

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2018
FORTY-FOURTH DAY

Charleston, West Virginia, Thursday, February 22, 2018

The Senate met at 11:05 a.m.

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

Prayer was offered by the Reverend Kevan Bartlett, Maranatha Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Gregory L. Boso, a senator from the eleventh district.

Pending the reading of the Journal of Wednesday, February 21, 2018,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 4011—A Bill to amend and reenact §29A-3-11 of the Code of West Virginia, 1931, relating to requiring agencies, when submitting a new rule or changes to an existing rule, to also identify two existing rules that could be repealed.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4022—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9p, relating to providing an exemption from the consumer sales and service tax for purchases of certain services and tangible personal property sold for the repair, remodeling and maintenance of aircraft operated under a

fractional ownership program; defining terms; specifying a method for claiming exemption; authorizing emergency rules and promulgation of legislative rules; and establishing the effective date of the section.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4079—A Bill to amend and reenact §64-9-1, §64-9-2, §64-9-3, §64-9-4, §64-9-5, §64-9-6, §64-9-7, §64-9-8, §64-9-9, §64-9-10, §64-9-11, §64-9-12, §64-9-13 and §64-9-14 of the Code of West Virginia, 1931, as amended, all relating generally to the promulgation of administrative rules by various executive or administrative agencies of the state; authorizing certain agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with amendments recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with amendments recommended by the Legislature; directing various agencies to amend and promulgate certain legislative rules; authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to noxious weeds; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia apiary law; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services; fruit; authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission; authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to licensure and renewal requirements; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to rules governing the West Virginia Board of Hearing Aid Dealers; authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education and physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians; authorizing the Board of Optometry to promulgate a legislative rule relating to rules of the West Virginia Board of Optometry; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to pharmacist recovery networks; authorizing the Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists and pharmacy interns; authorizing the Board of Pharmacy to promulgate a legislative rule relating to centralized prescription processing; authorizing the Board of Pharmacy to promulgate a legislative rule relating to uniform controlled substances act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to registration of pharmacy technicians; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the controlled substances monitoring program; authorizing the Board of

Psychologists to promulgate a legislative rule relating to fees; authorizing the Board of Psychologists to promulgate a legislative rule relating to requirements for real licensure as a psychologist and/or a school psychologist; authorizing the Board of Psychologists to promulgate a legislative rule relating to code of conduct; authorizing the Board of Real Estate Appraiser Licensing and Certification to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business; authorizing the Real Estate Commission to promulgate a legislative rule relating to schedule of fees; authorizing the Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers and instructors; authorizing the Secretary of State to promulgate a legislative rule relating to procedures for canvassing elections; authorizing the Board of Psychologists to promulgate a legislative rule relating to procedures for handling ballots and counting write-in votes in counties using optical scan ballots; authorizing the Secretary of State to promulgate a legislative rule relating to vote by mail pilot project phase 2: Voting by Mail; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation and licensing of veterinarians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to certified animal euthanasia technicians; and authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to schedule of fees.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4478—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-5, relating to authorizing public schools to distribute excess food to students and others who suffer from food insecurity; making findings and determination; establishing “The Shared Table” initiative; providing for State Board rule; minimum contents of rule; consistency with health department and Food and Drug Administration requirements and guidelines; compliance and coverage under Good Samaritan Food Donation Act; and requiring county board establishment of program to assist and encourage school participation.

Referred to the Committee on Education.

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

Eng. House Bill 4621—A Bill to amend and reenact §17-15-4 of the Code of West Virginia, 1931, as amended, relating to removing reference to certain entities with respect to work performed by prisoners; and relating to incarceration sentence reduction for the performance of certain approved work.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 331 (originating in the Committee on Pensions), Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system.

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

Com. Sub. for Com. Sub. for Senate Bill 331 (originating in the Committee on Finance)—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-56; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to retirement and pension benefits of certain members of the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System who serve in the Legislature; and providing that persons who first become members of the retirement system after June 30, 2018, shall have their final average salary calculated based on total years of service; and providing that members of the Legislature shall receive one day of credited service for each day paid.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,

Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 434, Specifying documents not subject to discovery in certain proceedings.

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

Com. Sub. for Senate Bill 434 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-3C-1 and §30-3C-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3C-5, all relating to discovery in certain proceedings; defining terms; specifying certain documents that are confidential and not subject to discovery; providing that a person who testifies before a review organization or is a member of a review organization shall not be required to testify or asked about his or her testimony; providing that peer review proceedings, communications, and documents of a review organization are confidential and privileged and shall not be subject to discovery; providing that an individual may be given access to documents used as basis for an adverse professional review action, subject to a protective order as may be appropriate; providing that privilege is not deemed to be waived unless the review organization executes a written waiver; and addressing original source materials.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,

Chair.

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

Your Committee on Education has had under consideration

Senate Bill 507, Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities.

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

Com. Sub. for Senate Bill 507 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, and §18C-9-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at colleges and universities in West Virginia; defining terms; creating a board of trustees to govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements for the establishment of magnet school programs; providing for restrictions on the amount that may be charged for tuition, fees, room, board, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and county support for the Katherine Johnson Scholarship Fund based upon per pupil allocations; defining terms; and providing for rulemaking.

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

Respectfully submitted,

Kenny Mann,

Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 507) contained in the preceding report from the Committee on Education was taken up for

immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill 542, Creating four-year middle high school pilot program as part of Upper Kanawha Valley Resiliency and Revitalization Program.

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

Respectfully submitted,

Kenny Mann,

Chair.

Senator Ferns requested unanimous consent that the bill (S. B. 542) contained in the preceding report from the Committee on Education be taken up for immediate consideration.

Which consent was not granted, Senator Baldwin objecting.

Thereafter, on motion of Senator Ferns, the bill (S. B. 542) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Pensions has had under consideration

Senate Bill 551, Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB.

And has amended same.

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

Respectfully submitted,

Robert Karnes,

Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 551) contained in the preceding report from the Committee on Pensions was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double

committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Pensions pending.

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

Your Committee on Education has had under consideration

Senate Bill 561, Increasing minimum contract price requiring execution of bond with respect to building or repairing school property.

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

Com. Sub. for Senate Bill 561 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-12 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum contract price that requires the execution of a bond with respect to the building or repairing of school property.

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

Respectfully submitted,

Kenny Mann,

Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 561) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Government Organization.

The Senate proceeded to the sixth order of business.

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

Senate Concurrent Resolution 34—Requesting the Division of Natural Resources to study deer hunting in the state and recommend changes in order to implement a more effective plan of deer hunting management.

Whereas, Since 1999, hunting license sales are down 59 percent for residents and 38 percent for nonresidents. Buck tag sales are also down 65 percent for residents and 62 percent for nonresidents; and

Whereas, Total hunting license sales are down by \$545,612; and

Whereas, The Division of Natural Resources should consider lowering the buck limit to two, encourage doe harvest by changing the license structure, create an additional buck tag, create a universal Class N doe tag that can be used in any season, and create educational opportunities for hunters to be involved in deer management; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Natural Resources to study deer hunting in the state and recommend changes in order to implement a more effective plan of deer hunting management; and, be it

Further Resolved, That the Legislature requests the Division of Natural Resources to seek input from hunting groups on how to achieve these goals; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Director of the Division of Natural Resources.

Which, under the rules, lies over one day.

Senators Swope, Beach, Plymale, and Stollings offered the following resolution:

Senate Concurrent Resolution 35—Requesting the Division of Highways name bridge number 28-77-13.73 NB-SB (28A203, 28A204), locally known as I-77 Over Mercer 7 Bridge, carrying I-77 NB-SB over Route 7 in Mercer County, West Virginia, the “Constable Joseph H. Davidson Memorial Bridge”.

Whereas, After serving several years as a peace officer in Mercer County, both as a deputy sheriff and as a private security officer for Mercer County coal mines, Constable Joseph H. Davidson was duly elected to serve as constable of the east river district in 1932; and

Whereas, On October 9, 1934, Constable Joseph H. Davidson was shot and killed in the line of duty while guarding two individuals who had been arrested on charges related to a southern West Virginia crime spree; and

Whereas, Less than 24 hours after Constable Joseph H. Davidson was murdered, on October 10, 1934, the Mercer County Commission worked with Mercer County Prosecuting Attorney, Roscoe H. Pendleton, to offer a \$500 reward for the capture and conviction of the two fugitives suspected of killing the “very capable” and “well known” peace officer; and

Whereas, The funeral for Constable Joseph H. Davidson was conducted at his home on the corner of Bluefield Avenue and Bee Street in Princeton. A large outpouring of family members, law-enforcement officers, and local citizens attended the funeral service and participated in the funeral procession that stretched out for a mile on the way to the Davidson family cemetery on New Hope-Sand Lick Road in Mercer County. The number of mourners at the service attested to the level of respect and appreciation Constable Joseph H. Davidson had in the county he served; and

Whereas, Law-enforcement officers in Virginia captured one suspect who was convicted in January 1935 and sentenced to life in prison. The second suspect was captured in Oklahoma in April 1935. The second suspect’s capture was aided by fingerprint identification through the help of the U. S. Department of Justice; and

Whereas, The discussion surrounding the recognition of Constable Joseph H. Davidson, the only Mercer County constable who was killed in the line of duty through the county’s 180-year history, has led to additional discussions into the concept of creating a Wall of Honor to memorialize all of Mercer County’s law-enforcement officers who have fallen in the line of duty; and

Whereas, It is fitting that an enduring memorial be established to commemorate Constable Joseph H. Davidson and his contributions to our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 28-77-13.73 NB-SB (28A203, 28A204), locally known as I-77 Over Mercer 7 Bridge, carrying I-77 NB - SB over Route 7 in Mercer County, West Virginia, the "Constable Joseph H. Davidson Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Constable Joseph H. Davidson Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

Senators Takubo, Maroney, Azinger, Boley, Boso, Clements, Cline, Drennan, Mann, Rucker, Swope, Sypolt, Weld, Plymale, Unger, Baldwin, and Stollings offered the following resolution:

Senate Concurrent Resolution 36—Requesting the Joint Committee on Government and Finance study the readiness and capabilities of public schools for preventing and responding to acts of violence against students and school personnel at school.

Whereas, The safety of West Virginia's students and teachers is of the utmost importance; and

Whereas, Schools should be places of safety and security for children of all ages; and

Whereas, The threat of a violent act happening in our public schools is ever increasing; and

Whereas, In the wake of numerous school tragedies, the State of West Virginia should examine ways to increase school security; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the readiness and capabilities of public schools for preventing and responding to acts of violence against students and school personnel at school; and, be it

Further Resolved, That the study shall include: effectiveness of current school safety measures such as lockdowns and emergency drills; verification on whether school safety measures are continuing to improve; the need for the appropriation of funds toward promoting school safety, with a focus on the funding of the professional development of law-enforcement officers for the purpose of instructing them on crime prevention within schools; whether laws should be amended in other ways to ensure that preparations of schools within this state are adequate in reducing student vulnerability to violent crimes; and, any other issues relevant to school safety in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance enlist the assistance of the West Virginia Department of Education, local law enforcement personnel, and first responders in conducting this study; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senators Stollings, Plymale, and Beach offered the following resolution:

Senate Concurrent Resolution 37—Requesting the Division of Highways to name a portion of West Virginia Route 3, beginning at the intersection of Routes 3 and 34, east of Hamlin, and ending at the eastern border of the town of Hamlin, the “Sheriff John E. White Memorial Road”.

Whereas, John Elbert White was born August 8, 1943, in Charleston, West Virginia. He was the son of Harold and Odessa White of Sweetland, West Virginia, and was raised in Sweetland, in Lincoln County; and

Whereas, John Elbert White continued to live in Lincoln County, West Virginia, moving to Hamlin for 31 years. John then moved back to Sweetland and lived there until he passed away on May 9, 2017; and

Whereas, John Elbert White attended Hamlin Elementary School and then Hamlin High School in Hamlin, West Virginia. He played basketball, ran track, and played trumpet in the band. While growing up, he helped run his parent’s store in Sweetland. After graduating from high school, he started a grocery store, White’s Supermarket/Grocery, with his parents in 1962. This was the start of White’s Plaza in Hamlin, West Virginia; and

Whereas, In 1967, John Elbert White married Ida Sharon Porter. John and Sharon had a son, John A. White, in 1969, and a daughter, Beth Ann White, in 1974. John Elbert White, along with his wife and family, ran many businesses over the years in Hamlin, including Hamlin Floral, White’s NAPA, B&J Gift Shop, Sharon’s Salon, Burger King, and Pizza INN. He always wanted to see Hamlin and Lincoln County grow and to see young business owners succeed. He would offer advice or assistance in any way he could to individuals wanting to get started in business or wanting to serve the community, even as elected officials; and

Whereas, In 1973, John Elbert White was approached by community members to serve a vacant term for sheriff of Lincoln County. While a sheriff for Lincoln County, he attended law-enforcement training at UCLA in California. He went on to run for sheriff the next term (1976) and served another 4 years as Sheriff. Serving his community was his passion. He loved Hamlin and Lincoln County, not to mention the great State of West Virginia; and

Whereas, On February 8, 1990, John Elbert White filled a vacant seat for Lincoln County Clerk and served until November 15, 1990. Throughout his life he continued to be active in the political setting. He organized trips to the State Capitol for grade school and junior high students. He

helped children to serve as pages in the House of Delegates and Senate during sessions of the State Legislature. John hoped to positively influence young people to get involved in their communities and state; and

Whereas, John served on the Southwestern Community Action Council board and was chairman of Lincoln County Opportunity Company. During his volunteer time with Southwestern Community Action Council he was a part of many achievements in the county such as the first headstart program and better senior centers and services in Lincoln County. They started with one headstart in Yawkey, West Virginia, growing to eight headstart programs throughout the county. While working with these organizations, the senior center in Hamlin was serving meals and services out of a small, older home. With the help of John and others, in 1995, the senior center grew to a new building of 21,576 square feet and now includes services in Wayne County, West Virginia. It is considered one of the best agencies in the state. John received many awards and other recognitions during his life with one being a Distinguished Mountaineer award from Governor Joe Manchin and another being named Home Town Hero from WSAZ; and

Whereas, John Elbert White attended Hamlin Baptist Church and was an active member throughout his life. He served as a junior deacon of the church and later as a deacon. He always wanted to see people come together in fellowship and have a good meal. While serving at the church, he wanted to see it grow in membership and land/infrastructure. The old high school band room was purchased by the church and turned into a fellowship hall. John liked to make sure there were meals for the church members for Valentine's Day, Easter, Mother's Day, Thanksgiving, Christmas, pastor appreciation, and any other occasion to fellowship. He even opened the fellowship hall one Saturday a month to provide free breakfast out of his own pocket for any male who wanted to attend, with no obligation. Along with other church members, he helped provide meals to the sports teams at Hamlin Middle School. John and his wife participated in the Good News Club, helping Hamlin schools and the community. Monetary reimbursement was not the source behind John Elbert White's doing so much for Hamlin, Lincoln County, and West Virginian. The reimbursement was the pure enjoyment of seeing the area's people succeed. Putting his community and others first was his priority. John Elbert White continued to plan activities for the church and community until his death; and

Whereas, It is fitting that an enduring memorial be established to commemorate Sheriff John E. White and his contributions to our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of West Virginia Route 3, beginning at the intersection of Routes 3 and 34, east of Hamlin, and ending at the eastern border of the town of Hamlin, the "Sheriff John E. White Memorial Road"; and be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "Sheriff John E. White Memorial Road"; and be it

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

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 33, William “Bill” Thurman King Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 412, Relating to authority of county litter control officers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 412) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 474, Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 474 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Trump, Weld, and Carmichael (Mr. President)—21.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 474) passed with its title.

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

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senators Woelfel, Jeffries, Prezioso, and Romano regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill 474 were ordered printed in the Appendix to the Journal.

At the request of Senator Prezioso, unanimous consent being granted, the remarks by Senators Unger and Karnes regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill 474 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill 522, Relating generally to Administrative Procedures Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 522 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 522) passed with its title.

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

At the request of Senator Maynard, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Senate Bill 523, Relating to tax treatment of pollution control facilities and wind power projects.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 523 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Beach, Karnes, Ojeda, Palumbo, Romano, and Woelfel—7.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 523) passed with its title.

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

Eng. Com. Sub. for Senate Bill 543, Relating to confidentiality of medical records.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 543) passed with its title.

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

Eng. Senate Bill 626, Relating generally to coal mining.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 626 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 626) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 30, Relating generally to hunting with dogs.

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

Senate Bill 112, Clarifying that natural resources police officers' subsistence allowance is pensionable.

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

Com. Sub. for Com. Sub. for Senate Bill 307, Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance.

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

Com. Sub. for Senate Bill 359, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates.

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

Com. Sub. for Senate Bill 467, Relating generally to Public Defender Services.

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

Com. Sub. for Senate Bill 490, Relating to Revised Uniform Athlete Agents Act of 2015.

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

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

Com. Sub. for Senate Bill 491, Establishing fee for expungement of certain criminal convictions.

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

Com. Sub. for Senate Bill 493, Relating to guaranty associations.

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

Com. Sub. for Senate Bill 501, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System.

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

Com. Sub. for Senate Bill 521, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer.

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

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

Com. Sub. for Senate Bill 535, Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers.

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

Com. Sub. for Senate Bill 549, Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or property.

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

Senate Bill 576, Relating to Patient Injury Compensation Fund.

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

Eng. Com. Sub. for House Bill 4024, Relating generally to direct cremation or direct burial expenses for indigent persons.

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

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

Eng. Com. Sub. for House Bill 4142, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment.

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

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

Eng. Com. Sub. for House Bill 4169, Requiring certain establishments and facilities to post human trafficking assistance notices.

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

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 275, Relating to tax on purchases of intoxicating liquors.

Com. Sub. for Senate Bill 313, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers.

Com. Sub. for Senate Bill 420, Transferring Safety and Treatment Program from DHHR to DMV.

Com. Sub. for Senate Bill 456, Physical Therapy Licensure Compact Act.

Com. Sub. for Senate Bill 499, Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees.

Com. Sub. for Senate Bill 500, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund.

Senate Bill 539, Increasing limit for settling claims against DOH.

Senate Bill 545, Relating to driving privileges and requirements for persons under 18.

Com. Sub. for Senate Bill 555, Providing director of corporation not personally liable for corporation's torts.

Com. Sub. for Senate Bill 562, Allowing courts discretion to impose period of supervised release of defendant.

Senate Bill 566, Relating to disability pensions of municipal employees.

Com. Sub. for Senate Bill 573, Relating generally to school calendars.

Com. Sub. for Senate Bill 574, Relating to crime of misrepresentation of military honors.

Senate Bill 627, Permitting local governments to access certain economic development project-related tax records.

And,

Eng. House Bill 4385, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

At the request of Senator Gaunch, and by unanimous consent, the Senate returned to the consideration of

Eng. Com. Sub. for Senate Bill 561, Increasing minimum contract price requiring execution of bond with respect to building or repairing school property.

Having been received as a report from the Committee on Education, taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, referred to the Committee on Government Organization in earlier proceedings today.

At the request of Senator Gaunch, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of Engrossed Committee Substitute for Senate Bill 561.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Drennan, Ojeda, Weld, and Unger.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 1:15 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:13 p.m. today and, without objection, returned to the third order of business.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 21, 2018, he had approved **Enr. Committee Substitute for Senate Bill 267**.

The Senate again proceeded to the fourth order of business.

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

Your Committee on Government Organization has had under consideration

Senate Bill 82, Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation.

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

Com. Sub. for Senate Bill 82 (originating in the Committee on Government Organization)—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; including rebuttable presumptions for certain injuries and diseases for professional firefighters; setting eligibility criteria for rebuttable presumptions; setting expiration of rebuttable presumption regarding leukemia, lymphoma or multiple myeloma arising out of and in the course of employment as a firefighter on July 1, 2023 absent legislative action to the contrary; allowing coverage to employees for occupational pneumoconiosis or other occupational disease for work performed out of state under certain conditions; and eliminating outdated and obsolete language.

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

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 426, Modernizing certain alcohol laws.

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

Com. Sub. for Senate Bill 426 (originating in the Committee on the Judiciary)—A Bill to repeal §7-1-3ss of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-3, §11-16-5, §11-16-6a, §11-16-6b, §11-16-9 and §11-16-18 of said code; to amend said code by adding thereto a new section, designated §11-16-11b; to amend and reenact §60-1-5a of said code; to amend said code by adding thereto a new section, designated §60-2-17a; to amend and reenact §60-3-12 of said code; to amend and reenact §60-3A-18 and §60-3A-25 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-6-7, §60-6-8, and §60-6-9 of said code; to amend and reenact §60-7-2, §60-7-3, §60-7-4, §60-7-5, and §60-7-6 of said code; to amend said code by adding thereto a new section, designated §60-7-8a; to amend and reenact §60-7-12 and §60-7-13 of said code; to amend and reenact §60-8-3, §60-8-20 and §60-8-34 of said code; and to amend and reenact §61-8-27 of said code, all relating generally to modernizing certain nonintoxicating beer, nonintoxicating craft beer, beer, wine and liquor laws by permitting certain hours of operation; defining terms; repealing section of the code authorizing county option elections on Sunday sales; defining terms; removing the two growler limit per patron per day for licensees who sell growlers for off-premises consumption; increasing allowable growler size to 128 ounces; creating a sampling license for retailers authorized to sell growlers and setting a fee for the license; placing limitations on complimentary samples; requiring complimentary food be available; setting forth age restrictions; placing restrictions on licensed representatives of a brewer, resident brewer, or distributor who attend sampling events; creating a temporary license for nonintoxicating beer floor plan extensions of existing licensee floorplans; implementing a fee for the new license; implementing a reactivation fee for licensees that fail to timely file their renewal applications and pay their license fees; creating a one-day special license for certain nonprofit and tax exempt entities hosting artistic, athletic, charitable, educational, or religious events to purchase and sell nonintoxicating beer and nonintoxicating craft beer; providing limitations on special licenses; setting forth requirements for special licenses; setting forth the commissioner's authority; reducing the membership requirement for a private golf club; creating alternating wine proprietorships for wineries and farm wineries; setting forth requirements for the parties to the alternating wine proprietorship agreements; setting forth production standards, including amount of raw West Virginia products which are required to be used; licensure requirements; clarifying that the Alcohol Beverage Control Administration may request the assistance of law enforcement; clarifying days and hours for liquor sales; permitting a distillery or mini-distillery to apply, pay the fee and qualify for a Class A private club license; clarifying types of sales permitted by a distillery or mini distillery; providing a 5% markup rate for mini-distilleries

for sampling; declaring that the mere addition of a mini-distillery does not change the nature or use of agricultural property for building code and property tax classification purposes; clarifying sampling procedures and requirements for wineries and farm wineries; prohibiting the adulteration of any alcoholic liquor by adding liquid designed to increase alcohol content or potency; permitting certain charitable events to auction wine bottles for off-premises consumption; penalties; clarifying that certain West Virginia licensees can only sell liquor by the drink; clarifying certain requirements for licensure; clarifying prohibition on liquor bottle sales in Class A licenses; providing guidance on certain lawful conduct such as wine bottle sales and frozen drink machines, and prohibiting the sale of premixed alcoholic liquors, with certain exceptions; creating a private club and carryout license with attendant requirements therefor; permitting the sale of wine in Division II and III college stadiums; creating a private fair and festival license; setting forth qualifications for applicants; placing limitations on complimentary samples; reducing membership requirement for a private golf club; requiring complimentary food be available; setting forth age restrictions; placing restrictions on licensed representatives of a brewer, resident brewer, or distributor who attends or operates sampling events; clarifying that private resort hotel licensees may operate a resident brewer and brew pub; authorizing issuance of private club and carryout licenses and establishing criteria and setting a fee therefor; authorizing issuance of private hotel licenses and establishing criteria and fees therefor; setting forth qualifications for applicants; setting a license fee; permitting minors to attend private fairs or festivals under certain conditions; requiring a private club licensee to timely notify emergency medical services or law enforcement of a life-threatening medical emergency occurring on the licensee's premises; authorizing sanctions against licensees failing to notify such personnel as required; requiring a licensee to notify the Alcohol Beverage Control Administration within 48 hours of the occurrence of a life-threatening emergency; clarifying prohibition against bring your own bottle; directing the commissioner to propose rules for allowing Class A licenses to allow patrons to bring alcohol into such facilities with corkage fee; stating that such rules do not take effect until approved by the Legislature; permitting the commissioner to sanction a licensee for failing to comply with the 48-hour notification requirement; providing examples of life-threatening medical emergencies; authorizing the promulgation of emergency rules; and requiring promulgation of proposed legislative rules.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 465 (originating in the Committee on Education), Relating to mandated reporting of child abuse and neglect.

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

Com. Sub. for Com. Sub. for Senate Bill 465 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §49-2-803 of the Code of West Virginia, 1931, as amended, relating generally to mandated reporting of child abuse and neglect; clarifying that sexual abuse and sexual assault constitute abuse of a child for reporting purposes; reducing the

time period in which a mandated reporter is required to report suspected abuse or neglect; requiring mandated reporters to directly report known or suspected abuse or neglect; eliminating certain broad reporting requirements applicable to any person over the age of 18; clarifying that minors are not mandated reporters; eliminating certain exceptions to the reporting time limit; eliminating particularized reporting requirements for education employees; and eliminating provisions pertaining to conduct involving students or students and school personnel.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 507, Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities.

Now on second reading, having been read a first time and referred to the Committee on Finance in earlier proceedings today;

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 515, Clarifying PSC jurisdiction over water and sewer utilities.

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

Com. Sub. for Senate Bill 515 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §8-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-19-2 of said code; to amend said code by adding thereto two new sections, designated §8-19-2a and §8-19-2b; to amend and reenact §8-19-4 of said code; to amend and reenact §8-20-10 of said code; to amend and reenact §16-13-16; to amend and reenact §16-13A-9; to amend and reenact §24-1-1 of said code; and to amend and reenact §24-2-1, §24-2-2, §24-2-3, §24-2-4a, §24-2-4b, and §24-2-11 of said code, all relating to the Public Service Commission's jurisdiction over the rates, fees, and charges of municipal utilities; establishing uniformity in the class of publications required by municipalities and public service districts for the revision in rates; updating internal code references; excluding the setting and adjustment of rates,

fees, and charges of municipal power systems from the jurisdiction of the Public Service Commission; providing for a right of appeal by customers; providing a time period for the filing of and resolution of complaints filed at the Public Service Commission regarding actions of municipalities; clarifying language regarding rate changes and notice requirements for municipal utilities; clarifying the commission's jurisdiction as modified by chapters 161 and 209, Acts of the Legislature, Regular Session, 2017, over internet protocol-enabled service, voice-over internet protocol-enabled service, stormwater services by a public service district, political subdivisions providing separate or combined water and/or sewer services, and certain telephone company transactions; and establishing the time period pertaining to the filing of appeals and the resolution of appeals of rate and construction projects decided by county commissions.

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

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 528, Providing additional circuit judge for nineteenth judicial circuit.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 21, 2018;

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

Respectfully submitted,

Craig Blair,
Chair.

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 558, Relating to certification requirements for crane operators.

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

Com. Sub. for Senate Bill 558 (originating in the Committee on the Workforce)—A Bill to amend and reenact §21-3D-3; and §21-3D-4 of the Code of West Virginia, 1931, as amended, all relating generally to certification requirements of crane operators; providing that crane operators

may be certified by additional nationally recognized accredited agencies; and changing the written exam requirements for Class A and Class B certifications.

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

Respectfully submitted,

Chandler Swope,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 558) contained in the preceding report from the Committee on the Workforce was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Government Organization.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 575, Approving additional beds for intermediate care facilities.

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

Com. Sub. for Senate Bill 575 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-2D-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2D-9 of said code all relating to the approval of additional beds for intermediate care facilities; providing that persons in more restrictive setting will be given an option to move; excluding persons currently on the intellectual and developmental disabilities waiver; placing these persons on an enrollment list; developing a monitoring committee; setting out membership of the committee; providing purpose of the monitoring committee; requiring reinvestment of savings; providing that all other relevant regulatory laws apply; and providing that additional beds may be developed.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Tom Takubo,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 597, Prohibiting individuals convicted of domestic violence misdemeanor from conducting private investigation business.

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

Com. Sub. for Senate Bill 597 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-18-2, §30-18-3, §30-18-5, §30-18-6, and §30-18-10 of the Code of West Virginia, 1931, as amended, relating to eligibility and application requirements for licenses to conduct private investigation or security guard businesses; prohibiting individuals who have been convicted in this state of a misdemeanor offense of domestic violence, assault against family or household member, or battery against family or household member or who have been convicted in another jurisdiction of a misdemeanor with similar essential elements from being eligible to obtain a license to conduct a private investigation or security guard business; setting forth who is to be included as a family or household member; prohibiting individuals from conducting fire or arson investigations who do not satisfy specific criteria; adding three criteria for individuals who wish to conduct fire or arson investigations; clarifying that bonds required for private investigation and security guard businesses do not require raised seal certifications; and modifying the secretary of state's rulemaking authority and duties to promulgate rules related to private investigation or security guard businesses.

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

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 597) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration

Senate Bill 598, Relating to civil actions against county commissions and municipalities for injuries.

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

Com. Sub. for Senate Bill 598 (originating in the Committee on Government Organization)—A Bill to amend and reenact §17-10-17 of the Code of West Virginia, 1931, as amended, relating to civil actions for damages brought against county commissions and municipalities by persons injured by reason of a slip, trip, fall, or similar injury resulting from defect in, disrepair or maintenance of, or failure to maintain or repair, or injury resulting from the proximate cause of an on-site employee with exceptions, on any road, bridge, street, sidewalk, alleyway, or public walkway.

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

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 598) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 603, Relating to proceedings for involuntary custody for examination.

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

Com. Sub. for Senate Bill 603 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-5-2 and §27-5-3 of the Code of West Virginia, 1931, as amended, relating to proceedings for involuntary custody for examination; and adding licensed professional counselors to the list of professionals that may examine an individual by order of a circuit court, mental hygiene commissioner, or magistrate.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 625, Creating WV Volunteer Fire and Rescue Act of 2018.

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

Com. Sub. for Senate Bill 625 (originating in the Committee on Finance)—A Bill to amend and reenact §5A-3-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-3-8a; to amend and reenact §5H-1-2 of said code; to amend and reenact §7-1-3d of said code; to amend said code by adding thereto a new section, designated §11-21-25; to amend and reenact §16-4C-6 and §16-4C-8 of said code; to amend said code by adding thereto two new sections, designated §16-4C-8a and §16-4C-24; to amend said code by adding thereto a new section, designated §17-2A-8d; to amend and reenact §29-3-12 of said code; to amend said code by adding thereto three new sections, designated §29-3-5e, §29-3-5f and §29-3-8; to amend and reenact §33-3-33 of said code; and to amend said code by adding thereto a new section, designated §33-3-33b; all relating to creating the West Virginia

Volunteer Fire and Rescue Act of 2018; requiring Director of Purchasing Division make facilities and services of the division available to fire departments and companies and certain emergency medical services agencies; authorizing director to provide for implementation by legislative rules or other agreement; authorizing payment of death benefits to survivors of firefighter, emergency medical services, or law-enforcement provider who dies in the performance of, or as a result of the performance of, his or her duties; increasing death benefits to be paid; providing for written designation of beneficiary to be made with State Fire Marshal or Commissioner of the Bureau for Public Health; requiring any county fire prevention units to be formed and recognized under the regulations of the State Fire Commission for local fire departments; increasing authorized reimbursement rate amount; providing exception for incidents or accidents involving hazardous materials; requiring payment of amounts owed as reimbursement within 30 days; authorizing written agreements between fire department or company and responsible party; permitting fire company or department to proceed to recover costs if payment or agreement not reached within 90 days; defining terms; creating volunteer first responder tax credit against an individual's personal property taxes based on number of activities an individual engages in with his or her first responder organization; requiring notarized certification by the chief officer of the first responder organization; making tax credit nonrefundable; requiring Tax Commissioner to develop forms for certification; authorizing Commissioner of the Bureau for Public Health to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies; requiring statewide contracts be made available to certain emergency medical services agencies; authorizing development of uniform standards for equipment and supplies used by emergency medical services agencies; giving legislative rule-making authority to Commissioner of the Bureau for Public Health to implement provisions; requiring Commissioner of the Bureau for Public Health to recognize and give full credit for all continuing education credits approved or recognized by state or nationally recognized accrediting body; establishing courtesy certification program for certified emergency medical service personnel in states bordering West Virginia; relieving courtesy certification applicants from requirement to comply with state certification standards; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Emergency Medical Services Equipment and Training Fund; authorizing use of fund for grants to equip emergency medical service providers and train emergency medical services personnel; requiring Commissioner of the Bureau for Public Health establish grant program for equipment and training of emergency medical services providers and personnel; setting eligibility and certain priorities for grant program; granting rule-making authority to implement grant program; authorizing Commissioner of Division of Highways enter into reimbursement agreements with certain fire departments for services provided relating to tree or debris removal from state highways and rights-of-way; setting conditions for and defining scope of reimbursement; retaining authority of commissioner to properly remove and dispose of cleared trees, debris, or other obstacles; granting legislative rule-making authority to implement reimbursement program; setting minimum provisions for legislative rule; authorizing State Fire Marshal establish one or more statewide contracts for equipment and supplies utilized by fire companies and departments; requiring statewide contracts be made available to certain fire companies and departments as well as any other agency or subdivision with a need for those equipment or supplies; authorizing development of uniform standards for equipment and supplies used by fire companies and departments; giving legislative rule-making authority to State Fire Commission to implement provisions; establishing courtesy certification program for certified firefighters in states bordering West Virginia as volunteer firefighters; relieving courtesy certification applicants from requirement to comply with state certification standards for volunteer firefighters; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Fire Service Equipment and

Training Fund; authorizing use of fund for grants to equip volunteer and part-volunteer fire companies and departments and their members and train volunteer and part-volunteer firefighters; requiring State Fire Marshal establish grant program for equipment and training of volunteer and part volunteer fire companies and departments and volunteer firefighters; setting eligibility and certain factors for State Fire Marshal to consider in making grants; granting rule-making authority to implement grant program; requiring State Fire Marshal prepare certain reports and make certain recommendations; increasing surcharge on fire and casualty insurance policies; exempting certain casualty insurance policies from surcharge; prohibiting premium taxes, agent commissions, and other assessments from being charged against surcharge; designating where funds collected from surcharge are to be deposited; requiring study and report from Insurance Commissioner regarding issues related to workers' compensation for volunteer and part-volunteer fire departments; eliminating obsolete language; and making technical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,

Chair.

Senator Maroney, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 628 (originating in the Committee on Economic Development)—A Bill to amend and reenact §12-7-6 of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia Jobs Investment Trust Board; expanding the corporate powers of the board to allow it to enter into partnerships and create subsidiaries of different forms of either a non-profit or for-profit form, and authorizing the board to take any lawful actions necessary to be certified without limitation as a qualified community development entity or a qualified community development financial institution under applicable federal law.

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

Respectfully submitted,

Michael J. Maroney,

Chair.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Weld, at 5:29 p.m., the Senate adjourned until tomorrow, Friday, February 23, 2018, at 11 a.m.

SENATE CALENDAR

Friday, February 23, 2018
11:00 AM

UNFINISHED BUSINESS

- S. C. R. 34 - Requesting DNR study deer hunting in WV
- S. C. R. 35 - Constable Joseph H. Davidson Memorial Bridge
- S. C. R. 36 - Requesting study of public schools' prevention and response to violent acts against students and personnel
- S. C. R. 37 - Sheriff John E. White Memorial Road

THIRD READING

- Eng. Com. Sub. for S. B. 30 - Relating generally to hunting with dogs
- Eng. S. B. 112 - Clarifying that natural resources police officers' subsistence allowance is pensionable
- Eng. Com. Sub. for Com. Sub. for S. B. 307 - Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance
- Eng. Com. Sub. for S. B. 359 - Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates
- Eng. Com. Sub. for S. B. 467 - Relating generally to Public Defender Services
- Eng. Com. Sub. for S. B. 491 - Establishing fee for expungement of certain criminal convictions
- Eng. Com. Sub. for S. B. 493 - Relating to guaranty associations
- Eng. Com. Sub. for S. B. 501 - Relating to accrued benefit of retirees in Deputy Sheriff Retirement System (original similar to HB4516)
- Eng. Com. Sub. for S. B. 535 - Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers
- Eng. Com. Sub. for S. B. 549 - Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or property (original similar to SB 533)
- Eng. S. B. 576 - Relating to Patient Injury Compensation Fund

SECOND READING

- Com. Sub. for S. B. 275 - Relating to tax on purchases of intoxicating liquors

Com. Sub. for S. B. 313 -	Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers
Com. Sub. for S. B. 420 -	Transferring Safety and Treatment Program from DHHR to DMV
Com. Sub. for S. B. 456 -	Physical Therapy Licensure Compact Act
Com. Sub. for S. B. 490 -	Relating to Revised Uniform Athlete Agents Act of 2015
Com. Sub. for S. B. 499 -	Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees
Com. Sub. for S. B. 500 -	Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund
Com. Sub. for S. B. 507 -	Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities
Com. Sub. for S. B. 521 -	Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer (original similar to HB4526)
Com. Sub. for S. B. 528 -	Providing additional circuit judge for nineteenth judicial circuit
S. B. 539 -	Increasing limit for settling claims against DOH
S. B. 545 -	Relating to driving privileges and requirements for persons under 18 - (Com. amend. pending) (original similar to HB 3008)
Com. Sub. for S. B. 555 -	Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities
Com. Sub. for S. B. 562 -	Allowing courts discretion to impose period of supervised release of defendant
S. B. 566 -	Relating to disability pensions of municipal employees
Com. Sub. for S. B. 573 -	Relating generally to school calendars
Com. Sub. for S. B. 574 -	Relating to crime of misrepresentation of military honors (original similar to SB608)
S. B. 627 -	Permitting local governments to access certain economic development project-related tax records
Eng. Com. Sub. for H. B. 4024 -	Relating generally to direct cremation or direct burial expenses for indigent persons - (Com. amend. pending)
Eng. Com. Sub. for H. B. 4142 -	Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment

- Eng. Com. Sub. for H. B. 4169 - Requiring certain establishments and facilities to post human trafficking assistance notices - (Com. amend. and title amend. pending)
- Eng. H. B. 4385 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services

FIRST READING

- Com. Sub. for S. B. 82 - Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation
- Com. Sub. for Com. Sub. for S. B. 331 - Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system
- Com. Sub. for S. B. 426 - Modernizing certain alcohol laws
- Com. Sub. for S. B. 434 - Specifying documents not subject to discovery in certain proceedings
- Com. Sub. for Com. Sub. for S. B. 465 - Relating to mandated reporting of child abuse and neglect (original similar to HB4589)
- Com. Sub. for S. B. 515 - Clarifying PSC jurisdiction over water and sewer utilities
- Com. Sub. for S. B. 561 - Increasing minimum contract price requiring execution of bond with respect to building or repairing school property
- Com. Sub. for S. B. 575 - Approving additional beds for intermediate care facilities
- Com. Sub. for S. B. 603 - Relating to proceedings for involuntary custody for examination
- Com. Sub. for S. B. 625 - Creating WV Volunteer Fire and Rescue Act of 2018 (original similar to HB 2094, HB 2361, HB 2638, HB 2780, HB 2916, HB 2977, SB 105, SB 108, SB 128, SB 489)
- S. B. 628 - Relating generally to WV Jobs Investment Trust Board

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2018

Friday, February 23, 2018

8:30 a.m.	Transportation & Infrastructure	(Room 451M)
9:30 a.m.	Judiciary	(Room 208W)
10 a.m.	Natural Resources	(Room 451M)