

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2018
SEVENTH DAY

Charleston, West Virginia, 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, Cline, and Weld:

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 §9-5-25; to amend said code by adding thereto a new section, designated §33-15-4o; 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, 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.

SENATE CALENDAR

**Wednesday, January 17, 2018
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 5 - Requesting DMAPS and Division of Personnel develop plan to raise correctional officers' salaries

FIRST READING

Com. Sub. for S. B. 73 - Modifying crime of fleeing from scene of accident

Com. Sub. for S. B. 154 - Department of Administration rule relating to parking (original similar to HB 4086)

S. B. 296 - Relating to sale or transfer of surplus property (original similar to SB 283)

S. B. 297 - Eliminating taxation on annuity considerations collected by life insurer

S. B. 298 - Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes

S. B. 299 - Relating to mandatory insurance coverage for medical foods for amino acid-based formulas (original similar to HB 2051, HB 2072, HB 3021)

S. B. 300 - Creating five-year tax credits for businesses locating on post-coal mine sites (original similar to SB 12)

S. B. 301 - Removing limitation on amount collected by county via hotel occupancy tax used for medical or emergency services (original similar to SB 137)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2018

Wednesday, January 17, 2018

2 p.m. Pensions (Room 451M)

Thursday, January 18, 2018

2 p.m. Education (Room 451M)