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.
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 Finance.

**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.
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, all 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 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.