

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2018  
THIRTIETH DAY

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Charleston, West Virginia, 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 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 in implementing this article; 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 the litigation financier shall not pay of 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, non-potentially 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.

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## SENATE CALENDAR

Friday, February 09, 2018  
11:00 AM

### UNFINISHED BUSINESS

- S. C. R. 13 - Jeffrey Alan Clovis Memorial Bridge
- S. C. R. 14 - US Army SPC 4 William L. Amos Memorial Bridge

### THIRD READING

- Eng. S. B. 78 - Continuing personal income tax adjustment for certain retirees
- Eng. Com. Sub. for S. B. 271 - Creating centralized Shared Services Section of Department of Administration (original similar to HB4188)
- Eng. Com. Sub. for S. B. 283 - Relating generally to procurement by state agencies (original similar to HB4261)
- Eng. Com. Sub. for S. B. 335 - Protecting employees' wages or salaries from being withheld or diverted for political activities
- Eng. S. B. 346 - Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses
- Eng. S. B. 379 - Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR (original similar to HB4377)
- Eng. S. B. 382 - Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund (original similar to HB4378)
- Eng. Com. Sub. for S. B. 395 - Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board
- Eng. Com. Sub. for S. B. 404 - Relating to sex offender registry information
- Eng. Com. Sub. for S. J. R. 12 -No Constitutional right to abortion Amendment
- Eng. 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
- Eng. H. B. 4146 - Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act

## SECOND READING

- Com. Sub. for Com. Sub. for S. B. 272 - Relating generally to drug control (original similar to HB4227)
- Com. Sub. for S. B. 290 - Relating to DEP standards of water quality and effluent limitations (original similar to HB4426)
- Com. Sub. for S. B. 368 - Protecting consumers against business using automatic purchase renewals without consent
- Com. Sub. for S. B. 392 - Reconfiguring membership of Emergency Medical Services Advisory Council
- S. B. 427 - Modifying form of notice for certain tax delinquencies
- Com. Sub. for S. B. 433 - Rewriting code sections regarding pyramid promotional schemes
- Com. Sub. for S. B. 440 - Establishing Library Facilities Improvement Fund
- S. B. 441 - Relating to health care provider taxes
- S. B. 464 - Changing statutory payment date for incremental salary increases due state employees
- S. B. 468 - Changing date and recipients for submission of Auditor's annual report

## FIRST READING

- Com. Sub. for S. B. 57 - Relating to third-party litigation financing
- S. B. 365 - Relating to Young Entrepreneur Reinvestment Act
- Com. Sub. for S. B. 375 - Relating to farmers markets
- Com. Sub. for S. B. 446 - Creating Agritourism Responsibility Act
- Eng. 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
- Eng. H. B. 2612 - Repealing section relating to unattended motor vehicles and penalties

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2018**

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**Friday, February 9, 2018**

9:30 a.m.	Government Organization	(Room 208W)
1 p.m.	Pensions	(Room 451M)