creating a misdemeanor and providing penalties for catching, taking, killing or attempting to catch, take, or kill any fish by any means within 200 feet of agency personnel stocking fish into public waters; removing limit on starting time for Sunday hunting on private lands with the landowner's permission; providing that the misdemeanor offenses of hunting, trapping, or fishing on the lands of another person, entering posted lands, violations of trout fishing laws and rules, and destroying posted land signs will all carry penalties equivalent to the penalty for the offense of criminal trespass; providing increased penalties upon conviction of second and subsequent violations of certain natural resources laws; permitting Sunday hunting on public lands; permitting noodling, or fishing for catfish using one's bare hands; and making technical changes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 475, Industrial Hemp Development Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 475 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-16-3a, all relating generally to industrial hemp; authorizing the Commissioner of Agriculture to create and administer an industrial hemp seed certification program; authorizing the commissioner to obtain and develop seed varieties for industrial hemp production; authorizing imposition of a fee to be determined by the commissioner; authorizing emergency rulemaking and requiring legislative rulemaking; and requiring the program be consistent with state and federal law.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Dave Sypolt,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 490, Relating to Revised Uniform Athlete Agents Act of 2015.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 490 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-

39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-19, and §30-39-21 of the Code of West Virginia, 1931, as amended, all relating to adopting the Revised Uniform Athlete Agents Act of 2015; modifying short title; defining terms; granting legislative rule-making authority to the Secretary of State; establishing seven-day limit on athlete agent to register; requiring additional information from applicant in registration process; eliminating language making applications or renewals for athlete agent registration public records; providing for reciprocal registration; updating required contents of reciprocal registration application; requiring Secretary of State issue reciprocal license if certain criteria satisfied; requiring Secretary of State cooperate with certain national organizations; allowing the Secretary of State to consider whether the athlete agent has pled guilty or no contest to a crime of moral turpitude in decision to issue registration; providing requirements for reciprocal renewals of registration; providing Secretary of State authority to suspend or revoke registration for same reasons as would justify refusal to issue certificate of registration; permitting applicant to appeal adverse decision of Secretary of State; authorizing Secretary of State promulgate procedural rules to implement appeal procedures; increasing fees for initial license and renewal; adding required contract terms; requiring certain notices by athlete agent to educational institutions; requiring educational institution notify Secretary of State and others if it becomes aware of violation of article by athlete agent; allowing parent and guardian of student athlete ability to cancel contract; requiring athlete agent to create certain records; expanding scope of what constitutes prohibited conduct under the act; expanding scope of who might engage in prohibited conduct under the act; expanding scope of who can be charged with a criminal violation of the act; enabling student athletes to bring civil action for act or omission of athlete agent; expanding scope of damages that may be available in civil action; making a civil violation an unfair trade practice under West Virginia law; establishing relation to the Electronic Signatures in Global and National Commerce Act; and modifying effective date.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill (Com. Sub. for S. B. 490), under the original double committee reference, was then referred to the Committee on Finance.

Senator Karnes, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 494, Considering members of State Teachers Retirement System absent while serving as officer with statewide professional association.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Robert Karnes,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 512, Authorizing certain WV courthouse security officers carry concealed weapons.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 512 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-19, relating to granting courthouse security officers arrest powers under certain circumstances; authorizing certain West Virginia courthouse security officers to carry concealed firearms while off duty with court approval; setting forth firearm training and qualification requirements; requiring supervising authority to issue photo identification and certification cards; specifying policy content; and stating legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 4380, Making a supplementary appropriation to the Department of Agriculture.

Eng. House Bill 4381, Making a supplementary appropriation to the Department of Education.

Eng. House Bill 4384, Making a supplementary appropriation to the Department of Transportation.

And,

Eng. House Bill 4386, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the sixth order of business.

Senator Ferns requested unanimous consent that Senate Bills 546 through 565 be considered introduced, read by their titles, and referred to the appropriate committees as shown on the Senate Chamber Automation System.

Which consent was not granted, Senator Beach objecting.

Thereafter, on motion of Senator Ferns, Senate Bills 546 through 565 were considered introduced, read by their titles, and referred to the appropriate committees as shown on the Senate Chamber Automation System, which were shown as follows:

By Senators Jeffries, Ojeda, Stollings, Cline, Romano, Prezioso, Beach, and Baldwin:

Senate Bill 546—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3C-1, §15-3C-2, §15-3C-3, §15-3C-4, and §15-3C-5; and to amend and reenact §61-5-17 of said code, all relating to improving the ability of law enforcement to locate and return missing persons; establishing short title; declaring findings; defining terms; setting forth details of process for filing a missing persons report; detailing actions that must be taken by law enforcement upon filing of a missing persons report; authorizing reporting and obtaining of additional information under certain circumstances; improving the identification of human remains; improving the timely information and notification to family members of missing persons; authorizing expeditious record exchanges between national and state databases related to missing and unidentified persons; and creating a criminal offense of filing a false missing persons report.

Referred to the Committee on the Judiciary.

By Senators Jeffries, Romano, and Beach:

Senate Bill 547—A Bill to amend and reenact §18-3-12 of the Code of West Virginia, 1931, as amended, relating to expanding

the local school improvement council at participating schools to add representatives appointed by the principal of the school to support the Special Community Development School Pilot Program.

Referred to the Committee on Education.

By Senators Jeffries, Baldwin, Beach, Drennan, Facemire, Gaunch, Ojeda, Plymale, Prezioso, Romano, Smith, Stollings, Swope, and Cline:

Senate Bill 548—A Bill to amend and reenact §3-1-44 of the Code of West Virginia, 1931, as amended, relating to authorizing county commissions to have discretion over compensation for certain election officials; and requiring all election officials within a classification to be paid the same amount within each county.

Referred to the Committee on Government Organization.

By Senators Jeffries, Baldwin, Beach, Drennan, Facemire, Gaunch, Ojeda, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Trump, and Cline:

Senate Bill 549—A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to creating a new felony offense of intimidation or harassment of a public officer, juror, or witness where the conduct causes injury or loss to person or property; and setting penalties for the offense.

Referred to the Committee on the Judiciary.

By Senators Romano, Beach, Boso, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Stollings, Unger, Woelfel, Cline, and Baldwin:

Senate Bill 550—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment.

Referred to the Committee on Government Organization.

By Senators Karnes and Cline:

Senate Bill 551—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-13; and to amend and reenact §61-10-20 of said code, all relating to failure of employers to make contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board; authorizing the State Auditor, county commission, or sheriff of the county to withhold moneys due to a public employer that is delinquent in required contributions to a retirement plan after the Consolidated Public Retirement Board has certified the delinquency; authorizing withheld moneys to be applied to the retirement system the delinquent payments would have been made to; providing for interest on delinquencies; making it a criminal offense for employers to knowingly and willfully fail to make required contributions; and providing criminal penalties.

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

By Senators Weld and Cline:

Senate Bill 552—A Bill to amend and reenact §18B-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-6 of said code; to amend and reenact §18B-2A-1 and §18B-2A-7a of said code; and to amend and reenact §18B-3C-13 of said code, all relating to making Pierpont Community and Technical College a division of Fairmont State University; providing that the administrative head of Pierpont Community and Technical College is the provost; requiring appointment of board of advisors; requiring Fairmont State University ensure that all essential conditions for the delivery of community and technical college education are met; requiring Fairmont State University adhere to all provisions set forth in code and Council for Community and Technical College Education rules for the delivery of community and technical college education and programs; providing exception; allowing Pierpont Community and Technical College to maintain independent accreditation status; requiring Fairmont State University to ensure that the programs offered at Pierpont Community and Technical College are accredited; requiring Fairmont State University to continue to provide certain

services to the Pierpont Community and Technical College; providing that the operating budget of Pierpont Community and Technical College is integrated under the authority and jurisdiction of the Fairmont State University Board of Governors; transferring all financial assets from the authority of Pierpont Community and Technical College Board of Governors to the authority of the Fairmont State University Board of Governors; continuing any capital debt service payment of Pierpont Community and Technical College and making it the responsibility of the Fairmont State University Board of Governors; transferring titles to all real property, facilities, and equipment of, as well as each valid agreement and obligation undertaken by Pierpont Community and Technical College to the Fairmont State University Board of Governors; vesting title of all property purchased for the use of Pierpont Community and Technical College in the Fairmont State University Board of Governors; making faculty, classified employees, and nonclassified employees of Pierpont Community and Technical College employees of Fairmont State University; updating state institution of higher education names; and deleting obsolete language.

Referred to the Committee on Education.

By Senators Boso and Cline:

Senate Bill 553—A Bill to amend and reenact §17-6-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-29-13 of said code; and to amend said code by adding thereto a new section, designated §17A-2-26, all relating to requiring federal fingerprint background checks for transportation network company drivers and taxi drivers; providing that the background check reports for transportation network company drivers be shared with the Division of Motor Vehicles; providing that the background check reports for taxi cab drivers be shared with the Public Service Commission; requiring complaints against transportation network companies or their drivers be investigated by the Division of Motor Vehicles; and requiring rulemaking.

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

By Senator Baldwin:

Senate Bill 554—A Bill to amend and reenact §18-9D-15 and §18-9D-16 of the Code of West Virginia, 1931, as amended, all relating to the School Building Authority; requiring certain funds to be split into two portions with one for smaller counties and one for larger counties based on total student enrollment; prohibiting the School Building Authority application process from including an interview; prohibiting authority staff from ranking or providing subjective analyses of projects; ensuring that the authority shall use objective criteria in distributing funds; removing certain preliminary plan and outline requirements from code; adjusting the objective criteria for analyzing projects to provide more of a focus on educational outcomes and less on economies of scale and history of levee passage; requiring procedures of guidelines be set in place to ensure the authority views objective information on each project without knowing which county is associated with the project and without hearing subjective information or rankings from staff; reiterating that the authority shall use an objective criteria to evaluate and determine which projects to fund; and clarifying that certain guidelines and procedures are for project eligibility purposes rather than for evaluating projects for funding.

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

By Senator Ferns:

Senate Bill 555—A Bill to amend and reenact §31D-8-831 of the Code of West Virginia, 1931, as amended, relating to liability for directors of corporations; and providing that a director of a corporation is not personally liable for the corporation's torts, or the torts of its agents or employees, unless he or she directed, sanctioned, or participated in the wrongful acts.

Referred to the Committee on the Judiciary.

By Senators Jeffries, Beach, and Plymale:

Senate Bill 556—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a small business and minority populations economic and workforce

development taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to address employment labor force participation across West Virginia.

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

By Senators Sypolt, Cline, Beach, Plymale, Baldwin, and Ojeda:

Senate Bill 557—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-13, relating to the Senior Farmers Market Nutrition Program; making legislative findings and intent; creating the Senior Farmers Market Nutrition Program Fund; and requesting additional funds to be added to the fund.

Referred to the Committee on Agriculture and Rural Development.

By Senator Swope:

Senate Bill 558—A Bill to amend and reenact §21-3D-3 and §21-3D-4 of the Code of West Virginia, 1931, as amended, all relating generally to certification requirements of crane operators; providing that crane operators may be certified by additional nationally recognized accredited agencies; and changing the written exam requirements for Class A and Class B certifications.

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

By Senators Baldwin and Ojeda:

Senate Bill 559—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-5, relating to authorizing public schools to distribute excess food to students and others who suffer from food insecurity;

providing for establishing the Shared Table initiative; providing for the State Board of Education to provide policies to guide county schools to provide excess food to students and others; assuring all food distribution meets federal and local health requirements; and providing that this section is covered by the Good Samaritan Food Donation Act.

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

By Senators Stollings and Beach:

Senate Bill 560—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-27; to amend and reenact §33-51-3 of said code; and to amend said code by adding thereto a new section, designated §33-51-9, all relating to pharmacy benefit managers; prohibiting certain contractual provisions; and providing that reimbursements to a pharmacy or pharmacists for prescription drugs may not be less than the cost to the pharmacy or pharmacists under a public employees insurance plan established under the West Virginia Public Employees Insurance Act.

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

By Senator Jeffries:

Senate Bill 561—A Bill to amend and reenact §18-5-12 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum contract price that requires the execution of a bond with respect to the building or repairing of school property.

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

By Senators Trump and Romano:

Senate Bill 562—A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to giving a court discretion to impose period of supervised release on a

defendant when the defendant is convicted of certain felonies; and making the change retroactive to June 6, 2003.

Referred to the Committee on the Judiciary.

By Senator Boso:

Senate Bill 563—A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-4-3 of said code; to amend and reenact §17C-1-5a of said code; and to amend and reenact §17C-15-44 of said code, all relating to allowing people to operate small-engine mopeds without a driver's license or while a driver's license to operate other motor vehicles is suspended or revoked; adding "motorized scooter" to definition of moped; including "electric motors" in definition of moped; and expressly providing that helmets are required for operators of mopeds.

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

By Senators Palumbo, Gaunch, Jeffries, Takubo, Ojeda, Stollings, and Cline:

Senate Bill 564—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2, and §55-7K-3, all relating to providing immunity from civil liability to facilities and employees providing crisis stabilization and/or drug and alcohol detoxification services, substance use disorder services, and/or drug overdose services on a short-term basis.

Referred to the Committee on the Judiciary.

By Senators Jeffries, Gaunch, Palumbo, Baldwin, Facemire, Ojeda, Plymale, Prezioso, Romano, Stollings, Unger, Woelfel, and Cline:

Senate Bill 565—A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the State Fire Commission in adopting a State Building Code with regard to establishing building energy savings codes.

Referred to the Committee on Government Organization.

Senators Stollings, Beach, and Plymale offered the following resolution:

Senate Concurrent Resolution 23—Requesting the Division of Highways name bridge number 23-14-0.05 (23A368), locally known as Rum Creek Connector over Guyandotte River, carrying County Route 14 over Guyandotte River in Logan County, the “Betty Jo Delong Memorial Bridge”.

Whereas, Betty Jo Chambers, the daughter of coal miner, Harry Chambers, and Postmaster, Geraldine Lowe, attended Dehue-Chambers Grade School, in Dehue, Logan County, West Virginia; and

Whereas, Betty Jo Chambers was a Golden Horseshoe winner and graduated from Logan High School in Logan County; and

Whereas, Betty Jo Chambers married Don Thomas Delong from Lyburn, West Virginia, and the couple had two children: Donnetta Rainwater, a teacher at Logan Middle School; and Donald Rex Delong, owner of Eastern Petroleum; and

Whereas, Betty Jo Delong grew up with her siblings: Donna Lou Hipshire, Dorothy Young, Grover Chambers, Thelma Willis Eplin, Harry Chambers, Gerri Ball, Cora Tooley, and Alice Price; and

Whereas, Betty Jo Delong was proud of the Chambers’ family’s long association with the Rum Creek area; and

Whereas, At one time the Chambers family owned property reaching from Rum Creek to Lowe’s Mountain; and

Whereas, Betty Jo Delong worked at several jobs in Logan County but later in her career was employed at the Logan County Courthouse, where she worked in the record room and was in charge of the deed books; and

Whereas, Betty Jo Delong is still remembered for updating the county’s system of obtaining deeds and land proposals; and

Whereas, Betty Jo Delong worked tirelessly to help members of her community, especially the elderly; and

Whereas, Betty Jo Delong assisted with the visit to Logan County of John F. Kennedy when he was a presidential candidate; and

Whereas, Betty Jo Delong died of cancer at the age of 42; and

Whereas, At the time of her death, all offices of the courthouse were closed out of respect for Betty Jo Delong's service to the many people of Logan County; and

Whereas, It is fitting that an enduring memorial be established in the name of Betty Jo Delong in an area where she and her family have, for so long, been a part of the fabric of the community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-14-0.05 (23A368), locally known as Rum Creek Connector over Guyandotte River, carrying County Route 14 over Guyandotte River in Logan County, the "Betty Jo Delong Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Betty Jo Delong 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 Stollings, Ojeda, Beach, and Plymale offered the following resolution:

Senate Concurrent Resolution 24—Requesting the Joint Committee on Children and Families to conduct an interim study on how to more effectively organize those agencies of state

government that are currently included within the current Department of Health and Human Resources in order to more efficiently deliver services to the citizens of this state.

Whereas, Virtually every West Virginian has contact with some segment of the Department of Health and Human Resources during their lifetime, whether that contact involves the obtaining of a birth certificate, eating in a restaurant that has been inspected for health and safety issues, establishing paternity for a child, visiting a friend or loved one residing in a state-inspected nursing home, or obtaining treatment for a behavioral health issue from a provider licensed by the state; and

Whereas, It is the duty of the state to provide these services to its citizens and to do that in an efficient and cost-effective manner; and

Whereas, Because of competing state and federal enactments which have, in recent years, piled numerous obligations and duties upon this agency of state government, the department has grown to a size where there are numerous challenges to its ability to provide services in a timely and efficient manner; and

Whereas, Because many of the agencies currently housed within the Department of Health and Human Resources have shared technology, such as costly mainframe computer systems, the development of a new delivery system must ensure that the technology which enables the delivery of services and which is used to provide required recordkeeping for eligibility purposes is maintained and preserved until new technology can be obtained; and

Whereas, Because there are over 100 different sources of funding that come to one bureau alone within the current configuration of the Department of Health and Human Resources, the development of a new delivery system model must be undertaken carefully, to preserve the ability of the state to maximize all sources of revenue; and

Whereas, Changes in technology have made it possible to create new methods of providing these services to the public in more cost-effective ways; and

Whereas, The Joint Committee on Children and Families could obtain the services of a consultant to advise the Department of Health and Human Resources and this Legislature as to more efficient and effective ways to reorganize the work currently assigned to this department, and to report back to the Legislature and the Department of Health and Human Resources no later than January 1, 2019; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Children and Families is hereby requested to conduct an interim study on how to more effectively organize those agencies of state government that are currently included within the current Department of Health and Human Resources in order to more efficiently deliver services to the citizens of this state; and, be it

Further Resolved, That the Joint Committee on Children and Families shall obtain the services of a consultant to advise the Department of Health and Human Resources and this Legislature as to more efficient and effective ways to reorganize the work currently assigned to this department, and to report back to the Legislature and the Department of Health and Human Resources no later than January 1, 2019; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and draft necessary legislation are requested to be paid from legislative appropriations to the Joint Committee on Government and Finance; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Governor Jim Justice and the West Virginia Department of Health and Human Resources.

Which, under the rules, lies over one day.

Senators Stollings, Beach, and Plymale offered the following resolution:

Senate Concurrent Resolution 25—Requesting the Division of Highways name bridge number 23-119-15.47 (23A102), locally known as Chapmanville RR Overpass, carrying US 119 over CSX Railroad in Logan County, the “U. S. Army PFC O. T. (Teaberry) Mullins Memorial Bridge”.

Whereas, O. T. (Teaberry) Mullins was born December 18, 1923, in Ferrellsburg, West Virginia, son of John M. Mullins and Martha Farley. He moved to Chapmanville, West Virginia, in 1953; and

Whereas, O. T. (Teaberry) Mullins is survived by his children, Connie Mullins Guthrie and Jill Mullins; and

Whereas, PFC O. T. (Teaberry) Mullins served in the Army Air Corp, having been drafted on July 8, 1943. He received the Army Achievement Medal, Army Commendation Medal, Army Good Conduct Medal, Asia-Pacific Campaign Medal, WW II Army Occupation of Okinawa Medal, and WW II Victory Medal; and

Whereas, PFC O. T. (Teaberry) Mullins was a life member of the American Legion and VFW. He was a conductor for CSX Transportation 42 years and on the Chapmanville Town Council for 47 years. He was the owner of Mullins License Service and Teaberry Motor Sales, salesman for Paul Cooke Ford, sales manager for Boone Motors and served on the Chapmanville Police Department; and

Whereas, Naming the bridge is an appropriate recognition of the contributions he made to his country, state, community, and Boone County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-119-15.47 (23A102), locally known as Chapmanville RR Overpass, carrying US 119 over CSX Railroad

in Logan county the “U. S. Army PFC O. T. (Teaberry) Mullins 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 “U. S. Army PFC O. T. (Teaberry) Mullins 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 Jeffries, Drennan, Gaunch, Swope, Stollings, Beach, and Plymale offered the following resolution:

Senate Concurrent Resolution 26—Requesting the Division of Highways name bridge number 40-6-5.97 (40A122), locally known as Eighteen-Mile Creek Bridge 5.97, carrying County Route 6 over Eighteen-Mile Creek in Putnam County, the “U. S. Army PFC Thomas Mayford Martin Memorial Bridge”.

Whereas, Thomas Mayford Martin was born September 22, 1927, in Gay, Roane County, West Virginia, then moved to a home built by his father on the banks of Eighteen-Mile Creek. He was the son of Fred M. Martin and Sadie Fay Archer; and

Whereas, Thomas Mayford Martin learned to swim in Eighteen-Mile Creek. He fished, hunted, and trapped along the creek most of his life; and

Whereas, Thomas Mayford Martin graduated from Buffalo High School, class of 1945, and enlisted in the U. S. Army on October 23, 1950; and

Whereas, PFC Thomas Mayford Martin saw combat in Korea in the Army’s 24th Infantry Division, 21st Infantry Regiment, where he drove an ammunition truck to the front lines of the combat zone. The truck had an open cab and he often drove at night on mountain roads with no headlights; and

Whereas, PFC Thomas Mayford Martin carried with him to Korea a license plate which read “Mountaineers Are Always Free”. He proudly displayed the license on the ammunition truck he drove. His family still have a picture taken of the license on the truck in Korea, and still have the license; and

Whereas, Following military service, PFC Thomas Mayford Martin married, raised a family, and worked for many years with the Division of Highways serving as an inspector and a project supervisor in district one. In 1996, he worked as a strip mine reclamation inspector. Thomas Mayford Martin died in December of 1998; and

Whereas, It is appropriate that this bridge over Eighteen-Mile Creek be dedicated to the memory of this veteran; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 40-6-5.97 (40A122), locally known as Eighteen-Mile Creek Bridge 5.97, carrying County Route 6 over Eighteen-Mile Creek in Putnam County, the “U. S. Army PFC Thomas Mayford Martin Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC Thomas Mayford Martin 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 Stollings, Beach, and Plymale offered the following resolution:

Senate Concurrent Resolution 27—Requesting the Division of Highways name bridge number 23-80-5.66 (23A089), locally known as the Huff Junction Beam Span, on WV 80 over Huff

Creek in Logan County, the “U. S. Army CPL F. Lee Noel Memorial Bridge”.

Whereas, F. Lee Noel was born on April 14, 1928, in Wilsondale, Wayne County, to E. R. Noel, Sr., and Vacey Ann Marcum, and died on September 3, 2014; and

Whereas, F. Lee Noel graduated in 1948 from Lenore High School where he lettered in basketball; and

Whereas, CPL F. Lee Noel was inducted into the U. S. Army on December 5, 1950, served in the 3rd Armored Division, the Korean Conflict, and was honorably discharged on November 14, 1956; and

Whereas, CPL F. Lee Noel was employed by Island Creek Coal Company as a heavy equipment operator for 41 years and owned the Pic Pac grocery stores in Man and Justice; and

Whereas, CPL F. Lee Noel served as an elder, trustee, Sunday school superintendent, and in the choir of the Man Church of God during his nearly 50 years of membership; and

Whereas, CPL F. Lee Noel was the bass singer in the Evangeleers Quartet, was a member of the Lions Club at Man for over 25 years, and loved golfing with his family; and

Whereas, CPL F. Lee Noel was survived by: his wife of nearly 60 years, Billie Redmond Noel; two children, Nancy (Ron) Lemon and Norman (Danita) Noel; four grandchildren; and four great-grandchildren; and

Whereas, It is only fitting that this bridge be named to honor U. S. Army CPL F. Lee Noel; therefore, be it

Resolved by the West Virginia Legislature:

That the Division of Highways is hereby requested to bridge number 23-80-5.66 (23A089), locally known as the Huff Junction Beam Span, on WV 80 over Huff Creek in Logan County, the “U. S. Army CPL F. Lee Noel Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army CPL F. Lee Noel 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 Beach, Stollings, Jeffries, Palumbo, Facemire, Baldwin, Prezioso, Romano, Cline, and Plymale offered the following resolution:

Senate Resolution 43—Designating Thursday, February 15, 2018, as West Virginia Alzheimer’s Association Day at the Capitol.

Whereas, Nearly one in three senior citizens who dies each year has Alzheimer’s or another dementia; and

Whereas, Over five million Americans are living with Alzheimer’s and as many as 16 million Americans will have the disease by 2050; and

Whereas, In 2017, 40,000 West Virginians ages 65 and older had Alzheimer’s or a dementia-related diagnosis. That number is expected to increase to 44,000 by 2025; and

Whereas, The cost of caring for those with Alzheimer’s and other dementias was estimated to total \$259 billion in 2017 in the United States, increasing to \$1.1 trillion by midcentury; and

Whereas, Every 67 seconds someone develops Alzheimer’s in the United States where it is the sixth leading cause of death; and

Whereas, There are more than 300,000 caregivers in West Virginia and 108,000 of those are caring for someone with Alzheimer’s or another dementia. These caregivers provide almost \$2 billion in unpaid care each year; therefore, be it

Resolved by the Senate:

That the Senate designates Thursday, February 15, 2018, as West Virginia Alzheimer's Association Day at the Capitol; and, be it

Further Resolved, That the Senate hereby acknowledges the West Virginia Alzheimer's Association and the work they do to care for West Virginia residents living with Alzheimer's; and be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to the West Virginia Alzheimer's Association for its dedication and commitment to helping those affected by Alzheimer's in West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution for the West Virginia Alzheimer's Association.

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

Thereafter, at the request of Senator Romano, and by unanimous consent, the remarks by Senators Beach and Stollings regarding the adoption of Senate Resolution 43 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 12:09 p.m., the Senate recessed to present Senate Resolution 43.

The Senate reconvened at 12:12 p.m. today and, at the request of Senator Ferns, and by unanimous consent, returned to the fourth order of business.

Senator Karnes, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 566 (originating in the Committee on Pensions)—
A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to disability pensions of

municipal employees; increasing amount of income that may be earned before an offset of benefits is required; and increasing that limit automatically when the minimum wage increases.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Robert Karnes,
Chair.

On motion of Senator Ferns, the bill (S. B. 566) contained in the foregoing report from the Committee on Pensions was then referred to the Committee on Finance.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 20, Requesting Bureau for Medical Services review and update Medicaid rates for ground and air ambulance services.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Sypolt regarding the adoption of Senate Concurrent Resolution 20 were ordered printed in the Appendix to the Journal.

Senate Concurrent Resolution 21, US Army PFC Charles Thurman “Buddy” Ellis Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 22, US Army Colonel Larkin Bilton Vance Memorial Highway.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 36, Relating generally to DNA testing.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 36 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 36) passed with its title.

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

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senator Woelfel regarding the passage of Engrossed Committee Substitute for Senate Bill 36 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Com. Sub. for Senate Bill 341, Relating generally to WV Appellate Reorganization Act of 2018.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

(Senator Weld in the Chair.)

Pending discussion,

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

Pending extended discussion,

(Senator Ferns in the Chair.)

Pending discussion,

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 341 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—23.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, and Unger—11.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 341) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 347, Relating to operation of motorboats.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 347) passed with its title.

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

Eng. Com. Sub. for Senate Bill 348, Allowing for disposal of service weapons of special DNR police officers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney,

Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 348) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 355, Dissolving IS&C Division under Office of Technology.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 355) passed with its title.

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

Eng. Com. Sub. for Senate Bill 370, Exempting nonpaid volunteers at ski areas from workers' compensation benefits.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Ojeda and Romano—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 370) passed with its title.

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

Eng. Com. Sub. for Senate Bill 458, Prohibiting political subdivisions from enacting regulations or legal requirements relating to employer-employee relationship.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—22.

The nays were: Baldwin, Beach, Drennan, Facemire, Jeffries, Ojeda, Palumbo, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 458) passed with its title.

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

Eng. Com. Sub. for Senate Bill 461, Extending time to file petition for motor fuel excise tax refund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 461) passed with its title.

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

Eng. Senate Bill 524, Relating to disposition of complaint proceedings.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker,

Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 524) passed with its title.

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

Eng. Senate Bill 525, Relating to certification for emergency medical training - mining.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 525) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3, Judicial Budget Oversight Amendment.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Trump, unanimous consent was granted to offer amendments to the resolution on third reading.

Thereupon, on motion of Senator Trump, the following amendments to the resolution were reported by the Clerk and considered simultaneously:

On page four, Subsection D, line eight, after the word “than” by striking out the words “the bill” and inserting in lieu thereof the words “the budget bill, supplementary appropriations, bills vetoed by the Governor, including the budget bill, or provisions for the cost of such an extended session”;

On page four, Subsection D, line nine, by striking out the words “except a provision for the cost of the session”;

And,

On page five, Subsection D, line seven, by striking out the words “the members, become law” and inserting in lieu thereof the words “such members, shall become law”.

Following discussion,

At the request of Senator Ferns, and by unanimous consent, further consideration of the resolution (Eng. Com. Sub. for Com. Sub. for S. J. R. 3) and Senator Trump’s pending amendments was deferred until the conclusion of bills on today’s second reading calendar.

Eng. Com. Sub. for House Bill 4162, Granting authority to the State Conservation Committee to contract for flood response.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney,

Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4162) passed with its title.

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

On motion of Senator Ferns, at 2:29 p.m., the Senate recessed until 2:45 p.m. today.

The Senate reconvened at 2:59 p.m. today.

On motion of Senator Ferns, at 3:00 p.m., the Senate recessed until 3:30 p.m.

The Senate reconvened at 3:52 p.m. today.

On motion of Senator Ferns, at 3:52 p.m. today, the Senate recessed until 4:10 p.m.

The Senate reconvened at 5:08 p.m. today and proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 273, Reducing use of certain prescription drugs.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Stollings, the following amendment to the bill was reported by the Clerk:

On page twenty-seven, section eight, lines eighteen through twenty-three, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

(a) When patients seek treatment for any of the myriad conditions that cause pain, a health care practitioner shall consider prescribing any of the following treatment alternatives, based on the practitioner’s clinical judgment and the availability of the treatment, before starting a patient on an opioid: physical therapy, acupuncture, massage therapy, osteopathic manipulation, chronic pain management program, and chiropractic care. If the practitioner does not prescribe any of the treatment alternatives, the practitioner shall note the reasoning for the decision in the patient’s medical record.

On motion of Senator Takubo, the following amendment to Senator Stollings’ amendment to the bill (Com. Sub. for Com. Sub. for S. B. 273) was reported by the Clerk:

On page one, section eight, after the word “alternatives” by inserting a period and striking out the remainder of the subsection.

Following discussion,

The question being on the adoption of Senator Takubo’s amendment to Senator Stollings’ amendment to the bill, the same was put and prevailed.

The question now being on the adoption of Senator Stollings’ amendment to the bill (Com. Sub. for Com. Sub. for S. B. 273), as amended.

Following extended discussion,

The question being on the adoption of Senator Stollings’ amendment to the bill, as amended, and on this question, Senator Stollings demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Baldwin, Beach, Boso, Clements, Cline, Drennan, Facemire, Gaunch, Jeffries, Maroney, Ojeda, Palumbo, Prezioso, Romano, Stollings, Swope, Sypolt, Takubo, Unger, and Woelfel—21.

The nays were: Azinger, Blair, Boley, Ferns, Karnes, Maynard, Rucker, Smith, Trump, Weld, and Carmichael (Mr. President)—11.

Absent: Mann and Plymale—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Stollings' amendment to the bill, as amended, adopted.

On motion of Senator Baldwin, the following amendment to the bill (Com. Sub. for Com. Sub. for S. B. 273) was next reported by the Clerk:

On page twenty-eight, after section nine, by inserting a new section, designated section ten, to read as follows:

§16-54-10. Opioid Crisis Recovery Fine.

(a) Effective January 1, 2019, in order to continue to operate in this state, every opioid manufacturer or wholesaler that manufactured opioids for distribution or distributed opioids in this state between 2007 and 2017, inclusive, and all related and successor businesses shall register with the office and disclose to the office the number of opioid dosages the entity manufactured for distribution in this state or distributed in this state between 2007 and 2017, inclusive. The office shall calculate the total amount of dosages and then calculate the percentage of the total attributable to each entity. That percentage is known, for purposes of this section, as the entity's Opioid Crisis Participation Percentage.

(b) The office shall take all reasonable measures to confirm that the disclosure required by this section is accurate. In the event that the disclosure is inaccurate, the office may institute a civil action in the Circuit Court of Kanawha County and, if proven by a preponderance of the evidence that the disclosure was inaccurate, the entity shall pay a civil penalty in an amount equal to \$1,000 for every opioid dosage that was not accurately disclosed.

(c) A registered business and all related and successor businesses shall pay a quarterly fine in order to continue to conduct

business in this state. The quarterly fine shall be calculated by the office by assessing one cent per milligram per opioid prescribed in the state and per medication prescribed in the state for the treatment of opioid addiction during the quarter. The total quarterly fine shall be assessed by splitting the total among the registered businesses based on their Opioid Crisis Participation Percentage. The fine shall be paid to the office at the end of each quarter for the amount due from the previous quarter.

(d) Any business and all related or successor businesses that are required by this section to register and fail to do so are guilty of a felony and, upon conviction thereof, shall be fined no less than \$1 million and no more than \$100 million.

(e) All fines and penalties collected under the provisions of this section shall be deposited in the Ryan Brown Addiction Prevention and Recovery Fund, created in §16-53-2 of this code, and the funds shall be used in the manner required by that section.

(f) The provisions of this section shall have no force or effect on and after January 1, 2039.

Following discussion,

The question being on the adoption of Senator Baldwin's amendment to the bill (Com. Sub. for Com. Sub. for S. B. 273), and on this question, Senator Baldwin demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Drennan, Facemire, Jeffries, Maynard, Ojeda, Palumbo, Prezioso, Romano, and Unger—11.

The nays were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Karnes, Maroney, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

Absent: Mann, Plymale, and Woelfel—3.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Baldwin's amendment to the bill rejected.

On motion of Senator Ferns, the following amendment to the bill (Com. Sub. for Com. Sub. for S. B. 273) was next reported by the Clerk:

On page twenty-seven, section eight, lines twenty-seven through thirty-four, by striking out all of subsection (c) and inserting in lieu thereof a new subsection, designated subsection (c), to read as follows:

(c) At a minimum an insurance provider who offers an insurance product in this state, the West Virginia Bureau for Medical Services and the Public Employees Insurance Agency shall provide coverage for 20 visits per event of physical therapy, osteopathic manipulation, a chronic pain management program, and chiropractic care when ordered by a health care practitioner to treat conditions that cause chronic pain. A patient may seek treatment for physical therapy, osteopathic manipulation, a chronic pain management program, and chiropractic care prior to seeking treatment from a practitioner and a practitioner referral is not required as a condition of coverage by the Bureau for Medical Services, the Public Employees Insurance Agency and any insurance provider who offers an insurance product in this state. Any co-pay required for any of these services may not be greater than the co-pay required for an emergency room visit.

Following discussion,

The question being on the adoption of Senator Ferns' amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for Com. Sub. for S. B. 273), as amended, was then ordered to engrossment and third reading.

Senate Bill 339, Relating to WV Retirement Health Benefit Trust Fund within PEIA.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 358, Imposing fee for processing criminal bonds.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 398, Relating to requirements for making consumer loans.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 495, Designating specific insurance coverages exempt from rate filing requirements.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 498, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 3004, Relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 10. FILLING VACANCIES.

§3-10-3. Vacancies in offices of state officials, ~~United States senators, justices, judges, and magistrates.~~

(a) Any vacancy occurring in the offices of Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture, or in any office created or made elective to be filled by the voters of the entire state, is filled by the Governor of the state by appointment and subsequent election to fill the remainder of the term, if required by ~~section one of this article~~ §3-10-1 of this code. The Governor shall make the appointment from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs, and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint, within five days thereafter, a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred: *Provided, That the provisions of this subsection do not apply to §3-10-3(b), §3-10-3 (c), §3-10-3(d), and §3-10-3(e) of this code.*

(b) Any vacancy occurring in the offices of Justice of the Supreme Court of Appeals, judge of a circuit court, or judge of a family court is filled by the Governor of the state by appointment and, if the unexpired term be for a period of more than two years, by a subsequent election to fill the remainder of the term, as required by §3-10-3(d) of this code. If an election is required under §3-10-3(d) of this code, the Governor, circuit court, or the chief judge thereof in vacation, is responsible for the proper proclamation by order and notice required by §3-10-1 of this code.

(c) Any vacancy in the office of magistrate is appointed according to the provisions of §50-1-6 of this code, and, if the unexpired term be for a period of more than two years, by a

subsequent election to fill the remainder of the term, as required by §3-10-3(d) of this code.

(d) (1) When the vacancy in the office of Justice of the Supreme Court of Appeals, judge of the circuit court, judge of a family court, or magistrate occurs after the 84th day before a general election, and the affected term of office ends on December 31 following the succeeding general election two years later, the person appointed to fill the vacancy shall continue in office until the completion of the term.

(2) When the vacancy occurs before the close of the candidate filing period for the primary election, and if the unexpired term be for a period of greater than two years, the vacancy shall be filled by election in the nonpartisan judicial election held concurrently with the primary election and the appointment shall continue until a successor is elected and certified.

(3) When the vacancy occurs after the close of candidate filing for the primary election and not later than 84 days before the general election, and if the unexpired term be for a period of greater than two years, the vacancy shall be filled by election in a nonpartisan judicial election held concurrently with the general election, and the appointment shall continue until a successor is elected and certified.

(e) When an election to fill a vacancy is required to be held at the general election, according to the provisions of §3-10-3(d) of this code, a special candidate filing period shall be established. Candidates seeking election to any unexpired term for Justice of the Supreme Court of Appeals, judge of a circuit court, judge of the family court, or magistrate shall file a certificate of announcement and pay the filing fee no earlier than the first Monday in August and no later than 77 days before the general election.

§3-10-4. Vacancies in representation in United States Congress.

(a) (1) If there is a vacancy in the representation from this state in the House of Representatives in the Congress of the United States, the Governor shall, within five days after the fact comes to

his or her knowledge, issue a proclamation setting dates for a special general election that is not less than 84 nor more than 120 days from the date of the vacancy and requiring nomination of candidates as provided in §3-10-4(a)(2) of this code: *Provided*, That no such proclamation may be made nor may a special election be held if the vacancy occurs after the 84th day prior to the regularly scheduled general election for a new full term of the office. The election shall follow the requirements of §3-10-1 of this code that are not in conflict with this section.

(2) The party executive committees for the congressional district for which there is a vacancy shall each, within 30 days of the Governor's proclamation, nominate a candidate to stand at the general election required by §3-10-4(a)(1) of this code.

(b) If there is a vacancy in the representation from this state in the Senate of the United States Congress, the vacancy shall be filled by the Governor of the state by appointment. ~~and:~~ The Governor shall make the appointment from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs, and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint, within five days thereafter, a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred.

Furthermore,

(1) If the vacancy occurs on or before the primary cutoff date, then an election shall be held pursuant to §3-10-1 of this code; or

(2) If the vacancy occurs after the primary cutoff date, but on or before the general cutoff date, then the Governor shall issue a

proclamation providing for: (A) A special filing period; (B) a special primary election to be held in conjunction with the upcoming general election; and (C) a special general election to be held not less than 84 nor more than 120 days following the date of the special primary election. Each election shall follow the requirements of §3-10-1 of this code that are not in conflict with this section.

§3-10-5. Vacancies in state Legislature.

(a) Any vacancy in the office of state senator or member of the House of Delegates shall be filled by appointment by the Governor, from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint within five days thereafter a legally qualified person of the same political party ~~as the person vacating the office~~ with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred.

(b) In the case of a member of the House of Delegates, the list shall be submitted by the party executive committee of the delegate district in which the vacating member resided at the time of his or her election or appointment. The appointment to fill a vacancy in the House of Delegates is for the unexpired term.

(c) In the case of a state senator, the list shall be submitted by the party executive committee of the state senatorial district in which the vacating senator resided at the time of his or her election or appointment. The appointment to fill a vacancy in the state Senate is for the unexpired term, unless §3-10-1 of this code requires a subsequent election to fill the remainder of the term, which shall follow the procedure set forth in said section.

§3-10-7. Vacancies in offices of county commissioner and clerk of county commission.

(a) ~~Any vacancy in the office of county commissioner or clerk of county commission shall be filled by the county commission of the county, unless the number of vacancies in a county commission deprive that body of a quorum, in which case the Governor of the state shall fill any vacancy in the county commission necessary to create a quorum thereof. Persons appointed shall be of the same political party as the officeholder vacating the office for the period stated by section one of this article. If a quorum of the county commission cannot agree upon a person to fill a vacancy in the office of county commissioner within thirty days of the date the vacancy first occurred, the county executive committee of the vacating county commissioner's political party shall select and name a person to fill the vacancy from the membership of the vacating county commissioner's political party. The clerk shall be appointed within thirty days of the vacancy. Any vacancy in the office of county commissioner or clerk of county commission shall be filled by appointment by the county commission. The appointee must be a person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred: *Provided*, that at the time of appointment, the appointee must have been a member of that political party for at least sixty days prior to the occurrence of the vacancy.~~

(b) If a quorum of the county commission fails to make an appointment within 30 days, the county executive committee of the same political party with which the person holding the office preceding the vacancy was affiliated at the time the vacancy occurred, shall submit a list of three legally qualified persons to fill the vacancy. Within 15 days from the date on which the list is received, the county commission shall appoint a candidate from the list to fill the vacancy. If the county commission fails to make the appointment within the specified time, then the county commissioner with the longest tenure shall eliminate one name from the submitted list, followed by the county commissioner with the second-longest tenure then eliminating one name from the

submitted list. The name remaining after those two names have been eliminated shall be deemed to be appointed by the county commission to fill the vacancy.

(c) If the number of vacancies in a county commission deprives that body of a quorum, the Governor shall make an appointment to fill any vacancy in the county commission necessary to create a quorum, from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The Governor shall make any appointments necessary, beginning with the vacancy first created, to create a quorum in accordance with the same procedures applicable to county commissions under §3-10-7(a) of this code. Once a quorum of the county commission is reestablished by gubernatorial appointment, the authority to fill the remaining vacancies shall be filled in the manner prescribed in §3-10-7(a) of this code.

(d) An appointment made pursuant to this section is for the period of time provided in §3-10-1 of this code.

~~(b)~~ (e) Notwithstanding any code provision to the contrary, a county commission may appoint a temporary successor to the office of clerk of the county commission until the requirements of this section have been met. The temporary successor may serve no more than 30 days from the date of the vacancy.

~~(e)~~ (f) If an election is necessary under §3-10-1 of this code, the county commission, or the president thereof in vacation, shall be responsible for the proper proclamation, by order, and notice required by §3-10-1 of this code.

~~(d)~~ (g) §3-10-1 of this code shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in §3-5-19 of this code, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the

county commission of the county, shall be placed upon the ballot to be voted at the next general election.

(e) (h) If the election for an unexpired term is held at the same time as the election for a full term for county commissioner, the full term shall be counted first and the unexpired term shall be counted second. If the candidate with the highest number of votes for the unexpired term resides in the same magisterial district as the candidate with the highest number of votes for the full term, the candidate for the full term shall be seated. The candidate with the next highest number of votes for the unexpired term residing in a different magisterial district shall be seated for the unexpired term.

On motion of Senator Palumbo, the following amendments to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 3004) were reported by the Clerk:

On page one, section three, lines seven and eight, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “he or she was most recently elected to the position or, if not elected, at the time of his or her appointment”;

On page one, section three, lines thirteen and fourteen, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “he or she was most recently elected to the position or, if not elected, at the time of his or her appointment”;

On page three, section four, line sixteen, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “he or she was most recently elected to the position or, if not elected, at the time of his or her appointment”;

On page three, section four, line twenty-two, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “he or she was most recently elected to the position or, if not elected, at the time of his or her appointment”;

On page four, section five, line four, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “he or she was most recently elected to the position or, if not elected, at the time of his or her appointment”;

On page four, section five, line eleven, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “he or she was most recently elected to the position or, if not elected, at the time of his or her appointment”;

On page five, section seven, line fourteen, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “he or she was most recently elected to the position or, if not elected, at the time of his or her appointment”;

On page five, section seven, line nineteen, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “he or she was most recently elected to the position or, if not elected, at the time of his or her appointment”;

And,

On page six, section seven, line thirty-one, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “he or she was most recently elected to the position or, if not elected, at the time of his or her appointment”.

Following discussion,

The question being on the adoption of Senator Palumbo’s amendment to the Judiciary committee amendment to the bill, the same was put and did not prevail.

The question now being on the adoption of the Judiciary committee amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 3004), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4242, Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The end of today's second reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3, Judicial Budget Oversight Amendment.

On third reading, coming up in deferred order, with Senator Trump's amendments to the resolution pending (*shown in the Senate Journal of today, page 864*), was again reported by the Clerk.

The question being on the adoption of Senator Trump's amendments to the resolution.

At the request of Senator Trump, and by unanimous consent, Senator Trump's amendments to the resolution were withdrawn.

On motion of Senator Trump, the following amendments to the resolution (Eng. Com. Sub. for Com. Sub. for S. J. R. 3) were reported by the Clerk, considered simultaneously, and adopted:

On page four, Subsection D, line nine, after the word "except" by inserting the words "the matters detailed in section fourteen, article seven of this Constitution and";

And,

On page five, Subsection D, line seven, by striking out the words "the members, become law" and inserting in lieu thereof the words "such members, shall become law".

The resolution, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Joint Resolution 3 was then read a third time and put upon its adoption.

On the adoption of the resolution, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Prezioso, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mann, Plymale, and Woelfel—3.

On motion of Senator Trump, the following amendment to the title of the resolution was reported by the Clerk and adopted:

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3—Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the authority of the Legislature with regard to the state budget; giving the Legislature the authority to reduce items in the budget relating to the judiciary; providing that the Legislature may not make any law that conditions an increase or decrease of an item relating to the judiciary upon a particular ruling, order, or decision of a court of this state; amending obsolete language regarding when the Governor shall submit the budget to the Legislature and matters that may be considered during an extended session, to accurately reflect current constitutional requirements; making numerous technical corrections; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for Com. Sub. for S. J. R. 3) adopted, as follows:

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3—Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the authority of the Legislature with regard to the state budget; giving the Legislature the authority to reduce items in the budget relating to the judiciary; providing that the Legislature may not make any law that conditions an increase or decrease of an item relating to the judiciary upon a particular ruling, order, or decision of a court of this state; amending obsolete language regarding when the Governor shall submit the budget to the Legislature and matters

that may be considered during an extended session, to accurately reflect current constitutional requirements; making numerous technical corrections; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2018, which proposed amendment is that section 51, article VI thereof be amended to read as follows:

ARTICLE VI.

§51. Budget and supplementary appropriation bills.

The Legislature ~~shall~~ may not appropriate any money out of the treasury except in accordance with the provisions of this section.

Subsection A – Appropriation Bills

(1) Every appropriation bill shall be either a budget bill, or a supplementary appropriation bill. ~~as hereinafter provided~~

Subsection B – Budget Bills

(2) ~~Within ten days after the convening of the regular session of the Legislature in odd-numbered years, unless such time shall be extended by the Legislature, On the second Wednesday of February in the year 2021 and every fourth year thereafter and on the second Wednesday of January in even-numbered all other years, unless a later time in any year be fixed by the Legislature,~~ the Governor shall submit to the Legislature a budget for the next ensuing fiscal year. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the fiscal year and shall show the estimated surplus or deficit of revenues at the end of each fiscal year. Accompanying each budget shall be a statement showing: (a) An estimate of the revenues and

expenditures for the current fiscal year, including the actual revenues and actual expenditures to the extent available, and the revenues and expenditures for the next preceding fiscal year; (b) the current assets, liabilities, reserves, and surplus or deficit of the state; (c) the debts and funds of the state; (d) an estimate of the state's financial condition as of the beginning and end of the fiscal year covered by the budget; and (e) any explanation the Governor may desire to make as to the important features of the budget and any suggestions as to methods for reduction or increase of the state's revenue.

(3) Each budget shall embrace an itemized estimate of the appropriations, in ~~such~~ the form and detail as the Governor shall determine or as may be prescribed by law: (a) For the Legislature as certified to the Governor in the manner hereinafter provided; (b) for the executive department; (c) for the judiciary department, as provided by law, certified to the Governor by the Auditor; (d) for payment and discharge of the principal and interest of any debt of the state created in conformity with the constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by the state under the constitution and laws of the state; and (f) for ~~such~~ other purposes as are set forth in the constitution and in laws made in pursuance thereof.

(4) The Governor shall deliver to the presiding officer of each house the budget and a bill for all the proposed appropriations of the budget clearly itemized and classified, in ~~such~~ the form and detail as the Governor shall determine or as may be prescribed by law; and the presiding officer of each house shall promptly cause the bill to be introduced therein, and ~~such~~ the bill shall be known as the "Budget Bill". The Governor may, with the consent of the Legislature, before final action thereon by the Legislature, amend or supplement the budget to correct an oversight, or to provide funds contingent on passage of pending legislation, and in case of an emergency, he or she may deliver ~~such an~~ the amendment or supplement to the presiding officers of both houses; and the amendment or supplement ~~shall thereby become~~ becomes a part of the budget bill as an addition to the items of the bill or as a

modification of or a substitute for any item of the bill the amendment or supplement may affect.

(5) The Legislature ~~shall~~ may not amend the budget bill so as to create a deficit but may amend the bill by increasing or decreasing any item therein: ~~Provided, That no item relating to the judiciary shall be decreased,~~ Provided, That the Legislature may not make any law that conditions the increase or decrease of an item relating to the judiciary upon a particular ruling, order, or decision of a court of this state and except as otherwise provided in this constitution, the salary or compensation of any public officer ~~shall~~ may not be increased or decreased during his or her term of office: *Provided, however,* That the Legislature ~~shall~~ may not increase the estimate of revenue submitted in the budget without the approval of the Governor.

(6) The Chief Justice of the Supreme Court of Appeals and the Governor and such representatives of the executive departments, boards, officers, and commissions of the state expending or applying for state moneys as have been designated by the Governor for this purpose ~~shall have the right~~ may, and when requested by either house of the Legislature it ~~shall be~~ is their duty to, appear and be heard with respect to any budget bill, and to answer inquiries relative thereto.

Subsection C – Supplementary Appropriation Bills

(7) Neither house shall consider other appropriations until the budget bill has been finally acted upon by both houses, and no ~~such~~ other appropriations ~~shall be~~ are valid except: ~~in accordance with the provisions following~~ (a) Every ~~such~~ appropriation shall be embodied in a separate bill limited to some single work, object, or purpose ~~therein stated and called therein in the bill and called a~~ supplementary appropriation bill; and (b) each supplementary appropriation bill shall provide the revenue necessary to pay the appropriation ~~thereby~~ made by a tax, direct or indirect, to be laid and collected as ~~shall be~~ directed in the bill unless it appears from ~~such~~ the budget that there is sufficient revenue available.

Subsection D – General Provisions

(8) If the budget bill ~~shall not have~~ has not been finally acted upon by the Legislature three days before the expiration of its regular session, the Governor shall issue a proclamation extending the session for ~~such further~~ an additional period as may, in his or her judgment, be necessary for the passage of the bill; but no matter other than the bill ~~shall~~ may be considered during such an extension of a session except the matters detailed in section 14, article VII of this Constitution and a provision for the cost ~~thereof~~ of the session.

(9) For the purpose of making up the proposed budget, the Governor shall ~~have the power and it shall be his duty, to~~ require from the proper state officials, including ~~herein~~ all executive departments, all executive and administrative officers, bureaus, boards, commissions, and agencies expending or supervising the expenditure of, and all institutions applying for state moneys and appropriations, ~~such~~ itemized estimates and other information, in ~~such~~ the form and at ~~such~~ such times as he ~~shall direct~~ or she directs. The estimates for the legislative department, certified by the presiding officer of each house, and for the judiciary, as provided by law, certified by the Auditor, shall be transmitted to the Governor in ~~such~~ the form and at ~~such times as he shall direct~~ the time he or she directs and shall be included in the proposed budget.

(10) The Governor may provide for public hearings on all estimates and may require the attendance ~~at such hearings~~ of representatives of all agencies and all institutions applying for state moneys at the hearings. After ~~such~~ the public hearings ~~he~~ the Governor may, in his or her discretion, revise all estimates except those for the legislative and judiciary departments.

(11) Every budget bill or supplementary appropriation bill passed by a majority of the members elected to each house of the Legislature shall, before it becomes a law, be presented to the Governor. The Governor may veto the bill, or he or she may disapprove or reduce items or parts of items contained therein. If ~~he~~ the Governor approves, he or she shall sign it and ~~thereupon~~ upon signing it, shall become the bill becomes a law. The bill, items

or parts thereof, disapproved or reduced by the Governor, shall be returned with his or her objections to each house of the Legislature.

Each house shall enter the objections at large upon its journal and proceed to reconsider. If, after reconsideration, two thirds of the members elected to each house agree to pass the bill, or ~~such~~ the items or parts thereof, as were disapproved or reduced, the bill, items or parts thereof, approved by two thirds of such members, shall become law, notwithstanding the objections of the Governor. In all such cases, the vote of each house shall be determined by yeas and nays to be entered on the journal.

A bill, item or part thereof, which is not returned by the Governor within five days (Sundays excepted) after the bill has been presented to him ~~shall become~~ or her becomes a law ~~in like manner~~ as if he or she had signed the bill, unless the Legislature, by adjournment, prevents ~~such~~ the return, in which case it shall be filed in the office of the Secretary of State, within five days after ~~such~~ the adjournment, and ~~shall become~~ becomes a law; or ~~it shall be so filed~~ the Governor may file the bill within ~~such~~ such five days (Sundays excepted) with ~~the~~ his or her objections, ~~of the governor~~ in which case ~~it shall become~~ the bill becomes law to the extent not disapproved by the Governor.

(12) The Legislature may, from time to time, enact ~~such~~ laws, not inconsistent with this section, ~~as may be it considers~~ necessary and proper to carry out ~~it's~~ the provisions of this section.

(13) In the event of ~~any~~ an inconsistency between ~~any~~ of the provisions of this section and ~~any of the~~ other provisions of the constitution, the provisions of this section shall prevail. ~~But nothing herein shall be construed as preventing~~ However, this section does not prevent the Governor from calling extraordinary sessions of the Legislature, as provided by section nineteen of this article, ~~or as preventing~~ nor prevents the Legislature at ~~such~~ extraordinary sessions from considering ~~any~~ an emergency appropriation or appropriations.

(14) If ~~any~~ an item of ~~any~~ an appropriation bill passed under the provisions of this section ~~shall be~~ is held invalid upon any

ground, ~~such the~~ invalidity shall does not affect the legality of the bill or of any other item of ~~such the~~ bill or bills.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No. 1” and designated as the “Judicial Budget Oversight Amendment” and the purpose of the proposed amendment is summarized as follows: “Giving the Legislature the authority to reduce items in the budget related to the judiciary and preventing the Legislature from making any law that conditions the increase or decrease of items related to the judiciary on a ruling, order, or decision of a court.”

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

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Senate Bill 47, Requiring Defense Department advocacy groups be notified in abuse or neglect of military person’s child.

Com. Sub. for Senate Bill 87, Allowing purchase of Class XS resident senior hunting, fishing and trapping licenses at age 65.

Com. Sub. for Senate Bill 415, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery sports wagering activities.

Senate Bill 444, Repealing antiquated code sections regarding safety glass and lighting in motor vehicles.

And,

Com. Sub. for Senate Bill 510, Designating hospitals for stroke treatment.

On motion of Senator Ferns, at 6:40 p.m., the Senate recessed for 10 minutes.

The Senate reconvened at 7:15 p.m. tonight and proceeded to the thirteenth order of business.

At the request of Senator Rucker, the name of Senator Rucker was removed as a sponsor of **Senate Bill 545** (*Relating to driving privileges and requirements for persons under 18*).

At the request of Senator Ojeda, and by unanimous consent, Senator Ojeda addressed the Senate regarding the West Virginia Supreme Court of Appeals spending.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 7:27 p.m., the Senate adjourned until tomorrow, Friday, February 16, 2018, at 11 a.m.

FRIDAY, FEBRUARY 16, 2018

The Senate met at 11:16 a.m.

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

Prayer was offered by the Reverend Jim Sallie, Redeemer Parkersburg Church in Parkersburg, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert Karnes, a senator from the eleventh district.

Pending the reading of the Journal of Thursday, February 15, 2018,

At the request of Senator Smith, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Administrative Hearings, Office of (§17C-5C-2)

Tax Appeals, Office of (§11-10A-7)

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 154, Authorizing Department of Administration to promulgate legislative rules.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 184, Authorizing DOT promulgate legislative rules.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page one, section one, line five, after the word “authorized” by changing the period to a colon and inserting the following: “with the following amendments:

On page 7, subsection 8.1, after the word ‘conditions’, by adding ‘unless longer lease terms have been approved by the Commissioner for utility accommodation leases.’; and

On page 8, subsection 8.4, after the word ‘conditions’, by adding ‘unless longer lease terms have been approved by the Commissioner for utility accommodation leases.’”

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 184, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 184) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 184) takes effect from passage.

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

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

Eng. Com. Sub. for House Bill 2694—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-55, relating to the study of the feasibility of the development and implementation of a program to facilitate commercial sponsorship of rest areas, welcome centers, roads, and vehicles; providing for sponsorship agreements; providing for agreement requirements; providing for disposition of funds received from agreements; providing for the promulgation of emergency or legislative rules; and providing for a report of the status of the program.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2890—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-24, relating to establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects; setting forth general structure of fund and distribution of funds; and providing for rulemaking.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 3104—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-10-1, §9-10-2, §9-10-3, §9-10-4, §9-10-5 and §9-10-6; to amend and reenact §18-10K-1 of said code; and to repeal §18-10K-2, §18-10K-3, §18-10K-4, §18-10K-5 and §18-10K-6 of said code, all relating to transferring

administration of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund to the Department of Health and Human Resources; abolishing the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board; transferring the powers, duties and records of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board to the Department of Health and Human Resources; and transferring the powers and duties of the Division of Rehabilitation Services related to administering the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund to the Department of Health and Human Resources.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4015—A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10, §5A-12-11, §5A-12-12, §5A-12-13 and §5A-12-14; to amend said code by adding thereto a new section, designated §12-6D-7; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto three new sections, designated §17A-3-25, §17A-3-26, and §17A-3-27; and to amend and reenact §29B-1-4 of said code, all relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies; repealing provisions relating to the central motor pool; continuing management of state owned or leased aircraft through an Aviation Division; continuing the Fleet Management Office as the Fleet Management Division; defining terms; providing powers and duties of the division director; continuing the Fleet Management Office Fund as the Fleet Management Division Fund; requiring spending units designate fleet coordinators; requiring reporting of state vehicles use to the division; requiring fleet coordinator annual reporting to the division; requiring reporting to the State Agency

for Surplus Property; requiring reporting to centralized inventory system as maintained by Enterprise Resource Planning Board; providing for spot compliance audits by the State Auditor; requiring legislative compliance audits; requiring new title, registration, and license plates for state vehicles; allowing the Commissioner of the Division of Motor Vehicles to issue special plates to organizations and entities; requiring agencies to apply for a new uniform vehicle title and registration plate; providing for a citation to drivers of vehicles without the proper license plate; exempting confidential information relating to certain vehicles from public disclosure under the Freedom of Information Act; authorizing rule-making; and requiring annual reports to the Governor and Legislature.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4268—A Bill to amend and reenact §22C-9-3 and §22C-9-4 of the Code of West Virginia, 1931, as amended, to amend and reenact §37-7-2 of said code; and to amend said code by adding thereto a new chapter, designated §37B-1-1, §37B-1-2, §37B-1-3, §37B-1-4, §37B-1-5, §37B-1-6, §37B-1-7, §37B-2-1, §37B-2-2, §37B-2-3, §37B-2-4, §37B-2-5, §37B-2-6, §37B-2-7, §37B-2-8, and §37B-2-9, all relating generally to real property; providing an exception to waste and trespass for certain oil or natural gas developments; providing short titles; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use and development of oil or natural gas mineral property by the persons owning an undivided three fourths of the royalty interests, as defined, in an oil or natural gas mineral property is permissible, is not waste, and is not trespass; providing that nonconsenting cotenants may elect a production royalty interest or a working interest share of production; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a fund hereby created, known as the Unknown and Unlocatable Interest Owners Fund, to be administered by the State

Treasurer in conjunction with the West Virginia Uniform Unclaimed Property Act until said reserved interests are claimed or transferred to the Oil and Gas Reclamation Fund for the plugging of oil and gas wells; providing methods for determination of leasehold and contractual terms, including reviews and determinations by the Oil and Gas Conservation Commission; empowering the Oil and Gas Conservation Commission to enforce certain provisions hereof; providing liability protection for damages resulting from the lawful use or development of oil or natural gas mineral property; requiring surface use agreements in specified circumstances; providing a mechanism for surface owners to acquire title to certain severed oil and gas interests; preserving common law rights; providing for severability of provisions; providing reporting requirements and administrative duties, including civil penalties for noncompliance under the West Virginia Uniform Unclaimed Property Act; and providing for rule-making authority.

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

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

Eng. Com. Sub. for House Bill 4270—A Bill to amend and reenact §22-6-22 of the Code of West Virginia, 1931, as amended, and to amend said code by adding a new chapter, designated §37B-1-1, §37B-1-2, and §37B-1-3, all relating generally to real property; providing for timely payment of moneys owed from oil and natural gas production; establishing interest penalties for certain late payments; requiring specified information to be remitted with payments; requiring quarterly reporting of production data to Department of Environmental Protection; and providing for rule-making authority.

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

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

Eng. Com. Sub. for House Bill 4361—A Bill to amend and reenact §9A-1-4 of the Code of West Virginia, 1931, as amended, relating to requiring the Veterans' Council to annually honor each West Virginian graduating from the U. S. Military Academy, the U. S. Naval Academy, the U. S. Air Force Academy and the U. S. Coast Guard Academy with the highest grade point average by bestowing upon him or her the West Augusta Award.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4433—A Bill recognizing and declaring certain claims against an agency of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

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

Eng. House Bill 4434—A Bill to amend and reenact §3-5-23 of the Code of West Virginia, 1931, as amended; to clarify provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement, preventing candidates from a political party from using the provisions of the section to seek candidacy for office.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Karnes, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 277, Allowing public employees to cash out their retirement plans in lieu of pension payments.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 277 (originating in the Committee on Pensions)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-13, relating to permitting members of public retirement plans to cash out of their plans by opting to receive, in lieu of regular benefit payments, the total cash value of those benefits.

And,

Senate Bill 501, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 501 (originating in the Committee on Pensions)—A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to the accrued benefit of retirees in the Deputy Sheriff Retirement System.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Robert Karnes,
Chair.

The bills (Com. Sub. for S. B. 277 and 501), under the original double committee references, were then referred to the Committee on Finance.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 477, Relating to five-year sunset on tax credits and incentives.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 477 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, relating to the creation of a five-year sunset on all tax credits established by the same chapter.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Weld:

Senate Bill 567—A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended, relating to including treason, murder, armed robbery, and organized crime to the list of crimes for which a prosecutor can apply for order authorizing interception of communications.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 568—A Bill to amend and reenact §17C-5-2b of the Code of West Virginia, 1931, as amended, relating to deferral of further proceedings for certain first offenses upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; and requiring completion of the program within 12 months.

Referred to the Committee on the Judiciary.

By Senators Mann and Rucker:

Senate Bill 569—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to establishing a local choice program for alternative high school assessments within the high quality educational programs and process for improving education.

Referred to the Committee on Education.

By Senators Palumbo and Stollings:

Senate Bill 570—A Bill to amend and reenact §11-1C-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-3-1 of said code, all relating to limiting the amount a property reappraisal can increase over the previous amount.

Referred to the Committee on Government Organization.

By Senators Mann and Baldwin:

Senate Bill 571—A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-3a of said code; and to amend said code by adding thereto a new section, designated §11-15A-2c, all relating to fixing the Public Employees Insurance Agency aggregate premium cost sharing at 85 percent for the employer and 15 percent for the employee; and establishing a tax on sales, purchases, and uses of food and food ingredients intended for human consumption as a means of paying for the increased employer share.

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

By Senators Karnes, Sypolt, Cline, Ojeda, and Plymale:

Senate Bill 572—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, §19-36-5, and §19-36-6, all relating to creation of the Farm-to-School Grant Program; defining terms; providing method for allocating grants; limiting grants; authorizing rulemaking; and requiring program review reports.

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

By Senators Mann, Baldwin, and Boso:

Senate Bill 573—A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating generally to school calendars; providing that the instructional term for students begins on the Tuesday after Labor Day and ends the Friday before Memorial Day; providing an exception; permitting additional instructional minutes per day; and eliminating reimaged days.

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

By Senators Weld and Cline:

Senate Bill 574—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-59, relating to creating the crime of misrepresentation of military honors to obtain money, property, or other benefit; and providing a criminal penalty.

Referred to the Committee on the Judiciary.

By Senators Takubo, Arvon, Azinger, Boley, Boso, Clements, Cline, Drennan, Maroney, Maynard, Rucker, Sypolt, Stollings, and Plymale:

Senate Bill 575—A Bill to amend and reenact §16-2D-9 of the Code of West Virginia, 1931, as amended, relating to the approval of additional beds for intermediate care facilities; authorizing the Secretary of the Department of Health and Human Resources to designate where the beds may be located; providing that eligibility will be determined on a case-by-case basis; providing that all other

relevant regulatory laws apply; and providing that additional beds may be developed.

Referred to the Committee on Health and Human Resources.

By Senators Gaunch, Palumbo, Ferns, Trump, and Plymale:

Senate Bill 576—A Bill to amend and reenact §29-12D-1a of the Code of West Virginia, 1931, as amended; and to amend and reenact §59-1-11 and §59-1-28a of said code, all relating to the Patient Injury Compensation Fund; changing the dates for collection of fees to be deposited in the Patient Injury Compensation Fund; updating definitions; providing for transfer of remaining funds; and changing the amount of certain circuit clerk filing fees.

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

By Senators Weld and Cline:

Senate Bill 577—A Bill to amend and reenact §17B-4-6 of the Code of West Virginia, 1931, as amended, relating to renting of motor vehicles; and allowing commercial rental car providers and vehicle rental program providers to rent motor vehicles by electronic means without making an in-person, physical inspection of the driver's license of the renter.

Referred to the Committee on Economic Development.

By Senators Plymale and Stollings:

Senate Bill 578—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, §47-12-4, §47-12-5, and §47-12-6, all relating to the Youth Mental Health Protection Act; providing for legislative findings; setting out a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for discipline of providers for a violation.

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

By Senator Maynard:

Senate Bill 579—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11G-1, §47-11G-2, and §47-11G-3, all relating to establishing the responsibilities of persons providing credit card processing services in the state; setting forth the required disclosures and prohibitions; establishing a maximum early termination fee; setting forth penalties and enforcement; and setting forth its applicability and exclusions.

Referred to the Committee on the Judiciary.

By Senators Sypolt and Boso:

Senate Bill 580—A Bill to amend and reenact §1-1-5 of the Code of West Virginia, 1931, as amended, relating to updating language for the West Virginia geodetic datum to match federal coordinate systems.

Referred to the Committee on Government Organization.

By Senator Gaunch:

Senate Bill 581—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5dd, relating to allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, Director of the Public Employees Insurance Agency, Department of Administration, and State Auditor, pursuant to written agreements; and defining terms.

Referred to the Committee on Government Organization.

By Senators Clements and Maroney:

Senate Bill 582—A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating to allowing a member of, or a candidate for, a state or local political party executive committee to serve as an election official in a state, county, or municipal election, even if her or his name is on the ballot.

Referred to the Committee on Government Organization.

By Senator Boso:

Senate Bill 583—A Bill to amend and reenact §24C-1-2, §24C-1-3, §24C-1-5, §24C-1-6, §24C-1-7, and §24C-1-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §24C-1-9, §24C-1-10, §24C-1-11, and §24C-1-12, all relating to bringing West Virginia in compliance with pipeline safety regulations.

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

Senators Gaunch and Boso offered the following resolution:

Senate Concurrent Resolution 28—Requesting the Joint Committee on Government Organization to conduct a study to consider removing solid waste facilities and the intrastate transportation of solid waste from the jurisdiction of the Public Service Commission.

Whereas, Solid waste facilities and the intrastate transportation of solid waste are currently under the jurisdiction of the Public Service Commission by virtue of its jurisdiction over public utilities, §24-2-1 *et seq.* of this code; and

Whereas, There are other regulatory bodies with oversight into the intrastate transportation of solid waste and solid waste facilities including: The Solid Waste Management Board, §20-1-1 *et seq.* of this code, by virtue of its statutory purpose to conserve, develop, and protect the natural resources of the State of West Virginia; and the Department of Environmental Protection, by virtue of the Solid Waste Management Act, §22-15-1 *et seq.* of this code, and its purpose to provide an efficient and reasonable permitting process for the location, operation, and oversight of the solid waste collection and disposal process; and

Whereas, Removing the Public Service Commission's jurisdiction will eliminate unnecessary overlap and duplicative regulation, and preserve taxpayer resources; and

Whereas, The Solid Waste Management Board, Department of Natural Resources, and Department of Environmental Protection

have substantial expertise and experience addressing issues particular to solid waste facilities, the intrastate transportation of solid waste, and related matters; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government Organization is hereby requested to conduct a study to consider removing solid waste facilities and the intrastate transportation of solid waste from the jurisdiction of the Public Service Commission; and, be it

Further Resolved, That the Joint Committee on Government Organization report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senator Ojeda offered the following resolution:

Senate Resolution 44—Urging the House of Delegates to begin an investigation into potential impeachable offenses by Chief Justice Allen Loughry.

Whereas, Section nine, article IV, of the West Virginia Constitution grants to the House of Delegates the sole power of impeachment; and

Whereas, Section nine, article IV of the West Virginia Constitution authorizes impeachment of any officer of the state for maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor; and

Whereas, Section 51, article VI of the West Virginia Constitution prohibits the Legislature from making any adjustments to the budget for the Judiciary; and

Whereas, The people of West Virginia through the West Virginia Constitution placed trust in the Judiciary to act autonomously and be stewards of public tax dollars by controlling its own budget; and

Whereas, Section three, article VII, section three of the West Virginia Constitution states that the chief justice shall be the administrative head of all courts and that the administrative director of the courts shall prepare and submit a budget for the court under the direction of the chief justice; and

Whereas, Chief Justice Allen Loughry oversaw the spending of hundreds of thousands of taxpayer's dollars on office renovations at a time when the state was in a budget crisis; and

Whereas, Chief Justice Allen Loughry asserted through media interviews that he had little if any involvement with the decisions related to the office renovations; and

Whereas, Chief Justice Allen Loughry's own emails and hand-drawn images recently released by the media through a Freedom of Information Act request show that he was intimately involved with the design and had full knowledge of the expenses associated with the renovation of his office; and

Whereas, Some of the expenses approved by Chief Justice Loughry included \$32,000 for a couch and custom-made flooring with each county of West Virginia set out in a different type of wood and Loughry's home county set out in blue granite; and

Whereas, There is ample evidence to believe that an investigation into the conduct of Chief Justice Loughry is necessary to determine whether Chief Justice Loughry committed maladministration or neglect of duty in his oversight of the spending at the Supreme Court; and

Whereas, An investigation by the House of Delegates could potentially lead to evidence that Chief Justice Loughry committed another impeachable offense set forth in section nine, article IV of the West Virginia Constitution; therefore, be it

Resolved by the Senate:

That the Senate hereby urges the House of Delegates to begin an investigation into potential impeachable offenses by Chief Justice Allen Loughry; and, be it

Further Resolved, That the Senate hereby urges the House of Delegates to act swiftly upon any credible evidence that Chief Justice Loughry committed an impeachable offense by beginning impeachment proceedings upon a finding of any credible evidence of maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Speaker of the House, the House Majority Leader, the House Minority Leader, the House Judiciary Committee Chair, and the House Finance Committee Chair.

Which, under the rules, lies over one day.

Senator Prezioso moved that the Senate Committee on Rules be discharged from further consideration of

Eng. Com. Sub. for Senate Bill 267, Increasing salaries of certain state employees.

Senator Trump moved the previous question, which motion prevailed.

The previous question having been ordered, that being on the adoption of Senator Prezioso's motion that Engrossed Committee Substitute for Senate Bill 267 be discharged from the Committee on Rules, and on this question, Senator Prezioso demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

The nays were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—21.

Absent: Maroney—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Prezioso's aforestated motion had not prevailed.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 23, Betty Jo Delong Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 24, Requesting study by Joint Committee on Children and Families regarding efficiency of organizations within DHHR.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Health and Human Resources; and then to the Committee on Rules.

Senate Concurrent Resolution 25, US Army PFC O. T. (Teaberry) Mullins Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 26, US Army PFC Thomas Mayford Martin Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 27, US Army CPL F. Lee Noel Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

At the request of Senator Azinger, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 273, Reducing use of certain prescription drugs.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Trump, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Trump, the following amendment to the bill was reported by the Clerk and adopted:

On page twenty-seven, section eight, lines five and six , after the word “care.” by striking out the remainder of the subsection.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 273 was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 273 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 273) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Com. Sub. for Senate Bill 273—A Bill to amend and reenact §16-5H-2 and §16-5H-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5Y-2, §16-5Y-4, and §16-5Y-5 of said code; to amend said code by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, and §16-54-9; 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 §30-10-19 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 said code by adding thereto a new section, designated §60A-5-509; 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; providing for an exemption from registration for office-based, medication-assisted treatment program in specified cases; making clarifying amendments to provide for an exemption for medication-assisted treatment programs; clarifying physician responsibility for medication-assisted treatment; clarifying definition of “pain management clinic”; providing for emergency rulemaking;

defining terms; providing for an advance directive; requiring consultation with patients prior to prescribing an opioid; limiting the amount of opioid prescriptions; requiring a narcotics contract in certain circumstances; providing exceptions to prescribing limits; providing for referral to a pain clinic or pain specialist; providing reports to licensing boards regarding abnormal or unusual prescribing practices; providing for consideration of other treatment options prior to prescribing an opioid; requiring insurance coverage for certain procedures to treat chronic pain; requiring the Board of Pharmacy to report quarterly to various licensing boards; exempting the Board of Pharmacy from certain purchasing requirements; clarifying who must report to the Controlled Substances Monitoring Database; precluding retaliation against a health care provider for declining to prescribe a narcotic; clarifying the practice of acupuncture; and permitting the investigation and discipline for abnormal and unusual prescribing and dispensing of prescription drugs.

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

Eng. Senate Bill 339, Relating to WV Retirement Health Benefit Trust Fund within PEIA.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill 358, Imposing fee for processing criminal bonds.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 358) passed with its title.

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

Eng. Senate Bill 398, Relating to requirements for making consumer loans.

On third reading, coming up in regular order, was read a third time.

Pending discussion,

At the request of Senator Prezioso, unanimous consent being granted, Senator Prezioso addressed the Senate regarding the action by the Committee on Banking and Insurance as to Engrossed Senate Bill 398 (*Relating to requirements for making consumer loans*).

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

At the request of Senator Maynard, and by unanimous consent, Senator Maynard addressed the Senate regarding the Natural Resources Committee meeting on February 12, 2018.

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

Senator Trump moved that the Senate recess until 6 p.m. today.

Following discussion and a point of inquiry to the President, with resultant response thereto,

Senator Trump arose to a point of order that the motion to recess was not a debatable motion.

Which point of order, the President ruled well taken.

The question being on the adoption of Senator Trump's aforestated motion, the same was put and prevailed.

Thereupon, at 12:04 p.m., the Senate recessed until 6 p.m. today.

The Senate reconvened at 6:00 p.m. today and resumed consideration of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Senate Bill 495, Designating specific insurance coverages exempt from rate filing requirements.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Beach, Blair, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: Baldwin and Romano—2.

Absent: Boley and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 495) passed with its title.

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

Eng. Senate Bill 498, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Baldwin, Beach, and Romano—3.

Absent: Boley and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 498) passed with its title.

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

Eng. Com. Sub. for House Bill 3004, Relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 3004 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Karnes, Mann, Maynard, Rucker, Smith, Swope, Takubo, Trump, Weld, and Carmichael (Mr. President)—19.

The nays were: Baldwin, Beach, Drennan, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Sypolt, Unger, and Woelfel—13.

Absent: Boley and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3004) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 3004—A Bill to amend and reenact §3-10-3, §3-10-4, §3-10-5, and 3-10-7 of the Code of West Virginia, 1931, as amended, all relating generally to filling vacancies in certain offices; providing that the Governor shall appoint a person to fill a vacancy in an elected state office, choosing from a list of candidates required to be submitted by the executive committee of the political party with which the individual vacating the office was affiliated at the time the vacancy occurred; establishing a deadline for a party executive committee to submit names of qualified persons for vacancies in elected state offices; providing that appointments to elected state offices be made within a time certain; providing that the Governor shall appoint a person, of the same political party with which the individual vacating the office was affiliated at the time the vacancy occurred, to fill a vacancy in an elected state office when a party executive committee fails to submit names of qualified persons; providing that the Governor shall appoint a person, from a list of qualified persons required to be submitted by the executive committee of the political party with which the individual vacating the office was affiliated at the time the vacancy occurred, to fill a vacancy in the office of United States Senator; establishing a deadline for an executive committee to submit names of qualified persons for vacancies in the office of United States Senator; providing that appointment to fill vacancies in office of United States Senator be made within a time certain; providing for Governor to appoint a person, of the same political party with

which the individual vacating the office was affiliated at the time the vacancy occurred, to fill a vacancy in United States Senate when the party executive committee fails to submit qualified names of qualified persons; providing for the Governor to appoint a person, of the same political party with which the person holding the office immediately preceding the vacancy was affiliated, to fill a vacancy in the state Legislature; providing for a county commission to select a person to fill a vacancy in the office of county commissioner or county clerk, who, for at least sixty days prior to the time a vacancy occurred, was affiliated with the same political party with which the individual vacating the office was affiliated at the time the vacancy occurred; providing a process by which the two most senior county commissioners may select a person, from a list of candidates required to be submitted by the executive committee of the political party with which the individual vacating the office was affiliated at the time the vacancy occurred, to fill a vacancy in the county commission when the commission fails to make a selection; providing for the Governor to appoint a person, from a list of candidates required to be submitted by the executive committee of the political party with which the individual vacating the office was affiliated at the time the vacancy occurred, to fill a vacancy in office of county commissioner if vacancies in the commission prevent a quorum; establishing a deadline for an executive committee to submit names of qualified persons for vacancies in a county commission; clarifying that appointments to county commissions to fill vacancies are for time periods specified by statute; and making technical corrections.

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

Eng. Com. Sub. for House Bill 4242, Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4242) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill 47, Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Military, was reported by the Clerk:

On page two, section eight hundred two, line nineteen, by striking out the word "may" and inserting in lieu thereof the word "shall".

Following discussion,

The question being on the adoption of the Military committee amendment to the bill, the same was put and prevailed.

The bill (S. B. 47), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 87, Allowing purchase of Class XS resident senior hunting, fishing and trapping licenses at age 65.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 415, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery sports wagering activities.

On second reading, coming up in regular order, was reported by the Clerk.

Senator Ferns requested unanimous consent that the bill lie over one day, retaining its place on the calendar.

Which consent was not granted, Senator Unger objecting.

Senator Ferns then moved that the bill lie over one day, retaining its place on the calendar.

The question being on the adoption of Senator Ferns' aforestated motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Blair, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Boley and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' aforestated motion had prevailed.

Thereupon, the bill (Com. Sub. for S. B. 415) was laid over one day, retaining its place on the calendar.

Senate Bill 444, Repealing antiquated code sections regarding safety glass and lighting in motor vehicles.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 510, Designating hospitals for stroke treatment.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was referred to the Committee on Rules.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Com. Sub. for Senate Bill 319, Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma.

Senate Bill 406, Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement.

Com. Sub. for Senate Bill 450, Collecting and analyzing statistical information pertaining to terminating pregnancies under Medicaid Program.

Com. Sub. for Senate Bill 451, Relating generally to hunting and fishing.

Com. Sub. for Senate Bill 475, Industrial Hemp Development Act.

Senate Bill 479, Establishing local government monitoring by Auditor.

Senate Bill 494, Considering members of State Teachers Retirement System absent while serving as officer with statewide professional association.

Com. Sub. for Senate Bill 512, Authorizing certain WV courthouse security officers carry concealed weapons.

Eng. House Bill 4380, Making a supplementary appropriation to the Department of Agriculture.

Eng. House Bill 4381, Making a supplementary appropriation to the Department of Education.

Eng. House Bill 4384, Making a supplementary appropriation to the Department of Transportation.

And,

Eng. House Bill 4386, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 16th day of February, 2018, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(H. B. 2612), Repealing section relating to unattended motor vehicles and penalties.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel, Romano, and Ojeda.

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

(Senator Ferns in the Chair.)

Remarks were made by Senators Carmichael (Mr. President) and Plymale.

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

Remarks were made by Senator Facemire.

Thereafter, at the request of Senator Trump, and by unanimous consent, the remarks by Senators Carmichael (Mr. President), Plymale, and Facemire were ordered printed in the Appendix to the Journal.

Remarks were made and prayer was offered by Senator Baldwin.

Thereafter, at the request of Senator Gaunch, and by unanimous consent, the remarks and prayer by Senator Baldwin were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Plymale, unanimous consent being granted, it was ordered that the Journal show had Senator Plymale been present in the chamber on yesterday, Thursday, February 15, 2018, he would have voted “yea” on the adoption of Engrossed Committee Substitute for Committee Substitute for Senate Joint Resolution 3.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 7:03 p.m., the Senate adjourned until Monday, February 19, 2018, at 11 a.m.

MONDAY, FEBRUARY 19, 2018

The Senate met at 11:12 a.m.

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

Prayer was offered by Pastor Dan Nicksich, Vanville Church of Christ, Martinsburg, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael J. Romano, a senator from the twelfth district.

Pending the reading of the Journal of Friday, February 16, 2018,

At the request of Senator Mann, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

On motion of Senator Ferns, at 11:20 a.m., the Senate recessed to permit Hunter Bennett to address the Senate on behalf of the Governor's Honors Academy and Julia Pritt to address the Senate on behalf of the Governor's School for the Arts.

The Senate reconvened at 11:30 a.m. today and resumed business under the second order.

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 163, Authorizing DEP promulgate legislative rules.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with

its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 165, Authorizing DHHR promulgate legislative rules.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. Department of Health and Human Resources.

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §16-5B-8 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 30, 2017, relating to the Department of Health and Human Resources (hospital licensure, 64 CSR 12), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §16-1-9a of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 25, 2017, relating to the Department of Health and Human Resources (public water systems, 64 CSR 3), is authorized with the following amendment:

On page six, by striking out all of subdivision 8.1. and inserting in lieu thereof a new subdivision 8.1., to read as follows:

8.1. A public water system which artificially adjusts fluoride levels shall strive to maintain those levels between 0.6 milligrams per liter and 0.8 milligrams per liter. The optimum target concentration for artificially adjusted fluoride is 0.7 milligrams per liter. If the drinking water of a public water system is found to be outside of the 0.6 to 0.8 milligrams per liter range, the public water system shall make any treatment or operational changes necessary to return the fluoride level to within the range within 24 hours of receiving the analytical result unless doing so is impracticable, in which case, the correction shall be made as soon as possible. A public water system shall identify in its annual report to the Bureau the date and time of each instance where the fluoride levels were found to be outside the target range and how long it took to implement responsive adjustments

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §16-4C-6 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2017, relating to the Department of Health and Human Resources (emergency medical services, 64 CSR 48), is authorized.

(d) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §16-49-9 of this code, relating to the Department of Health and Human Resources (West Virginia clearance for access: registry and employment screening, 69 CSR 10), is authorized with the following amendment:

On page five, by striking out all of subdivision 7.3.a. and inserting in lieu thereof a new subdivision 7.3.a., to read as follows:

7.3.a. The passage of time. The length of time an applicant is barred from employment in direct access care starts from the date of conviction or the date of release from the penalty imposed, whichever is later.

(e) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §16-53-3 of this code, modified by the Department of Health and Human Resources to

meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 25, 2017, relating to the Department of Health and Human Resources (development of methodologies to examine needs for substance use disorder treatment facilities within the state, 69 CSR 13), is authorized with the following amendments:

On page two, subdivision 2.6, by striking out the word “six” and inserting in lieu thereof the word “seven”;

On page two, in subdivision 2.6.c, by striking out “Roane,”;

On page two, in subdivision 2.6.e, by striking out “Kanawha,” and “Clay,”;

On page two, in subdivision 2.6.f, by striking out “Fayette,” and “Nicholas,”; and

On page two, following subdivision 2.6.f, creating a new subdivision by inserting the following: “2.6.g. Region 7: Clay, Fayette, Kanawha, Nicholas, and Roane counties.”.

(f) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §16-5T-5 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2017, relating to the Department of Health and Human Resources (collection and exchange of data related to overdoses, 69 CSR 14), is authorized.

(g) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2017, relating to the Department of Health and Human Resources (child care centers licensing, 78 CSR 1), is authorized.

(h) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §49-2-121 of this code,

modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2017, relating to the Department of Health and Human Resources (family child care facility licensing requirements, 78 CSR 18), is authorized.

(i) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §49-2-121 of this code, relating to the Department of Health and Human Resources (family child care home registration requirements, 78 CSR 19), is authorized.

(j) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2017, relating to the Department of Health and Human Resources (informal and relative family child care home registration requirements, 78 CSR 20), is authorized.

(k) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §49-2-121 of this code, relating to the Department of Health and Human Resources (out-of-school-time child care center licensing requirements, 78 CSR 21), is authorized.

(l) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §9-3-6 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2017, relating to the Department of Health and Human Resources (pilot program for drug screening of applicants for cash assistance, 78 CSR 26), is authorized.

(m) The legislative rule effective on October 10, 2013, authorized under the authority of §16-1-4 of this code, relating to

the Department of Health and Human Resources (regulation of opioid treatment programs, 69 CSR 7), is repealed.

§64-5-2. Health Care Authority.

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §16-29B-8 of this code, modified by the Health Care Authority to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 25, 2017, relating to the Health Care Authority (financial disclosure, 65 CSR 13), is authorized with the following amendment:

On page nine, by inserting a new section seven to read as follows:

§65-13-7. Exemption.

The provisions of this rule do not apply to the legally authorized practice of medicine by any one or more persons in the private office of any healthcare provider.

(b) The legislative rule effective on April 13, 2011, authorized under the authority of §16-2D-3 of this code, relating to the Health Care Authority (certificate of need rule, 65 CSR 7), is repealed.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 165—A Bill to amend and reenact §64-5-1 and §64-5-2 of the Code of West Virginia, 1931, as amended, relating generally to authorizing various health agencies to promulgate certain legislative rules as filed, modified, and amended by the legislature; authorizing various health agencies to repeal certain legislative rules; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the

Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access: registry and employment screening; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care home registration requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance; directing the Department of Health and Human Resources to repeal a legislative rule relating to regulation of opioid treatment programs; authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosure; and repealing a Health Care Authority legislative rule relating to certificate of need.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 165, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan,

Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 165) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 165) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 379, Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 382, Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 384, Decreasing and increasing appropriations from State Fund, General Revenue to DHHR.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 386, Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 388, Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 4, WV Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge.

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

Eng. Com. Sub. for House Bill 4343—A Bill to amend and reenact §31A-4-20 of the Code of West Virginia, 1931, as amended, relating to the delivery of financial statements to bank shareholders at or prior to the annual meeting of shareholders.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4385—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2018, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Eng. House Bill 4402—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §18-2-41, relating to the education and prevention of sexual abuse of children; mandating that children in grades K-12 receive sexual abuse education at least once during the academic year beginning July 1, 2019; requiring the State Board of Education to promulgate legislative rules to facilitate this process and develop resources by December 31, 2018; providing a list of minimum content for said legislative rules; requiring that the state board promulgate legislative rules for sexual abuse education and prevention training of public school employees by December 31, 2018; providing for an emergency rule, if necessary; providing a list of minimum content for said legislative rules; providing that said training be administered every two years; and providing additional requirements of said training.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4462—A Bill to amend and reenact §15-2-18 of the Code of West Virginia, 1931, as amended, relating to allowing off duty members and officers of the department of public safety to guard private property.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4620—A Bill expiring funds to the balance of the Department of Administration, Public Employees Insurance Agency – Basic Insurance Premium Fund, fund 2180, fiscal year 2018, organization 0225 for the fiscal year ending June 30, 2018, in the amount of \$29,000,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2018, organization 0701 for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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 19—Requesting that the West Virginia Legislature designate Sunday, May 6th, 2018, as a day of recognition of World Moyamoya Awareness Day in West Virginia.

Referred to the Committee on Health and Human Resources.

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 26—Requesting the Division of Highways to name bridge number 12-3-0.02 (12A003), locally known as Maysville Bridge, carrying County Route 3 over Lunice Creek in Grant County, the “U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 27—Making Grafton’s Annual Memorial Day Parade the Official State Memorial Day Parade.

Referred to the Committee on Military.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 412, Relating to authority of county litter control officers.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 412 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §7-1-3ff of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-29-1 of said code, all relating to providing that any litter control officer who is trained and certified as a law-enforcement officer and whose certification is active has the same authority as any other law-enforcement officer to enforce all litter laws; and including litter control officers in the definition of the term “law-enforcement officer”.

And,

Senate Bill 522, Relating generally to Administrative Procedures Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 522 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §29A-1-3b of the Code of West Virginia, 1931, as amended; and to amend and reenact §29A-3-8, §29A-3-12, and §29A-3-19 of said code, all relating generally to the Administrative Procedures Act; providing that rules become void if statutory authority is repealed; providing that legislative exempt, procedural, or interpretive rules may be repealed by an agency upon notification to Secretary of State; relating to the deadline for filing agency-approved rules; providing a procedure for the agencies to affirmatively seek renewal of a legislative rule; providing that legislative rules up for termination are not subject to a public comment period; and providing for review by the Legislative Rule-Making Review Committee.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 432, Relating to municipal home rule.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 432 (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; making legislative findings; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing for continuation of plans and amendments approved during Municipal Home Rule Pilot Program; providing that any ordinance, act, resolution, rule, or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; expanding eligibility to participate in home rule to additional municipalities; establishing annual assessment for participants in Municipal Home Rule Program; establishing penalty for failing to timely pay annual assessment; creating special revenue account for Municipal Home Rule Board; authorizing certain expenditures from special revenue fund; providing suspension of annual assessment when certain conditions are met; clarifying the authority of the Municipal Home Rule Board; requiring Municipal Home Rule Board to reject any application or amendment that does not reasonably demonstrate municipality's ability to manage related costs or liabilities; requiring publication of administrative rules of Municipal Home Rule Board on its website and made available to the public in print upon request; clarifying procedures related to submitting amendment to approved plan; requiring certain notice prior to proposing or amending a plan; requiring public hearing and notice of hearing prior to municipality proposing a plan or amendment; amending certain prohibitions on the powers and duties of municipalities under home rule; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws governing professional licensing or certification of employees; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws, rules, or regulations governing enforcement of building codes or fire codes; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to West Virginia Workplace Freedom Act and Labor-Management Relations Act; prohibiting municipalities

participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to federal laws, regulations or standards related to transportation that would affect state's required compliance or jeopardize federal funding; prohibiting municipalities from enacting any ordinance, act, resolution, rule, or regulation that imposes duties on another governmental entity; providing certain exceptions to that prohibition; modifying reporting requirements; and eliminating automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill (Com. Sub. for S. B. 432), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 474 (originating in the Committee on the Workforce), Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 474 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a

new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring that certain documents that include records of wages be considered confidential; prohibiting governmental entity that requires private company contracting with or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employers from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or information to state or federal agency; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining “governmental entity”; defining contents of certified payroll document; providing that any document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 500, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 500 (originating in the Committee on Government Organization)—A Bill to amend and reenact section one, chapter 180, Acts of the Legislature, regular session, 1985, authorizing the City of White Sulphur Springs, Greenbrier County, West Virginia, to expend both principal and interest from a special interest-bearing fund.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill (Com. Sub. for S. B. 500), under the original double committee reference, was then referred to the Committee on Finance.

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 504, Excluding seasonal amusement park workers from definition of “employee”.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Chandler Swope,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on the Workforce pending.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 523, Relating to tax treatment of pollution control facilities and wind power projects.

And,

Eng. Com. Sub. for House Bill 4142, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 543, Relating to confidentiality of medical records.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 543 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating generally to confidentiality of certain medical records; eliminating disclosure exception for treatment or internal review purposes; eliminating

30-day requirement; eliminating requirement that provider make good faith effort to obtain consent from the patient or legal representative; eliminating requirement that the minimum information necessary is released for a specifically stated purpose; eliminating requirement that prompt notice of the disclosure, the recipient of the information, and the purpose of the disclosure is given to the patient or legal representative; and adopting provisions of federal law which pertain to disclosure of protected health information.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Blair, Boso, Sypolt, and Facemire:

Senate Bill 584—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

By Senators Romano, Facemire, Trump, and Weld:

Senate Bill 585—A Bill to alter and reestablish that part of the division line between Doddridge County and Harrison County so as to place all the grounds of the Salem Correctional Center, formerly the West Virginia Industrial Home, within the boundary of Harrison County for the purpose of resolving venue disputes for criminal offenses on the grounds of the Salem Correctional Center.

Referred to the Committee on Government Organization.

By Senators Smith, Azinger, Baldwin, Beach, Boley, Boso, Clements, Cline, Drennan, Gaunch, Jeffries, Maroney, Maynard, Ojeda, Rucker, Swope, and Sypolt:

Senate Bill 586—A Bill to amend and reenact §62-12-9 of the Code of West Virginia, 1931, as amended, relating to requiring probationers who have served 10 or more years to participate in a work release program and spend six months in a work release center; and providing that 70 percent of their earnings shall be held in an account and provided to them at the successful completion of the six-month period.

Referred to the Committee on the Judiciary.

By Senators Mann, Clements, Azinger, Boley, Maroney, Smith, Sypolt, Cline, and Baldwin:

Senate Bill 587—A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to providing that counties with less than 1,400 in net enrollment shall be considered to have 1,400 in net enrollment for the purposes of determining the county's basic foundation program only.

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

By Senators Sypolt, Cline, and Baldwin:

Senate Bill 588—A Bill to amend and reenact §19-23-26 of the Code of West Virginia, 1931, as amended, relating to prohibiting the use of anabolic steroids and certain Class I drugs on racing dogs; providing criminal penalties for violators; making dogs temporarily ineligible to race when testing positive for the drugs; and requiring the Racing Commission to publish certain information regarding the presence of drugs in racing dogs on its website each month and in its annual report.

Referred to the Committee on the Judiciary.

By Senators Rucker, Arvon, Clements, Cline, Drennan, Gaunch, Maynard, Smith, Sypolt, and Plymale:

Senate Bill 589—A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended, relating to the issuance of personalized license plates for antique motor vehicles.

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

By Senators Jeffries, Baldwin, Beach, Clements, Cline, Facemire, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, and Woelfel:

Senate Bill 590—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 curing childhood cancer.

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

By Senator Drennan:

Senate Bill 591—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to increasing the reimbursement rate for certain Medicaid services; setting forth requirements; requiring records be kept; and permitting waiver amendments be filed.

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

By Senators Sypolt and Boso:

Senate Bill 592—A Bill to amend and reenact §8-15-20a of the Code of West Virginia, 1931, as amended, relating to special examination for firefighter paramedic by adding the examination of advance care technician.

Referred to the Committee on Government Organization.

By Senator Ojeda:

Senate Bill 593—A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-4-401 of said code; and to amend said code by adding thereto a new section, designated §60A-4-417, all relating to reducing the criminal penalties and the criminalization of marijuana; removing certain items from Schedule I controlled substances list; and creating new misdemeanor and felony offenses and penalties with respect to marijuana.

Referred to the Committee on the Judiciary.

By Senator Ojeda:

Senate Bill 594—A Bill to amend and reenact §64-10-5 of the Code of West Virginia, 1931, as amended, relating generally to directing the Division of Natural Resources within the Department of Commerce to file a rule relating to West Virginia wildlife management areas with certain amendments.

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

By Senator Azinger:

Senate Bill 595—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, and §1-7-4, all relating to creating the Protect Our Right to Unite Act; providing its purpose and intent; providing for the protection of privacy of association; authorizing enforcement by state or citizen action; providing for damages and attorneys' fees; and defining terms.

Referred to the Committee on the Judiciary.

By Senators Gaunch and Boso:

Senate Bill 596—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, and §11-28-7, all relating to establishing the West Virginia Community Investment Tax Credit Program; providing definitions; setting forth criteria for the tax credit against corporate net income tax liability; providing for a carry forward of the tax credit in certain defined circumstances; specifying limitations and disqualification criteria; providing for change in form of business; providing for recapture tax; and authorizing promulgation of rules.

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

By Senators Gaunch, Boso, and Cline:

Senate Bill 597—A Bill to amend and reenact §30-18-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting

individuals who have been convicted of a misdemeanor crime of domestic violence or a misdemeanor offense of assault or battery against a family member from being eligible for any license to conduct a private investigation business; and setting forth who are to be included as family members.

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

By Senators Trump, Ferns, Weld, and Cline:

Senate Bill 598—A Bill to amend and reenact §17-10-17 of the Code of West Virginia, 1931, as amended, relating to civil actions for damages brought against county commissions and municipalities by persons injured by reason of a slip, trip, fall, or similar injury resulting from defect in, disrepair, maintenance of, or failure to maintain or repair any road, bridge, street, sidewalk, alleyway, or public walkway.

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

By Senators Beach, Baldwin, Mann, Ojeda, Romano, Stollings, and Woelfel:

Senate Bill 599—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; and requiring boards to provide free feminine hygiene products in grades six through 12.

Referred to the Committee on Education.

By Senators Smith, Ferns, Weld, Jeffries, and Prezioso:

Senate Bill 600—A Bill to amend and reenact §24-2-1j of the Code of West Virginia, 1931, as amended, relating to powers and duties of the Public Service Commission; special rates and provisions for energy intensive industrial and manufacturing consumers of electric power; new definitions; and the procedure required for approval of these rates for manufacturing consumers by the commission.

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

By Senator Facemire:

Senate Bill 601—A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to personal income tax; and alleviating double taxation on foreign income at the state level.

Referred to the Committee on Finance.

By Senators Drennan, Blair, Gaunch, Maroney, Maynard, Plymale, Trump, Stollings, and Boso:

Senate Bill 602—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2, and §55-7K-3, all relating to providing immunity from civil liability to facilities and employees providing crisis stabilization and/or drug and alcohol detoxification services, substance use disorder services, and/or drug overdoses services on a short-term basis.

Referred to the Committee on the Judiciary.

By Senators Drennan, Blair, Gaunch, Maroney, Maynard, Plymale, and Trump:

Senate Bill 603—A Bill to amend and reenact §27-5-2 of the Code of West Virginia, 1931, as amended, relating to proceedings for involuntary custody for examination; and adding licensed professional counselors to the list of professionals that may examine an individual by order of a circuit court, mental hygiene commissioner, or magistrate.

Referred to the Committee on the Judiciary.

By Senator Drennan:

Senate Bill 604—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-30-22a, relating to temporary permits to perform social work functions within community mental health centers; establishing qualifications for temporary permits; and providing for revocation of permit.

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

By Senators Mann, Drennan, and Cline:

Senate Bill 605—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40; and to amend said code by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, and §18-33-4, all relating to vocational and technical education programs; requiring State Board and Commerce Department create lists of apprenticeships, certifications, and credentials to provide students; requiring county school districts to provide certain information to students; establishing the Governor's Workforce Credential; establishing requirements for the Governor's Workforce Credential; mandating graduation recognition for recipients of credential; and creating monetary incentive for schools who graduate recipients of credential.

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

By Senators Swope, Rucker, Smith, and Cline:

Senate Bill 606—A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to admissibility of certain evidence in a civil action for damages; and allowing the admission of the use or nonuse of a safety belt on the issues of negligence, contributory negligence, comparative negligence, and failure to mitigate damages.

Referred to the Committee on the Judiciary.

By Senators Swope, Rucker, Smith, Boso, and Cline:

Senate Bill 607—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §47-28-1, §47-28-2, §47-28-3, and §47-28-4, all relating to prohibiting certain misleading lawsuit advertising practices; providing for certain disclosures and warnings in lawsuit advertising for the protection of patients; and imposing criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Ojeda, Baldwin, Beach, Facemire, Palumbo, Plymale, Romano, Stollings, Swope, Unger, Woelfel, Prezioso, and Cline:

Senate Bill 608—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-1-10, relating to creating a misdemeanor offense of impersonating a member of the military; setting forth restrictions; and detailing the criminal penalty.

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

By Senators Facemire, Baldwin, Beach, Jeffries, and Romano:

Senate Bill 609—A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-3-24 and §11-3-25 of said code; and to amend and reenact §11-10A-8 of said code, all relating generally to the valuation of natural resources property; establishing a yield capitalization process as an alternative method for the determination of the fair market value of oil, gas, and natural gas liquids producing properties; providing an alternate method of appeal concerning the valuation of natural resources property for ad valorem tax purposes; granting jurisdiction to the West Virginia Office of Tax Appeals to hear an appeal; and defining a term.

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

By Senators Romano, Beach, Drennan, Facemire, Gaunch, Jeffries, Mann, Palumbo, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Plymale, and Cline:

Senate Bill 610—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to providing that the penalty for possession of marijuana carries a fine of no more than \$1,000 without confinement.

Referred to the Committee on the Judiciary.

By Senators Drennan, Boso, Cline, Takubo, and Woelfel:

Senate Bill 611—A Bill to amend and reenact §27-2A-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §27-9-1 of said code; and to amend and reenact §27-17-3 of said code, all relating to licensing of mental health facilities; and providing for the renewal of the license of a behavioral health center without reapplication or inspection if the behavioral health center has national accreditation.

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

By Senators Boley, Boso, and Maynard:

Senate Bill 612—A Bill to amend and reenact §8-12-18 of the Code of West Virginia, 1931, as amended, relating to the sale of municipal property; allowing municipalities to sell real or personal property by using an Internet-based public auction service; and requiring notice of sale include notice of the time, terms, manner, and place of sale or the Internet-based public auction service to be used.

Referred to the Committee on Government Organization.

By Senators Takubo, Baldwin, Beach, Clements, Facemire, Jeffries, Maroney, Ojeda, Palumbo, Romano, Stollings, Swope, Weld, Plymale, Prezioso, and Cline:

Senate Bill 613—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, §47-12-4, §47-12-5, and §47-12-6, all relating to the Youth Mental Health Protection Act; providing for legislative findings; setting out a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for discipline of providers for a violation.

Referred to the Committee on Health and Human Resources.

By Senators Drennan, Boso, and Cline:

Senate Bill 614—A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended; to amend and reenact

§61-11-6 of said code; and to amend and reenact §62-1D-8 of said code, all relating to crimes involving acts of violence; making it a crime for a spouse, parent, step-parent, grandparent, sibling, half-sibling, child, step-child, or grandchild, whether related by blood or marriage, of a person under investigation to impede or obstruct a law-enforcement officer by knowingly and willfully making a materially false statement in the conduct of an investigation of a felony when the offense that is being investigated involves an act of violence; allowing certain family members to be prosecuted as an accessory after the fact if they aid or assist a principal felon, or accessory before the fact, to avoid or escape from prosecution or punishment when offense that is being investigated involves an act of violence; and allowing orders authorizing the interception of wire, oral, or electronic communications when the prosecuting attorney or special prosecutor has shown reasonable cause to believe the interception would provide evidence of the commission of any crime of violence.

Referred to the Committee on the Judiciary.

By Senators Drennan and Woelfel:

Senate Bill 615—A Bill to amend and reenact §16-5Y-3 and §16-5Y-4 of the Code of West Virginia, 1931, as amended, all relating to licensing and registering opioid treatment programs and office-based, medication-assisted treatment programs; and establishing a deemed-qualified status for renewal when the provider is also licensed by the state as a behavioral health center and the provider has a federally approved accredited and registered opioid treatment program.

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

By Senators Boso and Cline:

Senate Bill 616—A Bill to amend and reenact §17C-17-9a of the Code of West Virginia, 1931, as amended, relating to establishing the maximum gross weight for wood-bearing trucks equipped with six axles and two additional brakes at 94,000 pounds.

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

By Senators Boso and Cline:

Senate Bill 617—A Bill to amend and reenact §8-15-11 of the Code of West Virginia, 1931, as amended, relating to appointment of members of municipal fire departments and providing for a position of deputy fire chief to serve at the will and pleasure of the municipal fire chief.

Referred to the Committee on Government Organization.

By Senators Weld (By Request) and Boso:

Senate Bill 618—A Bill to amend and reenact §11A-3-19, §11A-3-20, §11A-3-22, §11A-3-23, §11A-3-27, §11A-3-28, §11A-3-52, §11A-3-55, §11A-3-56, §11A-3-59, and §11A-3-60 of the Code of West Virginia, 1931, as amended, all relating generally to the sale of tax liens; requiring personal service of process when a notice to redeem is returned as undeliverable, unclaimed, or refused; amending dates for securing deeds subject to tax liens; and requiring payment of funds sufficient to pay for personal service of process.

Referred to the Committee on Finance.

By Senators Ferns and Boso:

Senate Bill 619—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-4A-1, §7-4A-2, §7-4A-3, §7-4A-4, §7-4A-5, §7-4A-6, §7-4A-7, §7-4A-8, §7-4A-9, and §7-4A-10, all relating to creating the Prosecuting Attorney's Detectives Act; providing a short title; making legislative findings; providing for law-enforcement titles; setting forth the duties and powers of detectives; providing for compensation of detectives; permitting prosecuting attorneys to hire detectives; establishing arrest power of detectives; setting forth requirements; limiting off-duty employment; and providing miscellaneous provisions.

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

By Senator Baldwin:

Senate Bill 620—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-53-4, relating to creating the opioid crisis recovery fine program; detailing the implementation of the program; requiring opioid manufacturers or wholesalers that manufactured opioids for distribution or distributed opioids in this state between 2007 and 2017 to register with the Office of Drug Control Policy; and creating a sunset date.

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

By Senator Trump:

Senate Bill 621—A Bill to amend and reenact §46A-6L-102 of the Code of West Virginia, 1931, as amended, relating to prohibiting a consumer-reporting agency from charging a fee to a consumer who elects to place, remove, or temporarily lift a security freeze on the consumer's credit report.

Referred to the Committee on the Judiciary.

By Senator Boso:

Senate Bill 622—A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to imposing additional costs on violations of statutes requiring safety-belt usage in motor vehicles; creating a special revenue fund in the State Treasury to be known as the Emergency Medical Services Equipment and Training Fund; specifying the purposes for which amounts in the fund may be expended; providing that balances in the fund at the end of a fiscal year do not revert to the General Revenue Fund; and authorizing the Office of Emergency Medical Services to expend amounts deposited into the fund.

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

By Senators Takubo, Maroney, Gaunch, and Boso:

Senate Bill 623—A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to Medicaid

subrogation liens of the Department of Health and Human Resources; harmonizing subrogation law with recent changes to federal laws by removing restrictions on amounts subject to recovery by the department; adding certain insurance coverage as subject to subrogation; removing all provisions relating to allocation for medical expenses in a judgment or settlement; permitting negotiation to reduce amount of department's claim; and setting effective date.

Referred to the Committee on Health and Human Resources.

By Senator Unger:

Senate Bill 624—A Bill to amend and reenact §29-22A-10, §29-22A-10b, §29-22A-10d, and §29-22A-10e of the Code of West Virginia, 1931, as amended, all relating to racetrack video lottery; and changes in distribution of net terminal income to the thoroughbred and greyhound development funds at the licensed racetracks of origin.

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

Senators Maynard, Plymale, and Stollings offered the following resolution:

Senate Concurrent Resolution 29—Requesting the Division of Highways name bridge number 30-3/5-16.65 (30A020), locally known as Lowney Singing Bridge, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the “U. S. Army SGT Benny Fleming Memorial Bridge”.

Whereas, SGT Benny Fleming was born on June 9, 1948, to Goodlow Fleming and Lora Evans of Wilsondale, and passed away August 30, 2013; and

Whereas, SGT Benny Fleming was a lifelong resident of Mingo County where he raised a family and made a living as a coal miner. Throughout his life, he overcame many obstacles, all while maintaining a great attitude; and

Whereas, SGT Benny Fleming attended Lowney Grade School near his family home, and graduated from Lenore High School in 1966. That same year, he enlisted in the U. S. Army. In the five years he served, he was promoted Sergeant E-5, served in Vietnam, and eventually received an honorable discharge. After returning home, he worked for the West Virginia Division of Highways; and

Whereas, SGT Benny Fleming began working underground in the coal mines in 1970s, when the danger of working underground was at its highest. He worked for Dehue Mines in Logan until they closed, and then went to work at Rawl Sales Rocky Hollow for nearly 15 years until he suddenly became sick while on vacation with his family. He was diagnosed with transverse myelitis. After spending months in the hospital, and then at a rehabilitation center, he was left paralyzed from the waist down and confined to a wheelchair; and

Whereas, When faced with an obstacle such as this, most people would have given up, but not SGT Benny Fleming. He had to learn how to use his hands again, and how to sit up again. He learned how to cook, clean, do laundry, and be self-sufficient. Eventually, he would mow his own grass, and his sister's, just to keep busy. He also became active in helping facilities become handicapped accessible. It was very important to him to be able to get in and out of places without having to ask for assistance; and

Whereas, SGT Benny Fleming had two daughters, Machel and Teresa. He loved them dearly. They married and had children of their own. Machel had his first grandchild, Jarrid, in 1991. This gave Benny something to get stronger for, and something to look forward to. Jarrid was his whole world. He would spend weekends with Benny, and he would feed him, bathe him, and change his diaper, all while being confined to a wheelchair; and

Whereas, Five years later, Machel had SGT Benny Fleming's second grandchild, Seann Cameron. He and Benny spent their time fishing, riding four wheelers, and Benny would point out deer and bear tracks to his grandson. Some weekends, Benny would keep both boys. That was when he was at his happiest; and

Whereas, In August of 1998, Teresa had SGT Benny Fleming's third grandchild, a boy named Carson. Just as he did with the grandsons before him, SGT Benny Fleming loved to spend time with him, watching him play basketball and talk about trains. He, too, would spend the night with Benny, and he would see to it that he was well taken care of; and

Whereas, Because of his grandkids, the last years of SGT Benny Fleming's life were his happiest. In 2002, he was the official scorekeeper for his grandson Jarrid's baseball team, and never missed a game. He traveled to the away games, as well as the home games, and treated Jarrid's teammates as if they were his own. He would buy the kids drinks, hotdogs, and candy at the games, and they loved him as if he were their own grandpa. He also spent time with his companion and life partner, Cathy Perry. They were at their happiest when spending time outdoors and sharing memories; and

Whereas, In his last few years, SGT Benny Fleming began reflecting on his life. He began compiling notes and started the process of writing a short story about the life and times of growing up in the 1950s. He titled it "Growing Up Lowney". It tells the story of when he was young and going to Lowney Grade School near his childhood home. He goes into great detail and tells everything he can remember of growing up in that area of Mingo County. He typed the story himself and surprised his children and grandchildren each with a copy. The seven-page story is Benny's legacy. It is a small glimpse into the type of man that he was. Although confined to a wheelchair for the last 25 years of his life, Benny overcame many obstacles with the love and support of his family. He overcame them to become a loving father, extraordinary grandfather, and outstanding member of the community, all with a smile on his face; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of SGT Benny Fleming; therefore, be it

Resolved by the West Virginia Legislature:

That the Division of Highways is hereby requested to name bridge number 30-3/5-16.65 (30A020), locally known as Lowney Singing Bridge, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the “U. S. Army SGT Benny Fleming Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SGT Benny Fleming 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 Maynard, Stollings, Boso, and Cline offered the following resolution:

Senate Concurrent Resolution 30—Requesting the Joint Committee on Government and Finance study legal procedures and fiscal means for the state to acquire additional idle railway property for use as public recreational rail-trails.

Whereas, The State of West Virginia has seen significant benefits from the conversion of former railroad rights-of-way into recreational rail-trails in several areas of the state and has even been able to incorporate two rail-trail areas into popular and scenic additions to our state parks system; and

Whereas, Rail-trail development in West Virginia has provided recreational opportunities that are attractive to families and to persons of all ages from both within and outside of the state; and

Whereas, Other railway properties, routes, and rights-of-way remain idle at various locations around the state and these locations would directly benefit from the development of new tourism opportunities; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is requested study legal procedures and fiscal means for the state to acquire additional idle railway property for use as public recreational rail-trails; and, be it

Further Resolved, That the Joint Committee on Government and Finance study legal procedures and fiscal means for the state to acquire additional idle railway property such as trackways, rights-of-way, and other real property through lease, purchase, easement, grant, gift, and other methods for use as public recreational rail-trails, including methods for relieving or protecting the railway owners of liability, and to identify those properties with the greatest potential for beneficial development as rail-trails; and, be it

Further Resolved, That the Joint Committee on Government and Finance enlist the assistance of the Commissioner of Tourism and the Commissioner of the Division of Natural Resources in conducting the study; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, prepare a report, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senators Maynard, Stollings, and Cline offered the following resolution:

Senate Concurrent Resolution 31—Requesting the Joint Committee on Government and Finance study the elimination of “dead spots” in wireless coverage in West Virginia.

Whereas, Telecommunications infrastructure is essential for all economies to compete in a global marketplace; and

Whereas, As a rural state, West Virginia is particularly dependent on wireless communication services to connect West Virginia businesses and communities to the global community; and

Whereas, A strong telecommunications infrastructure can be a catalyst for encouraging entrepreneurial activity, expanding cultural and tourism opportunities, creating new technology and financial sector jobs, rebuilding our downtown areas, and enhancing the overall economic health of our communities; and

Whereas, A strong telecommunications infrastructure is not possible when West Virginia's wireless communications network is plagued by poor service quality and it is common that even when a carrier generally offers coverage in a geographic area, service for individual calls are not available due to the existence of numerous areas within the coverage area where service is not available because the signal between the handset and the cell tower is blocked, commonly referred to as "dead spots"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the elimination of "dead spots" in wireless coverage in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance consider ways it can encourage wireless carriers to work collectively in eliminating these "dead spots" to provide seamless wireless coverage throughout West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the 2019 regular session of the Legislature on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid

from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senators Takubo, Palumbo, Plymale, Stollings, and Boso offered the following resolution:

Senate Resolution 45—Congratulating Glen Chestnut, of Belle, West Virginia, as West Virginia’s Outstanding Tree Farmer for 2018.

Whereas, Glen Chestnut owns and manages a 320-acre tree farm in Kanawha County, West Virginia; and

Whereas, Glen Chestnut was selected as West Virginia’s Outstanding Tree Farmer for 2018 by the West Virginia Tree Farm Committee and its state sponsor, the West Virginia Forestry Association; and

Whereas, This outstanding tree farmer made a formal commitment to sound forest management practices by enrolling in the West Virginia Tree Farm Program; and

Whereas, Glen Chestnut is committed to the long-term productivity of his property by controlling invasive species of tree-of-heaven and autumn olive; and

Whereas, The Glen Chestnut property is in the West Virginia Agricultural Enhancement Program, with a recent focus on a cerulean warbler 10-acre project; and

Whereas, The primary objectives of tree farming are being successfully met to enhance wildlife and recreation; and

Whereas, It is fitting for this body to recognize and commend outstanding West Virginians; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates Glen Chestnut, of Belle, West Virginia, as West Virginia's Outstanding Tree Farmer for 2018; and be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Glen Chestnut.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Takubo regarding the adoption of Senate Resolution 45 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:42 a.m., the Senate recessed to present Senate Resolution 45.

The Senate reconvened at 11:46 a.m. today and resumed business under the sixth order.

Petitions

Senator Sypolt presented a petition from Charles Cropp and thirty-one fourteenth senatorial district residents, opposing Senate Bill 270 (*Authorizing DNR implement silvicultural management for state park lands*).

Referred to the Committee on Natural Resources.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 625 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-3-8 of the Code

of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-3-8a; to amend and reenact §5H-1-2 of said code; to amend and reenact §7-1-3d of said code; to amend said code by adding thereto a new section, designated §11-21-25; to amend and reenact §16-4C-6 and §16-4C-8 of said code; to amend said code by adding thereto a new section, designated §16-4C-24; to amend said code by adding thereto a new section, designated §17-2A-8d; to amend and reenact §29-3-12 of said code; to amend said code by adding thereto two new sections, designated §29-3-5e and §29-3-8; to amend and reenact §33-3-33 of said code; and to amend said code by adding thereto a new section, designated §33-3-33b, all relating to creating the West Virginia Volunteer Fire and Rescue Act of 2018; requiring Director of Purchasing Division make facilities and services of division available to fire departments and companies and certain emergency medical services agencies; authorizing director to provide for implementation by legislative rules or other agreement; authorizing payment of death benefits to survivors of firefighter, EMS, or law-enforcement provider who dies in the performance of, or as a result of the performance of, his or her duties; increasing death benefits to be paid; providing for written designation of beneficiary to be made with State Fire Marshal or Commissioner of the Bureau for Public Health; requiring any county fire prevention units to be formed and recognized under the regulations of the State Fire Commission for local fire departments; increasing authorized reimbursement rate amount; providing exception for incidents or accidents involving hazardous materials; requiring payment of amounts owed as reimbursement within 30 days; authorizing written agreements between fire department or company and responsible party; permitting fire company or department to proceed to recover costs if payment or agreement not reached within 90 days; defining terms; creating volunteer first responder tax credit against an individual's personal property taxes based on number of activities an individual engages in with his or her first responder organization; requiring notarized certification by the chief officer of the first responder organization; making tax credit nonrefundable; requiring Tax Commissioner to develop forms for certification; authorizing Commissioner of the Bureau for Public Health to establish one or more statewide contracts for equipment and supplies utilized by

emergency medical services agencies; requiring statewide contracts be made available to certain emergency medical services agencies; authorizing development of uniform standards for equipment and supplies used by emergency medical services agencies; giving legislative rule-making authority to Commissioner of the Bureau for Public Health to implement provisions; requiring Commissioner of the Bureau for Public Health to recognize and give full credit for all continuing education credits approved or recognized by state or nationally recognized accrediting body; establishing special revenue fund known as Emergency Medical Services Equipment and Training Fund; authorizing use of fund for grants to equip emergency medical service providers and train emergency medical services personnel; requiring Commissioner of the Bureau for Public Health establish grant program for equipment and training of emergency medical services providers and personnel; setting eligibility and certain priorities for grant program; granting rule-making authority to implement grant program; authorizing Commissioner of Division of Highways enter into reimbursement agreements with certain fire departments for services provided relating to tree or debris removal from state highways and rights-of-way when requested; granting legislative rule-making authority to implement reimbursement program; setting minimum provisions for legislative rule; authorizing State Fire Marshal establish one or more statewide contracts for equipment and supplies utilized by fire companies and departments; requiring statewide contracts be made available to certain fire companies and departments as well as any other agency or subdivision with a need for those equipment or supplies; authorizing development of uniform standards for equipment and supplies used by fire companies and departments; giving legislative rule-making authority to State Fire Commission to implement provisions; establishing special revenue fund known as Fire Service Equipment and Training Fund; authorizing use of fund for grants to equip volunteer and part volunteer fire companies and departments and their members and train volunteer and part volunteer firefighters; requiring State Fire Marshal establish grant program for equipment and training of volunteer and part volunteer fire companies and departments and volunteer firefighters; setting eligibility and certain factors for State Fire Marshal to consider in making grants; granting rule-making authority to implement grant program; requiring State Fire Marshal prepare

certain reports and make certain recommendations; increasing surcharge on fire and casualty insurance policies; exempting certain casualty insurance policies from surcharge; prohibiting premium taxes, agent commissions, and other assessments from being charged against surcharge; designating where funds collected from surcharge are to be deposited; requiring study and report from Insurance Commissioner regarding issues related to workers' compensation for volunteer and part volunteer fire departments; eliminating obsolete language; and making technical corrections.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Gaunch, and by unanimous consent, the bill (S. B. 625) contained in the foregoing report from the Committee on Government Organization was then referred to the Committee on Finance.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 626 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22-3-9 and §22-3-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-11-7a of said code; to amend and reenact §22A-1-36 of said code; to amend said code by adding thereto a new section, designated §22A-1-42; to amend and reenact §22A-2-2, §22A-2-3, §22A-2-4, §22A-2-4a, §22A-2-5, §22A-2-25, §22A-2-26, §22A-2-37, and §22A-2-55 of said code; and to amend and reenact §22A-2A-1001 of said code, all relating generally to coal mining; establishing new notice requirements regarding permit applications under the Surface Coal Mining and

Reclamation Act; clarifying when a certification is granted under the Water Pollution Control Act; clarifying when a comprehensive mine safety program is subject to annual review; establishing the use of MSHA-approved ground control plans for surface operations; requiring automated external defibrillators be present on surface operations; requiring the Director of the Office of Miners' Health, Safety, and Training to promulgate emergency rules; providing that one MSHA-approved plan may be submitted to the director in lieu of separate state-approved plans for ventilation, seals, roof control, belt air, self-contained self-rescuer storage, tracking and communication, and emergency shelters; requiring that the MSHA-approved comprehensive safety plan be forwarded to the director in a timely manner; and permitting the use of diesel-powered generators in underground mines under certain conditions.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Randy E. Smith,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 28, Requesting study to consider removing solid waste facilities from jurisdiction of PSC.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization; and then to the Committee on Rules.

Senate Resolution 44, Urging House of Delegates investigate impeachment of Chief Justice Allen Loughry.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 47, Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 47) passed with its title.

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

Eng. Com. Sub. for Senate Bill 87, Allowing purchase of Class XS resident senior hunting, fishing and trapping licenses at age 65.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 87) passed with its title.

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

Eng. Senate Bill 339, Relating to WV Retirement Health Benefit Trust Fund within PEIA.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 339) passed with its title.

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

Eng. Senate Bill 398, Relating to requirements for making consumer loans.

Having been read a third time on Friday, February 16, 2018, and now coming up in regular order, was reported by the Clerk.

The question being “Shall Engrossed Senate Bill 398 pass?”

Pending extended discussion and a point of inquiry to the President,

Senator Romano arose to a point of order that debate had digressed to discussion of a member's conduct on the floor and not the merits of the bill in question.

Which point of order, the President ruled not well taken.

Pending discussion,

The question being "Shall Engrossed Senate Bill 398 pass?"

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Plymale, Rucker, Smith, Swope, Takubo, Trump, Weld, and Carmichael (Mr. President)—23.

The nays were: Baldwin, Beach, Jeffries, Ojeda, Palumbo, Prezioso, Romano, Stollings, Sypolt, Unger, and Woelfel—11.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 398) passed with its title.

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

Eng. Senate Bill 444, Repealing antiquated code sections regarding safety glass and lighting in motor vehicles.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 444) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 319, Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 406, Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 415, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery sports wagering activities.

On second reading, coming up in regular order, was read a second time.

On motions of Senators Unger, Prezioso, Baldwin, Facemire, Ojeda, Plymale, Romano, Stollings, and Woelfel, the following amendment to the bill was reported by the Clerk:

On page twenty-five, section seventeen, lines nineteen through twenty-one, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision, designated subdivision (2), to read as follows:

(2) Distribution of net profit. — Net profit shall be deposited into the State Lottery Fund created by §29-22-18 of this code until a total of \$15 million is deposited; thereafter, the remainder shall be deposited into the Public Employees Insurance Agency Financial Stability Fund to stabilize and preserve the future solvency of PEIA, and such amount may not be included in the calculation of any plan year aggregate premium cost-sharing percentages between employers and employees.

Following discussion,

The question being on the adoption of the amendment offered by Senators Unger, Prezioso, Baldwin, Facemire, Ojeda, Plymale, Romano, Stollings, and Woelfel to the bill, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the amendment offered by Senators Unger, Prezioso, Baldwin, Facemire, Ojeda, Plymale, Romano, Stollings, and Woelfel to the bill adopted.

The bill (Com. Sub. for S. B. 415), as amended, was then ordered to engrossment and third reading.

Following a point of inquiry to the President, with resultant response thereto,

The Senate resumed consideration of its second reading calendar, the next bill coming up in numerical sequence being

Com. Sub. for Senate Bill 450, Collecting and analyzing statistical information pertaining to terminating pregnancies under Medicaid Program.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Takubo, the following amendment to the bill was reported by the Clerk:

On page three, section twelve-a, line sixty-two, after the word “analysis.” by inserting the following: The Department of Health and Human Resources shall prevent any of the information from being included in this report that could reasonably lead to the identification of any physician who performed or treated an abortion, or any female who has had an abortion.

Following discussion,

The question being on the adoption of Senator Takubo’s amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 450), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 451, Relating generally to hunting and fishing.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 475, Industrial Hemp Development Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 479, Establishing local government monitoring by Auditor.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 494, Considering members of State Teachers Retirement System absent while serving as officer with statewide professional association.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-17. Statement and computation of teachers' service.

(a) Under rules adopted by the retirement board, each teacher and nonteaching member shall file a detailed statement of his or her length of service as a teacher or nonteacher for which he or she claims credit. The retirement board shall determine what part of a year is the equivalent of a year of service. In computing the service, however, it shall credit no period of more than a month's duration during which a member was absent without pay, nor shall it credit for more than one year of service performed in any calendar year.

(b) For service as a teacher in the employment of the federal government, or a state or territory of the United States, or a governmental subdivision of that state or territory, the retirement board shall grant credit to the member: *Provided*, That the member shall pay to the system 12 percent of that member's gross salary earned during the first full year of current employment whether a member of the Teachers Retirement System or the Teachers' Defined Contribution Retirement System, times the number of years for which credit is granted, plus interest at a rate to be determined by the retirement board. The interest shall be deposited in the reserve fund and service credit granted at the time of retirement shall not exceed the lesser of 10 years or 50 percent of the member's total service as a teacher in West Virginia. Any purchase of out-of-state service, as provided in this article, shall not be used to establish eligibility for a retirement allowance and

the retirement board shall grant credit for the purchased service as additional service only: *Provided, however*, That a purchase of out-of-state service is prohibited if the service is used to obtain a retirement benefit from another retirement system: *Provided further*, That salaries paid to members for service prior to entrance into the retirement system shall not be used to compute the average final salary of the member under the retirement system.

(c) No members shall be considered absent from service while serving as a member or employee of the Legislature of the State of West Virginia during any duly constituted session of that body or while serving as an elected member of a county commission during any duly constituted session of that body.

(d) No member shall be considered absent from service as a teacher or nonteacher while serving as an officer with a statewide professional teaching association, or who has served in that capacity, and no retirant, who served in that capacity while a member, shall be considered to have been absent from service as a teacher by reason of that service: *Provided*, That the period of service credit granted for that service shall not exceed ten years: *Provided, however*, That a member or retirant who is serving or has served as an officer of a statewide professional teaching association shall make deposits to the Teachers Retirement System, for the time of any absence, in an amount double the amount which he or she would have contributed in his or her regular assignment for a like period of time: *Provided further*, This subsection shall only apply to any member serving as an officer with a statewide professional teaching association who was an officer on or before January 1, 2018.

(e) The Teachers Retirement System shall grant service credit to any former or present member of the West Virginia Public Employees Retirement System who has been a contributing member of the Teachers Retirement System for more than three years, for service previously credited by the Public Employees Retirement System upon his or her written request and: (1) Shall require the transfer of the member's Public Employees Retirement System accumulated contributions to the Teachers Retirement System; or (2) shall require a repayment of the amount withdrawn

from the Public Employees Retirement System, plus interest at a rate to be determined by the retirement board, compounded annually from the date of withdrawal to the date of payment, any time prior to the member's effective retirement date: *Provided*, That there shall be added by the member to the amounts transferred or repaid under this subsection an amount which shall be sufficient to equal the contributions he or she would have made had the member been under the Teachers Retirement System during the period of his or her membership in the Public Employees Retirement System, plus interest at a rate determined by the retirement board, compounded annually from the date the additional contribution would have been made had the member been under the Teachers Retirement System to the date of payment. All interest paid or transferred shall be deposited in the reserve fund.

(f) For service as a teacher in an elementary or secondary parochial school, located within this state and fully accredited by the West Virginia Department of Education, the retirement board shall grant credit to the member: *Provided*, That the member shall pay to the system 12 percent of that member's gross salary earned during the first full year of current employment whether a member of the Teachers Retirement System or the Teachers' Defined Contribution Retirement System, times the number of years for which credit is granted, plus interest at a rate to be determined by the retirement board. The interest shall be deposited in the reserve fund and service granted at the time of retirement shall not exceed the lesser of 10 years or 50 percent of the member's total service as a teacher in the West Virginia public school system. Any purchase of parochial school service, as provided in this section, may not be used to establish eligibility for a retirement allowance and retirement board shall grant credit for the purchase as additional service only: *Provided, however*, That a purchase of parochial school service is prohibited if the service is used to obtain a retirement benefit from another retirement system.

(g) Active members who previously worked in Comprehensive Employment and Training Act (CETA) may receive service credit for time served in that capacity: *Provided*, That in order to receive

service credit under the provisions of this subsection the following conditions must be met: (1) The member must have moved from temporary employment with the participating employer to permanent full-time employment with the participating employer within 120 days following the termination of the member's CETA employment; (2) the retirement board must receive evidence that establishes to a reasonable degree of certainty as determined by the retirement board that the member previously worked in CETA; and (3) the member shall pay to the retirement board an amount equal to the employer and employee contribution plus interest at the amount set by the retirement board for the amount of service credit sought pursuant to this subsection: *Provided, however,* That the maximum service credit that may be obtained under the provisions of this subsection is two years: *Provided further,* That a member must apply and pay for the service credit allowed under this subsection and provide all necessary documentation by March 31, 2003: *And provided further,* That the retirement board shall exercise due diligence to notify affected employees of the provisions of this subsection.

(h) If a member is not eligible for prior service credit or pension as provided in this article, then his or her prior service shall not be considered a part of his or her total service.

(i) A member who withdrew from membership may regain his or her former membership rights as specified in §18-7A-13 of this code only in case he or she has served two years since his or her last withdrawal.

(j) Subject to the provisions of §18-7A-17(a) through §18-7A-17(k) of this code, the retirement board shall verify as soon as practicable the statements of service submitted. The retirement board shall issue prior service certificates to all persons eligible for the certificates under the provisions of this article. The certificates shall state the length of the prior service credit, but in no case shall the prior service credit exceed 40 years.

(k) Notwithstanding any provision of this article to the contrary, when a member is or has been elected to serve as a member of the Legislature, and the proper discharge of his or her

duties of public office require that member to be absent from his or her teaching or administrative duties, the time served in discharge of his or her duties of the legislative office are credited as time served for purposes of computing service credit: *Provided*, That the retirement board may not require any additional contributions from that member in order for the retirement board to credit him or her with the contributing service credit earned while discharging official legislative duties: *Provided, however*, That nothing in this section may be construed to relieve the employer from making the employer contribution at the member's regular salary rate or rate of pay from that employer on the contributing service credit earned while the member is discharging his or her official legislative duties. These employer payments shall commence as of June 1, 2000: *Provided further*, That any member to which the provisions of this subsection apply may elect to pay to the retirement board an amount equal to what his or her contribution would have been for those periods of time he or she was serving in the Legislature. The periods of time upon which the member paid his or her contribution shall then be included for purposes of determining his or her final average salary as well as for determining years of service: *And provided further*, That a member using the provisions of this subsection is not required to pay interest on any contributions he or she may decide to make.

(1) The Teachers Retirement System shall grant service credit to any former member of the State Police Death, Disability, and Retirement System who has been a contributing member for more than three years for service previously credited by the State Police Death, Disability, and Retirement System; and: (1) Shall require the transfer of the member's contributions to the Teachers Retirement System; or (2) shall require a repayment of the amount withdrawn any time prior to the member's retirement: *Provided*, That the member shall add to the amounts transferred or repaid under this paragraph an amount which is sufficient to equal the contributions he or she would have made had the member been under the Teachers Retirement System during the period of his or her membership in the State Police Death, Disability, and Retirement System plus interest at a rate to be determined by the retirement board compounded annually from the date of

withdrawal to the date of payment. The interest paid shall be deposited in the reserve fund.

Following discussion,

The question being on the adoption of Senator Trump's amendment to the bill, the same was put and prevailed.

The bill (S. B. 494), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 512, Authorizing certain WV courthouse security officers carry concealed weapons.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. House Bill 4380, Making a supplementary appropriation to the Department of Agriculture.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 4381, Making a supplementary appropriation to the Department of Education.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 4384, Making a supplementary appropriation to the Department of Transportation.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 4386, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 477, Relating to five-year sunset on tax credits and incentives.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Unger, Drennan, Ferns, Boso, Takubo, and Romano.

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senators Unger, Drennan, Ferns, and Boso were ordered printed in the Appendix to the Journal.

At the request of Senator Ferns, unanimous consent being granted, the remarks by Senators Takubo and Romano were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Cline, the name of Senator Cline was removed as a sponsor of **Senate Bill 552** (*Making Pierpont Community and Technical College a division of Fairmont State University*).

At the request of Senator Swope, the name of Senator Swope was removed as a sponsor of **Senate Bill 613** (*Relating to Youth Mental Health Protection Act*).

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Ferns, at 1:07 p.m., the Senate adjourned until tomorrow, Tuesday, February 20, 2018, at 11 a.m.

TUESDAY, FEBRUARY 20, 2018

The Senate met at 11:15 a.m.

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

Prayer was offered by Pastor Steve Harley, Gateway Christian Church, Scott Depot, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Corey Palumbo, a senator from the seventeenth district.

Pending the reading of the Journal of Monday, February 19, 2018,

At the request of Senator Maroney, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2464—A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers and exclusions of warranties in consumer transactions for goods; permitting waivers of warranty for defects and malfunctions in certain used manufactured homes; permitting waivers of express and implied warranties in the sale of certain used manufactured homes; and providing for the manner and content of waivers executed by the buyer and seller for the sale of certain used manufactured homes.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4376—A Bill expiring funds to the balance of the Department of Health and Human Resources, Division of Health — Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, in the amount of \$2,953,990 from the Department of Health and Human Resource, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resource, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2018, organization 0506, to the Department of Health and Human Resource, Division of Health – Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, and to the Department of Health and Human Resources, Division of Human Services – Health Care Provider Tax, Medicaid State Share Fund, fund 5090, fiscal year 2018, organization 0511, by supplementing and amending chapter one, Acts of the Legislature, 1st extraordinary session, 2017, known as the budget bill.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4389—A Bill expiring funds to the balance of the West Virginia Enterprise Resource Planning Board - Enterprise Resource Planning System Fund, fund 9080, fiscal year 2018, organization 0947, in the amount of \$1,133,000 from the Auditor's Office – Securities Regulation Fund, fund 1225, fiscal year 2018, organization 1200, and in the amount of \$1,133,000 from the Treasurer's Office, Banking Services Expense Fund, fund 1322,

fiscal year 2018, organization 1300 for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4400—A Bill to repeal §33-20F-6 of the Code of West Virginia, 1931, as amended, and to amend and reenact §33-20F-3, §33-20F-5, and §33-20F-9 of said code, all relating to the West Virginia Physicians Mutual Insurance Company; removing language that is no longer relevant to the operation of the company as a private mutual insurance company; and adding language to accommodate policies written to physicians outside the State of West Virginia.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4473—A Bill to amend and reenact §6B-2B-1, §6B-2B-2 and §6B-2B-4 of the Code of West Virginia, 1931, as amended, all relating to use of state funds for advertising to promote a public official or government office; defining terms; and clarifying limitations on the production of educational materials and press releases produced with public funds.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 19th day of February, 2018, presented to

His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 62), Adjusting requirements for hiring school attendance directors.

And,

(Com. Sub. for H. B. 2546), Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 30, Relating generally to hunting with dogs.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 112, Clarifying that natural resources police officers' subsistence allowance is pensionable.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Pensions.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Karnes, as chair of the Committee on Pensions, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Natural Resources.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 307 (originating in the Committee on Transportation and Infrastructure), Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 307 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17-16-1 of the Code of West Virginia, 1931, as amended, relating to declaring that fundraising conducted by a volunteer fire department, school-sponsored or -approved group, bona fide charity, or nonprofit entity on a state highway or roadway within the boundaries of a municipality does not constitute an obstruction or nuisance if done during daylight hours, at signal controlled intersections requiring all vehicles to stop, or at a location approved by municipal law enforcement.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 359, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates.

Com. Sub. for Senate Bill 467, Relating generally to Public Defender Services.

Com. Sub. for Senate Bill 490, Relating to Revised Uniform Athlete Agents Act of 2015.

And,

Com. Sub. for Senate Bill 501, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 491, Establishing fee for expungement of certain criminal convictions.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 491 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to distribution of portions of the filing fee charged for the expungement of certain criminal convictions upon proper petition.

And,

Senate Bill 549, Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or property.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 549 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to equalizing the criminal penalties for intimidating and retaliating against public officers and employees, jurors, and witnesses; increasing penalty for intimidation of such persons to a felony; and establishing criminal penalties.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 493, Relating to WV Life and Health Insurance Guaranty Association Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 493 (originating in the Committee on Banking and Insurance)—A Bill to repeal §33-26B-1, §33-26B-2, §33-26B-3, §33-26B-4, §33-26B-5, §33-26B-6, §33-26B-7, §33-26B-8, §33-26B-9, §33-26B-10, §33-26B-11, §33-26B-12, §33-26B-13, §33-26B-14, §33-26B-15, and §33-26B-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-26A-2, §33-26A-3, §33-26A-5, §33-26A-6, §33-26A-7, §33-26A-8, §33-26A-9, §33-26A-11, §33-26A-12, §33-26A-14, and §33-26A-19 of said code, all relating to guaranty associations; repealing West Virginia Health Maintenance Organization Guaranty Association Act; and updating West Virginia Life and Health Insurance Guaranty Association Act to maintain consistency with National Association of Insurance Commissioners Life and Health Insurance Guaranty Association Model Act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 521, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 521 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§30-29-13, relating to requiring any newly appointed chief executive of a municipal law-enforcement agency to be a certified law-enforcement officer; and providing that chief executives employed prior to the effective date are exempt from this requirement.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 535, Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 535 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-29-4 of the Code of West Virginia, 1931, as amended, relating to increasing a fee added to the usual court costs of all criminal proceedings; and increasing fee added to the amount of any cash or property bond posted for violation of any criminal law, the proceeds of which are dedicated to the funding of training, professional development, and certification programs for law-enforcement officers and to paying the expenses of the Law Enforcement Professional Standards Subcommittee.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 576, Relating to Patient Injury Compensation Fund.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Judiciary.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 4024, Relating generally to direct cremation or direct burial expenses for indigent persons.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Craig Blair,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4169, Requiring certain establishments and facilities to post human trafficking assistance notices.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

Senators Unger, Rucker, Blair, Trump, Plymale, and Beach offered the following resolution:

Senate Resolution 46—Recognizing the achievements and contributions of Berkeley County and its citizens to the great State of West Virginia.

Whereas, Berkeley County was founded in 1772, named for Lord Norborne Berkeley, and has a population of 104,169 people, making it the second most populated county in the state and the second oldest county in the state; and

Whereas, Berkeley County is located in the Eastern Panhandle, bordering Maryland to the north and Virginia to the south, and in close proximity to many major cities; and

Whereas, Martinsburg, named for Thomas Bryan Martin, is located in Berkeley County, and continues to be the focus of business in the county; and

Whereas, In the 1840s, the development of the B&O Railroad helped boost Berkeley County's economy by providing excellent transportation and helped transport goods; and

Whereas, Berkeley County was and is known for its apples, socks, frocks, and rocks, with a booming apple industry, garment industry, woolen mills, and limestone quarries in its rich valley land along many streams; and

Whereas, Many notable people have come from Berkeley County, such as surgeon and soldier Adam Stephen, Admiral Charles Boarman, Minister to France, Charles James Faulkner, Sr., and foremost journalist and illustrator, David Hunter Strother; and

Whereas, In 2014, Berkeley won second place in the Clean County Contest during the West Virginia Educational Conference on Litter Control and Solid Waste Management and the county won first place in the contest in 2015 and 2016; and

Whereas, In 2016, the Department of Environment Protection recognized Berkeley County schools for their energy efficiency and the Berkeley County Sheriff's Department was recognized as being number one in DUI arrests by the Safe Community Program; and

Whereas, Martinsburg has Berkeley County placed on the National Register of Historic Places with nine historic districts; and

Whereas, Berkeley County is already a landing spot for many major industries and employers throughout the country such as GM, Quad Graphics, Macy's, and Procter & Gamble.

Whereas, Procter & Gamble's new facility is scheduled to begin production in the first quarter of 2018. The construction of the facility in Berkeley County has created 1,000 temporary construction and 900 full-time jobs; and

Whereas, Berkeley County is a place where small-town communities thrive in a vibrant economy, offering art, history, and more; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the achievements and contributions of Berkeley County and its citizens to the great State of West Virginia; and, be it

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

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Unger, Rucker, Blair, Trump, and Plymale regarding the adoption of Senate Resolution 46 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:42 a.m., the Senate recessed to present Senate Resolution 46.

The Senate reconvened at 11:46 a.m. today and resumed business under the sixth order, which agenda includes the making of main motions.

On motion of Senator Ferns, the Senate requested the return from the House of Delegates of

Eng. Senate Bill 398, Relating to requirements for making consumer loans.

Passed by the Senate on yesterday, Monday, February 20, 2018,

The bill still being in the possession of the Senate,

On motion of Senator Ferns, the Senate reconsidered the vote as to the passage of the bill.

The vote thereon having been reconsidered,

The question again being “Shall Engrossed Senate Bill 398 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Plymale, Rucker, Smith, Swope, Takubo, Trump, Weld, and Carmichael (Mr. President)—22.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Prezioso, Romano, Stollings, Sypolt, Unger, and Woelfel—12.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 398) passed with its title.

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

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 29, US Army SGT Benny Fleming Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 30, Requesting study of legal procedures and fiscal means for state to acquire idle railway property.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary; and then to the Committee on Rules.

Senate Concurrent Resolution 31, Requesting study of eliminating “dead spots” in wireless coverage in WV.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization; and then to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 319, Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 319 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 319) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 319) takes effect July 1, 2018.

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

Eng. Senate Bill 406, Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 406) passed with its title.

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

Eng. Com. Sub. for Senate Bill 415, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery sports wagering activities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

(Senator Weld in the Chair.)

Pending discussion,

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 415 pass?”

On the passage of the bill, the yeas were: Arvon, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Jeffries, Karnes, Mann, Maroney, Ojeda, Palumbo, Plymale, Rucker, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—25.

The nays were: Azinger, Beach, Facemire, Gaunch, Maynard, Prezioso, Romano, Smith, and Sypolt—9.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 415) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Jeffries, Karnes, Mann, Maroney, Ojeda, Palumbo, Plymale, Rucker, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—25.

The nays were: Azinger, Beach, Facemire, Gaunch, Maynard, Prezioso, Romano, Smith, and Sypolt—9.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 415) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 450, Collecting and analyzing statistical information pertaining to terminating pregnancies under Medicaid Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 450) passed with its title.

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

Eng. Com. Sub. for Senate Bill 451, Relating generally to hunting and fishing.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Azinger—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 451) passed with its title.

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

Eng. Com. Sub. for Senate Bill 475, Industrial Hemp Development Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 475 pass?”

On the passage of the bill, the yeas were: Arvon, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Azinger—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 475) passed.

On motion of Senator Sypolt, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 475—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-16-3a, all relating generally to industrial hemp; authorizing the Commissioner of Agriculture to create and

administer an industrial hemp seed certification program; authorizing the commissioner to obtain and develop seed varieties for industrial hemp production; permitting holders of an industrial hemp license to obtain a license for the development of industrial hemp varieties for certification; authorizing imposition of a fee to be determined by the commissioner; authorizing emergency rulemaking and requiring legislative rulemaking; and requiring the program be consistent with state and federal law.

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

Eng. Senate Bill 479, Establishing local government monitoring by Auditor.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 479) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 479) takes effect from passage.

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

Eng. Senate Bill 494, Considering members of State Teachers Retirement System absent while serving as officer with statewide professional association.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 494 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maynard, Rucker, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—19.

The nays were: Baldwin, Beach, Clements, Facemire, Jeffries, Maroney, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—14.

Absent: Smith—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 494) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Senate Bill 494—A Bill to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating to

providing that, effective July 1, 2018, members and retirants of the State Teachers Retirement System shall be considered absent from service as a teacher or nonteacher while serving as an officer with a statewide professional teaching association.

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

Eng. Com. Sub. for Senate Bill 512, Authorizing certain WV courthouse security officers carry concealed weapons.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 512) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 512) takes effect from passage.

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

Eng. House Bill 4380, Making a supplementary appropriation to the Department of Agriculture.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4380) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4380) takes effect from passage.

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

Eng. House Bill 4381, Making a supplementary appropriation to the Department of Education.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4381) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4381) takes effect from passage.

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

Eng. House Bill 4384, Making a supplementary appropriation to the Department of Transportation.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4384) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4384) takes effect from passage.

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

Eng. House Bill 4386, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4386) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4386) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 477, Relating to five-year sunset on tax credits and incentives.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 412, Relating to authority of county litter control officers.

Com. Sub. for Com. Sub. for Senate Bill 474, Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential.

Com. Sub. for Senate Bill 522, Relating generally to Administrative Procedures Act.

Senate Bill 523, Relating to tax treatment of pollution control facilities and wind power projects.

Com. Sub. for Senate Bill 543, Relating to confidentiality of medical records.

Senate Bill 626, Relating generally to coal mining.

And,

Eng. Com. Sub. for House Bill 4142, Providing certain employees of the Division of Corrections, Division of Juvenile

Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Ferns, at 1:28 p.m., the Senate recessed until 4:30 p.m. today.

The Senate reconvened at 6:02 p.m. today and, at the request of Senator Ferns, and by unanimous consent, returned to the fourth order of business.

Senator Carmichael (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Eng. Com. Sub. for Senate Bill 267, Increasing salaries of certain state employees.

Having been amended by the House of Delegates and received as a House message on Thursday, February 15, 2018, which was taken up for immediate consideration.

And has amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on Rules.

Respectfully submitted,

Mitch Carmichael,
Chairman ex officio.

At the request of Senator Ferns, unanimous consent being granted, the bill (Eng. Com. Sub. for S. B. 267) contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

The following amendment to the House of Delegates amendments to the bill (*shown in the Senate Journal of Thursday,*

February 15, 2018, pages 802 through 826, inclusive), from the Committee on Rules, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 15. PUBLIC SAFETY

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.

(a) The superintendent shall establish within the West Virginia State Police a system to provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second lieutenant, and first lieutenant; the classification of nonsupervisory members within the field operations force to the ranks of trooper, senior trooper, trooper first class, or corporal; the classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary reclassification of members assigned to administrative duties as administrative support specialist I-VIII.

(b) The superintendent may propose legislative rules for promulgation in accordance with ~~article three, chapter twenty-nine~~ ~~a~~ §29A-3-1 et seq. of this code for the purpose of ensuring consistency, predictability, and independent review of any system developed under the provisions of this section.

(c) The superintendent shall provide to each member a written manual governing any system established under the provisions of this section and specific procedures shall be identified for the evaluation and testing of members for promotion or reclassification and the subsequent placement of any members on a promotional eligibility or reclassification recommendation list.

(d) Beginning on ~~July 1, 2011~~ July 1, 2018, members shall receive annual salaries payable at least twice per month as follows:

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

Cadet During Training	\$ 33,994
Cadet Trooper After Training	\$ 41,258
Trooper Second Year	42,266
Trooper Third Year	42,649
Senior Trooper	43,048
Trooper First Class	43,654
Corporal	44,260
Sergeant	48,561
First Sergeant	50,712
Second Lieutenant	52,862
First Lieutenant	55,013
Captain	57,164
Major	59,314
Lieutenant Colonel	61,465

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST
CLASSIFICATION

I	42,266
II	43,048
III	43,654
IV	44,260

V	48,561
VI	50,712
VII	52,862
VIII	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

I	42,266
II	43,048
III	43,654
IV	44,260
V	48,561
VI	50,712
VII	52,862
VIII	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

<u>Cadet During Training</u>	<u>\$ 34,858</u>
<u>Cadet Trooper After Training</u>	<u>\$ 42,122</u>
<u>Trooper Second Year</u>	<u>43,130</u>
<u>Trooper Third Year</u>	<u>43,513</u>
<u>Senior Trooper</u>	<u>43,912</u>
<u>Trooper First Class</u>	<u>44,518</u>

<u>Corporal</u>	<u>45,124</u>
<u>Sergeant</u>	<u>49,425</u>
<u>First Sergeant</u>	<u>51,576</u>
<u>Second Lieutenant</u>	<u>53,726</u>
<u>First Lieutenant</u>	<u>55,877</u>
<u>Captain</u>	<u>58,028</u>
<u>Major</u>	<u>60,178</u>
<u>Lieutenant Colonel</u>	<u>62,329</u>

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST
CLASSIFICATION

<u>I</u>	<u>43,130</u>
<u>II</u>	<u>43,912</u>
<u>III</u>	<u>44,518</u>
<u>IV</u>	<u>45,124</u>
<u>V</u>	<u>49,425</u>
<u>VI</u>	<u>51,576</u>
<u>VII</u>	<u>53,726</u>
<u>VIII</u>	<u>55,877</u>

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

<u>I</u>	<u>43,130</u>
<u>II</u>	<u>43,912</u>

<u>III</u>	<u>44,518</u>
<u>IV</u>	<u>45,124</u>
<u>V</u>	<u>49,425</u>
<u>VI</u>	<u>51,576</u>
<u>VII</u>	<u>53,726</u>
<u>VIII</u>	<u>55,877</u>

Beginning July 1, 2019, the annual salaries for members of each of the West Virginia State Police, the Administration Support Specialists, and the Criminalist classifications set forth in the schedules in this subsection shall be increased an additional \$432.

Each member of the West Virginia State Police whose salary is fixed and specified in this annual salary schedule is entitled to the length of service increases set forth in subsection (e) of this section and supplemental pay as provided in subsection (g) of this section.

(e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in subsection (d) of this section for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective during his or her next year of service and a like increase at yearly intervals thereafter, with the increases to be cumulative.

(f) In applying the salary schedules set forth in this section where salary increases are provided for length of service, members of the West Virginia State Police in service at the time the schedules become effective shall be given credit for prior service and shall be paid the salaries the same length of service entitles them to receive under the provisions of this section.

(g) The Legislature finds and declares that because of the unique duties of members of the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour laws to them. Accordingly, members of the West Virginia State Police are excluded from the provisions of state wage and hour law. This express exclusion shall not be construed as any indication that the members were or were not covered by the wage and hour law prior to this exclusion.

In lieu of any overtime pay they might otherwise have received under the wage and hour law, and in addition to their salaries and increases for length of service, members who have completed basic training and who are exempt from federal Fair Labor Standards Act guidelines may receive supplemental pay as provided in this section.

The authority of the superintendent to propose a legislative rule or amendment thereto for promulgation in accordance with ~~article three, chapter twenty nine~~ a §29A-3-1 et seq. of this code to establish the number of hours per month which constitute the standard pay period for the members of the West Virginia State Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in excess of the standard pay period. The superintendent shall certify at least twice per month to the West Virginia State Police's payroll officer the names of those members who have worked in excess of the standard pay period and the amount of their entitlement to supplemental payment. The supplemental payment may not exceed \$200 per pay period. The superintendent and civilian employees of the West Virginia State Police are not eligible for any supplemental payments.

(h) Each member of the West Virginia State Police, except the superintendent and civilian employees, shall execute, before entering upon the discharge of his or her duties, a bond with security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful performance of his or her duties, and the bond shall be approved as to form by the Attorney General and as to sufficiency by the Governor.

(i) In consideration for compensation paid by the West Virginia State Police to its members during those members' participation in the West Virginia State Police Cadet Training Program pursuant to ~~section eight, article twenty nine, chapter thirty~~ §30-29-8 of this code, the West Virginia State Police may require of its members by written agreement entered into with each of them in advance of such participation in the program that, if a member should voluntarily discontinue employment any time within one year immediately following completion of the training program, he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal to that part of such year which the member has chosen not to remain in the employ of the West Virginia State Police.

(j) Any member of the West Virginia State Police who is called to perform active duty training or inactive duty training in the National Guard or any reserve component of the armed forces of the United States annually shall be granted, upon request, leave time not to exceed 30 calendar days for the purpose of performing the active duty training or inactive duty training and the time granted may not be deducted from any leave accumulated as a member of the West Virginia State Police.

CHAPTER 18. EDUCATION.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-8. Foundation allowance for professional student support services.

(a) The basic foundation allowance to the county for professional student support personnel shall be the amount of money determined in accordance with the following:

(1) The sum of the state minimum salaries, as determined in accordance with the provisions of article four, chapter eighteen of this code, for all state aid eligible school nurse and counselor positions in the county during the two thousand eight fiscal year which number shall be reduced in the same proportion as the number of professional educators allowed to be funded under

section four of this article to the total number of professional educators employed that are state aid eligible. In performing this calculation, the numerator shall be the number of professional educators actually funded under section four of this article and the denominator shall be the total number of professional educators employed that are eligible to be funded under section four of this article;

(2) The amount derived from the calculation in subdivision (1) of this subsection is increased by one half percent;

(3) The amount derived from the calculation in subdivision (2) of this subsection is the basic foundation allowance to the county for professional student support personnel for the two thousand nine fiscal year;

(4) For fiscal years two thousand ten, two thousand eleven, two thousand twelve and two thousand thirteen, the basic foundation allowance to the county for professional student support personnel increases by one-half percent per year over the allowance for the previous year; and

(5) For all fiscal years thereafter, the basic foundation allowance to the county for professional student support personnel remains the same amount as in the two thousand thirteen fiscal year, plus any additional amount of funding necessary to cover the increases in the State Minimum Salary Schedule set forth in §18A-4-2 of this code effective for the fiscal year beginning July 1, 2018, and thereafter.

(b) The additional positions for counselors that may be created as a result of the one percent increase provided pursuant to this section shall be assigned to schools where the counselor can:

(1) Enhance student achievement;

(2) Provide early intervention for students in grades prekindergarten through five; and

(3) Enhance student development and career readiness.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-2. State minimum salaries for teachers.

(a) It is the goal of the Legislature to increase the state minimum salary for teachers with zero years of experience and an A. B. degree, including the equity supplement, to at least \$43,000 by fiscal year 2019.

(b) ~~Beginning July 1, 2014~~ (1) For school year 2018 – 2019, and continuing thereafter, each teacher shall receive the amount prescribed in the ~~state~~ State Minimum Salary Schedule as set forth in this section; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to ~~section five a of this article~~ §18A-4-5a of this code during the contract year.

STATE MINIMUM SALARY SCHEDULE

Years Exp.	4 th Class	3 rd Class	2 nd Class	A.B. A.B.	A.B. +15	M.A. M.A.	M.A. +15	M.A. +30	M.A. +45	Doc- torate
0	27,917	28,606	28,872	30,315	31,076	32,843	33,604	34,365	35,126	36,161
1	28,245	28,934	29,200	30,833	31,594	33,362	34,123	34,883	35,644	36,679
2	28,574	29,262	29,528	31,352	32,113	33,880	34,641	35,402	36,163	37,198
3	28,902	29,590	29,856	31,871	32,631	34,399	35,160	35,920	36,681	37,716
4	29,474	30,162	30,428	32,633	33,394	35,162	35,923	36,683	37,444	38,479
5	29,802	30,490	30,756	33,152	33,913	35,680	36,441	37,202	37,963	38,998
6	30,130	30,818	31,084	33,670	34,431	36,199	36,960	37,720	38,481	39,516
7	30,458	31,147	31,412	34,189	34,950	36,717	37,478	38,239	39,000	40,035
8	30,786	31,475	31,741	34,707	35,468	37,236	37,997	38,757	39,518	40,553
9	31,114	31,803	32,069	35,226	35,987	37,754	38,515	39,276	40,037	41,072
10	31,443	32,131	32,397	35,746	36,506	38,274	39,035	39,796	40,556	41,591
11	31,771	32,459	32,725	36,264	37,025	38,793	39,553	40,314	41,075	42,110
12	32,099	32,787	33,053	36,783	37,543	39,311	40,072	40,833	41,593	42,628

13	32,427	33,115	33,381	37,301	38,062	39,830	40,590	41,351	42,112	43,147
14	32,755	33,443	33,709	37,820	38,580	40,348	41,109	41,870	42,630	43,665
15	33,083	33,771	34,037	38,338	39,099	40,867	41,627	42,388	43,149	44,184
16	33,411	34,099	34,365	38,857	39,617	41,385	42,146	42,907	43,667	44,702
17	33,739	34,428	34,693	39,375	40,136	41,904	42,665	43,425	44,186	45,221
18	34,067	34,756	35,022	39,894	40,655	42,422	43,183	43,944	44,705	45,740
19	34,395	35,084	35,350	40,412	41,173	42,941	43,702	44,462	45,223	46,258
20	34,723	35,412	35,678	40,931	41,692	43,459	44,220	44,981	45,742	46,777
21	35,052	35,740	36,006	41,449	42,210	43,978	44,739	45,499	46,260	47,295
22	35,380	36,068	36,334	41,968	42,729	44,496	45,257	46,018	46,779	47,814
23	35,708	36,396	36,662	42,487	43,247	45,015	45,776	46,536	47,297	48,332
24	36,036	36,724	36,990	43,005	43,766	45,534	46,294	47,055	47,816	48,851
25	36,364	37,052	37,318	43,524	44,284	46,052	46,813	47,574	48,334	49,369
26	36,692	37,380	37,646	44,042	44,803	46,571	47,331	48,092	48,853	49,888
27	37,020	37,708	37,974	44,561	45,321	47,089	47,850	48,611	49,371	50,406
28	37,348	38,037	38,302	45,079	45,840	47,608	48,368	49,129	49,890	50,925
29	37,676	38,365	38,631	45,598	46,358	48,126	48,887	49,648	50,408	51,443
30	38,004	38,693	38,959	46,116	46,877	48,645	49,405	50,166	50,927	51,962
31	38,333	39,021	39,287	46,635	47,396	49,163	49,924	50,685	51,445	52,480
32	38,661	39,349	39,615	47,153	47,914	49,682	50,443	51,203	51,964	52,999
33	38,989	39,677	39,943	47,672	48,433	50,200	50,961	51,722	52,483	53,518
34	39,317	40,005	40,271	48,190	48,951	50,719	51,480	52,240	53,001	54,036
35	39,645	40,333	40,599	48,709	49,470	51,237	51,998	52,759	53,520	54,555

Years Exp	4 th Class	3 rd Class	2 nd Class	A.B. A.B.	A.B. +15	M.A. M.A.	M.A. +15	M.A. +30	M.A. +45	Doc- torate
0	<u>28,725</u>	<u>29,414</u>	<u>29,680</u>	<u>31,123</u>	<u>31,884</u>	<u>33,651</u>	<u>34,412</u>	<u>35,173</u>	<u>35,934</u>	<u>36,969</u>
1	<u>29,053</u>	<u>29,742</u>	<u>30,008</u>	<u>31,641</u>	<u>32,402</u>	<u>34,170</u>	<u>34,931</u>	<u>35,691</u>	<u>36,452</u>	<u>37,487</u>
2	<u>29,382</u>	<u>30,070</u>	<u>30,336</u>	<u>32,160</u>	<u>32,921</u>	<u>34,688</u>	<u>35,449</u>	<u>36,210</u>	<u>36,971</u>	<u>38,006</u>
3	<u>29,710</u>	<u>30,398</u>	<u>30,664</u>	<u>32,679</u>	<u>33,439</u>	<u>35,207</u>	<u>35,968</u>	<u>36,728</u>	<u>37,489</u>	<u>38,524</u>

4	<u>30,282</u>	<u>30,970</u>	<u>31,236</u>	<u>33,441</u>	<u>34,202</u>	<u>35,970</u>	<u>36,731</u>	<u>37,491</u>	<u>38,252</u>	<u>39,287</u>
5	<u>30,610</u>	<u>31,298</u>	<u>31,564</u>	<u>33,960</u>	<u>34,721</u>	<u>36,488</u>	<u>37,249</u>	<u>38,010</u>	<u>38,771</u>	<u>39,806</u>
6	<u>30,938</u>	<u>31,626</u>	<u>31,892</u>	<u>34,478</u>	<u>35,239</u>	<u>37,007</u>	<u>37,768</u>	<u>38,528</u>	<u>39,289</u>	<u>40,324</u>
7	<u>31,266</u>	<u>31,955</u>	<u>32,220</u>	<u>34,997</u>	<u>35,758</u>	<u>37,525</u>	<u>38,286</u>	<u>39,047</u>	<u>39,808</u>	<u>40,843</u>
8	<u>31,594</u>	<u>32,283</u>	<u>32,549</u>	<u>35,515</u>	<u>36,276</u>	<u>38,044</u>	<u>38,805</u>	<u>39,565</u>	<u>40,326</u>	<u>41,361</u>
9	<u>31,922</u>	<u>32,611</u>	<u>32,877</u>	<u>36,034</u>	<u>36,795</u>	<u>38,562</u>	<u>39,323</u>	<u>40,084</u>	<u>40,845</u>	<u>41,880</u>
10	<u>32,251</u>	<u>32,939</u>	<u>33,205</u>	<u>36,554</u>	<u>37,314</u>	<u>39,082</u>	<u>39,843</u>	<u>40,604</u>	<u>41,364</u>	<u>42,399</u>
11	<u>32,579</u>	<u>33,267</u>	<u>33,533</u>	<u>37,072</u>	<u>37,833</u>	<u>39,601</u>	<u>40,361</u>	<u>41,122</u>	<u>41,883</u>	<u>42,918</u>
12	<u>32,907</u>	<u>33,595</u>	<u>33,861</u>	<u>37,591</u>	<u>38,351</u>	<u>40,119</u>	<u>40,880</u>	<u>41,641</u>	<u>42,401</u>	<u>43,436</u>
13	<u>33,235</u>	<u>33,923</u>	<u>34,189</u>	<u>38,109</u>	<u>38,870</u>	<u>40,638</u>	<u>41,398</u>	<u>42,159</u>	<u>42,920</u>	<u>43,955</u>
14	<u>33,563</u>	<u>34,251</u>	<u>34,517</u>	<u>38,628</u>	<u>39,388</u>	<u>41,156</u>	<u>41,917</u>	<u>42,678</u>	<u>43,438</u>	<u>44,473</u>
15	<u>33,891</u>	<u>34,579</u>	<u>34,845</u>	<u>39,146</u>	<u>39,907</u>	<u>41,675</u>	<u>42,435</u>	<u>43,196</u>	<u>43,957</u>	<u>44,992</u>
16	<u>34,219</u>	<u>34,907</u>	<u>35,173</u>	<u>39,665</u>	<u>40,425</u>	<u>42,193</u>	<u>42,954</u>	<u>43,715</u>	<u>44,475</u>	<u>45,510</u>
17	<u>34,547</u>	<u>35,236</u>	<u>35,501</u>	<u>40,183</u>	<u>40,944</u>	<u>42,712</u>	<u>43,473</u>	<u>44,233</u>	<u>44,994</u>	<u>46,029</u>
18	<u>34,875</u>	<u>35,564</u>	<u>35,830</u>	<u>40,702</u>	<u>41,463</u>	<u>43,230</u>	<u>43,991</u>	<u>44,752</u>	<u>45,513</u>	<u>46,548</u>
19	<u>35,203</u>	<u>35,892</u>	<u>36,158</u>	<u>41,220</u>	<u>41,981</u>	<u>43,749</u>	<u>44,510</u>	<u>45,270</u>	<u>46,031</u>	<u>47,066</u>
20	<u>35,531</u>	<u>36,220</u>	<u>36,486</u>	<u>41,739</u>	<u>42,500</u>	<u>44,267</u>	<u>45,028</u>	<u>45,789</u>	<u>46,550</u>	<u>47,585</u>
21	<u>35,860</u>	<u>36,548</u>	<u>36,814</u>	<u>42,257</u>	<u>43,018</u>	<u>44,786</u>	<u>45,547</u>	<u>46,307</u>	<u>47,068</u>	<u>48,103</u>
22	<u>36,188</u>	<u>36,876</u>	<u>37,142</u>	<u>42,776</u>	<u>43,537</u>	<u>45,304</u>	<u>46,065</u>	<u>46,826</u>	<u>47,587</u>	<u>48,622</u>
23	<u>36,516</u>	<u>37,204</u>	<u>37,470</u>	<u>43,295</u>	<u>44,055</u>	<u>45,823</u>	<u>46,584</u>	<u>47,344</u>	<u>48,105</u>	<u>49,140</u>
24	<u>36,844</u>	<u>37,532</u>	<u>37,798</u>	<u>43,813</u>	<u>44,574</u>	<u>46,342</u>	<u>47,102</u>	<u>47,863</u>	<u>48,624</u>	<u>49,659</u>
25	<u>37,172</u>	<u>37,860</u>	<u>38,126</u>	<u>44,332</u>	<u>45,092</u>	<u>46,860</u>	<u>47,621</u>	<u>48,382</u>	<u>49,142</u>	<u>50,177</u>
26	<u>37,500</u>	<u>38,188</u>	<u>38,454</u>	<u>44,850</u>	<u>45,611</u>	<u>47,379</u>	<u>48,139</u>	<u>48,900</u>	<u>49,661</u>	<u>50,696</u>
27	<u>37,828</u>	<u>38,516</u>	<u>38,782</u>	<u>45,369</u>	<u>46,129</u>	<u>47,897</u>	<u>48,658</u>	<u>49,419</u>	<u>50,179</u>	<u>51,214</u>
28	<u>38,156</u>	<u>38,845</u>	<u>39,110</u>	<u>45,887</u>	<u>46,648</u>	<u>48,416</u>	<u>49,176</u>	<u>49,937</u>	<u>50,698</u>	<u>51,733</u>
29	<u>38,484</u>	<u>39,173</u>	<u>39,439</u>	<u>46,406</u>	<u>47,166</u>	<u>48,934</u>	<u>49,695</u>	<u>50,456</u>	<u>51,216</u>	<u>52,251</u>
30	<u>38,812</u>	<u>39,501</u>	<u>39,767</u>	<u>46,924</u>	<u>47,685</u>	<u>49,453</u>	<u>50,213</u>	<u>50,974</u>	<u>51,735</u>	<u>52,770</u>
31	<u>39,141</u>	<u>39,829</u>	<u>40,095</u>	<u>47,443</u>	<u>48,204</u>	<u>49,971</u>	<u>50,732</u>	<u>51,493</u>	<u>52,253</u>	<u>53,288</u>
32	<u>39,469</u>	<u>40,157</u>	<u>40,423</u>	<u>47,961</u>	<u>48,722</u>	<u>50,490</u>	<u>51,251</u>	<u>52,011</u>	<u>52,772</u>	<u>53,807</u>

33	<u>39,797</u>	<u>40,485</u>	<u>40,751</u>	<u>48,480</u>	<u>49,241</u>	<u>51,008</u>	<u>51,769</u>	<u>52,530</u>	<u>53,291</u>	<u>54,326</u>
34	<u>40,125</u>	<u>40,813</u>	<u>41,079</u>	<u>48,998</u>	<u>49,759</u>	<u>51,527</u>	<u>52,288</u>	<u>53,048</u>	<u>53,809</u>	<u>54,844</u>
35	<u>40,453</u>	<u>41,141</u>	<u>41,407</u>	<u>49,517</u>	<u>50,278</u>	<u>52,045</u>	<u>52,806</u>	<u>53,567</u>	<u>54,328</u>	<u>55,363</u>

(2) For school year 2019 – 2020, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$404; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(3) For school year 2020 – 2021, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$808; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

(c) Six hundred dollars shall be paid annually to each classroom teacher who has at least 20 years of teaching experience. The payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

(d) To meet the objective of salary equity among the counties as set forth in ~~section five of this article~~ §18A-4-5 of this code, each teacher shall be paid an equity supplement amount as applicable for his or her classification of certification or classification of training and years of experience as follows, subject to the provisions of that section:

(1) For “4th Class” at zero years of experience, \$1,781. An additional \$38 shall be paid for each year of experience up to and including 35 years of experience;

(2) For “3rd Class” at zero years of experience, \$1,796. An additional \$67 shall be paid for each year of experience up to and including 35 years of experience;

(3) For “2nd Class” at zero years of experience, \$1,877. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(4) For “A. B.” at zero years of experience, \$2,360. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(5) For “A. B. + 15” at zero years of experience, \$2,452. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(6) For “M. A.” at zero years of experience, \$2,644. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(7) For “M. A. + 15” at zero years of experience, \$2,740. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(8) For “M. A. + 30” at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(9) For “M. A. + 45” at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience; and

(10) For “Doctorate” at zero years of experience, \$2,927. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience.

These payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to ~~section five a of this article~~ §18A-4-5a of this code; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

§18A-4-8a. Service personnel minimum monthly salaries.

(a) The minimum monthly pay for each service employee shall be as follows:

(1) Beginning ~~July 1, 2014, For school year 2018 – 2019, and continuing thereafter,~~ the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the ~~state~~ State Minimum Pay Scale Pay Grade and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the ~~state~~ State Minimum Pay Scale Pay Grade set forth in this subdivision.

STATE MINIMUM PAY SCALE PAY GRADE

<u>Years</u> <u>Exp.</u>	<u>PAY-GRADE</u>							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
0	1,660	1,681	1,723	1,776	1,829	1,892	1,924	1,997
1	1,692	1,714	1,755	1,808	1,862	1,925	1,956	2,030
2	1,725	1,746	1,788	1,841	1,894	1,957	1,989	2,062
3	1,757	1,779	1,821	1,874	1,927	1,990	2,022	2,095
4	1,790	1,812	1,853	1,906	1,959	2,023	2,054	2,129
5	1,823	1,844	1,886	1,939	1,992	2,055	2,087	2,161
6	1,855	1,877	1,920	1,972	2,025	2,088	2,120	2,194
7	1,889	1,909	1,952	2,004	2,057	2,121	2,152	2,227
8	1,922	1,942	1,985	2,037	2,090	2,153	2,185	2,259
9	1,954	1,975	2,018	2,071	2,123	2,186	2,217	2,292
10	1,987	2,008	2,050	2,103	2,155	2,220	2,251	2,325
11	2,020	2,041	2,083	2,136	2,188	2,252	2,284	2,357
12	2,052	2,074	2,115	2,169	2,222	2,285	2,316	2,390
13	2,085	2,106	2,148	2,201	2,254	2,317	2,349	2,423

14	2,118	2,139	2,181	2,234	2,287	2,350	2,382	2,455
15	2,150	2,172	2,213	2,266	2,319	2,383	2,414	2,488
16	2,183	2,204	2,246	2,299	2,352	2,415	2,447	2,521
17	2,215	2,237	2,280	2,332	2,385	2,448	2,480	2,554
18	2,248	2,270	2,312	2,364	2,417	2,481	2,512	2,587
19	2,282	2,302	2,345	2,397	2,450	2,513	2,545	2,619
20	2,314	2,335	2,378	2,431	2,483	2,546	2,578	2,653
21	2,347	2,367	2,410	2,463	2,515	2,579	2,610	2,687
22	2,380	2,401	2,443	2,496	2,548	2,612	2,644	2,719
23	2,412	2,434	2,476	2,529	2,582	2,646	2,678	2,753
24	2,445	2,466	2,508	2,561	2,614	2,680	2,711	2,787
25	2,478	2,499	2,541	2,594	2,648	2,712	2,745	2,819
26	2,510	2,532	2,573	2,628	2,682	2,746	2,777	2,853
27	2,543	2,564	2,606	2,660	2,714	2,778	2,811	2,886
28	2,576	2,597	2,640	2,694	2,748	2,812	2,845	2,920
29	2,608	2,631	2,673	2,726	2,781	2,846	2,877	2,954
30	2,642	2,663	2,707	2,760	2,814	2,878	2,911	2,987
31	2,675	2,697	2,741	2,794	2,848	2,912	2,945	3,020
32	2,709	2,730	2,773	2,827	2,880	2,946	2,977	3,054
33	2,743	2,763	2,807	2,861	2,914	2,978	3,011	3,087
34	2,775	2,797	2,841	2,895	2,948	3,012	3,045	3,120
35	2,809	2,831	2,873	2,927	2,980	3,046	3,078	3,154
36	2,843	2,864	2,907	2,961	3,015	3,079	3,112	3,186
37	2,875	2,898	2,941	2,995	3,049	3,113	3,145	3,220
38	2,909	2,930	2,973	3,027	3,081	3,146	3,178	3,254
39	2,943	2,964	3,007	3,061	3,115	3,179	3,212	3,286
40	2,975	2,998	3,040	3,094	3,149	3,213	3,245	3,320

<u>Years</u> <u>Exp.</u>	<u>PAY GRADE</u>							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
<u>0</u>	<u>1,704</u>	<u>1,725</u>	<u>1,767</u>	<u>1,820</u>	<u>1,873</u>	<u>1,936</u>	<u>1,968</u>	<u>2,041</u>
<u>1</u>	<u>1,736</u>	<u>1,758</u>	<u>1,799</u>	<u>1,852</u>	<u>1,906</u>	<u>1,969</u>	<u>2,000</u>	<u>2,074</u>
<u>2</u>	<u>1,769</u>	<u>1,790</u>	<u>1,832</u>	<u>1,885</u>	<u>1,938</u>	<u>2,001</u>	<u>2,033</u>	<u>2,106</u>
<u>3</u>	<u>1,801</u>	<u>1,823</u>	<u>1,865</u>	<u>1,918</u>	<u>1,971</u>	<u>2,034</u>	<u>2,066</u>	<u>2,139</u>
<u>4</u>	<u>1,834</u>	<u>1,856</u>	<u>1,897</u>	<u>1,950</u>	<u>2,003</u>	<u>2,067</u>	<u>2,098</u>	<u>2,173</u>
<u>5</u>	<u>1,867</u>	<u>1,888</u>	<u>1,930</u>	<u>1,983</u>	<u>2,036</u>	<u>2,099</u>	<u>2,131</u>	<u>2,205</u>
<u>6</u>	<u>1,899</u>	<u>1,921</u>	<u>1,964</u>	<u>2,016</u>	<u>2,069</u>	<u>2,132</u>	<u>2,164</u>	<u>2,238</u>
<u>7</u>	<u>1,933</u>	<u>1,953</u>	<u>1,996</u>	<u>2,048</u>	<u>2,101</u>	<u>2,165</u>	<u>2,196</u>	<u>2,271</u>
<u>8</u>	<u>1,966</u>	<u>1,986</u>	<u>2,029</u>	<u>2,081</u>	<u>2,134</u>	<u>2,197</u>	<u>2,229</u>	<u>2,303</u>
<u>9</u>	<u>1,998</u>	<u>2,019</u>	<u>2,062</u>	<u>2,115</u>	<u>2,167</u>	<u>2,230</u>	<u>2,261</u>	<u>2,336</u>
<u>10</u>	<u>2,031</u>	<u>2,052</u>	<u>2,094</u>	<u>2,147</u>	<u>2,199</u>	<u>2,264</u>	<u>2,295</u>	<u>2,369</u>
<u>11</u>	<u>2,064</u>	<u>2,085</u>	<u>2,127</u>	<u>2,180</u>	<u>2,232</u>	<u>2,296</u>	<u>2,328</u>	<u>2,401</u>
<u>12</u>	<u>2,096</u>	<u>2,118</u>	<u>2,159</u>	<u>2,213</u>	<u>2,266</u>	<u>2,329</u>	<u>2,360</u>	<u>2,434</u>
<u>13</u>	<u>2,129</u>	<u>2,150</u>	<u>2,192</u>	<u>2,245</u>	<u>2,298</u>	<u>2,361</u>	<u>2,393</u>	<u>2,467</u>
<u>14</u>	<u>2,162</u>	<u>2,183</u>	<u>2,225</u>	<u>2,278</u>	<u>2,331</u>	<u>2,394</u>	<u>2,426</u>	<u>2,499</u>
<u>15</u>	<u>2,194</u>	<u>2,216</u>	<u>2,257</u>	<u>2,310</u>	<u>2,363</u>	<u>2,427</u>	<u>2,458</u>	<u>2,532</u>
<u>16</u>	<u>2,227</u>	<u>2,248</u>	<u>2,290</u>	<u>2,343</u>	<u>2,396</u>	<u>2,459</u>	<u>2,491</u>	<u>2,565</u>
<u>17</u>	<u>2,259</u>	<u>2,281</u>	<u>2,324</u>	<u>2,376</u>	<u>2,429</u>	<u>2,492</u>	<u>2,524</u>	<u>2,598</u>
<u>18</u>	<u>2,292</u>	<u>2,314</u>	<u>2,356</u>	<u>2,408</u>	<u>2,461</u>	<u>2,525</u>	<u>2,556</u>	<u>2,631</u>
<u>19</u>	<u>2,326</u>	<u>2,346</u>	<u>2,389</u>	<u>2,441</u>	<u>2,494</u>	<u>2,557</u>	<u>2,589</u>	<u>2,663</u>
<u>20</u>	<u>2,358</u>	<u>2,379</u>	<u>2,422</u>	<u>2,475</u>	<u>2,527</u>	<u>2,590</u>	<u>2,622</u>	<u>2,697</u>
<u>21</u>	<u>2,391</u>	<u>2,411</u>	<u>2,454</u>	<u>2,507</u>	<u>2,559</u>	<u>2,623</u>	<u>2,654</u>	<u>2,731</u>
<u>22</u>	<u>2,424</u>	<u>2,445</u>	<u>2,487</u>	<u>2,540</u>	<u>2,592</u>	<u>2,656</u>	<u>2,688</u>	<u>2,763</u>
<u>23</u>	<u>2,456</u>	<u>2,478</u>	<u>2,520</u>	<u>2,573</u>	<u>2,626</u>	<u>2,690</u>	<u>2,722</u>	<u>2,797</u>
<u>24</u>	<u>2,489</u>	<u>2,510</u>	<u>2,552</u>	<u>2,605</u>	<u>2,658</u>	<u>2,724</u>	<u>2,755</u>	<u>2,831</u>
<u>25</u>	<u>2,522</u>	<u>2,543</u>	<u>2,585</u>	<u>2,638</u>	<u>2,692</u>	<u>2,756</u>	<u>2,789</u>	<u>2,863</u>

26	<u>2,554</u>	<u>2,576</u>	<u>2,617</u>	<u>2,672</u>	<u>2,726</u>	<u>2,790</u>	<u>2,821</u>	<u>2,897</u>
27	<u>2,587</u>	<u>2,608</u>	<u>2,650</u>	<u>2,704</u>	<u>2,758</u>	<u>2,822</u>	<u>2,855</u>	<u>2,930</u>
28	<u>2,620</u>	<u>2,641</u>	<u>2,684</u>	<u>2,738</u>	<u>2,792</u>	<u>2,856</u>	<u>2,889</u>	<u>2,964</u>
29	<u>2,652</u>	<u>2,675</u>	<u>2,717</u>	<u>2,770</u>	<u>2,825</u>	<u>2,890</u>	<u>2,921</u>	<u>2,998</u>
30	<u>2,686</u>	<u>2,707</u>	<u>2,751</u>	<u>2,804</u>	<u>2,858</u>	<u>2,922</u>	<u>2,955</u>	<u>3,031</u>
31	<u>2,719</u>	<u>2,741</u>	<u>2,785</u>	<u>2,838</u>	<u>2,892</u>	<u>2,956</u>	<u>2,989</u>	<u>3,064</u>
32	<u>2,753</u>	<u>2,774</u>	<u>2,817</u>	<u>2,871</u>	<u>2,924</u>	<u>2,990</u>	<u>3,021</u>	<u>3,098</u>
33	<u>2,787</u>	<u>2,807</u>	<u>2,851</u>	<u>2,905</u>	<u>2,958</u>	<u>3,022</u>	<u>3,055</u>	<u>3,131</u>
34	<u>2,819</u>	<u>2,841</u>	<u>2,885</u>	<u>2,939</u>	<u>2,992</u>	<u>3,056</u>	<u>3,089</u>	<u>3,164</u>
35	<u>2,853</u>	<u>2,875</u>	<u>2,917</u>	<u>2,971</u>	<u>3,024</u>	<u>3,090</u>	<u>3,122</u>	<u>3,198</u>
36	<u>2,887</u>	<u>2,908</u>	<u>2,951</u>	<u>3,005</u>	<u>3,059</u>	<u>3,123</u>	<u>3,156</u>	<u>3,230</u>
37	<u>2,919</u>	<u>2,942</u>	<u>2,985</u>	<u>3,039</u>	<u>3,093</u>	<u>3,157</u>	<u>3,189</u>	<u>3,264</u>
38	<u>2,953</u>	<u>2,974</u>	<u>3,017</u>	<u>3,071</u>	<u>3,125</u>	<u>3,190</u>	<u>3,222</u>	<u>3,298</u>
39	<u>2,987</u>	<u>3,008</u>	<u>3,051</u>	<u>3,105</u>	<u>3,159</u>	<u>3,223</u>	<u>3,256</u>	<u>3,330</u>
40	<u>3,019</u>	<u>3,042</u>	<u>3,084</u>	<u>3,138</u>	<u>3,193</u>	<u>3,257</u>	<u>3,289</u>	<u>3,364</u>

(2) For school year 2019 – 2020, and continuing thereafter, the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the State Minimum Pay Scale Pay Grade, plus \$22; and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay Scale Pay Grade, plus \$11.

~~(2)~~ (3) Each service employee shall receive the amount prescribed in the State Minimum Pay Scale Pay Grade in accordance with the provisions of this subsection according to their class title and pay grade as set forth in this subdivision:

CLASS TITLE	PAY GRADE
Accountant I	D
Accountant II	E
Accountant III	F
Accounts Payable Supervisor	G
Aide I	A
Aide II	B
Aide III	C
Aide IV	D
Audiovisual Technician	C
Auditor	G
Autism Mentor	F
Braille Specialist	E
Bus Operator	D
Buyer	F
Cabinetmaker	G
Cafeteria Manager	D
Carpenter I	E
Carpenter II	F
Chief Mechanic	G
Clerk I	B
Clerk II	C
Computer Operator	E
Cook I	A
Cook II	B
Cook III	C
Crew Leader	F
Custodian I	A
Custodian II	B
Custodian III	C
Custodian IV	D
Director or Coordinator of Services	H
Draftsman	D
Early Childhood Classroom Assistant Teacher I	E
Early Childhood Classroom Assistant Teacher II	E
Early Childhood Classroom Assistant Teacher III	F
Educational Sign Language Interpreter I	F
Educational Sign Language Interpreter II	G

Electrician I	F
Electrician II	G
Electronic Technician I	F
Electronic Technician II	G
Executive Secretary	G
Food Services Supervisor	G
Foreman	G
General Maintenance	C
Glazier	D
Graphic Artist	D
Groundsman	B
Handyman	B
Heating and Air Conditioning Mechanic I	E
Heating and Air Conditioning Mechanic II	G
Heavy Equipment Operator	E
Inventory Supervisor	D
Key Punch Operator	B
Licensed Practical Nurse	F
Locksmith	G
Lubrication Man	C
Machinist	F
Mail Clerk	D
Maintenance Clerk	C
Mason	G
Mechanic	F
Mechanic Assistant	E
Office Equipment Repairman I	F
Office Equipment Repairman II	G
Painter	E
Paraprofessional	F
Payroll Supervisor	G
Plumber I	E
Plumber II	G
Printing Operator	B
Printing Supervisor	D
Programmer	H
Roofing/Sheet Metal Mechanic	F
Sanitation Plant Operator	G
School Bus Supervisor	E

Secretary I	D
Secretary II	E
Secretary III	F
Sign Support Specialist	E
Supervisor of Maintenance	H
Supervisor of Transportation	H
Switchboard Operator-Receptionist	D
Truck Driver	D
Warehouse Clerk	C
Watchman	B
Welder	F
WVEIS Data Entry and Administrative Clerk	B

(b) An additional \$12 per month is added to the minimum monthly pay of each service person who holds a high school diploma or its equivalent.

(c) An additional \$11 per month also is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds 12 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(2) A service person who holds 24 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(3) A service person who holds 36 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(4) A service person who holds 48 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(5) A service employee who holds 60 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(6) A service person who holds 72 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(7) A service person who holds 84 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(8) A service person who holds 96 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(9) A service person who holds 108 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(10) A service person who holds 120 college hours or comparable credit obtained in a trade or vocational school as approved by the state board.

(d) An additional \$40 per month also is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds an associate's degree;

(2) A service person who holds a bachelor's degree;

(3) A service person who holds a master's degree;

(4) A service person who holds a doctorate degree.

(e) An additional \$11 per month is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds a bachelor's degree plus 15 college hours;

(2) A service person who holds a master's degree plus 15 college hours;

(3) A service person who holds a master's degree plus 30 college hours;

(4) A service person who holds a master's degree plus 45 college hours; and

(5) A service person who holds a master's degree plus 60 college hours.

(f) To meet the objective of salary equity among the counties, each service person is paid an equity supplement, as set forth in ~~section five of this article~~ §18A-4-5 of this code, of \$164 per month, subject to the provisions of that section. These payments: (i) Are in addition to any amounts prescribed in the applicable State Minimum Pay Scale Pay Grade, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to ~~section five b of this article~~ §18A-4-5b of this code; (ii) are paid in equal monthly installments; and (iii) are considered a part of the state minimum salaries for service personnel.

(g) When any part of a school service person's daily shift of work is performed between the hours of 6:00 p. m. and 5:00 a. m. the following day, the employee is paid no less than an additional \$10 per month and one half of the pay is paid with local funds.

(h) Any service person required to work on any legal school holiday is paid at a rate one and one-half times the person's usual hourly rate.

(i) Any full-time service personnel required to work in excess of their normal working day during any week which contains a school holiday for which they are paid is paid for the additional hours or fraction of the additional hours at a rate of one and one-half times their usual hourly rate and paid entirely from county board funds.

(j) A service person may not have his or her daily work schedule changed during the school year without the employee's written consent and the person's required daily work hours may not be changed to prevent the payment of time and one-half wages or the employment of another employee.

(k) The minimum hourly rate of pay for extra duty assignments as defined in ~~section eight b of this article~~ §18A-4-8b of this code is no less than one seventh of the person's daily total salary for each hour the person is involved in performing the assignment and paid entirely from local funds: *Provided*, That an alternative minimum

hourly rate of pay for performing extra duty assignments within a particular category of employment may be used if the alternate hourly rate of pay is approved both by the county board and by the affirmative vote of a two-thirds majority of the regular full-time persons within that classification category of employment within that county: *Provided, however,* That the vote is by secret ballot if requested by a service person within that classification category within that county. The salary for any fraction of an hour the employee is involved in performing the assignment is prorated accordingly. When performing extra duty assignments, persons who are regularly employed on a one-half day salary basis shall receive the same hourly extra duty assignment pay computed as though the person were employed on a full-day salary basis.

(l) The minimum pay for any service personnel engaged in the removal of asbestos material or related duties required for asbestos removal is their regular total daily rate of pay and no less than an additional \$3 per hour or no less than \$5 per hour for service personnel supervising asbestos removal responsibilities for each hour these employees are involved in asbestos-related duties. Related duties required for asbestos removal include, but are not limited to, travel, preparation of the work site, removal of asbestos, decontamination of the work site, placing and removal of equipment and removal of structures from the site. If any member of an asbestos crew is engaged in asbestos-related duties outside of the employee's regular employment county, the daily rate of pay is no less than the minimum amount as established in the employee's regular employment county for asbestos removal and an additional \$30 per each day the employee is engaged in asbestos removal and related duties. The additional pay for asbestos removal and related duties shall be payable entirely from county funds. Before service personnel may be used in the removal of asbestos material or related duties, they shall have completed a federal Environmental Protection Act-approved training program and be licensed. The employer shall provide all necessary protective equipment and maintain all records required by the Environmental Protection Act.

(m) For the purpose of qualifying for additional pay as provided in ~~section eight of this article~~ §18A-5-8 of this code, an aide is considered to be exercising the authority of a supervisory aide and control over pupils if the aide is required to supervise,

control, direct, monitor, escort, or render service to a child or children when not under the direct supervision of a certified professional person within the classroom, library, hallway, lunchroom, gymnasium, school building, school grounds, or wherever supervision is required. For purposes of this section, “under the direct supervision of a certified professional person” means that certified professional person is present, with and accompanying the aide.

Following discussion,

The question being on the adoption of the Rules committee amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 267), and on this question, Senator Prezioso demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—21.

The nays were: Beach, Facemire, Jeffries, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Maroney—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the Rules committee amendment to the House of Delegates amendments to the bill adopted.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 267, as amended, was then put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 267 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maynard, Palumbo, Plymale, Prezioso, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Beach, Facemire, Jeffries, Ojeda, Romano, and Stollings—6.

Absent: Maroney—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 267) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maynard, Palumbo, Plymale, Prezioso, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Beach, Facemire, Jeffries, Ojeda, Romano, and Stollings—6.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 267) takes effect July 1, 2018.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 6:32 p.m., the Senate adjourned until tomorrow, Wednesday, February 21, 2018, at 11 a.m.

WEDNESDAY, FEBRUARY 21, 2018

The Senate met at 11:24 a.m.

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

Prayer was offered by Pastor Kevin Walker, Calvary Church of the Nazarene, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Stephen Baldwin, a senator from the tenth district.

Pending the reading of the Journal of Tuesday, February 20, 2018,

At the request of Senator Sypolt, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended, to take effect July 1, 2018, of

Eng. Com. Sub. for Senate Bill 267, Increasing salaries of certain state employees.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. Com. Sub. for House Bill 2831, Relating to the reconstitution of the Driver's Licensing Advisory Board.

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

Eng. Com. Sub. for House Bill 4001—A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-7-2, §9-7-5, and §9-7-6 of said code; to amend said code by adding thereto a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, and §9-8-12; and to amend and reenact §61-3-54 of said code, all relating to investigations, inspections, evaluations, and review conducted by the Department of Health and Human Resources to prevent fraud and abuse; disenrolling providers who commit fraud and requiring repayment; defining fraud as it relates to Medicaid; authorizing penalties against providers for failure to keep medical records for a specific time period; authorizing a civil cause of action for fraud when a person or entity knew or should have known a claim to be false; enlarging the statute of limitations to file health care fraud civil actions; defining terms relating to public assistance; requiring the Department of Health and Human Resources to implement work requirements for applicants of Supplemental Nutrition Assistance Program (SNAP); to limit recipients to 3 months of benefits in any 36-month period unless the recipient is working or participating in a work, educational, or volunteer program for at least 20 hours a week; requiring discontinuance of a federal waiver in certain counties; requiring a study of the impact of the SNAP work requirements in those counties where they were implemented; eliminating the federal waiver statewide within a certain time-period; requiring a report to the legislature; establishing work requirements; authorizing rulemaking; requiring a design or establishment of a computerized income, asset, and identity verification system for each public assistance program administered by the Department of Health and Human Resources; allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing information of various federal, state, and miscellaneous sources for eligibility verification; requiring identity authentication as a condition to receive public assistance; requiring the department to study the feasibility of requiring photos on EBT cards; specifying

procedures for case review of public assistance benefits; setting forth notice requirements and right to a hearing; requiring referrals for fraud, misrepresentation, and inadequate documentation; authorizing referrals of suspected cases of fraud for criminal prosecution; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; providing for rulemaking; and providing a penalty for taking the identity of another person for the purpose of gaining employment.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 4042—A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to redefining school zone.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4157—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the elimination of the refundable exemption for road construction contractors; prohibiting the transfer of revenues collected from the state's consumers sales and service tax and the state's use tax to the State Road Fund; updating references to certain entities; updating references to the code; removing references to obsolete dates; and specifying the effective date.

Referred to the Committee on Finance.

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

Eng. House Bill 4285—A Bill to amend and reenact §31-17A-4, §31-17A-6 and §31-17A-9 of the Code of West Virginia, 1931, as amended, all relating to the licensing requirements of mortgage loan originators; increasing the number of hours of education required for licensure and to meet continuing education requirements; and increasing the licensure application fee.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4304—A Bill to repeal §30-7-1a, §30-7-6a, §30-7-6b, §30-7-8a, §30-7-11a, §30-7-15a, §30-7-15b, §30-7-15c, §30-7-15d, and §30-7-15e of the Code of West Virginia, 1931, as amended; to repeal §30-7A-2, §30-7A-3, §30-7A-4, §30-7A-5, §30-7A-6, §30-7A-6a, §30-7A-7, §30-7A-7a, §30-7A-8, §30-7A-9, §30-7A-10, and §30-7A-11 of said code; to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of said code; to repeal §30-7E-1, §30-7E-2, and §30-7E-3 of said code; to amend and reenact §4-10-10 of said code; to amend and reenact §9-4B-1 of said code; to amend and reenact §16-4C-14 of said code; to amend and reenact §16-4F-1 of said code; to amend and reenact §16-5B-19 of said code; to amend and reenact §16-5O-2, §16-5O-4, §16-5O-5 and §16-5O-12 of said code; to amend and reenact §16-5Y-5 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §18-5-22 of said code; to amend and reenact §18-9A-2 of said code; to amend and reenact §18A-1-1 of said code; to amend and reenact §18A-4-1 and §18A-4-8 of said code; to amend and reenact §18C-3-4 of said code; to amend and reenact §29-12B-3 of said code; to amend and reenact §29-29-3 of said code; to amend and reenact §30-1-7a and §30-1-20 of said code; to amend and reenact §30-3A-1 of said code; to amend and reenact §30-3F-1 of said code; to amend and reenact §30-7-1, §30-7-2, §30-7-3, §30-7-4, §30-7-5, §30-7-6, §30-7-7, §30-7-8, §30-7-9, §30-7-10, §30-7-11, §30-7-12, §30-7-13, §30-7-14, §30-7-15, §30-7-16, §30-7-17, §30-7-18, §30-7-19, and §30-7-20 of said code; to amend said code by

adding thereto twelve new sections, designated §30-7-21, §30-7-22, §30-7-23, §30-7-24, §30-7-25, §30-7-26, §30-7-27, §30-7-28, §30-7-29, §30-7-30, §30-7-31, §30-7-32 and §30-7-33; to amend and reenact §30-7A-1 of said code; and to amend and reenact §30-7B-4 of said code; to amend and reenact §30-7C-1 and §30-7C-7 of said code; to amend and reenact §30-24-2 and §30-24-3 of said code; to amend and reenact §60A-9-5a of said code, all relating to the regulation of certain professions by Board of Nursing, prohibiting the practice of nursing without a license; providing other applicable sections; defining terms; providing for board composition and qualifications; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license and permit requirements; establishing qualifications for licensure; codifying a scope of practice; creating a temporary permit; providing for reciprocal licensure; establishing renewal requirements; providing for exemptions from licensure; creating a special volunteer license; continuing a Joint Advisory Council; providing the council's composition; providing council members' terms; providing powers of the council; providing duties of the council; setting forth limitations of the article; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing duty to warn; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal offenses are to be reported to law enforcement; providing a period of transition; eliminating the Board of Examiners for licensed practical nurses; transferring assets to the Board of Nursing; transferring employees to the Board of Nursing; repealing expired authority; and updating references.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 4324—A Bill to amend and reenact §8-15-17 and §8-15-20 of the Code of West Virginia, 1931, as amended, all

relating to the employment of individuals by municipal paid fire departments under civil service; providing that an applicant need not be a resident of the municipality or the county in which he or she seeks to become a member of the paid fire department; and that if there are not enough eligible applicants to certify a list of three, then the appointing officer may appoint a qualified individual to fill the position.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4379—A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2018, organization 0803, for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4401—A Bill to amend and reenact §21-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3C-11; to amend and reenact §21-3D-8; to amend and reenact §21-5-5c; to amend and reenact §21-9-9; to amend and reenact §21-10-4; to amend and reenact §21-11-17; to amend and reenact §21-14-9; to amend and reenact §21-15-7; to amend and reenact §21-16-10; to amend and reenact §47-1-8, §47-1-20, §47-1-21 and §47-1-22; and to amend and reenact §47-1A-14, all relating to the elimination of certain authority regarding collection and use of fees by the Commissioner of the Division of Labor; eliminating authority to use certain excess funds; eliminating requirement to charge certain fees; and eliminating certain rulemaking authority.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4428—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4 and §21-1E-5; and to amend said code by adding thereto a new article designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor and by licensing boards and commissions; providing for creation of lists of existing apprenticeships, certifications and other credentials that reflect existing workforce needs and for dissemination to high school students; and requiring Commissioner of Labor rule to include guidelines for collection and dissemination in manner easily accessible to both students and their parents.

Referred to the Committee on Education.

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

Eng. House Bill 4436—A Bill to amend and reenact §21-6-2 of the Code of West Virginia, 1931, as amended, relating to clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department to perform fire fighting functions.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4488—A Bill to amend and reenact §20-14-1, §20-14-2, §20-14-3, §20-14-4, and §20-14-8 of the Code of West Virginia, 1931, as amended, all relating to the Hatfield-McCoy Recreation Authority; updating legislative findings; adding the counties of Braxton, Clay, Fayette, Nicholas, and Webster to the list of participating counties; modifying the number of board members and the method by which the board members are appointed; providing that 10 members of the board constitutes a quorum; prohibiting persons from consuming non-intoxicating beer, nonintoxicating craft beer, or wine at any time within the Hatfield-McCoy Recreation Area; prohibiting a child under the age of six from being allowed on any trail within the Hatfield-McCoy Recreation Area; prohibits children under the age of eight years who are required to be in a child passenger safety device while occupying a motor vehicle from being allowed on any trail within the Hatfield-McCoy Recreation Area; and requiring all persons operating or riding upon an ATV, UTV, or motorcycle to follow the manufacturer's recommendations for that vehicle relating to age and size limitations for operators and passengers.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4522—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5dd, relating to allowing certain tax information to be shared with State Auditor pursuant to written agreements; and defining terms.

Referred to the Committee on Finance.

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

Eng. House Bill 4622—A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended,

all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding Tuition and Fee Policy, Human Resources Administration, and Capital Project Management; and authorizing legislative rules for the Council for Community and Technical College Education regarding Human Resources Administration, and Capital Project Management.

Referred to the Committee on Education.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 20, 2018, he had approved **Enr. Committee Substitute for House Bill 4020**.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of February, 2018, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 4162), Granting authority to the State Conservation Committee to contract for flood response.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 148, Permitting surface owners purchase mineral interests when they become subject to tax lien.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 148 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §11A-3-19, §11A-3-21, §11A-3-52, §11A-3-54, §11A-3-56, and §11A-3-58 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §11A-3-23a, §11A-3-23b, §11A-3-58a and §11A-3-58b, all relating generally to the sale of delinquent surface and mineral properties; providing that a purchaser shall provide certain information to the State Auditor in order to secure a deed for the real estate subject to a tax lien purchased; providing that no deed to a bona fide purchaser for value from the purchaser or substituted purchaser may be set aside for purchaser's failure to provide such information; providing additional instructive language to be included in the notice to redeem; providing that the surface owner of the surface tract overlying the mineral property subject to the tax lien being sold may purchase that mineral property under certain circumstances; providing that, upon payment by the surface owner, the clerk or deputy commissioner, whichever applicable, shall issue a certificate of substitution to the substituted surface owner; providing that the clerk or deputy commissioner, whichever applicable, shall refund the money paid by the surface owner if the property is redeemed by the mineral owner or a person with a right to redeem; providing that the surface owner enjoys the full rights and duties of the purchaser if the owner or a person with a right to redeem does not redeem and only one surface owner receives a certificate of substitution; providing that surface owners shall submit an agreement dividing the mineral property if more than one surface owner pays the clerk or deputy commission, whichever applicable, the appropriate amount; providing that the original purchaser is returned to his or her original position if no agreement is filed; providing that the mineral owner of the mineral tract underlying the surface property subject to the tax lien being sold may purchase that surface property under certain circumstances;

providing that, upon payment by the mineral owner, the clerk or deputy commissioner, whichever applicable, shall issue a certificate of substitution to the substituted mineral owner; providing that the clerk or deputy commissioner, whichever applicable, shall refund the money paid by the mineral owner if the property is redeemed by the surface owner or a person with a right to redeem; providing that the mineral owner enjoys the full rights and duties of the purchaser if the owner or a person with a right to redeem does not redeem and only one mineral owner receives a certificate of substitution; providing that mineral owners shall submit an agreement dividing the surface property if more than one mineral owner pays the clerk or deputy commissioner, whichever applicable, the appropriate amount; providing that the original purchaser is returned to his or her original position if no agreement is filed; and raising the limit on recoupable expenses incurred in preparing notice to redeem, including title examination, to \$500.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 148), under the original double committee reference, was then referred to the Committee on Finance.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 344, Requiring DOH implement program to recycle surplus metal supplies, materials and equipment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 344 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-2A-14 of the Code of West Virginia, 1931, as amended, relating to disposition of certain surplus equipment, supplies, and materials; requiring the West Virginia Commissioner of Highways design and implement a policy to assure recycling of metal if cost effective; and updating code.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Gregory L. Boso,
Chair.

The bill (Com. Sub. for S. B. 344), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 536, Allowing foster and adoptive children obtain lifetime hunting, fishing and trapping license within two years of placement.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 536 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to authorizing lifetime hunting, fishing, and trapping licenses for foster or adoptive children who have not reached the second year of their placement to be the same cost as resident children who have not reached their second birthday; and permitting full-time,

nonresident students attending an in-state college or university to purchase lifetime resident statewide hunting, trapping, trout fishing, and fishing licenses.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 536), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 2, Walter E. Swiger, Jr., Memorial Bridge.

Senate Concurrent Resolution 12, US Army SP4 Darrell Gregory Triplett Memorial Bridge.

Senate Concurrent Resolution 14, US Army SPC 4 William L. Amos Memorial Bridge.

Senate Concurrent Resolution 15, US Marine SGT Stephen E. Drummond Memorial Bridge.

And,

Senate Concurrent Resolution 16, Sardis District Veterans Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Gregory L. Boso,
Chair.

At the request of Senator Boso, unanimous consent being granted, the resolutions (S. C. R. 2, 12, 14, 15, and 16) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

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

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

The Senate proceeded to the sixth order of business.

Senators Beach, Baldwin, Clements, Facemire, Jeffries, Ojeda, Palumbo, Romano, Rucker, Smith, Stollings, Plymale, and Cline offered the following resolution:

Senate Concurrent Resolution 32—Recognizing the importance of industrial hemp and beginning the process toward entering into an interstate compact in order to assure the viability of industrial hemp production in West Virginia and surrounding states.

Whereas, The United States Congress passed the Agriculture Act of 2014, which allowed universities and state departments of agriculture to begin cultivating industrial hemp for limited purposes. The cultivation of industrial hemp could be used in a wide range of products, including fibers, textiles, paper, construction and insulation materials, cosmetic products, animal feed, food, and beverages. Industrial hemp could be used in more than 25,000 products spanning nine markets, including agriculture, textiles, recycling, automotive, furniture, food/nutrition/beverages, paper, construction materials, and personal care; and

Whereas, Although hemp comes from the cannabis plant, it is distinguished from marijuana products by its use, physical appearance, and lower concentration of tetrahydrocannabinol or THC. The Agriculture Act of 2014 defines industrial hemp as having a THC content of 0.3 percent or less. Hemp producers often cultivate the plant to grow taller, denser, and with a single stalk. Industrial hemp producers use the plant for its seeds, flowers, and stalk; and

Whereas, West Virginia is one of at least 34 states that passed legislation related to industrial hemp in order to encourage the cultivation of hemp for commercial, research, or pilot programs. West Virginia and all other states with industrial hemp programs must adhere to strict requirements for registration, licensing, or permitting, including criminal background checks, registration of location of grow sites, periodic reviews, record keeping requirements, and extensive documentation of the program. Access to viable seed is a challenge for research programs and potential commercial growers because hemp is still regulated under the federal Controlled Substances Act, which makes transportation across state lines a criminal offense even when both states have adopted laws allowing for research; and

Whereas, United States Attorney General Jefferson B. Sessions, III, sent a memorandum to all United States Attorneys on January 4, 2018, that lifted a previous protocol and requested United States Attorneys to prosecute marijuana related offenses in the Controlled Substances Act in the same manner as other offenses; and

Whereas, Bipartisan legislation in Congress since 2015 has failed to amend the Controlled Substances Act to make clear that hemp, which contains THC of 0.3 percent or less, is not a controlled substance. The uncertainty surrounding the ability to grow and transport industrial hemp in the United States may lead to greater development and research of the product occurring in other countries; and

Whereas, Article One, Section Ten, Clause Three of the United States Constitution provides a mechanism for states to enter into interstate compacts; and

Whereas, The Legislature finds that West Virginia should take the lead in organizing and developing a potential interstate compact regarding industrial hemp that will allow West Virginia and the United States to retain a leadership role in research and development of industrial hemp; therefore, be it,

Resolved by the Legislature of West Virginia:

That the Legislature hereby recognizes the importance of industrial hemp and beginning the process toward entering into an interstate compact in order to assure the viability of industrial hemp production in West Virginia and surrounding states; and, be it

Further Resolved, That the Legislature hereby directs legislative staff to work with the Council of State Governments to develop a working group to draft an interstate compact regarding industrial hemp; and, be it

Further Resolved, That the Legislature directs legislative staff and members of the Legislature to work with the Commissioner of Agriculture of West Virginia and the Council of State Governments to develop a basic draft of an interstate compact regarding industrial hemp; and, be it

Further Resolved, That the Legislature directs legislative staff, members of the Legislature, and the Commissioner of Agriculture of West Virginia along with any necessary Agriculture staff (hereinafter, “the working group”) to work with similarly situated persons in other states in order to reach an agreement on language for an interstate compact regarding industrial hemp; and, be it

Further Resolved, That the working group created as a result of this resolution shall work diligently to return an interstate compact regarding industrial hemp for introduction in the 2019 regular session of the Legislature that has been agreed upon by the working group and a similarly situated working group from at least one other state.

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

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

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

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Beach regarding the adoption of Senate Concurrent Resolution 32 were ordered printed in the Appendix to the Journal.

Senators Smith, Sypolt, Plymale, and Stollings offered the following resolution:

Senate Concurrent Resolution 33—Requesting the Division of Highways name bridge number 39-68/8-0.01 (39A234), locally known as Kings Trees Bridge, carrying County Route 68/8 over Interstate 68 in Preston County, the “William ‘Bill’ Thurman King Memorial Bridge”.

Whereas, Mr. King was born on June 24, 1925, in Bruceton Mills, Preston County, West Virginia; and

Whereas, Mr. King was a Technician Fifth Grade, Battery A of the 364th Field Artillery in the United States Army, in the 1940s, honorably discharged in 1946; and

Whereas, Mr. King was honored in his military service with the European-African-Middle Eastern Theater Ribbon; the Good Conduct Medal; the World War II Victory Ribbon; and the Army Occupation Medal (Germany); and

Whereas, From the late 1940s until the 1980s, Mr. King was a bus operator for the Board of Education; and

Whereas, Naming this bridge is an appropriate recognition of Mr. King's contributions to his country and to the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 39-68/8-0.01 (39A234), locally known as Kings Trees Bridge, carrying County Route 68/8 over Interstate 68 in Preston County, the "William 'Bill' Thurman King Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "William 'Bill' Thurman King 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 Swope, Plymale, Cline, Stollings, Prezioso, Boso, and Romano offered the following resolution:

Senate Resolution 47—Designating February 21, 2018, as West Virginia Aviation Day.

Whereas, The West Virginia Aeronautics Commission is an agency of the West Virginia Department of Transportation; and

Whereas, The West Virginia Airport Managers Association represents commercial and general aviation airports and industry partners throughout the mountain state; and

Whereas, West Virginia has 24 airports in the National Plan of Integrated Airport Systems: Seven commercial airports and 17 general aviation airports; and

Whereas, Affordable, reliable, and safe air service is integral to our communities, citizens, businesses, and state; and

Whereas, Commercial airports serve our state's 1.8 million residents and hundreds of thousands of visitors annually; and

Whereas, General aviation airports open our state's rural landscape to countless companies to conduct business and often serve as community hubs; and

Whereas, Airports have played, and will continue to play, a critical role in the state's response to natural disasters, medical emergencies, and search and rescue operations; and

Whereas, Growth in air service in West Virginia equates to increased funding for improvements to West Virginia's airports; and

Whereas, The inaugural West Virginia Aviation Day is hosted by the West Virginia Aeronautics Commission and the West Virginia Airport Managers Association; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 21, 2018, as West Virginia Aviation Day; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Aeronautics Commission and the West Virginia Airport Managers Association.

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

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senators Swope and Romano regarding the adoption of Senate Resolution 47 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:47 a.m., the Senate recessed to present Senate Resolution 47.

The Senate reconvened at 11:50 a.m. today and resumed business under the sixth order.

Senators Carmichael (Mr. President), Drennan, Plymale, and Stollings offered the following resolution:

Senate Resolution 48—Celebrating the 150th anniversary of the City of Winfield, West Virginia.

Whereas, In 1818, Charles Brown of Charleston, West Virginia, purchased over 400 acres along the Kanawha River which became Winfield, West Virginia; and

Whereas, Winfield was named after General Winfield Scott, who was in command of the victorious United States Army during the two-year war with Mexico; and

Whereas, Charles Brown then began a ferry crossing at Winfield, which increased travel and business opportunity in the area. The traffic created by travelers moving through the area, coupled with the centrality of Winfield's location, made it an ideal spot to locate the new county seat; and

Whereas, The Virginia General Assembly formed Putnam County out of portions of the surrounding counties, and in 1900, a roman revival-style courthouse was constructed; and

Whereas, Winfield was tied to, and reliant upon, river vessels as a means of transportation, communication, and commerce. With the burgeoning demands of the coal and chemical industries of the upper Kanawha region and the problems with flooding along the river, in the early 1930's, the U. S. Army Corps of Engineers proposed a series of new locks and dams on various sites along the Kanawha River; and

Whereas, Workers were recruited from along the Kanawha River and beyond to construct the Winfield Locks and Dam. President Roosevelt's National Industrial Recovery Administration Act contained the framework under which people were hired for the Winfield Locks and Dam project. The U. S. Army Corps of Engineers project called for the construction of two lock chambers, each measuring 56 feet wide by 360 feet long, with miter gates on both ends. The construction of the Winfield Locks and Dam was completed in 1937; and

Whereas, In late 1937, the government legislation that authorized the series of river construction improvement projects along the Kanawha River called for a federally operated power project and construction began on a hydroelectric power plant on the southern portion of the locks and dam site; and

Whereas, Winfield is a thriving, growing community with a rich history of great accomplishments of its citizens, with a population in 1986 of 868 growing to 2,367 today; therefore, be it

Resolved by the Senate:

That the Senate hereby celebrates the 150th anniversary of the City of Winfield, West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the City of Winfield, West Virginia.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Drennan and Maynard regarding the adoption of Senate Resolution 48 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:54 a.m., the Senate recessed to present Senate Resolution 48.

The Senate reconvened at 11:57 a.m. today and resumed business under the sixth order.

Senators Stollings, Plymale, Cline, Prezioso, and Boso offered the following resolution:

Senate Resolution 49—Designating March 11-17, 2018, as Multiple Sclerosis Awareness Week.

Whereas, Multiple sclerosis (MS) is a neurological disease of the central nervous system, affecting 2.3 million people worldwide; and

Whereas, The National Multiple Sclerosis Society—Virginia-West Virginia Chapter reports that in our state more than 3,000 people are living with MS and that the disease generally strikes people in the prime of life, between ages 20 through 50, and the cause and course of the often debilitating symptoms of MS remain unknown and no cure currently exists; and

Whereas, The National Multiple Sclerosis Society has been committed for more than 70 years to a world free of MS, heightening public knowledge about, and insight into, the disease; and

Whereas, Since 1946, the National Multiple Sclerosis Society has been a driving force of MS research, relentlessly pursuing prevention, treatments, and a cure, and has invested more than \$900 million in ground-breaking research; and

Whereas, Funds raised through the National Multiple Sclerosis Society fuel \$42.1 million funding 380 research projects at the best medical centers, universities, and other institutions throughout the U. S. and abroad, leading to many breakthroughs in the treatment of MS; and

Whereas, Stopping MS in its tracks, restoring what has been lost, and ending MS forever is the mission of the National Multiple Sclerosis Society and one that all Americans and West Virginians should support; and

Whereas, The State of West Virginia recognizes the importance of finding the cause and cure of MS and expresses its appreciation for the dedication that the National Multiple Sclerosis Society—Virginia-West Virginia Chapter has shown toward creating a world free of MS; therefore, be it

Resolved by the Senate:

That the Senate designates March 11-17, 2018, as Multiple Sclerosis Awareness Week; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the National Multiple Sclerosis Society.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Stollings and Woelfel regarding the adoption of Senate Resolution 49 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 12:02 p.m., the Senate recessed to present Senate Resolution 49.

The Senate reconvened at 12:06 p.m. today and resumed business under the sixth order.

Senators Sypolt, Plymale, Cline, Stollings, Prezioso, and Boso offered the following resolution:

Senate Resolution 50—Designating February 21, 2018, as West Virginia Local Foods Day at the Capitol.

Whereas, The West Virginia Food and Farm Coalition, the West Virginia Farmers Market Association, and many other entities (hereinafter referred to as the alliance) are working to build, support, and strengthen a statewide network of those involved in West Virginia's local food economies, with the interconnected goals of improving access to healthy, locally produced food for all West Virginians and helping viable food and farm businesses to grow; and

Whereas, The alliance is made of farmers, food processors, distributors, agencies, health professionals, extension agents, researchers, nonprofits, farmers markets, youth groups, religious organizations, consumers, and institutions that feed people; and

Whereas, The alliance works within its network to change agricultural policy, promote access to local foods, share resources, and grow food and farm businesses; and

Whereas, The alliance is enacting a foodshed development program that seeks to build the local food system by developing

processes for farmers to establish and scale farm enterprises, efficiently move their product to markets, and for consumer-bases to be robustly developed, all with the goal of bolstering the local food economy; and

Whereas, The alliance, with its partners, aids in building and strengthening food and farm businesses and seeks to spur economic growth through building strong local food economies in regional foodshed areas where food is produced, transported, and consumed in West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 21, 2018, as West Virginia Local Foods Day at the Capitol; and, be it

Further Resolved, That the Senate acknowledges the progress the West Virginia Food and Farm Coalition, the West Virginia Farmers Market Association, and the West Virginia Farmers Cooperative's networks have made in building strong local food systems, a competitive local food economy, and increasing food access in West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Food and Farm Coalition and the West Virginia Farmers Market Association.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Sypolt and Boso regarding the adoption of Senate Resolution 50 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 477, Relating to five-year sunset on tax credits and incentives.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 477 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 477) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 412, Relating to authority of county litter control officers.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 474, Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 522, Relating generally to Administrative Procedures Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 523, Relating to tax treatment of pollution control facilities and wind power projects.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 543, Relating to confidentiality of medical records.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 626, Relating generally to coal mining.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 4142, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 30, Relating generally to hunting with dogs.

Senate Bill 112, Clarifying that natural resources police officers' subsistence allowance is pensionable.

Com. Sub. for Com. Sub. for Senate Bill 307, Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance.

Com. Sub. for Senate Bill 359, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates.

Com. Sub. for Senate Bill 467, Relating generally to Public Defender Services.

Com. Sub. for Senate Bill 490, Relating to Revised Uniform Athlete Agents Act of 2015.

Com. Sub. for Senate Bill 491, Establishing fee for expungement of certain criminal convictions.

Com. Sub. for Senate Bill 493, Relating to guaranty associations.

Com. Sub. for Senate Bill 501, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System.

Com. Sub. for Senate Bill 521, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer.

Com. Sub. for Senate Bill 535, Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers.

Com. Sub. for Senate Bill 549, Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or property.

Senate Bill 576, Relating to Patient Injury Compensation Fund.

Eng. Com. Sub. for House Bill 4024, Relating generally to direct cremation or direct burial expenses for indigent persons.

And,

Eng. Com. Sub. for House Bill 4169, Requiring certain establishments and facilities to post human trafficking assistance notices.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Plymale and Gaunch.

At the request of Senator Gaunch, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of the Reverend Billy Graham.

The Senate proceeded to the thirteenth order of business.

Senator Stollings called attention to today being the birthday of the Senior Senator from the Fifth and on behalf of the Senate extended felicitations and good wishes to Senator Plymale, with Senator Stollings leading the members in singing “Happy Birthday”.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:20 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:47 p.m. today and, without objection, returned to the third order of business.

Executive Communications

The Clerk then presented communications from His Excellency, the Governor, advising that on February 21, 2018, he had approved **Enr. Senate Bill 62**, **Enr. House Bill 2612**, **Enr. Committee Substitute for House Bill 4135** and **Enr. House Bill 4146**.

The Senate again proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of February, 2018, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 154), Authorizing Department of Administration to promulgate legislative rules.

(Com. Sub. for S. B. 163), Authorizing DEP promulgate legislative rules.

(Com. Sub. for S. B. 184), Authorizing DOT promulgate legislative rules.

(Com. Sub. for S. B. 267), Increasing salaries of certain state employees.

(S. B. 379), Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR.

(S. B. 382), Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund.

(S. B. 384), Decreasing and increasing appropriations from State Fund, General Revenue to DHHR.

(Com. Sub. for S. B. 386), Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission.

And,

(S. B. 388), Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 275, Relating to tax on purchases of intoxicating liquors.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 275 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §11-10-5d of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3-9d of said code; and to amend and reenact §60-3A-21 of said code, all relating to the excise tax on the sale of intoxicating liquors and wine; providing that tax collected within the corporate limits of a municipality be remitted to the municipality; providing that the tax collected outside the corporate limits of a municipality be remitted to the county in which the tax is collected; providing rule-making authority; providing sourcing rules for determining whether tax is collected within the corporate limits of a municipality; permitting counties to inspect and make copies of certain Tax Commissioner records relating to the collection of tax within the county and the municipalities in the county or the remittance of tax to such county or municipalities; and permitting municipalities to inspect and make copies of certain Tax Commissioner records relating to the collection of tax within the municipality and within the county in which the municipality is located, but outside of the corporate limits of another municipality, and the remittance of tax to such municipality and county.

And,

Senate Bill 574, Relating to crime of misrepresentation of military honors.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 574 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-59, relating to creating the offense of misrepresentation of military status or honors with the intent to obtain money, property, or anything of value; and providing criminal penalties based upon value.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 313, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 313 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to waiver of occupational licensing fees for certain individuals; requiring boards and licensing authorities to waive occupational licensing fees for low-income

individuals, military families, and young workers; defining terms; requiring individuals seeking waiver of occupational licensing fees to apply on a form provided by the board or licensing authority; and granting rule-making authority.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 316, Creating refundable personal income tax credit to encourage persons receiving public assistance to get married.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 316 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to creating a refundable personal income tax credit to encourage persons receiving public assistance to get married; reducing the so-called marriage penalty that may exist in certain public assistance programs; declaring legislative intent; defining terms; requiring certain facts be proven to obtain the credit; detailing how the credit is calculated; authorizing

procedural rules; and authorizing the sharing of confidential information between the tax commissioner and the Secretary of the Department of Health and Human Resources.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Tom Takubo,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 316) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 420, Transferring Safety and Treatment Program from DHHR to DMV.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 420 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, all relating to transferring the Safety and Treatment Program, which treats and educates people whose licenses were revoked due to concerns of alcohol and/or drug use while operating a motor vehicle, from the Department of Health and Human Resources to the Division of Motor Vehicles and amending references thereto in said code; transferring moneys from the Department of Health and

Human Resources Safety and Treatment Fund to the Division of Motor Vehicles Safety and Treatment Fund; providing that a portion of program provider fees be deposited in Division of Motor Vehicles Safety and Treatment Fund; and transferring rule-making authority.

And,

Senate Bill 562, Allowing courts discretion to impose period of supervised release of defendant.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 562 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to certain felonies for which a court may impose a period of supervised release of up to 50 years; and providing for supervised persons on release to be supervised by the probation office of the sentencing court or the circuit in which he or she resides.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 442, Establishing universal forms and deadlines when submitting prior authorization electronically.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 442 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to regulating prior authorizations; defining terms; providing for electronically transmitted prior authorization forms; establishing procedures for submission and acceptance of forms; and setting deadlines.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Tom Takubo,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 442) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 443, Terminating parental rights when certain conditions are met.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 443 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to requiring the department to file a petition to terminate

parental rights when parents have not seen child in 18 months from the removal order; and allowing tolling of 18-month period if parent incarcerated, in rehabilitation facility, or on active military duty and stationed or deployed for an extended time.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 443) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 449, Using criminal conviction records to disqualify person from license or authorization to practice occupation.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 449 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to using records of criminal conviction to disqualify a person from receiving a license for a profession or occupation; requiring boards or licensing authorities

to clearly define the criminal offenses or categories of offenses that would disqualify an applicant from receiving or renewing a license or other authorization to practice; requiring criminal offenses to be specifically and directly related to duties and responsibilities of the profession or occupation; limiting time of disqualification from criminal offense; providing exceptions; providing petition process for individual with a criminal record to obtain determination of effect of a criminal record on ability to obtain a license; and requiring boards and licensing authorities to update legislative rules.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 449) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 456, Physical Therapy Licensure Compact Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 456 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,

designated §30-41-1, §30-41-2, and §30-41-3, all relating to creating the Physical Therapy Licensure Compact Act; authorizing the Governor to execute the act with any one or more of the states of the United States; providing that the Legislature signifies in advance its approval and ratification of the compact; providing that the purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services; setting forth the substance, requirements, and privileges of the act; and establishing an effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 499, Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 499 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying requirements for a license to practice medicine, surgery, and podiatry; and rewriting and reorganizing minimum licensing requirements for a license to practice medicine, surgery, and podiatry.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Tom Takubo,
Chair.

At the request of Senator Gaunch, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Health and Human Resources.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 500, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund.

Senate Bill 566, Relating to disability pensions of municipal employees.

And,

Eng. House Bill 4385, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 514, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 514 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the compact with all jurisdictions also enacting the compact; stating purpose of Compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by Compact; setting conditions for home state's license to authorize practice in a remote state under the Compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state's laws; authorizing remote states to take action against individual's privilege to practice within that state under certain circumstances; providing effect of restrictions on license on Compact privileges; setting conditions of practicing in remote state under Compact terms; defining relationship of Compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for Compact participation if individual's license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual's privilege to practice within that state;

requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state's EMS authority to issue subpoenas; authorizing member state's EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing Commission prescribe bylaws and/or rules to govern conduct; granting certain powers to Commission; providing for financing for the Commission; making validity of annual assessment against State contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring Commission defend certain persons for actions arising out of actions occurring within the scope of duties related to Commission; requiring Commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rulemaking Commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by Commission; providing that Commission rules are not binding on State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of compact and rules promulgated pursuant to compact; providing procedures for Commission to follow if member state has defaulted; authorizing member state be terminated from Compact under certain

conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between Commission and member state; authorizing enforcement of Compact by Commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for compact; making any state joining after implementation subject to rules as they exist when Compact is adopted; authorizing member state withdraw from compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of compact; providing for liberal construction; providing for severability of compact if compact found to violate constitution of member state; directing Emergency Medical Services Advisory Council review decisions of Commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from Compact.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 514) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 528, Providing additional circuit judge for nineteenth judicial circuit.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 528 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to providing for an additional circuit court judge for the nineteenth judicial circuit.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 528) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 539, Increasing limit for settling claims against DOH.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 555, Providing director of corporation not personally liable for corporation's torts.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 555 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §55-7C-3 of the Code of West Virginia, 1931, as amended, relating to liability for qualified directors of volunteer organizations and entities; and providing that a qualified director is not personally liable for the torts of a volunteer organization or entity, or the torts of the agents or employees of a volunteer organization or entity, unless he or she directed, sanctioned, or participated in the wrongful acts.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 545, Relating to driving privileges and requirements for persons under 18.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 557, Relating to Senior Farmers' Market Nutrition Program.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Dave Sypolt,
Chair.

At the request of Senator Sypolt, unanimous consent being granted, the bill (S. B. 557) contained in the preceding report from the Committee on Agriculture and Rural Development was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Sypolt, the bill was referred to the Committee on Finance.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 572, Creating Farm-to-School Grant Program.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 572 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, §19-

36-5, and §19-36-6, all relating to creating the West Virginia Farm-to-School Grant Program; defining terms; providing method for allocating grants; limiting grants; authorizing rulemaking; and requiring program review and reports.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Education.

Respectfully submitted,

Dave Sypolt,
Chair.

At the request of Senator Mann, as chair of the Committee on Education, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Agriculture and Rural Development.

At the request of Senator Sypolt, and by unanimous consent, the bill (Com. Sub. for S. B. 572) was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Sypolt, the bill was then referred to the Committee on Finance.

Senator Karnes, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 573, Relating generally to school calendars.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 573 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating generally to allowing, after the primary statewide assessment program is administered, county superintendents of schools to reduce the instructional term for students by up to five days.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert Karnes,
Vice Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 627 (originating in the Committee on the Judiciary)—
A Bill to amend and reenact §7-22-7a of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-38-12 of said code, all relating to permitting local governments to access certain tax records related to local economic opportunity development projects; requiring a bond trustee to share certain tax information related to an economic opportunity development district with the county or municipality that established the district; requiring the Tax Commissioner to share certain tax information related to an economic opportunity development district with the county or municipality that established the district; and requiring the Tax Commissioner to share certain tax information related to a potential economic opportunity district within the county or municipality that submitted an application for the creation of the district.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Eng. Com. Sub. for House Bill 4268, Co-tenancy Modernization and Majority Protection Act.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 6:03 p.m., the Senate adjourned until tomorrow, Thursday, February 22, 2018, at 11 a.m.

THURSDAY, FEBRUARY 22, 2018

The Senate met at 11:05 a.m.

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

Prayer was offered by the Reverend Kevan Bartlett, Maranatha Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Gregory L. Boso, a senator from the eleventh district.

Pending the reading of the Journal of Wednesday, February 21, 2018,

At the request of Senator Gaunch, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 4011—A Bill to amend and reenact §29A-3-11 of the Code of West Virginia, 1931, relating to requiring agencies, when submitting a new rule or changes to an existing rule, to also identify two existing rules that could be repealed.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4022—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 consumer sales and service 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; specifying a method for claiming exemption; authorizing emergency rules and promulgation of legislative rules; and establishing the effective date of the section.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4079—A Bill to amend and reenact §64-9-1, §64-9-2, §64-9-3, §64-9-4, §64-9-5, §64-9-6, §64-9-7, §64-9-8, §64-9-9, §64-9-10, §64-9-11, §64-9-12, §64-9-13 and §64-9-14 of the Code of West Virginia, 1931, as amended, all relating generally to the promulgation of administrative rules by various executive or administrative agencies of the state; authorizing certain agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with amendments recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with amendments recommended by the Legislature; directing various agencies to amend and promulgate certain legislative rules; authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to noxious weeds; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia apiary law; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services; fruit; authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission; authorizing the Athletic Commission to promulgate

a legislative rule relating to regulation of mixed martial arts; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to licensure and renewal requirements; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to rules governing the West Virginia Board of Hearing Aid Dealers; authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education and physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians; authorizing the Board of Optometry to promulgate a legislative rule relating to rules of the West Virginia Board of Optometry; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to pharmacist recovery networks; authorizing the Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists and pharmacy interns; authorizing the Board of Pharmacy to promulgate a legislative rule relating to centralized prescription processing; authorizing the Board of Pharmacy to promulgate a legislative rule relating to uniform controlled substances act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to registration of pharmacy technicians; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the controlled substances monitoring program; authorizing the Board of Psychologists to promulgate a legislative rule relating to fees; authorizing the Board of Psychologists to promulgate a legislative rule relating to requirements for real licensure as a psychologist and/or a school psychologist; authorizing the Board of Psychologists to promulgate a legislative rule relating to code of conduct; authorizing the Board of Real Estate Appraiser Licensing and Certification to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business; authorizing the Real Estate

Commission to promulgate a legislative rule relating to schedule of fees; authorizing the Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers and instructors; authorizing the Secretary of State to promulgate a legislative rule relating to procedures for canvassing elections; authorizing the Board of Psychologists to promulgate a legislative rule relating to procedures for handling ballots and counting write-in votes in counties using optical scan ballots; authorizing the Secretary of State to promulgate a legislative rule relating to vote by mail pilot project phase 2: Voting by Mail; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation and licensing of veterinarians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to certified animal euthanasia technicians; and authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to schedule of fees.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4478—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-5, relating to authorizing public schools to distribute excess food to students and others who suffer from food insecurity; making findings and determination; establishing “The Shared Table” initiative; providing for State Board rule; minimum contents of rule; consistency with health department and Food and Drug Administration requirements and guidelines; compliance and coverage under Good Samaritan Food Donation Act; and requiring county board establishment of program to assist and encourage school participation.

Referred to the Committee on Education.

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

Eng. House Bill 4621—A Bill to amend and reenact §17-15-4 of the Code of West Virginia, 1931, as amended, relating to removing reference to certain entities with respect to work performed by prisoners; and relating to incarceration sentence reduction for the performance of certain approved work.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 331 (originating in the Committee on Pensions), Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 331 (originating in the Committee on Finance)—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-56; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to retirement and pension benefits of certain members of the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System who serve in the Legislature; and providing that persons who first become members of the retirement system after June 30, 2018, shall have their final average salary calculated based on total years of service; and providing that members of the Legislature shall receive one day of credited service for each day paid.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 434, Specifying documents not subject to discovery in certain proceedings.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 434 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-3C-1 and §30-3C-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3C-5, all relating to discovery in certain proceedings; defining terms; specifying certain documents that are confidential and not subject to discovery; providing that a person who testifies before a review organization or is a member of a review organization shall not be required to testify or asked about his or her testimony; providing that peer review proceedings, communications, and documents of a review organization are confidential and privileged and shall not be subject to discovery; providing that an individual may be given access to documents used as basis for an adverse professional review action, subject to a protective order as may be appropriate; providing that privilege is not deemed to be waived unless the review organization executes a written waiver; and addressing original source materials.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 507, Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 507 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, and §18C-9-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at colleges and universities in West Virginia; defining terms; creating a board of trustees to govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements for the establishment of magnet school programs; providing for restrictions on the amount that may be charged for tuition, fees, room, board, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum

eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and county support for the Katherine Johnson Scholarship Fund based upon per pupil allocations; defining terms; and providing for rulemaking.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Kenny Mann,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 507) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 542, Creating four-year middle high school pilot program as part of Upper Kanawha Valley Resiliency and Revitalization Program.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Kenny Mann,
Chair.

Senator Ferns requested unanimous consent that the bill (S. B. 542) contained in the preceding report from the Committee on Education be taken up for immediate consideration.

Which consent was not granted, Senator Baldwin objecting.

Thereafter, on motion of Senator Ferns, the bill (S. B. 542) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Karnes, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 551, Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert Karnes,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 551) contained in the preceding report from the Committee on Pensions was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Pensions pending.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 561, Increasing minimum contract price requiring execution of bond with respect to building or repairing school property.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 561 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-12 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum contract price that requires the execution of a bond with respect to the building or repairing of school property.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Kenny Mann,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 561) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Government Organization.

The Senate proceeded to the sixth order of business.

Senators Smith, Sypolt, Plymale, and Stollings offered the following resolution:

Senate Concurrent Resolution 34—Requesting the Division of Natural Resources to study deer hunting in the state and recommend changes in order to implement a more effective plan of deer hunting management.

Whereas, Since 1999, hunting license sales are down 59 percent for residents and 38 percent for nonresidents. Buck tag sales are also down 65 percent for residents and 62 percent for nonresidents; and

Whereas, Total hunting license sales are down by \$545,612; and

Whereas, The Division of Natural Resources should consider lowering the buck limit to two, encourage doe harvest by changing the license structure, create an additional buck tag, create a universal Class N doe tag that can be used in any season, and create educational opportunities for hunters to be involved in deer management; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Natural Resources to study deer hunting in the state and recommend changes in order to implement a more effective plan of deer hunting management; and, be it

Further Resolved, That the Legislature requests the Division of Natural Resources to seek input from hunting groups on how to achieve these goals; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Director of the Division of Natural Resources.

Which, under the rules, lies over one day.

Senators Swope, Beach, Plymale, and Stollings offered the following resolution:

Senate Concurrent Resolution 35—Requesting the Division of Highways name bridge number 28-77-13.73 NB-SB (28A203, 28A204), locally known as I-77 Over Mercer 7 Bridge, carrying I-77 NB-SB over Route 7 in Mercer County, West Virginia, the “Constable Joseph H. Davidson Memorial Bridge”.

Whereas, After serving several years as a peace officer in Mercer County, both as a deputy sheriff and as a private security officer for Mercer County coal mines, Constable Joseph H. Davidson was duly elected to serve as constable of the east river district in 1932; and

Whereas, On October 9, 1934, Constable Joseph H. Davidson was shot and killed in the line of duty while guarding two individuals who had been arrested on charges related to a southern West Virginia crime spree; and

Whereas, Less than 24 hours after Constable Joseph H. Davidson was murdered, on October 10, 1934, the Mercer County Commission worked with Mercer County Prosecuting Attorney, Roscoe H. Pendleton, to offer a \$500 reward for the capture and conviction of the two fugitives suspected of killing the “very capable” and “well known” peace officer; and

Whereas, The funeral for Constable Joseph H. Davidson was conducted at his home on the corner of Bluefield Avenue and Bee Street in Princeton. A large outpouring of family members, law-enforcement officers, and local citizens attended the funeral service and participated in the funeral procession that stretched out for a mile on the way to the Davidson family cemetery on New Hope-Sand Lick Road in Mercer County. The number of mourners at the service attested to the level of respect and appreciation Constable Joseph H. Davidson had in the county he served; and

Whereas, Law-enforcement officers in Virginia captured one suspect who was convicted in January 1935 and sentenced to life in prison. The second suspect was captured in Oklahoma in April

1935. The second suspect's capture was aided by fingerprint identification through the help of the U. S. Department of Justice; and

Whereas, The discussion surrounding the recognition of Constable Joseph H. Davidson, the only Mercer County constable who was killed in the line of duty through the county's 180-year history, has led to additional discussions into the concept of creating a Wall of Honor to memorialize all of Mercer County's law-enforcement officers who have fallen in the line of duty; and

Whereas, It is fitting that an enduring memorial be established to commemorate Constable Joseph H. Davidson and his contributions to our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 28-77-13.73 NB-SB (28A203, 28A204), locally known as I-77 Over Mercer 7 Bridge, carrying I-77 NB - SB over Route 7 in Mercer County, West Virginia, the "Constable Joseph H. Davidson Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Constable Joseph H. Davidson Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

Senators Takubo, Maroney, Azinger, Boley, Boso, Clements, Cline, Drennan, Mann, Rucker, Swope, Sypolt, Weld, Plymale, Unger, Baldwin, and Stollings offered the following resolution:

Senate Concurrent Resolution 36—Requesting the Joint Committee on Government and Finance study the readiness and

capabilities of public schools for preventing and responding to acts of violence against students and school personnel at school.

Whereas, The safety of West Virginia's students and teachers is of the utmost importance; and

Whereas, Schools should be places of safety and security for children of all ages; and

Whereas, The threat of a violent act happening in our public schools is ever increasing; and

Whereas, In the wake of numerous school tragedies, the State of West Virginia should examine ways to increase school security; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the readiness and capabilities of public schools for preventing and responding to acts of violence against students and school personnel at school; and, be it

Further Resolved, That the study shall include: effectiveness of current school safety measures such as lockdowns and emergency drills; verification on whether school safety measures are continuing to improve; the need for the appropriation of funds toward promoting school safety, with a focus on the funding of the professional development of law-enforcement officers for the purpose of instructing them on crime prevention within schools; whether laws should be amended in other ways to ensure that preparations of schools within this state are adequate in reducing student vulnerability to violent crimes; and, any other issues relevant to school safety in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance enlist the assistance of the West Virginia Department of Education, local law enforcement personnel, and first responders in conducting this study; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senators Stollings, Plymale, and Beach offered the following resolution:

Senate Concurrent Resolution 37—Requesting the Division of Highways to name a portion of West Virginia Route 3, beginning at the intersection of Routes 3 and 34, east of Hamlin, and ending at the eastern border of the town of Hamlin, the “Sheriff John E. White Memorial Road”.

Whereas, John Elbert White was born August 8, 1943, in Charleston, West Virginia. He was the son of Harold and Odessa White of Sweetland, West Virginia, and was raised in Sweetland, in Lincoln County; and

Whereas, John Elbert White continued to live in Lincoln County, West Virginia, moving to Hamlin for 31 years. John then moved back to Sweetland and lived there until he passed away on May 9, 2017; and

Whereas, John Elbert White attended Hamlin Elementary School and then Hamlin High School in Hamlin, West Virginia. He played basketball, ran track, and played trumpet in the band. While growing up, he helped run his parent’s store in Sweetland. After graduating from high school, he started a grocery store, White’s Supermarket/Grocery, with his parents in 1962. This was the start of White’s Plaza in Hamlin, West Virginia; and

Whereas, In 1967, John Elbert White married Ida Sharon Porter. John and Sharon had a son, John A. White, in 1969, and a daughter, Beth Ann White, in 1974. John Elbert White, along with his wife and family, ran many businesses over the years in Hamlin, including Hamlin Floral, White's NAPA, B&J Gift Shop, Sharon's Salon, Burger King, and Pizza INN. He always wanted to see Hamlin and Lincoln County grow and to see young business owners succeed. He would offer advice or assistance in any way he could to individuals wanting to get started in business or wanting to serve the community, even as elected officials; and

Whereas, In 1973, John Elbert White was approached by community members to serve a vacant term for sheriff of Lincoln County. While a sheriff for Lincoln County, he attended law-enforcement training at UCLA in California. He went on to run for sheriff the next term (1976) and served another 4 years as Sheriff. Serving his community was his passion. He loved Hamlin and Lincoln County, not to mention the great State of West Virginia; and

Whereas, On February 8, 1990, John Elbert White filled a vacant seat for Lincoln County Clerk and served until November 15, 1990. Throughout his life he continued to be active in the political setting. He organized trips to the State Capitol for grade school and junior high students. He helped children to serve as pages in the House of Delegates and Senate during sessions of the State Legislature. John hoped to positively influence young people to get involved in their communities and state; and

Whereas, John served on the Southwestern Community Action Council board and was chairman of Lincoln County Opportunity Company. During his volunteer time with Southwestern Community Action Council he was a part of many achievements in the county such as the first headstart program and better senior centers and services in Lincoln County. They started with one headstart in Yawkey, West Virginia, growing to eight headstart programs throughout the county. While working with these organizations, the senior center in Hamlin was serving meals and services out of a small, older home. With the help of John and others, in 1995, the senior center grew to a new building of 21,576

square feet and now includes services in Wayne County, West Virginia. It is considered one of the best agencies in the state. John received many awards and other recognitions during his life with one being a Distinguished Mountaineer award from Governor Joe Manchin and another being named Home Town Hero from WSAZ; and

Whereas, John Elbert White attended Hamlin Baptist Church and was an active member throughout his life. He served as a junior deacon of the church and later as a deacon. He always wanted to see people come together in fellowship and have a good meal. While serving at the church, he wanted to see it grow in membership and land/infrastructure. The old high school band room was purchased by the church and turned into a fellowship hall. John liked to make sure there were meals for the church members for Valentine's Day, Easter, Mother's Day, Thanksgiving, Christmas, pastor appreciation, and any other occasion to fellowship. He even opened the fellowship hall one Saturday a month to provide free breakfast out of his own pocket for any male who wanted to attend, with no obligation. Along with other church members, he helped provide meals to the sports teams at Hamlin Middle School. John and his wife participated in the Good News Club, helping Hamlin schools and the community. Monetary reimbursement was not the source behind John Elbert White's doing so much for Hamlin, Lincoln County, and West Virginian. The reimbursement was the pure enjoyment of seeing the area's people succeed. Putting his community and others first was his priority. John Elbert White continued to plan activities for the church and community until his death; and

Whereas, It is fitting that an enduring memorial be established to commemorate Sheriff John E. White and his contributions to our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of West Virginia Route 3, beginning at the intersection of Routes 3 and 34, east of Hamlin, and ending at the eastern border

of the town of Hamlin, the “Sheriff John E. White Memorial Road”; and be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the “Sheriff John E. White 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 Highways.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 33, William “Bill” Thurman King Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 412, Relating to authority of county litter control officers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 412) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 474, Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 474 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Trump, Weld, and Carmichael (Mr. President)—21.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 474) passed with its title.

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

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senators Woelfel, Jeffries, Prezioso, and Romano regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill 474 were ordered printed in the Appendix to the Journal.

At the request of Senator Prezioso, unanimous consent being granted, the remarks by Senators Unger and Karnes regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill 474 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill 522, Relating generally to Administrative Procedures Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 522 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 522) passed with its title.

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

At the request of Senator Maynard, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Senate Bill 523, Relating to tax treatment of pollution control facilities and wind power projects.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 523 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Beach, Karnes, Ojeda, Palumbo, Romano, and Woelfel—7.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 523) passed with its title.

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

Eng. Com. Sub. for Senate Bill 543, Relating to confidentiality of medical records.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 543) passed with its title.

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

Eng. Senate Bill 626, Relating generally to coal mining.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 626 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 626) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 30, Relating generally to hunting with dogs.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 112, Clarifying that natural resources police officers' subsistence allowance is pensionable.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 307, Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 359, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 467, Relating generally to Public Defender Services.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 490, Relating to Revised Uniform Athlete Agents Act of 2015.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 491, Establishing fee for expungement of certain criminal convictions.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 493, Relating to guaranty associations.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 501, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 521, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 535, Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 549, Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or property.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 576, Relating to Patient Injury Compensation Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 4024, Relating generally to direct cremation or direct burial expenses for indigent persons.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4142, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4169, Requiring certain establishments and facilities to post human trafficking assistance notices.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 275, Relating to tax on purchases of intoxicating liquors.

Com. Sub. for Senate Bill 313, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers.

Com. Sub. for Senate Bill 420, Transferring Safety and Treatment Program from DHHR to DMV.

Com. Sub. for Senate Bill 456, Physical Therapy Licensure Compact Act.

Com. Sub. for Senate Bill 499, Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees.

Com. Sub. for Senate Bill 500, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund.

Senate Bill 539, Increasing limit for settling claims against DOH.

Senate Bill 545, Relating to driving privileges and requirements for persons under 18.

Com. Sub. for Senate Bill 555, Providing director of corporation not personally liable for corporation's torts.

Com. Sub. for Senate Bill 562, Allowing courts discretion to impose period of supervised release of defendant.

Senate Bill 566, Relating to disability pensions of municipal employees.

Com. Sub. for Senate Bill 573, Relating generally to school calendars.

Com. Sub. for Senate Bill 574, Relating to crime of misrepresentation of military honors.

Senate Bill 627, Permitting local governments to access certain economic development project-related tax records.

And,

Eng. House Bill 4385, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

At the request of Senator Gaunch, and by unanimous consent, the Senate returned to the consideration of

Com. Sub. for Senate Bill 561, Increasing minimum contract price requiring execution of bond with respect to building or repairing school property.

Having been received as a report from the Committee on Education, taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, referred to the Committee on Government Organization in earlier proceedings today.

At the request of Senator Gaunch, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of Committee Substitute for Senate Bill 561.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Drennan, Ojeda, Weld, and Unger.

Thereafter, at the request of Senator Trump, and by unanimous consent, the remarks by Senators Drennan and Ojeda were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 1:15 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:13 p.m. today and, without objection, returned to the third order of business.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 21, 2018, he had approved **Enr. Committee Substitute for Senate Bill 267**.

The Senate again proceeded to the fourth order of business.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 82, Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 82 (originating in the Committee on Government Organization)—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 professional firefighters; setting eligibility criteria for rebuttable presumptions; setting expiration of rebuttable presumption regarding leukemia, lymphoma, or multiple myeloma arising out of and in the course of employment as a firefighter on July 1, 2023, absent legislative action to the contrary; allowing coverage to employees for occupational pneumoconiosis or other occupational disease for work performed out of state under certain conditions; and eliminating outdated and obsolete language.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 426, Modernizing certain alcohol laws.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 426 (originating in the Committee on the Judiciary)—A Bill to repeal §7-1-3ss of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-3, §11-16-5, §11-16-6a, §11-16-6b, §11-16-9, and §11-16-18 of said code; to amend said code by adding thereto a new section, designated §11-16-11b; to amend and reenact §60-1-5a of said code; to amend said code by adding thereto a new section, designated §60-2-17a; to amend and reenact §60-3-12 of said code; to amend and reenact §60-3A-18 and §60-3A-25 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-6-7, §60-6-8, and §60-6-9 of said code; to amend and reenact §60-7-2, §60-7-3, §60-7-4, §60-7-5, §60-7-6, §60-7-12, and §60-7-13 of said code; to amend said code by adding thereto a new section, designated §60-7-8a; to amend and reenact §60-8-3, §60-8-20, and §60-8-34 of said code; and to amend and reenact §61-8-27 of said code, all relating generally to modernizing certain nonintoxicating beer, nonintoxicating craft beer, beer, wine, and liquor laws by permitting certain hours of operation; defining terms; repealing section of the code authorizing county option elections on Sunday sales; defining terms; removing the two growler limit per patron per day for licensees who sell growlers for off-premises

consumption; increasing allowable growler size to 128 ounces; creating a sampling license for retailers authorized to sell growlers and setting a fee for the license; placing limitations on complimentary samples; requiring complimentary food be available; setting forth age restrictions; placing restrictions on licensed representatives of a brewer, resident brewer, or distributor who attend sampling events; creating a temporary license for nonintoxicating beer floorplan extensions of existing licensee floorplans; implementing a fee for the new license; implementing a reactivation fee for licensees that fail to timely file their renewal applications and pay their license fees; creating a one-day special license for certain nonprofit and tax exempt entities hosting artistic, athletic, charitable, educational, or religious events to purchase and sell nonintoxicating beer and nonintoxicating craft beer; providing limitations on special licenses; setting forth requirements for special licenses; setting forth the commissioner's authority; reducing the membership requirement for a private golf club; creating alternating wine proprietorships for wineries and farm wineries; setting forth requirements for the parties to the alternating wine proprietorship agreements; setting forth production standards, including amount of raw West Virginia products which are required to be used; licensure requirements; clarifying that the Alcohol Beverage Control Administration may request the assistance of law enforcement; clarifying days and hours for liquor sales; permitting a distillery or mini-distillery to apply, pay the fee, and qualify for a Class A private club license; clarifying types of sales permitted by a distillery or mini-distillery; providing a 5 percent markup rate for mini-distilleries for sampling; 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; clarifying sampling procedures and requirements for wineries and farm wineries; prohibiting the adulteration of any alcoholic liquor by adding liquid designed to increase alcohol content or potency; permitting certain charitable events to auction wine bottles for off-premises consumption; penalties; clarifying that certain West Virginia licensees can only sell liquor by the drink; clarifying certain requirements for licensure; clarifying prohibition on liquor bottle sales in Class A licenses; providing guidance on certain lawful

conduct such as wine bottle sales and frozen drink machines, and prohibiting the sale of premixed alcoholic liquors, with certain exceptions; creating a private club and carryout license with attendant requirements therefor; permitting the sale of wine in Division II and III college stadiums; creating a private fair and festival license; setting forth qualifications for applicants; placing limitations on complimentary samples; reducing membership requirement for a private golf club; requiring complimentary food be available; setting forth age restrictions; placing restrictions on licensed representatives of a brewer, resident brewer, or distributor who attends or operates sampling events; clarifying that private resort hotel licensees may operate a resident brewer and brew pub; authorizing issuance of private club and carryout licenses and establishing criteria and setting a fee therefor; authorizing issuance of private hotel licenses and establishing criteria and fees therefor; setting forth qualifications for applicants; setting a license fee; permitting minors to attend private fairs or festivals under certain conditions; 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; authorizing sanctions against licensees failing to notify such personnel as required; requiring a licensee to notify the Alcohol Beverage Control Administration within 48 hours of the occurrence of a life-threatening emergency; clarifying prohibition against bring your own bottle; directing the commissioner to propose rules for allowing Class A licenses to allow patrons to bring alcohol into such facilities with corkage fee; stating that any such rule shall not take effect until approved by the Legislature; permitting the commissioner to sanction a licensee for failing to comply with the 48-hour notification requirement; providing examples of life-threatening medical emergencies; authorizing the promulgation of emergency rules; and requiring promulgation of proposed legislative rules.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,

Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 465 (originating in the Committee on Education), Relating to mandated reporting of child abuse and neglect.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 465 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §49-2-803 of the Code of West Virginia, 1931, as amended, relating generally to mandated reporting of child abuse and neglect; clarifying that sexual abuse and sexual assault constitute abuse of a child for reporting purposes; reducing the time period in which a mandated reporter is required to report suspected abuse or neglect; requiring mandated reporters to directly report known or suspected abuse or neglect; eliminating certain broad reporting requirements applicable to any person over the age of 18; clarifying that minors are not mandated reporters; eliminating certain exceptions to the reporting time limit; eliminating particularized reporting requirements for education employees; and eliminating provisions pertaining to conduct involving students or students and school personnel.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 507, Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities.

Now on second reading, having been read a first time and referred to the Committee on Finance in earlier proceedings today;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 515, Clarifying PSC jurisdiction over water and sewer utilities.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 515 (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-19-2 and §8-19-4 of said code; to amend said code by adding thereto two new sections, designated §8-19-2a and §8-19-2b; to amend and reenact §8-20-10 of said code; to amend and reenact §16-13-16 of said code; to amend and reenact §16-13A-9 of said code; to amend and reenact §24-1-1 of said code; and to amend and reenact §24-2-1, §24-2-2, §24-2-3, §24-2-4a, §24-2-4b, and §24-2-11 of said code, all relating to the Public Service Commission's jurisdiction over the rates, fees, and charges of municipal utilities; establishing uniformity in the class of

publications required by municipalities and public service districts for the revision in rates; updating internal code references; excluding the setting and adjustment of rates, fees, and charges of municipal power systems from the jurisdiction of the Public Service Commission; providing for a right of appeal by customers; providing a time period for the filing of and resolution of complaints filed at the Public Service Commission regarding actions of municipalities; clarifying language regarding rate changes and notice requirements for municipal utilities; 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, stormwater services by a public service district, political subdivisions providing separate or combined water and/or sewer services, and certain telephone company transactions; and establishing the time period pertaining to the filing of appeals and the resolution of appeals of rate and construction projects decided by county commissions.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 528, Providing additional circuit judge for nineteenth judicial circuit.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 21, 2018;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 558, Relating to certification requirements for crane operators.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 558 (originating in the Committee on the Workforce)—A Bill to amend and reenact §21-3D-3 and §21-3D-4 of the Code of West Virginia, 1931, as amended, all relating generally to certification requirements of crane operators; providing that crane operators may be certified by additional nationally recognized accredited agencies; and changing the written exam requirements for Class A and Class B certifications.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Chandler Swope,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 558) contained in the

preceding report from the Committee on the Workforce was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 575, Approving additional beds for intermediate care facilities.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 575 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-2D-8 and §16-2D-9 of the Code of West Virginia, 1931, as amended, all relating to the approval of additional beds for intermediate care facilities; providing that persons in more restrictive setting will be given an option to move; excluding persons currently on the intellectual and developmental disabilities waiver; placing these persons on an enrollment list; developing a monitoring committee; setting out membership of the committee; providing purpose of the monitoring committee; requiring reinvestment of savings; providing that all other relevant regulatory laws apply; and providing that additional beds may be developed.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Tom Takubo,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 597, Prohibiting individuals convicted of domestic violence misdemeanor from conducting private investigation business.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 597 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-18-2, §30-18-3, §30-18-5, §30-18-6, and §30-18-10 of the Code of West Virginia, 1931, as amended, all relating to eligibility and application requirements for licenses to conduct private investigation or security guard businesses; prohibiting individuals who have been convicted in this state of a misdemeanor offense of domestic violence, assault against family or household member, or battery against family or household member or who have been convicted in another jurisdiction of a misdemeanor with similar essential elements from being eligible to obtain a license to conduct a private investigation or security guard business; setting forth who is to be included as a family or household member; prohibiting individuals from conducting fire or arson investigations who do not satisfy specific criteria; adding three criteria for individuals who wish to conduct fire or arson investigations; clarifying that bonds required for private investigation and security guard businesses do not require raised seal certifications; and modifying the Secretary of State's rule-making authority and duties to promulgate rules related to private investigation or security guard businesses.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 597) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 598, Relating to civil actions against county commissions and municipalities for injuries.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 598 (originating in the Committee on Government Organization)—A Bill to amend and reenact §17-10-17 of the Code of West Virginia, 1931, as amended, relating to civil actions for damages brought against county commissions and municipalities by persons injured by reason of a slip, trip, fall, or similar injury resulting from defect in, disrepair or maintenance of, or failure to maintain or repair, or injury resulting from the proximate cause of an on-site employee with exceptions, on any road, bridge, street, sidewalk, alleyway, or public walkway.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 598) contained in the preceding report from the Committee on Government Organization

was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 603, Relating to proceedings for involuntary custody for examination.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 603 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-5-2 and §27-5-3 of the Code of West Virginia, 1931, as amended, all relating to proceedings for involuntary custody for examination; and adding licensed professional counselors to the list of professionals that may examine an individual by order of a circuit court, mental hygiene commissioner, or magistrate.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 625, Creating WV Volunteer Fire and Rescue Act of 2018.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 625 (originating in the Committee on Finance)—A Bill to amend and reenact §5A-3-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-3-8a; to amend and reenact §5H-1-2 of said code; to amend and reenact §7-1-3d of said code; to amend said code by adding thereto a new section, designated §11-21-25; to amend and reenact §16-4C-6 and §16-4C-8 of said code; to amend said code by adding thereto two new sections, designated §16-4C-8a and §16-4C-24; to amend said code by adding thereto a new section, designated §17-2A-8d; to amend said code by adding thereto three new sections, designated §29-3-5e, §29-3-5f, and §29-3-8; to amend and reenact §29-3-12 of said code; to amend and reenact §33-3-33 of said code; and to amend said code by adding thereto a new section, designated §33-3-33b, all relating to creating the West Virginia Volunteer Fire and Rescue Act of 2018; requiring Director of Purchasing Division make facilities and services of the division available to fire departments and companies and certain emergency medical services agencies; authorizing director to provide for implementation by legislative rules or other agreement; authorizing payment of death benefits to survivors of firefighter, emergency medical services, or law-enforcement provider who dies in the performance of, or as a result of the performance of, his or her duties; increasing death benefits to be paid; providing for written designation of beneficiary to be made with State Fire Marshal or Commissioner of the Bureau for Public Health; requiring any county fire prevention units to be formed and recognized under the regulations of the State Fire Commission for local fire departments; increasing authorized reimbursement rate amount; providing exception for incidents or accidents involving hazardous materials; requiring payment of amounts owed as reimbursement within 30 days; authorizing written agreements between fire department or company and responsible party; permitting fire company or department to proceed to recover costs if payment or agreement not reached within 90 days; defining terms; creating volunteer first responder tax credit against an individual's personal property taxes based on number of activities an individual engages in with his or her first responder organization; requiring notarized certification by the chief officer of the first responder organization; making tax credit

nonrefundable; requiring Tax Commissioner to develop forms for certification; authorizing Commissioner of the Bureau for Public Health to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies; requiring statewide contracts be made available to certain emergency medical services agencies; authorizing development of uniform standards for equipment and supplies used by emergency medical services agencies; giving legislative rule-making authority to Commissioner of the Bureau for Public Health to implement provisions; requiring Commissioner of the Bureau for Public Health to recognize and give full credit for all continuing education credits approved or recognized by state or nationally recognized accrediting body; establishing courtesy certification program for certified emergency medical service personnel in states bordering West Virginia; relieving courtesy certification applicants from requirement to comply with state certification standards; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Emergency Medical Services Equipment and Training Fund; authorizing use of fund for grants to equip emergency medical service providers and train emergency medical services personnel; requiring Commissioner of the Bureau for Public Health establish grant program for equipment and training of emergency medical services providers and personnel; setting eligibility and certain priorities for grant program; granting rule-making authority to implement grant program; authorizing Commissioner of Division of Highways enter into reimbursement agreements with certain fire departments for services provided relating to tree or debris removal from state highways and rights-of-way; setting conditions for and defining scope of reimbursement; retaining authority of commissioner to properly remove and dispose of cleared trees, debris, or other obstacles; granting legislative rule-making authority to implement reimbursement program; setting minimum provisions for legislative rule; authorizing State Fire Marshal establish one or more statewide contracts for equipment and supplies utilized by fire companies and departments; requiring statewide contracts be made available to certain fire companies and departments as well

as any other agency or subdivision with a need for those equipment or supplies; authorizing development of uniform standards for equipment and supplies used by fire companies and departments; giving legislative rule-making authority to State Fire Commission to implement provisions; establishing courtesy certification program for certified firefighters in states bordering West Virginia as volunteer firefighters; relieving courtesy certification applicants from requirement to comply with state certification standards for volunteer firefighters; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Fire Service Equipment and Training Fund; authorizing use of fund for grants to equip volunteer and part-volunteer fire companies and departments and their members, and train volunteer and part-volunteer firefighters; requiring State Fire Marshal establish grant program for equipment and training of volunteer and part-volunteer fire companies and departments and volunteer firefighters; setting eligibility and certain factors for State Fire Marshal to consider in making grants; granting rule-making authority to implement grant program; requiring State Fire Marshal prepare certain reports and make certain recommendations; increasing surcharge on fire and casualty insurance policies; exempting certain casualty insurance policies from surcharge; prohibiting premium taxes, agent commissions, and other assessments from being charged against surcharge; designating where funds collected from surcharge are to be deposited; requiring study and report from Insurance Commissioner regarding issues related to workers' compensation for volunteer and part-volunteer fire departments; eliminating obsolete language; and making technical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Maroney, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 628 (originating in the Committee on Economic Development)—A Bill to amend and reenact §12-7-6 of the Code of West Virginia, 1931, as amended, relating generally to the West Virginia Jobs Investment Trust Board; expanding the corporate powers of the board to allow it to enter into partnerships and create subsidiaries of different forms of either a nonprofit or for-profit form; and authorizing the board to take any lawful actions necessary to be certified without limitation as a qualified community development entity or a qualified community development financial institution under applicable federal law.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Weld, at 5:29 p.m., the Senate adjourned until tomorrow, Friday, February 23, 2018, at 11 a.m.

FRIDAY, FEBRUARY 23, 2018

The Senate met at 11:03 a.m.

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

Prayer was offered by Chuck Kinder, Lay Pastor, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Thursday, February 22, 2018,

At the request of Senator Drennan, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 71, Defining “veteran” as it pertains to veteran-owned business.

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

Eng. Com. Sub. for House Bill 3061—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5E-8, relating to encouraging mastery-based education through the Innovation In Schools program; making findings and stating purpose; providing definitions; specifying duties of Department of Education with respect to program; requiring participation in incubator process; incorporating statutory provisions related to Innovation In Education schools; prohibiting penalties for student who transfers from mastery-based to nonmastery-based schools; and requiring institutions of higher education to recognize and accept high school diplomas on equal footing.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill 4207—A Bill to amend and reenact §39-4-20 of the Code of West Virginia, 1931, as amended, relating to receiving a commission to act as a notary public; authorizing an online electronic application process to apply to receive a commission to act as a notary public; removing the oath of office and requiring an applicant to swear or affirm under penalty of perjury that answers to questions in the application are true and if appointed, the applicant will perform faithfully all notarial acts in accordance with the law; and eliminating the \$1000 bond requirement.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4368—A Bill to amend and reenact §21-5-3 of the Code of West Virginia, 1931, as amended, relating to voluntary assignments of wages by state employees who have been overpaid; clarifying exemption from wages; and requiring written acknowledgement and waiver as part of a voluntary authorization or order.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4422—A Bill to amend and reenact §35-5-4 of the Code of West Virginia, 1931, relating to permitting permanent endowment funds of cemeteries to invest their principal in government bonds, and corporate bonds that have been rated A or above.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4424—A Bill to amend and reenact §6B-1-3 of the Code of West Virginia, 1931, as amended, all relating to providing that the Ethics Act applies to certain persons providing services without pay to elected officials.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4451—A Bill to amend and reenact §15-9-4 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4 and §15-9C-5, all relating to creating the West Virginia Sentencing Commission; establishing the commission as a standing subcommittee of the Governor's committee on crime, delinquency and correction; authorizing the commission to seek and utilize funding and grants; setting forth legislative findings; setting forth the purpose of the commission; establishing composition and membership of commission; setting forth the powers and duties of the commission; setting forth objectives for the commission; directing commission provide annual assessment and recommendations to the Legislature; and authorizing the commission to make additional recommendations to the Legislature.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4511—A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to the authorization to release a defendant or a person arrested upon his or her own recognizance; requires a court

or magistrate to release a person charged with certain misdemeanor offenses on his or her own recognizance except for good cause shown.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4617—A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, clarifying that driving under the influence of alcohol, controlled substances, or drugs must be for circumstances where the operator is upon a public highway, or is on a private road either before or after entering or exiting a public highway.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4618—A Bill to amend and reenact §61-6-1, §61-6-1a, §61-6-3, §61-6-4, and §61-6-5 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Protective Services to compel dispersal of a riot or unlawful assemblage; to the authority of the Division of Protective Services to control riots and unlawful assemblages; to include officers of the Division of Protective Services among those officers on whom the penalty for failure to exercise power at riots and unlawful assemblages may be imposed; allowing Division of Protective Services officers to summon persons to suppress unlawful assemblages; to hold harmless Division of Protective Services officers from liability for the death of persons in riots and unlawful assemblages; and to make technical corrections.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4625—A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund; providing limit on balance of fund that suspends allocation; modifying portion allocated to revenue shortfall reserve fund; and terminating provisions.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 261, Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 261 (originating in the Committee on Government Organization)—A Bill to repeal §31-18D-1, §31-18D-2, §31-18D-3, §31-18D-4, §31-18D-5, §31-18D-6, §31-18D-7, §31-18D-8, §31-18D-9, §31-18D-10, §31-18D-11, §31-18D-12, §31-18D-13, §31-18D-14, and §31-18D-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-4c of said code; to amend and reenact §11-22-2 of said code; to amend and reenact §31-18-3, §31-18-6, and §31-18-22 of said code; and to amend said code by adding thereto two new sections, designated §31-18-20d and §31-18-29, all relating to the transfer of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund; eliminating the West Virginia Affordable Housing Trust Fund and the West Virginia Affordable Housing Trust Fund Board of Directors; creating the Affordable Housing Fund of the West Virginia Housing Development Fund and providing for uses

therefor; providing for assessment of fees on all sales by licensed dealers of factory-built homes to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; providing for assessment of fees upon the privilege of transferring real estate for consideration to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; defining "Affordable Housing Fund"; authorizing the West Virginia Housing Development Fund to provide funding to increase the capacity of nonprofit community housing organizations; providing for uses of funds in the Affordable Housing Fund; providing for disposition of the Affordable Housing Fund in the event of termination or dissolution of West Virginia Housing Development Fund; and providing for wind-up of West Virginia Affordable Housing Trust Fund.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 269, Establishing 2018 Regulatory Reform Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 269 (originating in the Committee on Government Organization)—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, §5B-8-6, §5B-8-7, §5B-8-8, §5B-8-9, and §5B-8-10, all relating to establishing the 2018 Regulatory Reform Act; creating short title; providing purpose; defining terms; permitting persons to petition for projects to be classified as projects of critical economic concern by Development Office; setting timeline for Development Office to render written decision; identifying nonexclusive factors for Development Office to consider when rendering decision; providing for issuance of certificate of critical economic concern; providing for expiration of certificate; permitting extension of time for expiration; directing person to file the certificate with appropriate state agency with licensing or permitting authority at the time application is filed; permitting person to file certificate with any political subdivision with licensing or permitting authority at the time application is filed; requiring state agency give priority to applications accompanied by certificate of critical economic concern; providing for written reports; providing a schedule for those reports; providing for contents of written reports; providing for recipients of written reports; clarifying that certificates of critical economic concern are not waiver of any element, rule, regulation, or statute upon which license or permit is issued or granted; clarifying that certificates of critical economic concern do not guarantee that license or permit will be issued by state agency; authorizing agencies to adopt expedited permit fee; requiring state agency establish schedule by which review of expedited permit shall be completed; requiring schedule and fee to be set in legislative rules; requiring refund of expedited fee if decision not made within timeframe for expedited review; directing state agencies to complete review of all permit applications in as expeditious a manner as possible; establishing reporting by executive director of Development Office to report to the Governor and the Joint Committee on Government and Finance regarding the effects of the article; and granting the Development Office procedural rule-making authority to implement the provisions of this article.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 269) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 360, Clarifying oil and gas permits not be on flat well royalty leases.

And as amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 419, Establishing classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 419 (originating in the Committee on Government Organization)—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to establishing the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory; requiring legislative rules for purpose of ensuring consistency, predictability, and independent review of systems developed under this section; establishing annual salary schedule for evidence technicians, forensic technicians, forensic analysts, and forensic analyst supervisors; authorizing the superintendent to appoint a forensic laboratory director and set the director's salary; requiring manuals be provided; clarifying authority of superintendent or forensic laboratory director or administrator to increase base compensation based on merit within classification; requiring legislative rules to establish policy and procedure for determining eligibility for promotions among classifications; requiring legislative rules establish guidelines for awarding merit-based salary increases within classifications; and authorizing the inclusion of certain exempt civilian employees in supplemental pay option.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 419) contained in the preceding report from the Committee on Government Organization

was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 443, Terminating parental rights when certain conditions are met.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 21, 2018;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 504, Excluding seasonal amusement park workers from definition of “employee”.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 504 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to minimum wage and maximum hour standards for employees; excluding seasonal amusement park workers from maximum hour requirements; and defining terms.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 506, Deregulating persons who perform work on heating, ventilating, and cooling systems.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 506 (originating in the Committee on the Workforce)—A Bill to amend §21-16-2, §21-16-3, and §21-16-5 of the Code of West Virginia, 1931, as amended, all relating to regulating persons who perform work on heating, ventilating, and cooling systems and fire dampers; providing definitions; creating new license for work on certain residential heating, ventilating, and cooling systems; renaming existing license; amending exemptions from license requirement; providing rule-making authority regarding licensure requirements, development of examination, and scope of work of certain persons who perform work on heating, ventilating, and cooling systems; and providing emergency rule-making authority.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Chandler Swope,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 506) contained in the preceding report from the Committee on the Workforce was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 567, Including treason, murder, armed robbery, and organized crimes for which communications can be intercepted.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 567 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended, relating to including treason, murder, certain degrees of robbery, and organized crime to the list of crimes for which a prosecutor may apply for order authorizing interception of communications.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 568, Requiring participants in Motor Vehicle Alcohol Test and Lock Program complete same within 12 months.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 568 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5-2b of the Code of West Virginia, 1931, as amended, relating to deferral of further proceedings for certain first offenses upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; requiring completion of the program within 12 months; requiring defendant who fails to complete program to appear before court; requiring court to terminate deferral and enter an adjudication of guilt; and allowing courts to extend the period for completion of the program for good cause shown.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 572, Creating Farm-to-School Grant Program.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 21, 2018;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 584, Finding certain claims against state to be moral obligations of state.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 589, Relating to issuance of personalized plates for antique motor vehicles.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 589 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended, relating to the issuance of personalized license plates for antique motor vehicles.

And,

Senate Bill 590, Providing special license plate for curing childhood cancer.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 590 (originating in the Committee on Transportation and Infrastructure)—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 to support a cure for childhood cancer.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Gregory L. Boso,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bills (Com. Sub. for S. B. 589 and 590) contained in the preceding report from the Committee on Transportation and Infrastructure were each taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee references, were then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 597, Prohibiting individuals convicted of domestic violence misdemeanor from conducting private investigation business.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 22, 2018;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 600, Relating to powers and duties of PSC.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 600 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §24-2-1j of the Code of West Virginia, 1931, as amended, relating to powers and duties of the Public Service Commission; establishing special rates and provisions for energy intensive industrial and manufacturing consumers of electric power; adding new definitions; and establishing the procedure required for approval of these rates for manufacturing consumers by the commission.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Randy E. Smith,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 600) contained in the preceding report from the Committee on Energy, Industry, and Mining was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double

committee reference, was then referred to the Committee on Government Organization.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 616, Establishing maximum gross weight for certain wood-bearing trucks.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 616 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to permitting the Commissioner of Highways to issue a special permit increasing the maximum gross weight for certain wood-bearing vehicles equipped with six axles.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory L. Boso,
Chair.

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Transportation and Infrastructure.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Joint Resolution 10, Disabled Veteran Exemption From Ad Valorem Property Tax Amendment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Joint Resolution 10 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to exempting real property or personal property in the form of a mobile home owned and occupied as a residence by veterans who are receiving 100 percent service-connected permanent and total disability from paying ad valorem real property taxes; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the resolution (Com. Sub. for S. J. R. 10) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Concurrent Resolution 39 (originating in the Committee on the Judiciary)—Requesting the Joint Committee on the Judiciary study the feasibility and potential implementation of

a process designed to create better coordination between law-enforcement agencies in finding missing persons and identifying found remains.

Whereas, Public information can be one of the most effective tools in locating a missing person; and

Whereas, Law-enforcement officers and other professionals specializing in the field of missing persons agree that the most critical moments in the search for a missing person are the first few hours immediately following the discovery that the individual is missing, asserting that if he or she is not found within 24 hours, it is unlikely that he or she will be found alive or without serious injury. The rapid dissemination of information, including a description of the missing person, details of how he or she became missing, and of any vehicle involved to the citizens of the affected community and region is, therefore, critical; and

Whereas, Alerted to the situation, the citizenry become an extensive network of eyes and ears serving to assist law enforcement in quickly locating and safely recovering the missing person; and

Whereas, All forms of developing technologies are helpful in assisting law enforcement in rapidly responding to these alerts and are an additional tool for assuring the well-being and safety of our citizenry. Thus, the use of traffic video recording and monitoring devices for the purpose of surveillance of a suspect vehicle adds yet another set of eyes to assist law enforcement and aid in the safe recovery of the missing person; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on the Judiciary is requested to study the feasibility and potential implementation of a process designed to create better coordination between law-enforcement agencies in finding missing persons and identifying found remains; and, be it

Further Resolved, That the Joint Committee on the Judiciary enlist the assistance of county and local law-enforcement entities

and the West Virginia State Police in conducting the study; and, be it

Further Resolved, That the Joint Committee on the Judiciary report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on the Judiciary.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Trump, unanimous consent being granted, the resolution (S. C. R. 39) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

At the request of Senator Gaunch, and by unanimous consent, the Senate returned to the consideration of

Com. Sub. for Senate Bill 506, Deregulating persons who perform work on heating, ventilating, and cooling systems.

Having been received as a report from the Committee on the Workforce, taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, referred to the Committee on Government Organization in earlier proceedings today.

At the request of Senator Gaunch, as chair of the Committee on Government Organization, unanimous consent was granted to

dispense with the second committee reference of Committee Substitute for Senate Bill 506.

The Senate proceeded to the sixth order of business.

Senators Sypolt, Beach, Cline, and Boso offered the following resolution:

Senate Concurrent Resolution 38—Urging the United States Congress to reassess the federal definition of “industrial hemp”, allowing the product to contain up to one percent delta-9 tetrahydrocannabinol on a dry weight basis.

Whereas, In 2002, West Virginia adopted the Industrial Hemp Development Act to promote growth of industrial hemp farms and industry in the state; and

Whereas, Industrial hemp farmers and processors encourage Congress to reassess the definition of “industrial hemp” as referenced in 7 U.S.C. §5940 and increase the farm production values to one percent tetrahydrocannabinol to allow industrial hemp farmers to increase yield potential per acre and profitability for all industrial hemp grown in the state; and

Whereas, A change in the definition not only impacts the crop values for West Virginia farmers producing industrial hemp for nutraceutical extract but also impacts all other aspects of industry development; and

Whereas, Increasing yield potential per acre equates to increased profit potential for West Virginia’s farm families and industrial hemp processors; and

Whereas, A variety of products can be made from industrial hemp through its use of fiber, seed, seed oil, or floral extracts. Industrial hemp can be found in products such as paper, fabric, auto parts, animal bedding, body care products, and essential oils; and

Whereas, The Industrial Hemp Farming Act of 2015 amended the Controlled Substances Act of 1970 to redefine “industrial hemp” and remove it from the current definition of “marijuana”,

thereby allowing hemp to be grown, processed, transported, and sold under state and federal laws; and

Whereas, West Virginia can prosper in the cultivation, processing, manufacturing, and sale of hemp for food, textiles, building materials, and dietary supplement uses; and

Whereas, The federal government defines industrial hemp as “the plant *cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis”; and

Whereas, Industrial hemp has 30 percent more protein per pound than beef, essential amino acids, and a source of omega 3s, making it a great replacement for fish oil, useful as a replacement for coconut oil, and useful for many health benefits; and

Whereas, The West Virginia Department of Agriculture has been very supportive of the hemp industry; and

Whereas, West Virginia agriculture will play a large role in the state’s future, ranking eleventh in the United States in apple production, sixteenth in the United States turkey production, and eighteenth in the United States chicken meat production; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Congress to reassess the federal definition of “industrial hemp”, allowing the product to contain up to one percent delta-9 tetrahydrocannabinol on a dry weight basis; and, be it

Further Resolved, That the West Virginia Senate urges the United States Congress to consider revising the current definition of industrial hemp found in 7 U.S.C §5940, increasing the tetrahydrocannabinol threshold of dry weight flower concentration from three tenths of one percent to one percent; and, it be

Further Resolved, That the West Virginia Senate is hereby urged to promote the increased production of industrial hemp to promote agricultural growth within the state; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to each member of West Virginia's delegation to the United States Congress.

Which, under the rules, lies over one day.

Senators Smith and Cline offered the following resolution:

Senate Resolution 51—Urging the Congress of the United States to reinstate the separation of commercial and investment banking functions previously in effect under the Glass-Steagall Act and support efforts to return to national banking policies to repair our nation's infrastructure.

Whereas, The Federal Reserve has fed a speculative bubble on Wall Street, much like that of 2007. This speculative bubble is tied to more than \$250 trillion of derivatives officially on the books of the major Wall Street banks and has soaked up all available credit and resulted in a weak performance of the United States economy; and

Whereas, State budgets throughout the nation have reflected the constriction of revenue due to the collapse of production and high-paying jobs. A growing, productive economy will require a return to the policies that successfully guided the nation out of similar crises, including the creation of direct credit to industry, infrastructure investment, and science-driven innovations; and

Whereas, An effective money and banking system is essential to the functioning of the United States economy. Such a system must function in the public interest without any bias. Since 1933, the Federal Banking Act, also referred to as the Glass-Steagall Act, has protected the public interest through the regulation of commercial and investment banking, insurance companies, and securities. Important provisions of the Glass-Steagall Act were repealed in 1999, partially contributing to the greatest speculative bubble and worldwide recession since the Great Depression. The

worldwide recession greatly affected our country's economy and citizens' lives. It left millions of homes in foreclosure and caused the loss of millions of jobs nationwide. The recession also put severe financial strains on states, counties, cities, and other municipalities, exacerbating unemployment and the loss of public services; and

Whereas, A prudent course of action would be to restore the provisions of the Glass-Steagall Act that immediately separate investment and commercial banking. As law for 66 years, the Glass-Steagall Act prevented banking crises like the one experienced in 2008; and

Whereas, A return to national banking and direct credit to industry and infrastructure was completed under President George Washington and Secretary of the Treasury Alexander Hamilton, President John Quincy Adams, President Abraham Lincoln, and President Franklin D. Roosevelt. The early infrastructure of the United States, from canals to rail systems, was built by national banks. National banking policies orchestrated by Henry Carey under President Abraham Lincoln created industrial expansion, including the construction of modern rail and steel programs; and

Whereas, The Reconstruction Finance Corporation, a federal credit program approved in 1932, was modeled on the War Finance Corporation and on Alexander Hamilton's prototype, the First National Bank; and

Whereas, The U. S. Senate and the U. S. House of Representatives have been making efforts to restore the protections of the Glass-Steagall Act. The U. S. Senate introduced S. 1709, the 21st Century Glass-Steagall Act, which would reduce risk for American taxpayers in the financial system and decrease the likelihood of future financial crises. The U. S. House of Representatives introduced H. R. 381, known as the Return to Prudent Banking Act of 2015, which would revive the separation between commercial banking and the securities business in the manner provided by the Glass-Steagall Act; and

Whereas, The Glass-Steagall Act has widespread national support from prominent economic and business leaders and national publications, including Thomas Hoenig of the Federal Deposit Insurance Corporation, former CEO of Citigroup Sanford Weill economist Luigi Zingales, the New York Times, the St. Louis Post-Dispatch, the Los Angeles Times, and many others. Resolutions demanding action to return to the Glass-Steagall Act protections have been introduced in at least 25 states since 2013; and

Whereas, A new national bank would be chartered with no less than \$1 trillion of capital, not taxpayer funds, to finance new projects and this approach would put millions of unemployed or underemployed people, especially young people, back to work; and

Whereas, Overwhelming pressure must be brought to bear on members of the U. S. Congress to take action to pass this important legislation now; therefore, be it

Resolved by the Senate:

That the Congress of the United States is hereby urged to reinstate the separation of commercial and investment banking functions previously in effect under the Glass-Steagall Act and support efforts to return to national banking policies to repair our nation's infrastructure; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the West Virginia Congressional Delegation so that they may be apprised of the sense of the West Virginia Senate in this matter.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 34, Requesting DNR study deer hunting in WV.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Natural Resources.

Senate Concurrent Resolution 35, Constable Joseph H. Davidson Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 36, Requesting study of public schools' prevention and response to violent acts against students and personnel.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Education; and then to the Committee on Rules.

Senate Concurrent Resolution 37, Sheriff John E. White Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 30, Relating generally to hunting with dogs.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 30) passed with its title.

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

Eng. Senate Bill 112, Clarifying that natural resources police officers' subsistence allowance is pensionable.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 112) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 307, Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan,

Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 307) passed with its title.

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

Eng. Com. Sub. for Senate Bill 359, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 359) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire,

Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 359) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 467, Relating generally to Public Defender Services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 467 pass?”

Senator Weld requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is an assistant prosecutor and works in the court system with public defenders.

The Chair replied that any impact on Senator Ferns would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 467) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 467) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 491, Establishing fee for expungement of certain criminal convictions.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 491) passed with its title.

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

Eng. Com. Sub. for Senate Bill 493, Relating to guaranty associations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 493) passed with its title.

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

Eng. Com. Sub. for Senate Bill 501, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney,

Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 501) passed with its title.

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

Eng. Com. Sub. for Senate Bill 535, Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 535) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda,

Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 535) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 549, Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or property.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 549) passed with its title.

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

Eng. Senate Bill 576, Relating to Patient Injury Compensation Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 576) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 275, Relating to tax on purchases of intoxicating liquors.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 313, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 420, Transferring Safety and Treatment Program from DHHR to DMV.

On second reading, coming up in regular order, was read a second time.

On motions of Senators Trump and Rucker, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page six, section three, after line one hundred thirty, by inserting a new subsection, designated subsection (k), to read as follows:

(k) (1) The Division of Motor Vehicles shall provide fair, impartial, and expeditious grievance and appellate procedures for participants of the safety and treatment program to challenge an adverse decision or decisions by the division or other entity with whom the division has contracted to operate the program. The purpose of these procedures would be to allow a person to challenge decisions which negatively affect, or unnecessarily delay, the participant's outcome in the program.

(2) After all administrative remedies provided by this section or any rules promulgated under this section have been exhausted, participants who have been determined unsuccessful in the program, rendering them ineligible for license reinstatement, or whose outcomes in the program have been unnecessarily delayed, are entitled to judicial review of the adverse decision or decisions, pursuant to § 29A-5-4 of this code.

(3) The commissioner of the Division of Motor Vehicles shall promulgate rules pursuant to the provisions of §29A-3-1 et seq. of this code, related to the grievance and appellate procedures referenced in this section.;

And,

On page six, section three, line one hundred thirty-one, by relettering the remaining subsection.

The bill (Com. Sub. for S. B. 420), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 456, Physical Therapy Licensure Compact Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 490, Relating to Revised Uniform Athlete Agents Act of 2015.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Gaunch, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page thirteen, section six, lines thirty-six and thirty-seven, by striking out the words “the application to the other state”;

And,

On page thirteen, section six, line forty-six, by striking out all of subdivision (3) and inserting in lieu thereof a new subdivision, designated subdivision (3), to read as follows:

(3) The application to the other state was signed by the applicant under penalty of perjury.

The bill (Com. Sub. for S. B. 490), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 499, Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 500, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 507, Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 521, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 528, Providing additional circuit judge for nineteenth judicial circuit.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 539, Increasing limit for settling claims against DOH.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 545, Relating to driving privileges and requirements for persons under 18.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 555, Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities.

On second reading, coming up in regular order, was read a second time.

On motions of Senators Romano and Trump, the following amendment to the bill was reported by the Clerk and adopted:

On page one, section three, line eight, after the word “she” by inserting the words “approved of, ratified,”.

The bill (Com. Sub. for S. B. 555), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 561, Increasing minimum contract price requiring execution of bond with respect to building or repairing school property.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 562, Allowing courts discretion to impose period of supervised release of defendant.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 566, Relating to disability pensions of municipal employees.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 573, Relating generally to school calendars.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 574, Relating to crime of misrepresentation of military honors.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 627, Permitting local governments to access certain economic development project-related tax records.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 4024, Relating generally to direct cremation or direct burial expenses for indigent persons.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4142, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4169, Requiring certain establishments and facilities to post human trafficking assistance notices.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. House Bill 4385, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 82, Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation.

Com. Sub. for Com. Sub. for Senate Bill 331, Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system.

Com. Sub. for Senate Bill 426, Modernizing certain alcohol laws.

Com. Sub. for Senate Bill 434, Specifying documents not subject to discovery in certain proceedings.

Com. Sub. for Senate Bill 465, Relating to mandated reporting of child abuse and neglect.

Com. Sub. for Senate Bill 515, Clarifying PSC jurisdiction over water and sewer utilities.

Com. Sub. for Senate Bill 575, Approving additional beds for intermediate care facilities.

Com. Sub. for Senate Bill 603, Relating to proceedings for involuntary custody for examination.

Com. Sub. for Senate Bill 625, Creating WV Volunteer Fire and Rescue Act of 2018.

And,

Senate Bill 628, Relating generally to WV Jobs Investment Trust Board.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Clements and Sypolt.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Clements and Sypolt were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:10 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:14 p.m. today and, without objection, returned to the third order of business.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 23, 2018, he had approved **Enr. Committee Substitute for House Bill 2546**.

The Senate again proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 23rd day of February, 2018, presented to His Excellency, the Governor, for his action, the following bills,

signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 165), Authorizing DHHR promulgate legislative rules.

(Com. Sub. for H. B. 2831), Relating to the reconstitution of the Driver's Licensing Advisory Board.

And,

(Com. Sub. for H. B. 4242), Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 282, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery.

Senate Bill 530, Requiring Secretary of State provide database for registered corporations and sole proprietorship.

Senate Bill 580, Updating language for WV geodetic datum to match federal coordinate systems.

Senate Bill 592, Adding examination of advanced care technician for firefighter paramedic.

And,

Senate Bill 612, Relating to sale of municipal property.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 402 (originating in the Committee on Transportation and Infrastructure), Creating exemption from certain contract and common carrier laws for motor vehicles.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 402 (originating in the Committee on Government Organization)—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating exemptions from contract and common carrier laws for certain motor vehicles.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 421, Relating to crossbow hunting.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 421 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-42a, §20-2-42q, §20-2-42s, and §20-2-42v of the Code of West Virginia, 1931, as amended, all relating to crossbow hunting; clarifying use of crossbows with Class A hunting and trapping license during big game seasons requires additional license, stamps, or permits (with exception of buck firearms seasons); permitting crossbow hunting with Class RB and Class RRB licenses; permitting crossbow hunting with Class UU licenses; and permitting crossbow hunting with Class BG stamp.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 445, Allowing DOH acquire real or personal property for utility accommodation.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 445 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-17a; to amend said code by adding thereto two new sections, designated §17-4-17b and §17-4-17e; and to amend

said code by adding thereto a new section, designated §24-2-20, all relating to public utilities; creating new legislative findings; defining a new term; establishing a method by which the Commissioner of the Division of Highways may acquire certain rights-of-way and easements for the purpose of increasing public access to utilities; establishing a procedure for the Division of Highways to lease acquisitions to utilities for fair market value; and establishing a cost-sharing procedure for determining how relocation costs are to be paid by the utility.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 448, Relating generally to professional associations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 448 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-9B-1, §47-9B-2, §47-9B-3, §47-9B-4, §47-9B-5, §47-9B-6, and §47-9B-7, all relating to the establishment of professional associations; providing definitions; requiring professional associations both domestic and foreign to be registered with the Secretary of State; providing application criteria for registration with the Secretary of State; requiring people who provide services for a professional association to be licensed in the subject profession; providing for relinquishment or purchase of

ownership interests in a professional association when owners cease to be licensed in the subject profession; providing for the transfer of ownership interests; setting forth liability; and providing for joint practice by certain professionals.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 452, Exempting hunting license information from public disclosure.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Ferns, as a member of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Natural Resources.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 472 (originating in the Committee on Health and Human Resources), Providing funds to DHHR for local boards of health employee pay raises.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 472 (originating in the Committee on Government Organization)—A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to employees of local boards of health; making legislative findings; requiring the Legislature to provide funds to Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees; limiting Department of Health and Human Resources from using provided funds for any other purpose; requiring annual funding to continue pay raises; and prohibiting Department of Health and Human Resources from placing additional restrictions or obligations on provided funds.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 485, Terminating Workers Compensation Debt Reduction Fund assessment on self-insured employers.

And,

Eng. Com. Sub. for House Bill 4022, Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 508, Establishing State Trail Authority.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 508 (originating in the Committee on Natural Resources)—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, §5B-2J-4, and §5B-2J-5, all relating to establishing a State Trail Authority within the Development Office; establishing composition of authority; providing for Governor to appoint certain members; providing terms of members; allowing for reimbursement for certain expenses of members not employed by the state; authorizing the authority to appoint a statewide trail coordinator and to hire district trail coordinators; specifying the powers of the State Trail Authority; specifying powers and duties of statewide trail coordinator and district trail coordinators; and providing a sunset provision.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Gaunch, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Natural Resources.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 514, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 21, 2018;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 534, Increasing penalty for tobacco-related offenses on public school property.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 534 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §16-9A-2 and §16-9A-4 of the Code of West Virginia, 1931, as amended, all relating generally to tobacco usage and e-cigarette restrictions; defining terms; prohibiting e-cigarettes on certain public school property by persons under the age of 18 at certain times; and increasing the penalty for certain tobacco-related and e-cigarette offenses on public school property.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 548, Authorizing county commissions to pay election officials.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 548 (originating in the Committee on Government Organization)—A Bill to amend and reenact §3-1-44 of the Code of West Virginia, 1931, as amended, relating to authorizing county commissions to have discretion over compensation for certain election officials; eliminating statutory caps on compensation for certain election officials; authorizing compensation for election officials be fixed by county commission; requiring all election officials within a classification to be paid the same amount within each county; authorizing Secretary of State to set maximum compensation rates in certain elections where costs are determined to be obligations of the state; and declaring

compensation above maximum compensation set by Secretary of State in certain elections to be county obligation.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 557, Relating to Senior Farmers' Market Nutrition Program.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 21, 2018;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Craig Blair,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 558, Relating to certification requirements for crane operators.

Now on second reading, having been read a first time and referred to the Committee on Government Organization on February 22, 2018;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 563, Allowing persons operate small-engine mopeds without driver's license or while license is suspended or revoked.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 563 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-4-3 of said code; to amend and reenact §17C-1-5a of said code; and to amend and reenact §17C-15-44 of said code, all relating to allowing people to operate small-engine mopeds without a driver's license or while a driver's license to operate other motor vehicles is suspended or revoked; changing definition of "moped"; and expressly providing that helmets are required for operators of mopeds.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory L. Boso,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 563) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 565, Clarifying authority of State Fire Commission.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 565 (originating in the Committee on Government Organization)—A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the State Fire Commission; modifying requirement that State Fire Commission propose certain building energy codes; and making stylistic and technical changes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 582, Allowing candidate for political party executive committee serve as election official.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 582 (originating in the Committee on Government Organization)—A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating to eligibility to be appointed or serve as an election official; and permitting candidates for district, county, or state political party executive committee to serve as election officials.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 585, Altering boundary line between Doddridge and Harrison counties.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Gaunch, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 600, Relating to powers and duties of PSC.

Now on second reading, having been read a first time and referred to the Committee on Government Organization in earlier proceedings today;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 601, Relating to personal income tax.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 601 (originating in the Committee on Finance)—A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to personal income tax; alleviating double taxation on foreign income at the state level; and sunseting the credit for income tax paid on foreign income in 2068.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 629 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-46e of the Code of West Virginia, 1931, as amended; all relating to Class Q special hunting permit for disabled persons; clarifying and expanding class of persons who may obtain such permits.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Concurrent Resolution 40 (originating in the Committee on the Judiciary)—Requesting the Joint Committee on the Judiciary study the legality and potential effects of a bill that would prohibit retailers from selling or leasing products that make content accessible on the Internet, unless the product contains an active and operating digital blocking capability that renders obscene material inaccessible.

Whereas, The damage done by these obscene materials to the public, especially to children, is recognized as a serious issue; and

Whereas, The legality of such a measure is a legitimate concern as it relates to the right of free speech; and

Whereas, Alternative measures not yet considered by the Legislature have yet to be explored in sufficient depth; and

Whereas, Such a bill could possibly have significant unforeseen and unintended effects that need to be more thoroughly examined; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on the Judiciary is requested to study the legality and potential effects of a bill that would prohibit retailers from selling or leasing products that make content accessible on the Internet, unless the product contains an active and operating digital blocking capability that renders obscene material inaccessible; and, be it

Further Resolved, That the Joint Committee on the Judiciary enlist the assistance of the West Virginia Attorney General in conducting the study; and, be it

Further Resolved, That the Joint Committee on the Judiciary report to the regular session of the Legislature, 2019, on its findings, proposed alternative means, conclusions, and other recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, prepare a report, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on the Judiciary.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles S. Trump IV,
Chair.

On motion of Senator Weld, the resolution (S. C. R. 40) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

At the request of Senator Baldwin, and by unanimous consent, Senator Baldwin addressed the Senate regarding the current public school employee work stoppage.

Thereafter, at the request of Senator Mann, and by unanimous consent, the remarks by Senator Baldwin were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of a standing committee of the Senate,

On motion of Senator Ferns, at 5:33 p.m., the Senate adjourned until Monday, February 26, 2018, at 11 a.m.

MONDAY, FEBRUARY 26, 2018

The Senate met at 11:06 a.m.

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

Prayer was offered by the Honorable C. Edward Gaunch, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Richard N. Ojeda II, a senator from the seventh district.

Pending the reading of the Journal of Friday, February 23, 2018,

At the request of Senator Maynard, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 237, Authorizing Department of Revenue promulgate legislative rules.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF REVENUE TO PROMULGATE LEGISLATIVE RULES.

§64-7-1. State Tax Department.

(a) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §11-13DD-5 of this code, modified by the State Tax Department to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 1, 2017, relating to the State Tax Department (farm-to-food bank tax credit, 110 CSR 13DD), is authorized, with the following amendment set forth below:

On page two, by striking out all of subsection 2.10; and, on page two, by striking out all of subdivision 4.1.e.

(b) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §11-10-5t of this code, relating to the State Tax Department (payment of taxes by electronic funds transfer, 110 CSR 10F), is authorized.

(c) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §11-22-5 of this code, relating to the State Tax Department (property transfer tax, 110 CSR 22), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §11-10-11c of this code, modified by the State Tax Department to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 8, 2017, relating to the State Tax Department (municipal sales and service and use tax administration, 110 CSR 28), is authorized.

(e) The Legislature directs the State Tax Department, pursuant to the authority given to the department in §11B-1-8 of this code, to promulgate the legislative rule filed in the State Register by the department on January 12, 2018, relating to the State Tax Department (personnel rule for the Tax Division, 110 CSR 42), is authorized, with the amendment set forth below:

On page 23, subsection 12.2., after the word “manner.” by inserting the following: “The Tax Commissioner shall comply with West Virginia and federal law prohibiting nepotism, favoritism, discrimination or unethical practices related to employment and promotion, and the public employee grievance system.”

§64-7-2. Lottery Commission.

The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §29-22-5 of this code, modified by the Lottery Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2017, relating to the Lottery Commission (state lottery rules, 179 CSR 1), is authorized.

§64-7-3. Racing Commission.

The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §19-23-6 and §19-23-8 of this code, relating to the Racing Commission (thoroughbred racing, 178 CSR 1), is authorized with the amendments set forth below:

On page 39, subdivision 24.1.f., to read as follows:

24.1.f. The fees that shall be paid to the Racing Commission for occupational permits issued effective for calendar year 2012 and thereafter are set forth in table 178-1A at the end of this rule.

And,

That Table 178-1A read as follows:

TABLE 178-1 A
OCCUPATIONAL PERMIT FEES

(Effective for calendar year 2012 and thereafter)

Stable Name	\$40.00
Corporation	\$40.00
Vendor	\$40.00
Owner (with registration of colors)	\$30.00
Owner-Trainer (same person)	\$60.00
Trainer	\$30.00
Assistant Trainer	\$30.00
Jockey	\$30.00
Apprentice Jockey	\$20.00
Jockey Agent	\$20.00
Practicing Veterinarian	\$30.00
Veterinarian's Assistant	\$20.00
Blacksmith	\$30.00

Authorized Agent (must apply for permit and pay permit fee for each person represented)	\$20.00
Mutuel Employee	\$20.00
Photographers, totalisator, film patrol	\$20.00
Stable Foreman	\$20.00
Starter	\$30.00
Assistant Starter	\$20.00
Association Racing Secretary	\$30.00
Association Assistant Racing Secretary	\$30.00
Paddock Judge	\$20.00

TABLE 178-1 A**continued****OCCUPATIONAL PERMIT FEES****(Effective for calendar year 2012 and thereafter)**

Horsemen's Bookkeeper	\$20.00
Clerk of Scales	\$20.00
Clocker	\$20.00
Timer	\$20.00
Horse Identifier	\$20.00
Jockey Room Custodian	\$20.00

Placing Judge	\$20.00
Outrider	\$20.00
Stable Hand	\$20.00
Concession	\$20.00
Maintenance	\$20.00
Groom	\$20.00
Admission	\$20.00
Pony Riders	\$20.00
Parking	\$20.00
Security	\$20.00
Exercise Rider	\$20.00
Video Lottery employees	\$20.00
Others not specified	\$20.00

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 237—A Bill to amend and reenact §64-7-1, §64-7-2, and §64-7-3 of the Code of West Virginia, 1931, as amended, relating generally to authorizing and directing certain agencies within the Department of Revenue to promulgate certain legislative rules as filed, modified, and amended; relating to authorizing the State Tax Department to promulgate a legislative rule relating to farm-to-food bank tax credit; removing value added products related to the farm-to-food bank tax credit; authorizing the State Tax Department to

promulgate a legislative rule relating to payment of taxes by electronic funds transfer; authorizing the State Tax Department to promulgate a legislative rule relating to property transfer tax; authorizing the State Tax Department to promulgate a legislative rule relating to municipal sales and service and use tax administration; directing the State Tax Department to promulgate a legislative rule relating to a personnel rule for the Tax Division; authorizing the Lottery Commission to promulgate a legislative rule relating to state lottery rules; and authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 237, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Plymale and Takubo—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 237) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope,

Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Plymale and Takubo—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 237) takes effect from passage.

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

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

Eng. Com. Sub. for House Bill 2843—A Bill to amend and reenact §7-11B-3, §7-11B-4, §7-11B-7 and §7-11B-8 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Tax Increment Financing Act; giving Class III municipalities the authority to exercise the powers under the act, and requiring certain reporting to certain levying bodies.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2983—A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Highways to implement reasonable design techniques intended to minimize damage that may result from recurring floods within the purpose and need of the state road system, and relating to updating certain statutory references.

Referred to the Committee on Finance.

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

Eng. House Bill 4219—A Bill to amend and reenact §18-7A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7B-2 of said code, all relating to permitting employees of educational services cooperatives to participate in the State Teachers Retirement System; and permitting persons employed for instructional services by educational services cooperatives to participate in the State Teachers' Defined Contribution Retirement System.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4289—A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to disability pensions of municipal employees; removing provision relating to limitation of nonduty disability retirement; increasing amount of income that may be earned before an offset of benefits is required; and increasing that limit automatically when the minimum wage increases.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4347—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-6a, relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund; permitting each person applying for the issuance of or renewal of a driver's license to voluntarily contribute to the State Police Forensic Laboratory Fund; requiring the Division of Motor Vehicles to provide a form through which such voluntary

contributions can be made; and requiring the Division of Motor Vehicles to remit the voluntary contributions on a monthly basis to the State Treasurer for deposit in the State Police Forensic Laboratory Fund.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4502—A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, as amended, relating to adding murder, armed robbery, sex crimes, treason, and organized crimes to the list of offenses for which a prosecutor may apply for an order authorizing interception.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4542—A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to allowing public service districts to accept certain methods of payment; allowing public service districts to charge certain fees related thereto; and requiring public service districts to obtain certain bids; and removing and replacing reference to certain obsolete entities.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4607—A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to parks and recreation permitting the use of recreational drones at state parks; requiring persons who intend to operate

drones to register with the superintendent prior to participating in the use of any drone; establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails; and clarifying that persons who operate drones assume full responsibility and liability.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2018, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4619—A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth; requiring amount of increase in local share to be added to preceding year appropriation for such purpose; providing factors to be taken into account in making allocations to counties; providing county may not receive less than the 2016-2017 allocation from certain line items; requiring moneys allocated to be used for implementation of comprehensive systems for teacher and leader induction and professional growth; and removing obsolete cross-references.

Referred to the Committee on Finance.

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

Eng. House Bill 4624—A Bill to amend and reenact §1-1-5 of the Code of West Virginia, 1931, as amended, relating to West Virginia coordinate systems; defining terms; and updating references.

Referred to the Committee on Government Organization.

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 3—Requesting the Division of Highways to name bridge number 18-33-1.25, EB-WB (18A190, 18A191) locally known as Ravenswood Connector EB-WB, carrying U. S. Rt. 33 over Sandy Creek in Jackson County, the U.S. Army Cpl David Michael Hopkins and U. S. Army Cpl Romey Earl Hughart, Jr. Memorial Bridge.

Referred to the Committee on Transportation and Infrastructure.

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 5—Requesting the Division of Highways name Bridge Number 13-92-9.25 (13A177), locally known as Whites Draft Bridge, carrying WV 92 over Whites Draft in Greenbrier county, the “U. S. Army PFC Jessie Franklin Crow Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 13—Requesting the Division of Highways to name that portion of West Virginia Route 10 between Man and Logan, the “U. S. Army SGM Bill E. Jeffrey Memorial Road”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 30—Requesting the Division of Highways name Bridge Number: 50-

64-2.67 (50A208, 50A209) (39.14884, -79.43810), locally known as Beaver Creek Bridge, carrying WV 93 (EB & WB) over Beaver Creek in Tucker County, the “U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 33—Requesting the Division of Highways to name bridge number 18-21-21.51, (18A073), locally known as the Ripley Lanes Bridge, carrying County Route 21 over Sycamore Creek in Jackson County, the “U. S. Army 2LT Clarence Drago Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 41—Requesting the Joint Committee on Government and Finance to study and make recommendations regarding the development of a statewide virtual library.

Referred to the Committee on Education.

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 47—Requesting the Division of Highways to name bridge number 40-60-0.03 (40A142), locally known as the Culloden Railroad Overpass, carrying US 60 over CSX Railroad in Putnam County, the “U. S. Army SPC 4 William L. Amos Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 64—Requesting the Division of Highways to name a portion of U.S. Route 60, beginning at mile marker 20.57 and ending at mile marker 25.38 in Cabell County, the “USMC Cpl Hershel ‘Woody’ Williams Highway”.

Referred to the Committee on Transportation and Infrastructure.

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 75—Requesting the Division of Highways name WV Route 46, from its intersection with County Route 3 to its intersection with County Route 42/3 in Mineral County the “PVT George Howell, Continental Army Memorial Highway”.

Referred to the Committee on Transportation and Infrastructure.

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 78—Requesting the Division of Highways to name bridge number 54-1-1.97 (54A001), locally known as Waverly Road Bridge, carrying County Route 1 over the Carpenter Run in Wood County the “U. S. Marine Corps PFC Danny Marshall Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 401, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 401 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring specified coverage in health benefit plans for outpatient and inpatient treatment for substance use disorders by July 1, 2019; defining terms; providing for rulemaking for the Insurance Commissioner; setting forth time frames for coverage; and providing for expedited grievances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 401) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 403, Licensing advance deposit wagering.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 403 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; defining terms; providing for source market fees; providing for certain distribution of source market fees derived from wagers of account holders; providing that advance deposit account wagers are authorized; providing exception from certain provisions of code; conferring jurisdiction to the Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee; exempting advance deposit wagering from certain provisions of code and implementing rules; providing for criminal penalties for accepting advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for a regulatory fee; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; providing for an investigation as to whether nonresident account holders of a licensee placed wagers while physically located in West Virginia; and authorizing rulemaking and emergency rulemaking.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Judiciary.

At the request of Senator Ferns, and by unanimous consent, the bill (Com. Sub. for S. B. 403) was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 432, Relating to municipal home rule.

And reports the same back without recommendation as to passage; but with the further recommendation that it be rereferred to the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Trump, unanimous consent being granted, the bill (Com. Sub. for S. B. 432) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Trump, the bill was rereferred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 531, Eliminating required waiting period for municipal court notifications to DMV.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 531) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 551, Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB.

With an amendment from the Committee on Pensions pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 22, 2018;

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 556, Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 556 (originating in the Committee on the Workforce)—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a small business and minority populations economic and workforce development taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Economic Development.

Respectfully submitted,

Chandler Swope,
Chair.

At the request of Senator Maroney, as chair of the Committee on Economic Development, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Workforce.

At the request of Senator Ferns, and by unanimous consent, the bill (Com. Sub. for S. B. 556) was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 595, Creating Protect Our Right to Unite Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 595 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, and §1-7-4, all relating to creating the Protect Our Right to Unite Act; providing its purpose and intent; defining terms; providing that no public agency may require any entity to provide it with donor information, subject to certain exceptions; providing that where the state or a public agency obtains donor information it may not be released, subject to certain exceptions; providing exemption from Freedom of Information Act requests; providing for redaction of donor information; providing exception for court orders; providing exception for discovery requests under certain conditions; providing civil remedies; providing for the payment of attorneys' fees and costs; and providing for trebled damages.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 595) contained in the preceding report from the Committee on the Judiciary was taken

up for immediate consideration, read a first time, and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 598, Relating to civil actions against county commissions and municipalities for injuries.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 22, 2018;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Joint Resolution 7, Supervision of Free Schools Modification Amendment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Joint Resolution 7 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article XII thereof, relating generally to the supervision of the free schools; clarifying that the general supervisory authority of the State Board of Education is subject to legislative enactments; specifying that board rules and policies are subject to legislative

review and approval; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the resolution (Com. Sub. for S. J. R. 7) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

Senators Baldwin, Beach, and Plymale offered the following resolution:

Senate Resolution 52—Designating February 26, 2018, as Families Leading Change Day at the Legislature.

Whereas, The important role of the family in nurturing and mentoring future citizens and leaders of West Virginia is recognized as a basic requirement for the viability of a democratic society; and

Whereas, While we know that a parent's role in their child's learning evolves as they grow, parents and families have the greatest impact on our children's well-being, participation in school, and attitudes about education; and

Whereas, Parents and extended families are children's first teachers—exploring nature, reading together, cooking together, and counting together. Parents can engage each child by extending

the learning started at school into the home and helping their children see how exciting and meaningful learning can be; and

Whereas, Through guidance and reminders, parents help their kids organize their time and support their desires to learn new things in and out of school so that ultimately, parents inspire and show children how to take charge of their own educational journey; and

Whereas, Mentored youth are most likely to become successful adults who provide for themselves and their families, and are most likely to become volunteer contributors to their schools, communities, and local improvement projects; and

Whereas, An educated public is essential to the development of the state's economy because a skilled and diverse workforce spurs economic activity and attracts revenue to the state; and

Whereas, It is no coincidence that Mother's Day was founded in West Virginia by Anna Jarvis in 1910, because West Virginians care about family, and West Virginian families go back many generations, but West Virginians also have one of the highest national rates of "nonfamily" households because West Virginia families are most willing to provide a home for those in need; and

Whereas, Families Leading Change is a statewide coalition that has come together to support, fund, and train families who want to work with their principals and teachers to make their hometown schools stronger (whether that means better drug prevention, vocational programs, school gardens, early literacy, etc.—whatever the community and school decide are most needed); and

Whereas, Families Leading Change seeks to help state and federal officials, regardless of their political affiliation or beliefs, learn from the local expertise and wisdom of families across West Virginia, including individual parents and family members raising West Virginia children, students, parent groups (WV PTA, Circle of Parents, Parents Action for Wellness), business groups (Education Alliance, WV Chamber of Commerce), teachers (AFT-WV, WVEA), administrators (WV Principals Association),

students (Young WV, BAPS, SADD chapters), and community groups (Our Children, Our Future, Step-by-Step, Try This WV); therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 26, 2018, as Families Leading Change Day at the Legislature; and, be it

Further Resolved, That the Senate invites all West Virginians to celebrate with Families Leading Change and become a part of this movement because we know that we can only succeed if all West Virginia families help to define and shape the future of our community and state; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the representatives of Families Leading Change.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Baldwin and Weld regarding the adoption of Senate Resolution 52 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:27 a.m., the Senate recessed to present Senate Resolution 52.

The Senate reconvened at 11:32 a.m. today and resumed business under the sixth order.

Senators Romano, Facemire, Beach, Stollings, and Cline offered the following resolution:

Senate Resolution 53—Recognizing Glenville State College for its efforts in making college education more affordable for the citizens of West Virginia.

Whereas, Glenville State College was originally founded in 1872 to serve the higher education needs of West Virginia citizens by preparing teachers to serve in classrooms across the state; and

Whereas, Glenville State College has expanded its mission and now prepares students for careers in teaching, business, land resources, music, the liberal arts, the sciences, and human services through a variety of educational and professional degrees at the associate and baccalaureate levels; and

Whereas, Glenville State College continues to be critical to the educational and economic vitality of central West Virginia through its development and partnerships with businesses, public school districts, and agencies and its offering of cultural events and meaningful activities to support local communities; and

Whereas, Glenville State College continues to be a vital resource and support for many first generation and rural college students, students of modest means, and students who enter college still unsure of their educational and career pathways to the future; and

Whereas, Glenville State College has been a leader in holding its tuition stable and lowering its food costs for 2017-2018; and

Whereas, Glenville State College has shown leadership to the state in again committing to lowering its tuition this coming summer and for the upcoming 2018-2019 academic year; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Glenville State College for its efforts in making college education more affordable for the citizens of West Virginia; and, be it

Further Resolved, That the Senate acknowledges the leadership demonstrated by Glenville State College and extends its sincere appreciation to Dr. Tracy Pellett, President of Glenville State College; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Glenville State College.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 38, Urging Congress reassess federal definition of “industrial hemp”.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary.

Senate Resolution 51, Urging Congress reinstate separation of commercial and investment banking functions.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 275, Relating to tax on purchases of intoxicating liquors.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 275) passed with its title.

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

Eng. Com. Sub. for Senate Bill 313, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 313) passed with its title.

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

Eng. Com. Sub. for Senate Bill 420, Transferring Safety and Treatment Program from DHHR to DMV.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 420 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—22.

The nays were: Baldwin, Beach, Drennan, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, and Unger—12.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 420) passed.

On motions of Senators Trump and Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 420—A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, all relating to transferring the safety and treatment program, which treats and educates people whose licenses were revoked due to concerns of alcohol and/or drug use while operating a motor vehicle, from the Department of Health and Human Resources to the Division of Motor Vehicles and amending references thereto in said code; transferring moneys from the Department of Health and Human Resources Safety and Treatment Fund to the Division of Motor Vehicles Safety and Treatment Fund; providing that a portion of program provider fees be deposited in Division of Motor Vehicles Safety and Treatment Fund; transferring rule-making authority; requiring grievance and appellate procedures and judicial review for individuals participating, or who have participated, in the Division of Motor Vehicles' safety and treatment program; and authorizing the Commissioner of the Division of Motor Vehicles to promulgate rules to add procedures and judicial review for participants of the safety and treatment program.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Beach, Facemire, Ojeda, Prezioso, Romano, and Unger—7.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 420) takes effect July 1, 2018.

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

Eng. Com. Sub. for Senate Bill 456, Physical Therapy Licensure Compact Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 456) passed with its title.

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

Eng. Com. Sub. for Senate Bill 490, Relating to Revised Uniform Athlete Agents Act of 2015.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 490) passed with its title.

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

Eng. Com. Sub. for Senate Bill 499, Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 499) passed with its title.

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

Eng. Com. Sub. for Senate Bill 500, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 500) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 500) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 521, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Azinger and Karnes—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 521) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Azinger and Karnes—2.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 521) takes effect July 1, 2018.

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

Eng. Com. Sub. for Senate Bill 528, Providing additional circuit judge for nineteenth judicial circuit.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 528) passed with its title.

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

Eng. Senate Bill 539, Increasing limit for settling claims against DOH.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker,

Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 539) passed with its title.

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

Eng. Com. Sub. for Senate Bill 555, Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 555 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 555) passed.

On motions of Senators Romano and Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 555—A Bill to amend and reenact §55-7C-3 of the Code of West Virginia, 1931, as amended, relating to liability for qualified directors of volunteer organizations and entities; and providing that a qualified director is not personally liable for the torts of a volunteer organization or entity, or the torts of the agents or employees of a volunteer organization or entity, unless he or she approved of, ratified, directed, sanctioned, or participated in the wrongful acts.

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

Eng. Com. Sub. for Senate Bill 561, Increasing minimum contract price requiring execution of bond with respect to building or repairing school property.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 561) passed with its title.

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

Eng. Com. Sub. for Senate Bill 562, Allowing courts discretion to impose period of supervised release of defendant.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 562) passed with its title.

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

Eng. Senate Bill 566, Relating to disability pensions of municipal employees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 566) passed with its title.

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

Eng. Com. Sub. for Senate Bill 573, Relating generally to school calendars.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 573 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 573) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 573) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 574, Relating to crime of misrepresentation of military honors.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 574) passed with its title.

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

Eng. Senate Bill 627, Permitting local governments to access certain economic development project-related tax records.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 627) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 627) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 82, Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk and adopted:

On page three, section one, lines fifty through fifty-three, by striking out all of the proviso.

The bill (Com. Sub. for S. B. 82), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 331, Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 426, Modernizing certain alcohol laws.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 434, Specifying documents not subject to discovery in certain proceedings.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 443, Terminating parental rights when certain conditions are met.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page two, section six hundred five, lines eighteen through twenty-two, by striking out all of subdivision (4) and inserting in

lieu thereof a new subdivision, designated subdivision (4), to read as follows:

(4) If a parent whose child has been removed from the parent's care, custody and control by an order of removal voluntarily fails to have contact or attempt to have contact with the child for a period of 18 consecutive months: *Provided*, That failure to have or attempt to have contact due to being incarcerated, being in a medical or drug treatment facility, or being on active military duty shall not be considered voluntary behavior.

The bill (Com. Sub. for S. B. 443), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 465, Relating to mandated reporting of child abuse and neglect.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 506, Deregulating persons who perform work on heating, ventilating, and cooling systems.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Swope, the following amendment to the bill was reported by the Clerk and adopted:

On page five, section five, line thirty-one, by striking out the words "the level one" and inserting in lieu thereof the word "such".

The bill (Com. Sub. for S. B. 506), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 507, Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Boso, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

CHAPTER 18. EDUCATION.

ARTICLE 2L. KATHERINE JOHNSON ACADEMY.

§18-2L-1. Katherine Johnson Academy established.

There is hereby established the Katherine Johnson Academy in recognition of one of West Virginia's most outstanding and distinguished citizens whose contributions as a pioneer in the advancement of science, mathematics, and space travel have been recognized through numerous honors including the nation's highest civilian award, the Presidential Medal of Freedom.

§18-2L-2. Legislative findings; purpose; intent.

The Legislature hereby finds and declares that:

(1) A student's time engaged in learning is maximized when the student is allowed to progress and acquire competency at a pace that challenges his or her own interest and intellect.

(2) Post-secondary option programs, such as magnet or STEM schools, allow students to take college courses for which they can receive both college credit and credit toward their high school diploma and that such programs provide high-achieving students the opportunity to advance, academically, at a pace commensurate with their abilities and ambition.

(3) Currently, there are over 4,000 magnet schools in the United States serving over 3.5 million students. Each day, these students are gaining a competitive advantage over students in West Virginia who have little or no access to such programs.

(4) Post-secondary option programs, such as magnet schools, can provide the families of high-achieving secondary school

students the opportunity to save thousands of dollars in future college costs.

(5) In 2017, more than 52,000 Ohio students, including 15 percent of all high school juniors and seniors, earned college credit through the state's post-secondary option program, saving their families more than \$120 million in future college costs.

(6) The purpose for the establishment of the Katherine Johnson Academy is to provide high-achieving students in West Virginia the opportunity to engage in an accelerated and exceptionally challenging academic experience through the establishment of magnet school programs at four-year colleges and universities throughout West Virginia.

(7) It is the Legislature's intent that the academy's magnet school programs established under this article be both specialized and generalized and both resident- and commuter-based in order to provide students and parents with greater choice and colleges and universities greater flexibility in establishing the programs they host.

§18-2L-3. Definitions.

The following words used in this chapter and in any proceedings pursuant thereto have the meanings ascribed to them unless the context clearly indicates a different meaning:

“Academy” means the Katherine Johnson Academy created under this article.

“Academy board” means the Board of Trustees of the Katherine Johnson Academy.

“Academy program” means a magnet school program offered by the academy and hosted by a college or university pursuant to a collaboration agreement.

“Books” means both printed and electronic books required for a course;

“Chancellor” means the Chancellor of Higher Education for the State of West Virginia.

“Collaboration agreement” means an agreement by and among the academy board, state board, the commission, a college or university’s governing board and a county board, where necessary, that sets forth the terms and conditions by which a college or university will host an academy program.

“College or university” means both public and private four-year colleges and universities that maintain a physical campus with residential facilities for students.

“Commission” means the Higher Education Policy Commission of West Virginia.

“County board” means the county board of education.

“Generalized program” means a curriculum that offers a broad base of courses.

“Host institution” means a college or university in West Virginia that operates an academy program pursuant to a collaboration agreement.

“Local secondary school” means a public, private, or parochial school consisting, at least, of grades 10 through 12 in a county in which a student resides or a home school where a student has achieved a grade equivalency of grade 10, 11, or 12.

“Magnet school” means a public school with a rigorous and challenging curriculum that greatly exceeds the state’s minimum requirements and is intended to attract high-achieving students from across the boundaries of traditional school districts. The curriculum for a magnet school program may be specialized, such as a STEM school, or generalized.

“President” means the President of the Katherine Johnson Academy.

“Public school student” means any student currently enrolled in a public school including a residential academy program.

“Specialized program” means a curriculum that provides a focus on a particular area of academic interest.

“State” means the State of West Virginia.

“Standard rate” means the amount per credit hour assessed by a college or university for an in-state student who is enrolled as an undergraduate student at that college, but who is not participating in any program established under this article.

“State aid formula” means the State’s Public School Support Program established under §18-9A-1 *et seq.* of this code.

“State board” means the West Virginia Board of Education.

“State per pupil allocation” means the average per pupil state aid allocation for all pupils in the state under the state aid formula for the previous fiscal year.

“Trustee” means a member of the Board of Trustees of the Katherine Johnson Academy.

§18-2L-4. Board of Trustees.

(a) A board of trustees shall serve as the governing board and policy-making authority for the academy.

(b) *Membership.* – The board of trustees shall consist of five voting trustees appointed by the Governor with the advice and consent of the Senate. At least one trustee shall reside in each of the state’s congressional districts.

(1) Two of the five trustees of the initial academy board shall be appointed for two-year terms beginning July 1, 2018, and expiring June 30, 2020.

(2) Three of the five trustees of the initial academy board shall be appointed to four-year terms beginning July 1, 2018, and expiring June 30, 2022.

(3) Upon expiration of the terms of the trustees to the initial academy board, all trustees shall be appointed to four-year terms to commence on July 1 and end on June 30 of the fourth year.

(4) No trustee shall be appointed to serve more than two consecutive terms.

(5) The state superintendent and the Chancellor of Higher Education shall serve as nonvoting ex-officio trustees of the academy board.

(c) Chair. – The academy board shall elect a trustee from among the voting trustees to serve as chair for a term of two years. No trustee may be elected chair for more than two consecutive terms.

(d) Powers. – The academy board shall be authorized to:

(1) Serve as a bridge between the state board and higher education by encouraging and facilitating the creation of academy programs on the campuses of colleges and universities throughout West Virginia;

(2) Establish standards of performance and accountability for the academy programs;

(3) Provide the Governor, the Legislature, the state board, the commission, participating colleges and universities, and the public with annual reports on the academic and financial performance of the academy programs based upon established standards: *Provided, That such reports shall not violate any federal or state law as it relates to student confidentiality;*

(4) Approve any contracts or other agreements required by law or necessary to fulfill the purposes of this article;

(5) Promulgate rules for the governance of the academy; and

(6) Perform all other necessary duties and responsibilities required by law or inherent to such a governing board.

(e) Meetings. – The academy board shall meet quarterly on a date and at a time and place determined by the chair. The chair or three of the five trustees shall be authorized to call a special meeting upon 14 days’ written notice to all trustees and the academy’s president.

(f) Quorum. – A quorum for the transaction of business is constituted by the attendance of three or more voting trustees either in person or by electronic means approved by the academy board. All official actions of the academy board shall require a majority vote of those voting trustees present and voting.

(g) Compensation. – Trustees shall serve without compensation: *Provided*, That they may be compensated for all reasonable travel and other expenses associated with the performance of their duties.

§18-2L-5. Academy president.

The Governor shall select the president of the academy who shall serve as its chief executive officer pursuant to the terms and conditions of a contract for such services: *Provided*, That the contract period for such services shall not extend beyond a period of five years.

§18-2L-6. Collaboration agreements; restrictions.

(a) The rules, procedures, and policies of each host institution shall govern the operation of each academy program subject to a collaboration agreement that shall be entered into by and among:

(1) The academy board, the state board, the chancellor, and the governing board of the host institution for residential academy programs; and

(2) The academy board, the state board, the chancellor, the governing board of the host institution and the county board for each secondary school in which a student is enrolled for commuter-based Academy programs.

(b) All collaboration agreements shall be subject by law to the following restrictions:

(1) The charges for tuition, fees, and books for academy programs may not exceed the standard rate charged to full-time, in-state students attending the host institution; and

(2) The annual charges for tuition, fees and books for any individual student enrolled in an academy program may not exceed the total amount of the PROMISE scholarship plus:

(A) For a residential program, the state per pupil allocation; or

(B) For a commuter program, 90% of the state per pupil allocation.

§18-2L-7. Establishment of residential and commuter-based programs.

The academy is authorized to establish both residential and commuter-based programs. For the purposes of this article:

“Commuter program” is defined as:

(A) A program that attracts students from an area within reasonable proximity to the campus, thus commuting to and from the host institution for instruction;

(B) Students are enrolled in both a local secondary school and the host institution;

(C) Students receive both college credit and credit towards their high school diploma for courses successfully completed; and

(D) Students who satisfy their secondary school requirements receive their high school diploma from the local secondary school in which they are enrolled.

“Residential program” is defined as:

(A) An academy program that attracts students from throughout the state, thus requiring students to live on campus;

Provided, That the host institution may waive such requirement for students who live within a reasonable distance from the campus and are able of traveling to and from the campus;

(B) Students are enrolled in both the academy, as a diploma granting public school, and the host institution;

(C) Students receive both college credit and credit towards their high school diploma for courses successfully completed; and

(D) Students who satisfy their secondary school requirements receive their high school diploma from the academy.

§18-2L-8. Academy of Mathematics and Science and Academy for the Performing Arts established; determination of host institution.

The Academy of Mathematics and Science and the Academy for the Performing Arts are hereby established as specialized, residential academy programs.

The academy board shall determine the host institutions for the Academy of Mathematics and Science and the Academy for the Performing Arts through a competitive bidding process. The academy board is authorized to develop the criteria to be considered and the process by which the host institutions shall be selected. Such information shall be made available in a timely manner to all colleges and universities in West Virginia.

§18-2L-9. Minimum eligibility requirements.

(a) In order to be eligible for admission and enrollment in an academy program, a student must meet the minimum eligibility requirements for the PROMISE scholarship set forth in §18C-7-6(c) of this code except for the requirements set forth in §18C-7-6(c)(1) (relating to high school graduation) and §18C-7-5(a)(4) of this code.

(b) In addition, in order to be eligible for admission and enrollment in an academy program, a student must have completed

the following core course requirements for secondary school students:

(1) If the student is entering an academy program at the beginning of the equivalent of his or her 10th grade year, one core class in English, mathematics, social science, and science;

(2) If the student is entering an academy program at the beginning of the equivalent of his or her 11th grade year, two required core classes in English, mathematics, social science, and science; or

(3) If the student is entering an academy program at the beginning of the equivalent of his or her 12th grade year, three required core classes in English, mathematics, and social science, and two required core classes in science.

(c) Students enrolled in a required core class necessary to meet the requirements set forth in this section at the time of his or her application shall not be prohibited from applying for admission to an academy program but must meet such requirements prior to admission.

(d) Nothing in this section shall limit a collaboration agreement from requiring higher standards for admission to an academy program.

§18-2L-10. Admission and enrollment.

The host institution shall determine the admission and enrollment of students in an academy program subject to the terms and conditions of the collaboration agreement and their own internal admissions policies.

§18-2L-11. Financial matters; participation not required.

(a) Notwithstanding any eligibility requirement to the contrary, any student accepted and admitted into any academy program created pursuant to this article shall be awarded a PROMISE scholarship as established under §18C-7-1 *et seq.* of this code for the payment of the student's tuition, fees, and books.

(b) In the event the PROMISE scholarship awarded does not provide sufficient funding to pay for a student's tuition, fees, and books, any public school student accepted and admitted in any academy program shall be entitled to a scholarship from the Katherine Johnson Academy Fund, established under §18C-9-1 *et seq.* of this code, in an amount equal to the lesser of the balance of the student's tuition, fees, and books or:

(1) For a student enrolled in a residential program, the state per pupil allocation; or

(2) For a student enrolled in a commuter program, 90 percent of the state per pupil allocation.

(c) In the event a student shall be enrolled in any academy program for less than a year, any annual award provided under this section may be paid partially on a semester or other term basis to reflect the amount due for the payment of tuition, fees, and books.

(d) No county board or college or university in West Virginia shall be required to participate in any commuter academy programs established under this article.

§18-2L-12. Joint rule required.

In order to promote the fulfillment of the intent, purposes, and spirit of the Katherine Johnson Academy, the academy board, the state board, and the commission shall promulgate a joint legislative rule that provides for, but is not limited to, the appropriate waiver of policies by the state board and the commission; the establishment and delivery of the courses and programs under this article; the qualifications for teachers and other faculty to provide instruction; criteria for determining equivalencies to the minimum standards set forth herein for any student homeschooled under exemptions provided in §18-8-1(c) of this code; requirements for the content of any collaboration agreement; the establishment of performance measures for purposes of accreditation; and any other rule that may provide additional guidance in administering the academy.

**CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS
AND STATE AID.**

**ARTICLE 9. THE KATHERINE JOHNSON SCHOLARSHIP
FUND.**

§18C-9-1. Katherine Johnson Scholarship Fund established.

There is hereby established the Katherine Johnson Scholarship Fund, which shall be administered by the Board of Trustees of the Katherine Johnson Academy (hereinafter referred to as the “academy board”) established under §18-2L-1 *et seq.* of this code.

§18C-9-2. Purpose.

The purpose of the Katherine Johnson Scholarship Fund is to receive, hold, invest, and expend both public and private moneys for the purposes of providing scholarships for students attending the Katherine Johnson Academy pursuant to §18-2L-11(b) of this code.

§18C-9-3. Definitions.

Words used in this article shall be the same as defined in §18-2L-3 of this code.

§18C-9-4. Powers of the academy board.

In addition to the powers granted by any other provision of this code, the academy board has the powers necessary or convenient to carry out the purposes and provisions of this article including, but not limited to, the following express powers:

(1) To promulgate legislative rules in accordance with the provisions of §29A-3A-1 *et seq.* of this code to effectuate the purposes of this article;

(2) To invest any of the funds received under this article with the West Virginia Investment Management Board in accordance with the provisions of §12-6-1 *et seq.* of this code;

(3) To execute contracts and other necessary instruments;

(4) To contract for necessary goods and services, to employ necessary personnel, and to engage the services of private persons for the administrative and technical assistance in carrying out the responsibilities of this program;

(5) To solicit and accept gifts, including bequests or other testamentary gifts made by will, trust, or other disposition, grants, loans, and other aid from any source and to participate in any federal, state, or local governmental programs in carrying out the purpose of this article; and

(6) To establish other policies, procedures, and criteria necessary to implement and administer the provisions of this article.

§18C-9-5. State and county support.

Each year, an appropriation shall be made to the Department of Education for distribution to the Katherine Johnson Scholarship Fund in an amount equal to the state per pupil allocation for the previous fiscal year times the number of students attending a residential academy program established under §18-2L-1 *et seq.* of this code.

Each year, a county board shall transfer to the Katherine Johnson Scholarship Fund an amount equal to 90 percent of the county per pupil allocation for the previous fiscal year times the number of students enrolled in both a local secondary school in their county and a commuter academy program established under §18-2L-1 *et seq.* of this code.

In the event a student shall be enrolled in any academy program for less than a year, any amount required to be transferred under this section may be made partially on a semester or other term basis to reflect the amount due for payment of tuition, fees, and books.

The bill (Com. Sub. for S. B. 507), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 514, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on the Judiciary, were reported by the Clerk, considered simultaneously, and adopted:

On page three, section one, lines three through six, by striking out the following: In order to protect the public through verification of competency and ensure accountability for patient-care-related activities, all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs, and paramedics.;

On page fourteen, section ten, line ninety-two, after the word “states” by inserting the words “once authorized by the Legislature pursuant to the provisions of §29A-3-1 *et seq.* of this code”;

And,

On page sixteen, section ten, line one hundred fifty-two, by striking out the word “it”.

The bill (Com. Sub. for S. B. 514), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 515, Clarifying PSC jurisdiction over water and sewer utilities.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 545, Relating to driving privileges and requirements for persons under 18.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page six, section three-a, line one hundred thirty-seven, after the word “device” by inserting the words “for the purpose of communicating with another”.

The bill (S. B. 545), as amended, was then ordered to engrossment and third reading.

Senate Bill 557, Relating to Senior Farmers’ Market Nutrition Program.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk:

On page one, section thirteen, line thirteen, by striking out “\$30” and inserting in lieu thereof “\$10”.

Following discussion,

(Senator Weld in the Chair.)

The question being on the adoption of the Finance committee amendment to the bill, the same was put and prevailed.

The bill (S. B. 557), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 558, Relating to certification requirements for crane operators.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 572, Creating Farm-to-School Grant Program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 575, Approving additional beds for intermediate care facilities.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Takubo, the following amendment to the bill was reported by the Clerk:

On page three, section eight, line sixty-six, after the word “facilities” by changing the period to a colon and inserting the following proviso: *Provided*, That none of the four bed sites shall be within five miles of another or adjacent to another behavioral health facility.

Following discussion,

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

The question being on the adoption of Senator Takubo’s amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 575), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 597, Prohibiting individuals convicted of domestic violence misdemeanor from conducting private investigation business.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 18. PRIVATE INVESTIGATIVE AND SECURITY SERVICES.**§30-18-2. Eligibility requirements for license to conduct the private investigation business.**

(a) In order to be eligible for any license to conduct the private investigation business, an applicant shall:

(1) Be at least 18 years of age;

(2) Be a citizen of the United States or an alien who is legally residing within the United States;

(3) Not have had any previous license to conduct a private investigation business or to conduct a security guard business revoked or any application for any ~~such~~ licenses or registrations denied by the appropriate governmental authority in this or any other state or territory;

(4) Not have been declared incompetent by reason of mental defect or disease by any court of competent jurisdiction unless a court has subsequently determined that the applicant's competency has been restored;

(5) Not suffer from habitual drunkenness or from narcotics addiction or dependence;

(6) Be of good moral character;

(7) Have a minimum of two years of experience, education, or training in any one of the following areas, or some combination ~~thereof~~ of experience, education, or training:

(A) Course work that is relevant to the private investigation business at an accredited college or university;

(B) Employment as a member of any United States government investigative agency, employment as a member of a state or local law-enforcement agency or service as a sheriff;

(C) Employment by a licensed private investigative or detective agency for the purpose of conducting the private investigation business;

(D) Service as a magistrate in this state; or

(E) Any other substantially equivalent training or experience;

(8) Not have been convicted of a felony in this state or any other state or territory;

(9) Not have been convicted of any of the following:

(A) Illegally using, carrying, or possessing a pistol or other dangerous weapon;

(B) Making or possessing burglar's instruments;

(C) Buying or receiving stolen property;

(D) Entering a building unlawfully;

(E) Aiding an inmate's escape from prison;

(F) Possessing or distributing illicit drugs;

(G) Any misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33); a misdemeanor offense of assault or battery under §61-2-9(b), §61-2-9(c), or §61-2-28 of this code in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward, or a member of the defendant's household at the time of the offense; or a misdemeanor offense with similar essential elements in a jurisdiction other than this state: *Provided, That an applicant is eligible for licensure 10 years after the date of conviction, if the applicant has not been convicted of any other crime during that 10 year period; and*

~~(G)~~ (H) Any misdemeanor involving moral turpitude or for which dishonesty of character is a necessary element. ~~and~~

(10) Not have violated any provision of §30-18-8 of this code.

The provisions of this section shall not prevent the issuance of a license to any person who, subsequent to his or her conviction, ~~shall have~~ has received an executive pardon ~~therefor~~ for the conviction, removing this disability.

(b) Any person who qualifies for a private investigator's license shall also be qualified to conduct security guard business upon notifying the Secretary of State in writing that the person will be conducting ~~such~~ that business.

(c) ~~No~~ A person may not be employed as a licensed private investigator while serving as magistrate.

(d) A person shall not conduct any private investigation in the fields of fire or arson in this state unless the person is:

(1) Licensed in accordance with this article; and

(2) Certified as a Certified Fire Investigator (CFI) and/or Certified Fire and Explosion Investigator (CFEI) by the National Association of Fire Investigators, International Association of Arson Investigators, Bureau of Alcohol, Tobacco & Firearms, or the West Virginia State Fire Commission;

(e) Upon revocation of his or her certification by either the National Association of Fire Investigators, International Association of Arson Investigators, Bureau of Alcohol, Tobacco & Firearms, or the West Virginia State Fire Commission, a private investigator who conducts fire or arson investigations shall cease the practice of said investigations.

§30-18-3. Application requirements for a license to conduct the private investigation business.

(a) To be licensed to be a private detective, a private investigator or to operate a private detective or investigative firm, each applicant shall complete and file a written application, under oath, with the Secretary of State and in ~~such~~ a form as prescribed by the secretary ~~may prescribe~~.

(b) On the application, each applicant shall provide the following information: The applicant's name, birth date, citizenship, physical description, military service, current residence, residences for the preceding seven years, qualifying education or experience, the location of each of his or her offices in this state and any other information requested by the Secretary of State in order to comply with the requirements of this article.

(c) In the case of a corporation that is seeking a firm license, the application shall be signed by the president, and verified by the secretary or treasurer of ~~such~~ the corporation and shall specify the name of the corporation, the date and place of its incorporation, the names and titles of all officers, the location of its principal place of business, and the name of the city, town, or village, stating the street and number, and ~~otherwise such apt~~ other description as that will reasonably indicate the location. If the corporation has been incorporated in a state other than West Virginia, a certificate of good standing from the state of incorporation must accompany the application. This information must be provided in addition to that required to be provided by the applicant.

(d) The applicant shall provide:

(1) Information in the application about whether the applicant has ever been arrested for or convicted of any crime or wrongs, either done or threatened, against the government of the United States;

(2) Information about offenses against the laws of West Virginia or any state; and

(3) Any facts ~~as may be~~ required by the Secretary of State to show the good character, competency, and integrity of the applicant.

To qualify for a firm license, the applicant shall provide ~~such~~ information for each person who will be authorized to conduct the private investigation business and for each officer, member, or partner of the firm.

(e) As part of the application, each applicant shall give the Secretary of State permission to review the records held by the Division of Public Safety for any convictions that may be on record for the applicant.

(f) For each applicant for a license and for each officer, member, and partner of the firm applying for a license, the application shall be accompanied by one recent full-face photograph and one complete set of the person's fingerprints.

(g) For each applicant, the application shall be accompanied by:

(1) Character references from at least five reputable citizens. Each reference must have known the applicant for at least five years preceding the application. ~~No~~ A reference may not be connected to the applicant by blood or marriage. All references must have been written for the purpose of the application for a license to conduct the private investigation business; and

(2) A nonrefundable application processing service charge of \$50, which shall be payable to the Secretary of State to offset the cost of license review and criminal investigation background report from the department of public safety, along with a license fee of \$100 if the applicant is an individual, \$200 if the applicant is a firm, or \$500 if the applicant is a nonresident of West Virginia or a foreign corporation or business entity. The license fee shall be deposited ~~to~~ in the General Revenue Fund, and shall be refunded only if the license is denied.

(h) All applicants for private detective or private investigator licenses or for private investigation firm licenses shall file in the office of Secretary of State a surety bond. ~~Such~~ The bond shall:

(1) Be in the sum of \$2,500 and conditioned upon the faithful and honest conduct of ~~such~~ the business by ~~such~~ the applicant;

(2) Be written by a company recognized and approved by the Insurance Commissioner of West Virginia and approved by the Attorney General of West Virginia with respect to its form. A

raised seal certification is not required for the purpose of a bond required under this section;

(3) Be in favor of the State of West Virginia for any person who is damaged by any violation of this article. The bond must also be in favor of any person damaged by ~~such~~ a violation.

(i) Any person claiming against the bond required by §30-18-3(h) of this code for a violation of this article may maintain an action at law against any licensed individual or firm and against the surety. The surety shall be liable only for damages awarded under §30-18-12 of this code and not the punitive damages permitted under that section. The aggregate liability of the surety to all persons damaged by a person or firm licensed under this article may not exceed the amount of the bond.

§30-18-5. Eligibility requirements to be licensed to conduct security guard business.

(a) In order to be eligible for any license to conduct security guard business, an applicant shall:

(1) Be at least 18 years of age;

(2) Be a citizen of the United States or an alien who is legally residing within the United States;

(3) Not have had any previous license to conduct security guard business or to conduct the private investigation business revoked or any application for any ~~such~~ licenses or registrations denied by the appropriate governmental authority in this or any other state or territory;

(4) Not have been declared incompetent by reason of mental defect or disease by any court of competent jurisdiction unless ~~said~~ the court has subsequently determined that the applicant's competency has been restored;

(5) Not suffer from habitual drunkenness or from narcotics addiction or dependence;

(6) Be of good moral character;

(7) Have had at least one year verified, full-time employment conducting security guard business or conducting the private investigation business working for a licensed firm or have one year of substantially equivalent training or experience;

(8) Not have been convicted of a felony in this state or any other state or territory;

(9) Not have been convicted of any of the following:

(A) Illegally using, carrying, or possessing a pistol or other dangerous weapon;

(B) Making or possessing burglar's instruments;

(C) Buying or receiving stolen property;

(D) Entering a building unlawfully;

(E) Aiding an inmate's escape from prison;

(F) Possessing or distributing illicit drugs;

(G) Any misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33); a misdemeanor offense of assault or battery under §61-2-9(b), §61-2-9(c), or §61-2-28 of this code in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward, or a member of the defendant's household at the time of the offense; or a misdemeanor offense with similar essential elements in a jurisdiction other than this state: *Provided*, That an applicant is eligible for licensure 10 years after the date of conviction, if the applicant has not been convicted of any other crime during that 10 year period;

~~(G)~~ (H) Any misdemeanor involving moral turpitude or for which dishonesty of character is a necessary element. ~~and~~

(10) Not having violated any provision of §30-18-8 of this code.

The provisions of this section shall not prevent the issuance of a license to any person who, subsequent to his or her conviction, shall have received an executive pardon ~~therefor~~ for the conviction, removing this disability.

§30-18-6. Application requirements for a license to conduct security guard business.

(a) To be licensed as a security guard or to operate a security guard firm, each applicant shall complete and file a written application, under oath, with the Secretary of State and in ~~such~~ the form ~~as prescribed by the secretary~~ may prescribe.

(b) On the application, each applicant shall provide the following information: The applicant's name, birth date, citizenship, physical description, military service, current residence, residences for the preceding seven years, qualifying education or experience, the location of each of his or her offices in this state, and any other information requested by the Secretary of State in order to comply with the requirements of this article.

(c) In the case of a corporation that is seeking a firm license, the application shall be signed by the president and verified by the secretary or treasurer of ~~such~~ the corporation and shall specify the name of the corporation, the date and place of its incorporation, the names and titles of all officers, the location of its principal place of business, and the name of the city, town, or village, stating the street and number, and ~~otherwise such apt~~ any other description as that will reasonably indicate the location. If the corporation has been incorporated in a state other than West Virginia, a certificate of good standing from the state of incorporation must accompany the application. This information shall be provided in addition to that required to be provided the applicant.

(d) The applicant shall provide:

(1) Information in the application about whether the applicant has ever been arrested for or convicted of any crime or wrongs,

either done or threatened, against the government of the United States;

(2) Information about offenses against the laws of West Virginia or any state; and

(3) Any facts ~~as may be~~ required by the Secretary of State to show the good character, competency, and integrity of the applicant.

To qualify for a firm license, the applicant shall provide ~~such~~ information for each person who would be authorized to conduct security guard business under the applicant's firm license and for each officer, member, or partner in the firm.

(e) As part of the application, each applicant shall give the Secretary of State permission to review the records held by the West Virginia State Police for any convictions that may be on record for the applicant.

(f) For each applicant for a license and for each officer, member, and partner of the firm applying for a license, the application shall be accompanied by one recent full-face photograph and one complete set of the person's fingerprints.

(g) For each applicant, the application shall be accompanied by:

(1) Character references from at least five reputable citizens. Each reference must have known the applicant for at least five years preceding the application. ~~No~~ A reference may not be connected to the applicant by blood or marriage. All references must have been written for the purpose of the application for a license to conduct security guard business; and

(2) A nonrefundable application processing service charge of \$50, which shall be payable to the Secretary of State to offset the cost of license review and criminal investigation background report from the Department of Public Safety, along with a license fee of \$100 if the applicant is an individual, ~~or~~ \$200 if the applicant is a firm, or \$500 if the applicant is a nonresident of West Virginia or

a foreign corporation or business entity. The license fee shall be deposited ~~to~~ in the General Revenue Fund, and shall be refunded only if the license is denied.

(h) All applicants for security guard licenses or security guard firm licenses shall file in the office of Secretary of State a surety bond. ~~Such~~ The bond shall:

(1) Be in the sum of \$2,500 and conditioned upon the faithful and honest conduct of ~~such~~ the business by ~~such~~ the applicant;

(2) Be written by a company recognized and approved by the Insurance Commissioner of West Virginia and approved by the Attorney General of West Virginia with respect to its form. A raised seal certification is not required for the purpose of a bond required under this section;

(3) Be in favor of the State of West Virginia for any person who is damaged by any violation of this article. The bond must also be in favor of any person damaged by ~~such a~~ the violation.

(i) Any person claiming against the bond required by §30-18-6(h) of this code, for a violation of this article may maintain an action at law against any licensed individual or firm and against the surety. The surety ~~shall be~~ is liable only for damages awarded under §30-18-12 of this code, and not the punitive damages permitted under that section. The aggregate liability of the surety to all persons damaged by a person or firm licensed under this article may not exceed the amount of the bond.

§30-18-10. Authority of Secretary of State.

~~(a) When the Secretary of State is satisfied as to the good character, competency and integrity of an applicant, of all employees or individuals conducting the private investigation business or security guard services under a firm license and, if the applicant is a firm, of each member, officer or partner, he or she shall issue and deliver to the applicant a certificate of license. Each license issued shall be for a period of one year and is revocable at all times for cause shown pursuant to subsection (b) of this section or any rules promulgated pursuant thereto.~~

(a) The Secretary of State's authority and duties regarding the promulgation of rules related to this article are as follows:

(1) The Secretary of State may propose rules for legislative approval, in accordance with the provisions of §29A-3-1 et seq. of this code, establishing state standards and fee schedules for the licensing, registration, certification, regulation, renewal, reinstatement, and continuing education of individuals who will conduct private investigation and security guard businesses in this state.

(2) The Secretary of State shall propose rules for legislative approval requiring applicants for licensing, registration, or certification to submit to a state and national criminal history record check as set forth in this section and may deny licensing, registration, or certification based upon the results of the criminal history record check.

~~(b) The Secretary of State may propose for promulgation in accordance with the provisions of chapter twenty nine a of this code legislative rules necessary for the administration and enforcement of this article and for the issuance, suspension and revocation of licenses issued under the provisions of this article. The Secretary of State shall afford any applicant an opportunity to be heard in person or by counsel when a determination is made to deny, revoke or suspend an applicant's license or application for license, including a renewal of a license. The applicant has fifteen days from the date of receiving written notice of the Secretary of State's adverse determination to request a hearing on the matter of denial, suspension or revocation. The action of the Secretary of State in granting, renewing, or in refusing to grant or to renew, a license is subject to review by the circuit court of Kanawha County or other court of competent jurisdiction.~~

(b) The Secretary of State may establish advisory boards it considers appropriate to encourage representative participation in subsequent rule-making from groups or individuals with an interest in any aspect of private investigation and/or security guard businesses.

~~(c) At any hearing before the Secretary of State to challenge an adverse determination by the Secretary of State on the matter of a denial, suspension or revocation of a license, if the adverse determination is based upon a conviction for a crime which would bar licensure under the provisions of this article, the hearing shall be an identity hearing only and the sole issue which may be contested is whether the person whose application is denied or whose license is suspended or revoked is the same person convicted of the crime.~~

~~(d) The Secretary of State shall require each applicant to submit to a state and national criminal history record check, as set forth in this subsection:~~

~~(1) The criminal history record check shall be based on fingerprints submitted to the West Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.~~

~~(2) The applicant shall meet all requirements necessary to accomplish the state and national criminal history record check, including:~~

~~(A) Submitting fingerprints for the purposes set forth in this section; and~~

~~(B) Authorizing the Secretary of State, the West Virginia State Police and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a license.~~

~~(3) The results of the state and national criminal history record check may not be released to or by a private entity except:~~

~~(A) To the individual who is the subject of the criminal history record check;~~

~~(B) With the written authorization of the individual who is the subject of the criminal history record check; or~~

~~(C) Pursuant to a court order.~~

~~(4) The criminal history record check and related records are not public records for the purposes of chapter twenty nine b of this code.~~

~~(5) The applicant shall ensure that the criminal history record check is completed as soon as possible after the date of the original application for registration.~~

~~(6) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.~~

The bill (Com. Sub. for S. B. 597), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 600, Relating to powers and duties of PSC.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 603, Relating to proceedings for involuntary custody for examination.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 625, Creating WV Volunteer Fire and Rescue Act of 2018.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 628, Relating generally to WV Jobs Investment Trust Board.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 4024, Relating generally to direct cremation or direct burial expenses for indigent persons.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4142, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4169, Requiring certain establishments and facilities to post human trafficking assistance notices.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. House Bill 4385, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 261, Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund.

Senate Bill 282, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery.

Com. Sub. for Senate Bill 360, Clarifying oil and gas permits not be on flat well royalty leases.

Com. Sub. for Com. Sub. for Senate Bill 402, Creating exemption from certain contract and common carrier laws for motor vehicles.

Com. Sub. for Senate Bill 421, Relating to crossbow hunting.

Com. Sub. for Senate Bill 445, Allowing DOH acquire real or personal property for utility accommodation.

Com. Sub. for Senate Bill 448, Relating generally to professional associations.

Senate Bill 452, Exempting hunting license information from public disclosure.

Com. Sub. for Com. Sub. for Senate Bill 472, Providing funds to DHHR for local boards of health employee pay raises.

Senate Bill 485, Terminating Workers Compensation Debt Reduction Fund assessment on self-insured employers.

Com. Sub. for Senate Bill 504, Excluding seasonal amusement park workers from definition of "employee".

Com. Sub. for Senate Bill 508, Establishing State Trail Authority.

Senate Bill 530, Requiring Secretary of State provide database for registered corporations and sole proprietorship.

Com. Sub. for Senate Bill 534, Increasing penalty for tobacco-related offenses on public school property.

Com. Sub. for Senate Bill 548, Authorizing county commissions to pay election officials.

Com. Sub. for Senate Bill 565, Clarifying authority of State Fire Commission.

Com. Sub. for Senate Bill 567, Including treason, murder, armed robbery, and organized crimes for which communications can be intercepted.

Com. Sub. for Senate Bill 568, Deferring further proceedings for certain first offenses upon completion of Motor Vehicle Alcohol Test and Lock Program within 12 months.

Senate Bill 580, Updating language for WV geodetic datum to match federal coordinate systems.

Com. Sub. for Senate Bill 582, Allowing candidate for political party executive committee serve as election official.

Senate Bill 584, Finding certain claims against state to be moral obligations of state.

Senate Bill 585, Altering boundary line between Doddridge and Harrison counties.

Senate Bill 592, Adding examination of advanced care technician for firefighter paramedic.

Com. Sub. for Senate Bill 601, Relating to personal income tax.

Senate Bill 612, Relating to sale of municipal property.

Com. Sub. for Senate Bill 616, Establishing maximum gross weight for certain wood-bearing trucks.

Senate Bill 629, Expanding conditions of permanent disability required for Class Q permit.

And,

Eng. Com. Sub. for House Bill 4022, Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel, Ojeda, Prezioso, and Ferns.

At the request of Senator Azinger, and by unanimous consent, the Senate returned to the eleventh order of business and the introduction of guests.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Baldwin, the name of Senator Baldwin was removed as a sponsor of **Committee Substitute for Senate Bill 403** (*Licensing advance deposit wagering*).

At the respective requests of Senators Jeffries and Prezioso, the names of Senators Jeffries and Prezioso were removed as sponsors of **Committee Substitute for Senate Bill 600** (*Relating to powers and duties of PSC*).

At the request of Senator Cline, the name of Senator Cline was removed as a sponsor of **Senate Bill 613** (*Relating to Youth Mental Health Protection Act*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:59 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:18 p.m. today and, at the request of Senator Ferns, and by unanimous consent, returned to the fourth order of business.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 295, Relating to Local Powers Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 295) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 442, Establishing universal forms and deadlines when submitting prior authorization electronically.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 21, 2018;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 589, Relating to issuance of personalized plates for antique motor vehicles.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 23, 2018;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 590, Providing special license plate for curing childhood cancer.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 23, 2018;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 630 (originating in the Committee on Finance)—A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended, all relating to changes in distribution of racetrack video lottery net terminal income, excess net terminal income, and excess lottery fund.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 630) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 631 (originating in the Committee on Finance)—A Bill to amend and reenact §24C-1-2, §24C-1-3, §24C-1-6, and §24C-1-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto five new sections, designated §24C-1-2a, §24C-1-2b, §24C-1-9, §24C-1-10, and §24C-1-11, all relating to the one-call system; adding and modifying definitions; creating Underground Damage Prevention Fund; creating Underground Facilities Damage Prevention Board; specifying authority, responsibilities, membership, and liability of board; requiring reports by board; authorizing actions by Public Service Commission; expanding required membership of one-call system; authorizing cost apportionment and collection from operators; modifying standard color code for temporary markings; exempting local or state government responding to emergency repair or replacement of traffic control device from notice requirements; requiring underground facilities be locatable; and providing for civil enforcement, including citations, orders, hearings, monetary civil penalties, and mandatory training.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 631) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Ojeda moved that the Senate Committee on Banking and Insurance be discharged from further consideration of

Eng. Senate Bill 486, Stabilizing PEIA benefits.

Which motion, the President ruled out of order.

Following a point of inquiry to the President, with resultant response thereto,

Senator Ojeda requested unanimous consent that the Senate return to the sixth order of business, which agenda includes the making of main motions.

Which consent was not granted, Senator Ferns objecting.

Senator Ojeda then moved that the Senate return to the sixth order of business, which agenda includes the making of main motions.

The question being on the adoption of Senator Ojeda's aforestated motion, the same was put.

The result of the voice vote being inconclusive, Senator Ojeda demanded a division of the vote.

A standing vote being taken, there were 11 "yeas" and 21 "nays".

Whereupon, Senator Carmichael (Mr. President) declared Senator Ojeda's aforestated motion had not prevailed.

On motion of Senator Ferns, at 5:27 p.m., the Senate adjourned until tomorrow, Tuesday, February 27, 2018, at 11 a.m.

TUESDAY, FEBRUARY 27, 2018

The Senate met at 11:08 a.m.

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

Prayer was offered by Pastor Chris Lester, Church of Jesus in Pineville, West Virginia, and Chaplain for the Division of Natural Resources Law Enforcement.

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

Pending the reading of the Journal of Monday, February 26, 2018,

At the request of Senator Rucker, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

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

Motor Vehicles, Division of (Motor Vehicle Test and Lock Program) (§17C-5A-3a)

The Senate proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2889—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-14-15a, relating to allowing military veterans with certain military ratings to qualify for examinations required of a probationary police officer.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4214—A Bill to amend and reenact §19-1A-3a of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-3-35 of said code, all relating to ginseng; requiring a dealer to keep a photocopy of a valid identification card of all persons involved in a purchase or sale of ginseng, increasing civil and criminal penalties for violations of uncertified ginseng.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4444—A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the State Fire Commission in adopting a State Building Code with regard to establishing building energy savings codes.

Referred to the Committee on Government Organization.

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

Eng. House Bill 4465—A Bill to amend and reenact §30-36-2, §30-36-7, §30-36-9, §30-36-10, §30-36-14, §30-36-17 and §30-36-18 of the Code of West Virginia, 1931, as amended, all relating to authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy; defining terms; providing rulemaking and emergency rulemaking authority; requiring certificates; establishing qualifications for certificate holders; providing for the surrender of certificates; limiting scope;

prohibiting advertising; and providing for the suspension or revocation of certificates.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4481—A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-14 of said code; to amend and reenact §30-7-11 of said code; to amend and reenact §30-7A-10 of said code; and to amend and reenact §30-14-11 of said code, all relating to the addition of mandatory, inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, registered professional nursing, and practical nursing so that licensees or registrants of those boards must report the professional incompetence or inability to practice of any licensee or registrant of any of those boards.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 4539—A Bill to amend and reenact §7-14D-7 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §7-14D-11a, all relating to providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses; and setting a minimum amount of employer contribution.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4546—A Bill to amend and reenact §48-2-102 of the Code of West Virginia, 1931, as amended, relating to where marriage license applicants may apply for a marriage license in this state.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4550—A Bill to repeal §30-27-11a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-27-1 and §30-27-3 of said code; and to amend said code by adding thereto a new section, designated §30-27-8c, all relating to permits issued by the Board of Barbers and Cosmetologists; repealing the requirement for shampoo assistant to have permits; amending defined terms; and authorizing the board to establish an apprenticeship program for cosmetologists.

Referred to the Committee on Government Organization.

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 2—Requesting the Division of Highways name bridge number 44-119-20.84 (44A116), locally known as Whiting Electric Arch, carrying U. S. Route 119 over the right fork of Spring Creek in Roane County, the “U. S. Marine Corps PFC James Ralph Heeter Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 4—Requesting the Division of Highways to name bridge number 13-92-0.01 (13A173), locally

known as Wades Creek Bridge, carrying WV 92 over Wades Creek in Greenbrier County, the “U. S. Army SPC4 Gary Wayne Morgan Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 9—Requesting the Division of Highways to name bridge number 44-36-14.61 (44A079) locally known as the Looneyville Bridge, carrying WV Route 36 over Pocatalico River in Roane County, the “U. S. Air Force Major Neil L. Ferrell Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 25—Requesting the Division of Highways to name the bridge on WV Route 14 over Slate Creek, bridge number 54-14-0.64 (54A193), locally known as Slate Bridge, in Wood County, the “U. S. Army SPC David A. Hess Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 35—Requesting the Division of Highways to name bridge number 21-33-21.23 EB-WB (21A093, 52), locally known as Gladly Fork W-Beam bridge (EB

& WB), carrying US 33 over Stonecoal Creek in Lewis County, the “USMC LCpl George W. Henry, Jr. Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 61—Requesting the Division of Highways to name bridge number 22-37/2-3.40 (22A125), locally known as Sulphur Springs Fork Bridge #1, carrying County Route 37/2 over Fourteenmile Creek in Lincoln County the “U. S. Army PFC Cornelious Wiley Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 65 —Requesting the Division of Highways to name the road from the mouth of Harts Creek on Harts Creek Road 1.2 miles to Warrens Way off SR 10 on CR 19, Lincoln County, the “U. S. Army CPL George Browning Memorial Road”.

Referred to the Committee on Transportation and Infrastructure.

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 68—Requesting the Division of Highways to name a 2.5-mile portion of Rt.19 beginning at CR 19/1 and ending at CR 70, the “U. S. Army SGT Douglas Thompson Memorial Road”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2483, Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday.

And has amended same.

And,

Eng. Com. Sub. for House Bill 2916, Authorizing certain first responders to carry firearms.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2694, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas.

Eng. Com. Sub. for House Bill 2890, Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects.

And,

Eng. House Bill 4433, Declaring certain claims against an agency of the state to be moral obligations of the state.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2696, Relating to crossbow hunting.

And has amended same.

And,

Eng. Com. Sub. for House Bill 4138, Requiring certain public or private schools and daycare centers to install carbon monoxide detectors.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 4035, Creating a legislative coalition to study and report to the Legislature on palliative care.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Health and Human Resources pending.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4079, Promulgating administrative rules by various executive or administrative agencies of the state.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. Com. Sub. for House Bill 4175, Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4207, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 4332, Relating to home peritoneal renal dialysis.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Tom Takubo,
Chair.

The Senate proceeded to the sixth order of business.

Senators Cline, Baldwin, Clements, Jeffries, Smith, Swope, Woelfel, Beach, Plymale, Stollings, and Boso offered the following resolution:

Senate Concurrent Resolution 41—Requesting the Division of Highways to place signs at the following Interstate exits in Beckley: I-77 north bound at mile marker 42.5, I-77 south bound at mile marker 47.8, and I-64 west bound at mile marker 125.2, in Raleigh County, West Virginia, signifying Beckley as the “Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions”.

Whereas, Coach Bob Bolen was born August 28, 1963, in Beckley; and

Whereas, From 1986 to 1988, Coach Bolen was a mathematics teacher and head boys’ basketball coach at Park School in Beckley, where his record was 31-5 and they were regular season champions; and

Whereas, From 1989 to 1993, Coach Bolen was head coach, junior varsity/assistant varsity at Woodrow Wilson High School in Beckley, where in 1990, 1992, and 1993 they were AAA state champions; and

Whereas, From 1993 to 2012, Coach Bolen was director of athletics and head men’s basketball coach at Mountain State

University in Beckley. From 2013 to 2015, he was assistant basketball coach at East Tennessee State University. Beginning in 2015 to the present, he has served as an ESPN analyst and Marshall University TV analyst; and

Whereas, Coach Bolen was head coach of the only national championship won by a men's basketball team in West Virginia in the last 71 years. He holds the most all-time wins for a collegiate coach in West Virginia, with 489 wins. He has the highest winning percentage of any coach at any collegiate level this decade, winning 87 percent of his games; and

Whereas, Coach Bolen's record include: A career record 489 wins with 125 losses; 2010 NABC NAIA National Coach of the Year; 2004 NABC NAIA National Coach of the Year; 2004 West Virginia College Coach of the Year; 2004 Basketball Times National Coach of the Year; Regional Independent Coach of the year, 13 times; ranked #1 48 times since 2000 NAIA National Poll; forty-nine consecutive weeks ranked in the top 5 in the country; twelve consecutive 25-win seasons, 2001 – 2012; Number 1 scoring offense in country, six times; Top 5 scoring offense in country for 17 consecutive seasons; and number 1 field goal percentage defense, three times; and

Whereas, Coach Bolen's collegiate yearly records are:

2011 – 2012	26-9 Record, NAIA Final Four
2010 – 2011	33-4 Record, NAIA National Tournament Runner Up
2009 – 2010	29-3 Record, #3 NAIA Final National Poll, NAIA "Sweet 16"
2008 – 2009	28-5 Record, #3 NAIA Final National Poll, NAIA "Sweet 16"
2007 – 2008	34-3 Record, NAIA National Tournament Runner Up
2006 – 2007	27-6 Record, #4 NAIA Final National Poll;

2005 – 2006	29-3 Record, #1 NAIA Final National Poll, NAIA “Sweet 16”
2004 – 2005	31-4 Record, #1 NAIA Final National Poll, NAIA “Elite 8”
2003 – 2004	38-1 Record, NAIA National Champions
2002 – 2003	32-7 Record, NAIA National Tournament Runner Up
2001 – 2002	27-6 Record, #5 NAIA Final National Poll, Sweet “16”
2000 – 2001	25-5 Record, #6 NAIA Final National Poll
1999 – 2000	22-9 Record, #20 NAIA Final National Poll
1998 – 1999	29-6 Record, #12 NAIA Final National Poll, Sweet “16”
1994 – 1998	79-54 Record, #22 NAIA Final National Poll; and

Whereas, It is fitting that signs be placed at those Beckley exits proclaiming that Beckley is Coach Bolen’s hometown, a man who brought national attention to his city and his state and touched the lives of many athletes, students, fans, and residents of Beckley; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to place signs at the following Interstate exits in Beckley: I-77 north bound at mile marker 42.5, I-77 south bound at mile marker 47.8, and I-64 west bound at mile marker 125.2, in Raleigh County, West Virginia, signifying Beckley as the “Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying Beckley as the “Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions”; 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 Unger, Rucker, Beach, Plymale, and Stollings offered the following resolution:

Senate Resolution 54—Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County.

Whereas, The objective of Leadership Jefferson is to promote knowledge and awareness of the problems, opportunities, and issues facing Jefferson County; and

Whereas, Leadership Jefferson is designed to provide a series of educational and participatory experiences, as well as an opportunity for dialogue and the development of a correlation among participants to encourage local participation in the growth of Jefferson County; and

Whereas, The membership of Leadership Jefferson includes individuals from nearly every facet of Jefferson County’s business, professional, religious, governmental, educational, civic, the arts, organized labor, and minority organizations who demonstrate a commitment to the community; and

Whereas, The 2018 membership of Leadership Jefferson consists of Drew Bartoldson, Hollywood Casino at Charles Town Races; Kevin Brackens, Bros & Bras, Inc.; Olga Byxbee, American Public University Systems; David Colbert, Jefferson County Sheriff’s Department; Kathy Collins, WVU Medicine, Jefferson Medical Center; Alison Cox, Bowles Rice LLP; Chris Cox, Kay, Casto, and Chaney, PLLC; Todd Coyle, Appalachian Trail Conservancy; David Dalton, Bank of Charles Town; Whitney

Hammons, Hollywood Casino at Charles Town Races; Kim Himes, Bank of Charles Town; Brittany Jenkins, Hospice of the Panhandle; Lesley Johnson, Harpers Ferry National Historic Park; Ryan Levins, Harpers Ferry National Historic Park; Andrew Osantowski, Evans Incorporated; Caleb Pancione, Jefferson Day Report Center; Jessica Robinson, United Bank; Jacqueline Shadle, Jefferson County Commission; Katlin Thorsell, Jefferson County Schools; Vincent Tiong, Jefferson County Sheriff's Department; Jim Wysong, City of Charles Town; Neil Zahradnik, Jefferson County Prosecuting Attorney; and Heather Morgan McIntyre, Jefferson County Chamber of Commerce; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Leadership Jefferson for its service, dedication, and commitment to Jefferson County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Jefferson.

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

On motion of Senator Ferns, at 11:23 a.m., the Senate recessed to present Senate Resolution 54.

The Senate reconvened at 11:26 a.m. today and resumed business under the sixth order.

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

Senate Resolution 55—Congratulating the Cabell Midland Knights girls' soccer team for winning the 2017 Class AAA state championship.

Whereas, The Cabell Midland girls' soccer team had an outstanding year on the pitch, compiling an overall record of 18 wins, 5 losses, and 1 tie; and

Whereas, The Cabell Midland girls' soccer team was led by head coach Andy Wilson, and includes players: Abigail Long, Adrianna Porter, Alexis Knights, Allison Meade, Amelia Carter, Amy Borowski, Arwa Salamen, Ashley McClure, Ashton Lowe, Aubrey Howard-Brown, Eden Powell, Edwards Emmerson, Elaina Blickenstaff, Ellie Fisher, Emilie Charles, Gabby Hammers, Haley Martin, Hannah Messinger, Harper True, Isabelle Litteral, Kaylee Johnson, Kelly Whitmore, Kystyn Oehlers, Lindsey Keaton, Logan Ward, Maddie Meehling, Madeline Blevins, Madison Risinger, Megan Skean, Natalie Early, Norris Marlee, Rayen Ciccolella, Riley Curry, Ripley Haney, Sienna Weeks, Sophia Anton, Valarie Watts, and Yvonna Majdalani; and

Whereas, The Cabell Midland girls' soccer team displayed their talent and determination for an entire season and is a shining example of what can be accomplished with teamwork, dedication, and spirit; and

Whereas, The 2017 Cabell Midland girls' soccer team will be remembered as one of the best soccer teams in West Virginia history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Cabell Midland Knights girls' soccer team for winning the 2017 Class AAA state championship; and, be it

Further Resolved, The Clerk is hereby directed to forward a copy of this resolution to the Cabell Midland girls' soccer team.

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

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Plymale regarding the

adoption of Senate Resolution 55 were ordered printed in the Appendix to the Journal.

Senator Ojeda moved that the Senate Committee on Banking and Insurance be discharged from further consideration of

Eng. Senate Bill 486, Stabilizing PEIA benefits.

Following discussion,

The question being on the adoption of Senator Ojeda's aforestated motion, and on this question, Senator Ojeda demanded the yeas and nays.

Senator Ferns moved that Senator Ojeda's aforestated motion be tabled, and on this question, Senator Ojeda demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—21.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Mann—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' aforestated motion had prevailed and Senator Ojeda's motion was thereafter tabled.

The Senate proceeded to the seventh order of business.

Senate Resolution 53, Recognizing Glenville State College for its efforts in making education more affordable.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 82, Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 82) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for 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 professional firefighters; setting eligibility criteria for rebuttable presumptions; setting expiration of rebuttable presumption regarding leukemia, lymphoma, or multiple myeloma arising out of and in the course of employment as a firefighter on July 1, 2023, absent legislative action to the contrary; and eliminating outdated and obsolete language.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 331, Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 331 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 331) passed with its title.

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

Eng. Com. Sub. for Senate Bill 426, Modernizing certain alcohol laws.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Karnes, Maroney,

Maynard, Rucker, Swope, Takubo, Trump, Weld, and Carmichael (Mr. President)—17.

The nays were: Azinger, Baldwin, Beach, Drennan, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Sypolt, Unger, and Woelfel—16.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 426) passed with its title.

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

Eng. Com. Sub. for Senate Bill 434, Specifying documents not subject to discovery in certain proceedings.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 434 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, and Romano—6.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 434) passed with its title.

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

Eng. Com. Sub. for Senate Bill 443, Terminating parental rights when certain conditions are met.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 443) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 443—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to requiring the department to file a petition to terminate parental rights when parents have not had contact or attempted contact with a child in 18 consecutive months from the removal order; and creating exceptions thereto.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 465, Relating to mandated reporting of child abuse and neglect.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 465) passed with its title.

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

Eng. Com. Sub. for Senate Bill 506, Deregulating persons who perform work on heating, ventilating, and cooling systems.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 506) passed with its title.

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

Eng. Com. Sub. for Senate Bill 507, Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

(Senator Weld in the Chair.)

Pending discussion,

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

Senator Beach moved the previous question, which motion prevailed.

The previous question having been ordered, that being on the passage of Engrossed Committee Substitute for Senate Bill 507.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Romano—1.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 507) passed.

On motion of Senator Boso, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 507—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, and §18C-9-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at colleges and universities in West Virginia; defining terms; creating a board of trustees to govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements for the establishment of magnet school programs; providing for restrictions on the amount that may be charged for tuition, fees, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and county support for the Katherine Johnson Scholarship Fund based upon per pupil allocations; defining terms; and providing for rulemaking.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Romano—1.

Absent: Mann—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 507) takes effect July 1, 2018.

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

Thereafter, at the request of Senator Boso, and by unanimous consent, the remarks by Senator Plymale regarding the passage of Engrossed Committee Substitute for Senate Bill 507 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill 514, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 514) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 514—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, §16-54-9, §16-54-10, §16-54-11, §16-54-12, §16-54-13, §16-54-14, and §16-54-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the compact with all jurisdictions also enacting the compact; stating purpose of Compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by Compact; setting conditions for home state's license to authorize practice in a remote state under the Compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state's laws; authorizing remote states to take action against individual's privilege to practice within that state under certain circumstances; providing effect of restrictions on license on Compact privileges; setting conditions of practicing in remote state under Compact terms; defining relationship of Compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for Compact participation if individual's license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual's privilege to practice within that state; requiring home state EMS authority investigate and take appropriate action based on reported conduct

in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state's EMS authority to issue subpoenas; authorizing member state's EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing Commission prescribe bylaws and/or rules to govern conduct; granting certain powers to Commission; providing for financing for the Commission; making validity of annual assessment against State contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring Commission defend certain persons for actions arising out of actions occurring within the scope of duties related to Commission; requiring Commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rulemaking Commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by Commission; providing that Commission rules are not binding on State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of compact and rules promulgated pursuant to compact; providing procedures for Commission to follow if member state has defaulted; authorizing member state be terminated from Compact under certain conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between

Commission and member state; authorizing enforcement of Compact by Commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for compact; making any state joining after implementation subject to rules as they exist when Compact is adopted; authorizing member state withdraw from compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of compact; providing for liberal construction; providing for severability of compact if compact found to violate constitution of member state; directing Emergency Medical Services Advisory Council review decisions of Commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from Compact.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 515, Clarifying PSC jurisdiction over water and sewer utilities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 515) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 545, Relating to driving privileges and requirements for persons under 18.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 545) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 545) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 557, Relating to Senior Farmers' Market Nutrition Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 557) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 558, Relating to certification requirements for crane operators.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 558 pass?"

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Rucker, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Unger, and Woelfel—13.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 558) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 572, Creating Farm-to-School Grant Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 572) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 575, Approving additional beds for intermediate care facilities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 575) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 597, Prohibiting individuals convicted of domestic violence misdemeanor from conducting private investigation business.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 597) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 597—A Bill to amend and reenact §30-18-2, §30-18-3, §30-18-5, §30-18-6, and §30-18-10 of the Code of West Virginia, 1931, as amended, all relating to eligibility and application requirements for licenses to conduct private investigation or security guard businesses; prohibiting individuals who have been convicted in this state of a misdemeanor offense of domestic violence, assault against family or household member, or battery against family or household member or who have been convicted in another jurisdiction of a misdemeanor with similar essential elements from being eligible to obtain a license to conduct a private investigation or security guard business; limiting the ineligibility to 10 years following conviction, if the applicant is not convicted of any other crime during that period; setting forth who is to be included as a family or household member; prohibiting individuals from conducting fire or arson investigations who do not satisfy specific criteria; adding criteria for individuals who wish to conduct fire or arson investigations; clarifying that bonds required for private investigation and security guard businesses do not require raised seal certifications; modifying the Secretary of State's rule-making authority and duties to promulgate rules related to private investigation or security guard businesses; and authorizing the Secretary of State to establish advisory boards to encourage representative participation in rule-making.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 600, Relating to powers and duties of PSC.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill 603, Relating to proceedings for involuntary custody for examination.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 603) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 625, Creating WV Volunteer Fire and Rescue Act of 2018.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 625 pass?”

Senator Boso requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he serves as a volunteer firefighter.

The Chair replied that any impact on Senator Boso would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 625) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Trump, and by unanimous consent, the remarks by Senators Sypolt, Blair, Boso, and Smith regarding the passage of Engrossed Committee Substitute for Senate Bill 625 were ordered printed in the Appendix to the Journal.

Eng. Senate Bill 628, Relating generally to WV Jobs Investment Trust Board.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 628 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 628) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 261, Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Senate Bill 282, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 295, Relating to Local Powers Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 360, Clarifying oil and gas permits not be on flat well royalty leases.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Senate Bill 401, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 402, Creating exemption from certain contract and common carrier laws for motor vehicles.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 403, Licensing advance deposit wagering.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 421, Relating to crossbow hunting.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 442, Establishing universal forms and deadlines when submitting prior authorization electronically.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 445, Allowing DOH acquire real or personal property for utility accommodation.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Senate Bill 448, Relating generally to professional associations.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 452, Exempting hunting license information from public disclosure.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 472, Providing funds to DHHR for local boards of health employee pay raises.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 485, Terminating Workers Compensation Debt Reduction Fund assessment on self-insured employers.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 504, Excluding seasonal amusement park workers from definition of “employee”.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 508, Establishing State Trail Authority.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 530, Requiring Secretary of State provide database for registered corporations and sole proprietorship.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 531, Eliminating required waiting period for municipal court notifications to DMV.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 534, Increasing penalty for tobacco-related offenses on public school property.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 548, Authorizing county commissions to pay election officials.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 551, Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Karnes, as chair of the Committee on Pensions, and by unanimous consent, the unreported Pensions committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF
THE GOVERNOR, SECRETARY OF STATE AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

**ARTICLE 10D. CONSOLIDATED PUBLIC RETIREMENT
BOARD.**

§5-10D-13. Withholding state and county money to satisfy delinquencies.

(a) If any employer participating in a retirement plan, administered by the Consolidated Public Retirement Board pursuant to §5-10D-1 et seq. of this code, fails to make any payment due to the retirement system for a period of 60 days after the payment is due, the participating employer shall become delinquent, and such delinquency shall be certified by the Consolidated Public Retirement Board to the State Auditor, the county commission of the county in which the participating employer is located, and the sheriff of the county in which the participating employer is located. If any participating employer becomes delinquent as provided herein, the State Auditor, county commission, or sheriff is authorized and directed to withhold any money due such participating employer by the state or county until such delinquency, together with regular interest thereon, from the date due until the delinquency is satisfied. The money withheld by the State Auditor, county commission, or sheriff shall be paid to the applicable retirement system on behalf of the participating employer.

(b) The Consolidated Public Retirement Board, 30 days prior to certifying delinquency under this section, shall provide notice to the participating employer.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.

§61-10-20. Failure of employers to provide certain benefits for employees.

(a) In addition to any other penalty or punishment otherwise prescribed by law, any employer who is party to an agreement to pay or provide benefits or wage supplements and who without reasonable justification willfully fails or refuses to pay the amount or amounts necessary to provide such benefits or furnish such supplements within 30 days after such payments are required to be made, shall be guilty of a misdemeanor and, upon conviction

thereof, shall be fined not less than \$100 nor more than \$500. When such employer is a corporation, the president, secretary, treasurer, or officer exercising responsibility for such nonpayment shall be guilty of the offense prohibited by this section.

(b) Any person who is responsible for ensuring that an entity complies with the requirements of a retirement plan administered by the Consolidated Public Retirement Board pursuant to §5-10D-1 et seq. of this code who knowingly and willfully fails to make employee or employer contributions to the retirement plan for a period of 60 days after the payment is due, shall be guilty of a misdemeanor and, upon conviction of a first offense thereof, shall be fined not less than \$100 nor more than \$500 or shall be confined in jail for not more than six months, or both fined and confined.

(c) Conviction of a violation of subsection (b) of this section constitutes prima facie evidence of official misconduct.

On motion of Senator Trump, the following amendment to the Judiciary committee amendment to the bill (S. B. 551) was reported by the Clerk and adopted:

On page two, section twenty, subsection (b), by striking out the words “of a first offense”.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (S. B. 551), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 556, Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 565, Clarifying authority of State Fire Commission.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 567, Including treason, murder, armed robbery, and organized crimes for which communications can be intercepted.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 568, Deferring further proceedings for certain first offenses upon completion of Motor Vehicle Alcohol Test and Lock Program within 12 months.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 580, Updating language for WV geodetic datum to match federal coordinate systems.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was rereferred to the Committee on Government Organization.

Com. Sub. for Senate Bill 582, Allowing candidate for political party executive committee serve as election official.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 584, Finding certain claims against state to be moral obligations of state.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 585, Altering boundary line between Doddridge and Harrison counties.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 589, Relating to issuance of personalized plates for antique motor vehicles.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 590, Providing special license plate for curing childhood cancer.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 592, Adding examination of advanced care technician for firefighter paramedic.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 595, Creating Protect Our Right to Unite Act.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Senate Bill 598, Relating to civil actions against county commissions and municipalities for injuries.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 601, Relating to personal income tax.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 612, Relating to sale of municipal property.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 616, Establishing maximum gross weight for certain wood-bearing trucks.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 629, Expanding conditions of permanent disability required for Class Q permit.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 630, Relating to changes in distribution of certain racetrack video lottery net terminal income and excess lottery fund.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Blair, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On pages two and three, section ten-d, after line twenty-seven, by striking out the remainder of the section;

And,

On pages four and five, section ten-e, after line twenty-four, by striking out the remainder of the bill.

The bill (S. B. 630), as amended, was then ordered to engrossment and third reading.

Senate Bill 631, Relating generally to one-call system.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Boso, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page one, section two, line one, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page one, section two, line three, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page three, section two, lines fifty-two and fifty-three, after the words “pipeline facility” by inserting the words “owned by a utility and regulated by the Public Service Commission,”;

On page four, section two-a, line two, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page four, section two-a, line six, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page six, section two-b, line three, after the words “duties under this” by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page six, section two-b, line three, after the words “board under this” by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page six, section two-b, line five, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page six, section two-b, line eight, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page six, section two-b, line eleven, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page six, section two-b, line sixteen, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page six, section two-b, line seventeen, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page ten, section nine, line one, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page ten, section nine, line two, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page ten, section nine, line five, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page ten, section nine, line seven, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page ten, section nine, line thirteen, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page ten, section nine, line eighteen, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page ten, section nine, line twenty, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

On page ten, section nine, line twenty-one, by striking out the word “chapter” and inserting in lieu thereof the word “article”;

And,

On page eleven, section ten, line one, by striking out the word “chapter” and inserting in lieu thereof the word “article”.

The bill (S. B. 631), as amended, was then ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 4022, Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4024, Relating generally to direct cremation or direct burial expenses for indigent persons.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4142, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4169, Requiring certain establishments and facilities to post human trafficking assistance notices.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. House Bill 4385, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Unger, Romano, Ferns, Blair, and Beach.

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senators Unger and Ferns were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Plymale, the name of Senator Plymale was removed as a sponsor of **Senate Bill 304** (*Relating to authorization and establishment of charter schools*).

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Ferns, at 2:06 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:24 p.m. today and, without objection, returned to the third order of business.

Executive Communications

The Clerk then presented communications from His Excellency, the Governor, advising that on February 27, 2018, he had approved **Enr. Committee Substitute for Senate Bill 154, Enr. Committee Substitute for Senate Bill 163, Enr. Committee Substitute for Senate Bill 165, Enr. Committee Substitute for Senate Bill 184, Enr. Senate Bill 379, Enr. Senate Bill 382, Enr. Senate Bill 384, Enr. Committee Substitute for Senate Bill 386, Enr. Senate Bill 388, Enr. Committee Substitute for House Bill**

2831, Enr. Committee Substitute for House Bill 4162 and Enr. Committee Substitute for House Bill 4242.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 5:25 p.m., the Senate recessed until five minutes after adjournment of a Finance committee meeting.

The Senate reconvened at 5:51 p.m. today and again proceeded to the fourth order of business.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 419, Establishing classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 23, 2018;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 419) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a second time, and ordered to engrossment and third reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 432, Relating to municipal home rule.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 26, 2018;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 432) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS;
GENERAL PROVISIONS; CONSTRUCTION.**

§8-1-5a. Municipal Home Rule ~~Pilot~~ Program.

(a) *Legislative findings.*— The Legislature finds and declares that:

(1) The initial Municipal Home Rule Pilot Program brought innovative results, including novel municipal ideas that became municipal ordinances which later resulted in new statewide statutes;

(2) The initial Municipal Home Rule Pilot Program also brought novel municipal ideas that resulted in court challenges against some of the participating municipalities;

(3) The Municipal Home Rule Board was an essential part of the initial Municipal Home Rule Pilot Program, but it lacked some needed powers and duties;

(4) Municipalities still face challenges delivering services required by federal and state law or demanded by their constituents;

(5) Municipalities are sometimes restrained by state statutes, policies, and rules that challenge their ability to carry out their duties and responsibilities in a cost-effective, efficient, and timely manner;

~~(6) Continuing the Municipal Home Rule Pilot Program is in the public interest~~ Establishing the Municipal Home Rule Pilot Program as a permanent program is in the public interest; and

(7) Increasing the powers and duties of the Municipal Home Rule Board, subject to the limitations set forth herein, will enhance the Municipal Home Rule Pilot Program.

~~(b) *Continuance of pilot program.*— The Municipal Home Rule Pilot Program is continued until July 1, 2019. The ordinances enacted by the participating municipalities pursuant to the Municipal Home Rule Pilot Program may remain in effect, subject to the requirements of this section, until the ordinances are repealed: *Provided*, That any ordinance enacting a municipal occupation tax is hereby null and void.~~

(b) *Establishment of a permanent program and continuation of plans previously enacted and approved pursuant to the pilot program.*— The Municipal Home Rule Pilot Program is established as a permanent program and shall be identified as the Municipal Home Rule Program. Any plan or amendment to a plan approved by the Board during the period of the Municipal Home Rule Pilot Program is continued. Any ordinance, act, resolution, rule, or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home

Rule Pilot Program shall continue in full force and effect unless and until repealed.

(c) *Authorizing participation.*—

(1) Commencing ~~July 1, 2015~~ July 1, 2018, ~~30~~ any Class I, Class II, ~~and or~~ Class III ~~municipalities~~ municipality that is ~~and~~ four ~~Class IV municipalities that are~~ current in payment of all state fees may apply to participate in the Municipal Home Rule Pilot Program pursuant to the provisions of this section. Also, commencing July 1, 2018, up to four applications per year from Class IV municipalities may be approved by the Board for participation in the Municipal Home Rule Program pursuant to the provisions of this section, provided the Class IV municipality is current in payment of all state fees.

(2) The municipalities participating in the ~~pilot program~~ Municipal Home Rule Pilot Program on the effective date of the amendment and reenactment of this section are ~~hereby~~ authorized to continue in the ~~pilot program~~ Municipal Home Rule Program, subject to the requirements of this section, and may amend current written plans and/or submit new written plans in accordance with the provisions of this section.

(3) On July 1, 2018, all municipalities currently participating in the Municipal Home Rule Pilot Program shall pay an annual assessment of \$2,000 for the operation and administration of the Home Rule Board. On July 1 of each year thereafter, all municipalities participating in the Municipal Home Rule Program as of that date shall pay the annual assessment. Any participating municipality that fails to timely remit its assessment when due may be assessed a penalty of an additional \$2,000 by the board.

(4) There is created in the office of the State Treasurer a special revenue account fund to be known as the “Home Rule Board Operations Fund”. The assessments required by the provisions of subdivision (3) of this subsection shall be deposited into the fund, and expenditures from the fund shall be made in accordance with appropriation of the Legislature under the provisions of §12-3-1 et seq. of this code, and in compliance with the provisions of §11B-

2-1 et seq. of this code: Provided, That legislative appropriation is not required during fiscal year 2018.

(5) Any balance in the fund created under subdivision (4) of this section at the end of a fiscal year shall not revert to the general revenue fund but shall remain in the special revenue account for uses consistent with the provisions of this section.

(6) All costs and lawful expenses of the board may be paid from the fund created under subdivision (4) of this subsection.

(7) Notwithstanding any provision of this section to the contrary, if at the end of a fiscal year the unencumbered balance of the fund created in subdivision (4) of this subsection is \$200,000 or more, then annual assessments shall be suspended until the board determines that the unencumbered balance in the fund is insufficient to meet operational expenses.

(d) *Municipal Home Rule Board.* — The Municipal Home Rule Board is hereby continued. ~~Effective July 1, 2015, the~~ The Municipal Home Rule Board shall consist of the following five voting members:

(1) The Governor, or a designee, who shall serve as chair;

(2) The Executive Director of the West Virginia Development Office, or a designee;

(3) One member representing the Business and Industry Council, appointed by the Governor, with the advice and consent of the Senate;

(4) One member representing the largest labor organization in the state, appointed by the Governor with the advice and consent of the Senate; and

(5) One member representing the West Virginia Chapter of the American Institute of Certified Planners, appointed by the Governor with the advice and consent of the Senate.

The Chair of the Senate Committee on Government Organization and the Chair of the House Committee on Government Organization shall ~~continue to be~~ serve as ex-officio nonvoting members of the board.

(e) ~~*Board's powers and duties.*~~ — The Municipal Home Rule Board ~~has the following powers and duties~~ shall:

(1) Review, evaluate, make recommendations, and approve or reject, for any lawful reason, by a majority vote of the board, each aspect of the written plan, or the written plan in its entirety, submitted by a municipality;

(2) By a majority vote of the board, select, based on the municipality's written plan, new Class I, Class II, Class III, and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program;

(3) Review, evaluate, make recommendations, and approve or reject, for any lawful reason, by a majority vote of the board, the amendments to the existing approved written plans submitted by municipalities: Provided, That any new application or amendment that does not reasonably demonstrate the municipality's ability to manage its associated costs or liabilities shall be rejected;

(4) Consult with any agency affected by the written plans or the amendments to the existing approved written plans; and

(5) Perform any other powers or duties necessary to effectuate the provisions of this section: Provided, That any administrative rules established by the Board for the operation of the Municipal Home Rule Program shall be published on the Municipal Home Rule's website, and made available to the public in print upon request.

(f) ~~*Written plan.*~~ — Any Class I, Class II, Class III, or Class IV municipality desiring to participate in the Municipal Home Rule ~~Pilot~~ Program, or any municipality desiring to amend its existing approved written plan, shall submit a written plan to the board stating in detail the following:

(1) The specific laws, acts, resolutions, policies, rules, or regulations which prevent the municipality from carrying out its duties in the most cost-efficient, effective, and timely manner;

(2) The problems created by ~~the~~ those laws, acts, resolutions, policies, rules, or regulations;

(3) The proposed solutions to the problems, including all proposed changes to ordinances, acts, resolutions, rules, and regulations: *Provided*, That the specific municipal ordinance instituting the solution does not have to be included in the written plan; and

(4) A written opinion, by an attorney licensed to practice in the State of West Virginia, stating that the proposed written plan does not violate the provisions of this section.

~~(g) *Public hearing on written plan.*~~ — Prior to submitting its written plan, or an amendment to an existing approved written plan, to the board, the municipality shall:

(1) Hold a public hearing on the written plan or the amendment to the existing approved written plan;

(2) Provide notice of the public hearing at least 30 days prior to the public hearing by a Class II legal advertisement: *Provided*, That on or before the first day of publication, the municipality shall send a copy of the notice by certified mail to the Municipal Home Rule Board and the cabinet secretary of every state department;

(3) Make a copy of the written plan or amendment available for public inspection at least 30 days prior to the public hearing; and

(4) After the public hearing, adopt an ordinance authorizing the municipality to submit a written plan or amendment to the Municipal Home Rule Board; ~~after~~ Provided, That the proposed ordinance has been read two times, as required by §8-11-4 of this code.

~~(h) *Selection of municipalities.*~~ — ~~On or after June 1, 2015, by~~ By a majority vote, the Municipal Home Rule Board may select

from the municipalities that submitted written plans and were approved by the board by majority vote, new Class I, Class II, Class III, and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program.

(i) *Powers and duties of municipalities.* — The municipalities participating in the Municipal Home Rule ~~Pilot~~ Program ~~have the authority~~ may to pass an ordinance, act, resolution, rule, or regulation, under the provisions of this section, that is not contrary to:

- (1) Environmental law;
- (2) Laws governing bidding on government construction and other contracts;
- (3) The Freedom of Information Act;
- (4) The Open Governmental Proceedings Act;
- (5) Laws governing wages for construction of public improvements;
- (6) The provisions of this section;
- (7) The provisions of §8-12-5a of this code;
- (8) The municipality's written plan;
- (9) The Constitution of the United States or the Constitution of the State of West Virginia;
- (10) Federal law, including those governing ~~of~~ crimes and punishment;
- (11) Chapters 60A, 61, and 62 of this code or any other provisions of this code governing state crimes and punishment;
- (12) Laws governing pensions or retirement plans;
- (13) Laws governing annexation;

(14) Laws governing taxation: *Provided*, That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax, *Provided, however*, That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program or the Municipal Home Rule Program, it shall reduce or eliminate the municipal sales tax enacted under the Municipal Home Rule Pilot Program or the Municipal Home Rule Program in an amount comparable to the revenue estimated to be generated by the reinstated tax: *Provided further*, That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce, and collect the tax ~~in the same manner as the state consumers sales and service tax and use tax under~~ required by the provisions of §11-15-1 *et seq.*, §11-15A-1 *et seq.*, and §11-15B-1 *et seq.* of this code and all applicable provisions of the Streamlined Sales and Use Tax Agreement: *And provided further*, That ~~such the tax will~~ shall not apply to the sale of motor fuel or motor vehicles;

(15) Laws governing tax increment financing;

(16) Laws governing extraction of natural resources; ~~and~~

(17) Marriage and divorce laws;

(18) Laws regulating standards of care or conduct for any profession regulated, licensed, or certified by the State of West Virginia;

(19) Laws, rules, or regulations governing the enforcement of state building or fire codes;

(20) The West Virginia Workplace Freedom Act and Labor-Management Relations Act; and

(21) Federal laws, regulations, or standards related to transportation that would affect the state's required compliance or jeopardize federal funding.

(j) Municipalities may not pass an ordinance, act, resolution, rule, or regulation under the provisions of this section that:

(1) Affects persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule ~~Pilot~~ Program does not limit a municipality's powers outside its boundary lines to the extent permitted under other provisions of this section, other sections of this chapter, other chapters of this code, or court decisions; or

(2) Enacts an occupation tax, fee, or assessment payable by a nonresident of a municipality; or

(3) Imposes duties on another governmental entity, unless the performance of the duties is part of a legally executed agreement between the municipality and the other governmental entity, or is otherwise permitted by state law.

(k) ~~Amendments to written plans.~~ — A municipality participating in the Municipal Home Rule ~~Pilot~~ Program may amend its written plan at any time subject to the requirements of this section.

(l) ~~Amendments to ordinances, acts, resolutions, rules, or regulations.~~ — A municipality participating in the Municipal Home Rule ~~Pilot~~ Program may amend any ordinance, act, resolution, rule, or regulation enacted pursuant to the municipality's approved written plan at any time ~~so~~ as long as any the amendment is consistent with the municipality's approved written plan, as modified by any amendments adopted pursuant to this section, complies with the provisions of ~~subsections (i) and (j)~~ of this section, and the municipality complies with all applicable state law procedures for enacting municipal legislation.

(m) ~~Reporting requirements.~~ — Commencing On or before December 1, ~~2015,~~ and of each year ~~thereafter,~~ each participating municipality shall give a written progress report to the Municipal Home Rule Board, and ~~commencing on or before~~ January 1, ~~2016,~~ and of each year ~~thereafter,~~ the Municipal Home Rule Board shall

give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

~~(n) *Termination of the pilot program.*—The Municipal Home Rule Pilot Program terminates on July 1, 2019. An ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed~~

~~(n)~~ (n) Notwithstanding any other provision of this code to the contrary, ~~on and after the effective date of the enactment of this provision in 2015, no~~ a distributee under the provisions of this section may not seek from the Tax Division of the Department of Revenue a refund of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue, nor seek a change in past amounts distributed, or any other retrospective adjustment relating to any amount distributed, to the extent that the moneys in question have been distributed by the Tax Division to another distributee, regardless of whether those distributions were miscalculated, mistaken, erroneous, misdirected, or otherwise inaccurate or incorrect. For purposes of this section, the term “distributee” means any municipality that has enacted a sales and use tax under this section or as otherwise permitted by law that receives or is authorized to receive a specific distribution of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue pursuant to this section.

The bill (Com. Sub. for S. B. 432), as amended, was then ordered to engrossment and third reading.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 438, Relating to debt service on bonds secured by State Excess Lottery Revenue Fund.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 438 (originating in the Committee on Finance)—A Bill to amend and reenact §29-22-18e of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §31-15-16d, all relating to debt service on bonds secured by the State Excess Lottery Revenue Fund; and clarifying the timing of debt service payments to the State Parks Lottery Revenue Debt Service Fund

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 438) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Ojeda—2.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Committee Substitute for Senate Bill 438 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Ojeda—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 438) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Carmichael (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Com. Sub. for Senate Bill 510, Designating hospitals for stroke treatment.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Rules on February 16, 2018;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mitch Carmichael,
Chairman ex officio.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 510) contained in the preceding report from the Committee on Rules was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on Rules, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 5B. HOSPITALS AND SIMILAR INSTITUTIONS.

§16-5B-18. Designation of comprehensive, primary, and acute, and thrombectomy capable stroke-ready hospitals; reporting requirements; rulemaking.

(a) A hospital, as that term is defined in ~~section one of this article~~ §16-5B-1 of this code, ~~may apply to~~ shall be recognized by the Department of Health and Human Resources to be recognized and certified Office of Emergency Medical Services as a comprehensive stroke center (CSC), thrombectomy-capable stroke center (TSC), a primary stroke center (PSC), or an acute stroke-ready hospital (ASRH), upon submitting verification of certification as granted by the American Heart Association, the joint commission, or other nationally recognized organization to the Office of Emergency Medical Services. A hospital shall immediately notify the Office of Emergency Medical Services of any change in its certification status. The appropriate designation shall be granted by the Department of Health and Human Resources based upon criteria recognized by the American Heart Association, the Joint Commission or other nationally recognized organization as set forth in legislative rules as provided in subsection (d) of this section.

(b) The Office of Emergency Medical Services shall gain access to, and utilize, a nationally recognized stroke database that compiles information and statistics on stroke care that align with the stroke consensus metrics developed and approved by the

American Heart Association and the American Stroke Association, for the purpose of improving stroke care and access across the State of West Virginia. The Office of Emergency Medical Services shall, upon request, provide the data accessed and utilized relating to comprehensive stroke centers, thrombectomy-capable stroke centers, primary stroke centers, and acute stroke-ready hospitals to the advisory committee in subsection (d).

~~(b)~~ (c) ~~The Department of Health and Human Resources~~ Office of Emergency Medical Services shall provide annually, by June 1, a list of all hospitals ~~they have designated~~ recognized pursuant to the provisions of subsection (a) of this section to the medical director of each licensed emergency medical service agency in this state. This list shall be maintained by the ~~Department of Health and Human Resources~~ Office of Emergency Medical Services and shall be updated annually on its website.

~~(e)~~ (d) No later than July 1, 2018, the Secretary of the Department of Health and Human Resources shall establish ~~by legislative rule, as set forth in subsection (d) of this section,~~ prehospital care protocols related to assessment, treatment, and transport of patients identified as stroke patients. These protocols shall be applicable to all emergency medical service agencies, as defined in §16-4C-3 of this code. These protocols shall include development and implementation of plans for the triage and transport within specified time frames of onset of symptoms of acute stroke patients to the nearest comprehensive, primary, or acute stroke ready hospital. and appoint a stroke advisory committee which shall function as an advisory body to the Secretary and report no less than biannually at regularly scheduled meetings. Its functions shall include:

(1) Increasing stroke awareness;

(2) Promoting stroke prevention and health policy recommendations relating to stroke care;

(3) Advising the Office of Emergency Medical Services on the development of stroke networks;

(4) Utilizing stroke care data to provide recommendations to the Office of Emergency Medical Services to improve stroke care throughout the state;

(5) Identifying, and making recommendations to overcome, barriers relating to stroke care;

(6) Review and make recommendations to State Medical Director of the Office of Emergency Medical Services regarding prehospital care protocols including:

(A) The assessment, treatment, and transport of stroke patients by licensed emergency medical service agencies; and

(B) Plans for the triage and transport, within specified time frames of onset symptoms, of acute stroke patients to the nearest comprehensive stroke center, thrombectomy-capable stroke center, primary stroke center, or acute stroke-ready hospital.

~~(d) The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with the provisions of §29A 3-1 et seq. of this code to accomplish the goals of this section. These rules shall be proposed after consultation with and approval by an advisory committee selected by the Secretary of the Department of Health and Human Resources.~~

(e) The advisory committee as set forth subsection (d) shall consist of no more than 14 members. Membership of the advisory committee shall include:

(1) A representative of the Department of Health and Human Resources;

(2) A representative of an association with the primary purpose of promoting better heart health;

(3) A registered emergency medical technician; hospitals located in rural areas of the state and hospitals located in urban areas of this state

(4) Either an administrator or physician representing a critical access hospital;

(5) Either an administrator or physician representing a teaching or academic hospital;

(6) A representative of an association with the primary purpose of representing the interests of all hospitals throughout the state; and

(7) A clinical and administrative representative of hospitals from each level of stroke center certification by a national certifying body (CSC, TSC, PSC, and ASRH).

~~(g) These rules shall include:~~

~~(1) An application process;~~

~~(2) The criteria for designation and certification as a comprehensive stroke center, a primary stroke center or an acute stroke ready center or, an acute stroke ready center;~~

~~(3) A means for providing a list of designated hospitals to emergency medical service agencies;~~

~~(4) Protocols for assessment, treatment, and transport of stroke patients by licensed emergency medical service agencies; and;~~

~~(5) Any other requirements necessary to accomplish the intent of this section.~~

(f) Of the members first appointed, three shall be appointed for a term of one year, three shall be appointed for a term of two years, and the remaining members shall be appointed for a term of three years. The terms of subsequent appointees shall be three years. Members may be reappointed for additional terms.

(g) Nothing in this section may permit the Office of Emergency Medical Services to conduct inspections of hospitals in relation to recognition as a stroke center as set forth in this section: *Provided, That nothing in this section may preclude inspections of*

hospitals by the Office of Emergency Medical Services which are otherwise authorized by this code.

The bill (Com. Sub. for S. B. 510), as amended, was then ordered to engrossment and third reading.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Joint Resolution 7, Supervision of Free Schools Modification Amendment.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 26, 2018;

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the resolution (S. J. R. 7) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a second time, and ordered to engrossment and third reading.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2843, Permitting Class III municipalities to be included in the West Virginia Tax Increment Act.

Eng. Com. Sub. for House Bill 3104, Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund.

Eng. House Bill 4285, Relating to the West Virginia Safe Mortgage Licensing Act.

And,

Eng. Com. Sub. for House Bill 4619, Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 4199, Permitting a nursing home to use trained individuals to administer medication.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Tom Takubo,
Chair.

The Senate again proceeded to the thirteenth order of business.

At the request of Senator Jeffries, the name of Senator Jeffries was removed as a sponsor of **Committee Substitute for Senate Bill 432** (*Relating to municipal home rule*).

Pending announcement of a meeting of a standing committee of the Senate, including a minority party caucus,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Wednesday, February 28, 2018, at 10 a.m.

WEDNESDAY, FEBRUARY 28, 2018

The Senate met at 10:04 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by Pastor Jerry Murrell, The Way of Holiness, Buckhannon, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable John R. Unger II, a senator from the sixteenth district.

Pending the reading of the Journal of Tuesday, February 27, 2018,

At the request of Senator Clements, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2982—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-15a; and to amend and reenact §29B-1-4 of said code, all relating to allowing draw game winners to remain anonymous; providing that a person entitled to collect proceeds exceeding one million dollars from a winning draw game ticket may remain anonymous in regards to his or her name, personal contact information, and likeness; providing that if a person entitled to collect proceeds exceeding one million dollars from a draw game wishes to remain anonymous, then he or she shall contact the State Lottery Director in writing or appear at the state lottery headquarters in person; providing where such request to remain anonymous may be mailed or emailed; providing that upon such a request, the director will contact the person requesting anonymity and schedule an appointment to meet; providing that a draw game winner who elects to remain anonymous must remit 5% of his or her winnings to the State Lottery Fund; establishing an effective date of January 1, 2019; and providing for new exemptions under the Freedom of Information Act.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4014—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, §5-30-7, and §5-30-8; to amend said code by adding thereto a new article, designated §5-30A-1, §5-30A-2, and §5-30A-3; to amend said code by adding thereto a new article, designated §5-30B-1, §5-30B-2, §5-30B-3, §5-30B-4, §5-30B-5, §5-30B-6, §5-30B-7, §5-30B-8, and §5-30B-9; to amend said code by adding thereto a new article, designated §5-30C-1, §5-30C-2, §5-30C-3, §5-30C-4, §5-30C-5, §5-30C-6, §5-30C-7, §5-30C-8, and §5-30C-9; to amend and reenact §5F-1-2 and §5F-1-3a of said code; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend and reenact §5F-3-2 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §8-19-18 of said code; by adding thereto a new

article, designated §9-10-1 and §9-10-2; to amend and reenact §15-12-2a and §15-12-2b of said code; to amend and reenact §16-1-2 of said code; to amend and reenact §16-3-1 of said code; to amend and reenact §16-5T-2 of said code; to amend and reenact §17-5-4 of said code; to amend and reenact §24-2-5 of said code; by adding thereto a new article, designated §27-10-1, §27-10-2, §27-10-3, §27-10-4, §27-10-5, §27-10-6, §27-10-7, and §27-10-8; by adding thereto a new article, designated §27-10A-1, §27-10A-2, and §27-10A-3; to amend and reenact §30-6-31 of said code; to amend and reenact §31-15A-2 and §31-15A-3 of said code, all relating to reorganization of the West Virginia Department of Health and Human Resources; continuing the Office of Inspector General; setting out qualifications for the Inspector General; setting out powers and duties of the Inspector General; continuing the Office of Health Facility Licensure and Certification; setting out powers and duties of the Office of Health Facility Licensure and Certification; requiring certain licenses from the Office of Health Facility Licensure and Certification; continuing the Medicaid Fraud Control Unit; setting out powers and duties of the Medicaid Fraud Control Unit; setting out certain criminal offenses and civil remedies; requiring the creation of certain programs by the Inspector General; setting forth the requirements and procedures for certain programs; defining certain terms; enumerating certain executive departments; setting compensation for certain cabinet secretaries; creating the Department of Healthcare Facilities; defining the organization, powers and duties of the Department of Healthcare Facilities and its secretary; setting forth the qualifications for certain cabinet secretaries; transferring control of certain facilities to the Department of Healthcare Facilities; setting forth the administration of certain facilities; requiring the secretary of the Department of Healthcare Facilities to propose certain rules; making various technical corrections and removing outdated language and reference to obsolete entities.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4016—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9B-1, §6-9B-2, §6-9B-3 and §6-9B-4, all relating directing the West Virginia Auditor to develop and maintain a searchable financial transparency website; enumerating certain legislative findings; defining certain terms; setting forth the necessary contents of the website; setting forth the date by which the website is to be developed and made publicly available; requiring that certain governmental agencies provide the Auditor with certain information to be made publicly available on the website; and requiring the Auditor to publicly identify any governmental agency that fails to comply with certain requirements.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4154—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, §5B-8-6, §5B-8-7, §5B-8-8, §5B-8-9, and §5B-8-10, all relating to establishing the 2018 Regulatory Reform Act; providing legislative findings; defining terms; providing for an application process with the Development Office to request a project be classified as a project of critical economic concern; establishing a procedure for the filing of a certificate of critical economic concern with state agencies and the Development Office; providing for written status reports during expedited permit review process; providing that the Development Office shall establish a telephone hotline which permit applicants may utilize to contact the Development Office when a state agency has not timely acted upon a permit application; requiring the executive director to report to the Governor and the Joint Committee on Government and Finance annually regarding the success of this article; and granting the Development Office with procedural rulemaking authority to implement the provisions of this article.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4166—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e, and to amend and reenact §19-12A-6a of said code, all relating to establishing and funding a special revenue fund to be known as the “Capital Improvements Fund—Department of Agriculture Facilities”; identifying expenditures that may be made from the fund; identifying the source of moneys for the fund; eliminating certain deposits in the General Revenue Account; and permitting deposits into certain funds.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4187—A Bill to amend and reenact §61-7-14 of the code of West Virginia, 1931, as amended, relating to creating the “Business Liability Protection Act”; providing definitions; providing for the right to limit possession of firearms on certain premises; establishing misdemeanor criminal offense and penalty for persons refusing to relinquish firearm or leave premises when requested; prohibiting employers from actions against individuals related to legal possession of firearm in a motor vehicle under certain circumstances; establishing limitations on a duty of care of public and private employers; providing for immunity from liability of public and private employers for compliance with the provisions of this statute; providing enforcement authority of the provisions of this statute to the Attorney General; providing remedies for violations of the provisions of this statute including injunctive relief, civil fines or both; providing for civil action by private persons to enforce provisions of statute; and enumerating remedies.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4218—A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to medical professional liability; clarifying the required qualifications and basis for an expert who signs the screening certificate of merit.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4238—A Bill to amend and reenact §8A-3-3 of the Code of West Virginia, 1931, as amended, relating to authorizing counties and municipalities to establish a joint airport hazard comprehensive plan for the purpose of satisfying requirements of federal aviation law, protecting the public safety, and preventing hazardous conditions; describing requirements for written agreements; requiring submission of a plan and public hearing; providing for modifications to written agreements; and providing just compensation for diminution of property value.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4309—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-417, relating to restricting the sale and trade of dextromethorphan; defining terms, setting age limits; requiring proof of age from a purchaser unless from the purchaser's

outward appearance the person making the sale would reasonably presume the purchaser to be at least 25 years of age, establishing a crime for violating the provisions of this section; and establishing a criminal fine.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4394—A Bill to amend and reenact §20-3-5 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §20-3-5a, all relating to forest fires; requiring all flammable material must be removed from the area immediately surrounding material to be burned for a distance which ensures the fire will at all times be contained; requiring that a safety strip shall in no event be less than ten feet wide; establishing a crime for any person or employee who sets or causes to be set any fire which escapes the safety strip and causes damage to the lands of another; and creating a prescribed fire program.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4453—A Bill to amend and reenact §9-2-13 of the Code of West Virginia, 1931, as amended, relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review; correcting an error by changing “not” to “or”; and making other technical changes.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 4486—A Bill to amend and reenact §32A-2-3 of the Code of West Virginia, 1931, as amended, relating to persons required to obtain a license to engage in the business of currency exchange, transportation, or transmission; and providing an exemption from licensure for certain entities which administer the Electronic Filing Depository system on behalf of state securities regulators.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4509—A Bill to amend and reenact §16-53-1 of the Code of West Virginia, 1931, as amended, relating to the establishment of substance abuse treatment facilities; and permitting the fund to provide funding to facilities that provide peer-support services.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4623—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, §16-53-4 and §16-53-5; to amend and reenact §27-1-11 of said code; and to amend and reenact §61-8D-3 of said code, all relating to obtaining substance abuse treatment services; permitting certain testing; requiring reporting to the department; requiring the department to conduct an assessment; permitting a petition for involuntary commitment to be filed in certain circumstances providing rulemaking authority; permitting the department to report abuse and neglect in certain situations; and setting forth a criminal penalty; .

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2693, Relating to state ownership of wildlife.

And has amended same.

Eng. Com. Sub. for House Bill 3005, Relating to regulation of unmanned aircraft systems.

And has amended same.

Eng. Com. Sub. for House Bill 4186, Relating generally to guaranteed asset protection waivers.

And has amended same.

And,

Eng. Com. Sub. for House Bill 4473, Relating to use of state funds for advertising to promote a public official or government office.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4268, Co-tenancy Modernization and Majority Protection Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Smith, from the Committee on Energy, Industry, and Mining submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Eng. Com. Sub. for House Bill 4270, Providing for the timely payment of moneys owed from oil and natural gas production.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Energy, Industry, and Mining pending.

The Senate proceeded to the sixth order of business.

Senator Cline offered the following resolution:

Senate Resolution 56—Recognizing Michael Todd Paynter, a native of Wyoming County, West Virginia, for his dedicated public service to his state and country.

Whereas, Michael Todd Paynter, a native of Wyoming County, West Virginia, graduated from Oceana High School in 1993.

Whereas, Michael Todd Paynter worked for the civilian U. S. forces in Iraq during Operation Iraqi Freedom alongside the Army, Air Force, Marines, Central Intelligence Agency, and the State Department, and has also served on detail at the Pentagon in Arlington, Virginia; and

Whereas, Michael Todd Paynter earned a master's degree in Acquisition Management from the American Graduate University, a master's certificate in Government Contracting from George Washington University, and a bachelor of science in Organizational Leadership and Management from Regent University. He is also a graduate of the Federal Executive Leadership Development Program; and

Whereas, Michael Todd Paynter is a two-time recipient of the U.S. Department of State Meritorious Honor Award; 2016 Meritorious Honor Award - Diplomatic Security, Anti-Terrorism Branch; and 2017 Meritorious Honor Award - Leadership Excellence, Acquisition Management; and

Whereas, Michael Todd Paynter has worked and travelled to over 40 countries, currently works in Washington, D. C. and resides in Arlington, Virginia, with his wife, Ellen Bohon Paynter; and

Whereas, Michael Todd Paynter has donated several relics from his civilian service in Iraq, which are currently on display at the Wyoming County Historical Museum; and

Whereas, Michael Todd Paynter is currently a senior contracting officer directing United States government global projects and missions valued at over \$1 billion, involving diplomatic security, cybersecurity, information technology, and national security through government contracting; and

Whereas, It is fitting that the Senate recognize Michael Todd Paynter for his dedicated public service to his country and state; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Michael Todd Paynter, a native of Wyoming County, West Virginia, for his dedicated public service to his state and country; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Michael Todd Paynter.

At the request of Senator Cline, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Cline regarding the adoption of Senate Resolution 56 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 10:21 a.m., the Senate recessed to present Senate Resolution 56.

The Senate reconvened at 10:25 a.m. today and proceeded to the seventh order of business.

Senate Concurrent Resolution 41, Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions road marker.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 53, Recognizing Glenville State College for its efforts in making education more affordable.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

The Senate proceeded to the eighth order of business.

Com. Sub. for Senate Bill 261, Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 27, 2018, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Smith, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page two, section four-c, line nine, by striking out the words "Not more than 10 percent of these additional" and inserting in lieu thereof the words "None of these";

On page three, section two, lines thirteen and fourteen, by striking out the words "Not more than 10 percent of these additional" and inserting in lieu thereof the words "None of these";

On page twenty, section twenty-d, lines three and four, by striking out the words "and any funds transferred pursuant to §31-18d-15 of this code";

And,

On page twenty-one, section twenty-d, line six, after the words "Development Fund," by inserting the following: Additionally, the West Virginia Housing Development Fund shall deposit an additional amount at least equal to the funds received pursuant to §31-18-29 of this code.

Following discussion,

The question being on the adoption of Senator Smith's amendments to the bill, the same was put and prevailed.

There being no further amendments offered,

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 261 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Rucker, Smith, Swope, Sypolt, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Takubo, Unger, and Woelfel—14.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 261) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 282, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

