

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Monday, February 26, 2018

The Senate met at 11:06 a.m.

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

Prayer was offered by the Honorable C. Edward Gaunch, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Richard N. Ojeda II, a senator from the seventh district.

Pending the reading of the Journal of Friday, February 23, 2018,

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

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

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 237, Authorizing Department of Revenue promulgate legislative rules.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF REVENUE TO PROMULGATE LEGISLATIVE RULES.

§64-7-1. State Tax Department.

(a) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §11-13DD-5 of this code, modified by the State Tax Department to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 1, 2017, relating to the State Tax Department (farm-to-food bank tax credit, 110 CSR 13DD), is authorized, with the following amendment set forth below:

On page two, by striking out all of subsection 2.10; and, on page two, by striking out all of subdivision 4.1.e.

(b) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §11-10-5t of this code, relating to the State Tax Department (payment of taxes by electronic funds transfer, 110 CSR 10F), is authorized.

(c) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §11-22-5 of this code, relating to the State Tax Department (property transfer tax, 110 CSR 22), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §11-10-11c of this code, modified by the State Tax Department to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 8, 2017, relating to the State Tax Department (municipal sales and service and use tax administration, 110 CSR 28), is authorized.

(e) The Legislature directs the State Tax Department, pursuant to the authority given to the department in §11B-1-8 of this code, to promulgate the legislative rule filed in the State Register by the department on January 12, 2018, relating to the State Tax Department (personnel rule for the Tax Division, 110 CSR 42), is authorized, with the amendment set forth below:

On page 23, subsection 12.2., after the word “manner.” by inserting the following: “The Tax Commissioner shall comply with West Virginia and federal law prohibiting nepotism, favoritism, discrimination or unethical practices related to employment and promotion, and the public employee grievance system.”

§64-7-2. Lottery Commission.

The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §29-22-5 of this code, modified by the Lottery Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2017, relating to the Lottery Commission (state lottery rules, 179 CSR 1), is authorized.

§64-7-3. Racing Commission.

The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §19-23-6 and §19-23-8 of this code, relating to the Racing Commission (thoroughbred racing, 178 CSR 1), is authorized with the amendments set forth below:

On page 39, subdivision 24.1.f., to read as follows:

24.1.f. The fees that shall be paid to the Racing Commission for occupational permits issued effective for calendar year 2012 and thereafter are set forth in table 178-1A at the end of this rule.

And,

That Table 178-1A read as follows:

TABLE 178-1 A
OCCUPATIONAL PERMIT FEES
(Effective for calendar year 2012 and thereafter)

Stable Name	\$40.00
Corporation	\$40.00
Vendor	\$40.00
Owner (with registration of colors)	\$30.00
Owner-Trainer (same person)	\$60.00
Trainer	\$30.00
Assistant Trainer	\$30.00
Jockey	\$30.00
Apprentice Jockey	\$20.00
Jockey Agent	\$20.00
Practicing Veterinarian	\$30.00
Veterinarian's Assistant	\$20.00
Blacksmith	\$30.00
Authorized Agent (must apply for permit and pay permit fee for each person represented)	\$20.00
Mutuel Employee	\$20.00
Photographers, totalisator, film patrol	\$20.00
Stable Foreman	\$20.00
Starter	\$30.00
Assistant Starter	\$20.00

Association Racing Secretary	\$30.00
Association Assistant Racing Secretary	\$30.00
Paddock Judge	\$20.00

TABLE 178-1 A

continued

OCCUPATIONAL PERMIT FEES

(Effective for calendar year 2012 and thereafter)

Horsemen's Bookkeeper	\$20.00
Clerk of Scales	\$20.00
Clocker	\$20.00
Timer	\$20.00
Horse Identifier	\$20.00
Jockey Room Custodian	\$20.00
Placing Judge	\$20.00
Outrider	\$20.00
Stable Hand	\$20.00
Concession	\$20.00
Maintenance	\$20.00
Groom	\$20.00
Admission	\$20.00
Pony Riders	\$20.00
Parking	\$20.00
Security	\$20.00
Exercise Rider	\$20.00

Video Lottery employees	\$20.00
Others not specified	\$20.00

And,

By striking out the title and substituting therefore a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 237—A Bill to amend and reenact §64-7-1, §64-7-2, and §64-7-3 of the Code of West Virginia, 1931, as amended, relating generally to authorizing and directing certain agencies within the Department of Revenue to promulgate certain legislative rules as filed, modified, and amended; relating to authorizing the State Tax Department to promulgate a legislative rule relating to farm-to-food bank tax credit; removing value added products related to the farm-to-food bank tax credit; authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer; authorizing the State Tax Department to promulgate a legislative rule relating to property transfer tax; authorizing the State Tax Department to promulgate a legislative rule relating to municipal sales and service and use tax administration; directing the State Tax Department to promulgate a legislative rule relating to a personnel rule for the Tax Division; authorizing the Lottery Commission to promulgate a legislative rule relating to state lottery rules; and authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 237, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Plymale and Takubo—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 237) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Plymale and Takubo—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 237) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

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

Eng. Com. Sub. for House Bill 2843—A Bill to amend and reenact §7-11B-3, §7-11B-4, §7-11B-7 and §7-11B-8 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Tax Increment Financing Act; giving Class III municipalities the authority to exercise the powers under the act, and requiring certain reporting to certain levying bodies.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2983—A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Highways to implement reasonable design techniques intended to minimize damage that may result from recurring floods within the purpose and need of the state road system, and relating to updating certain statutory references.

Referred to the Committee on Finance.

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

Eng. House Bill 4219—A Bill to amend and reenact §18-7A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7B-2 of said code, all relating to permitting employees of educational services cooperatives to participate in the State Teachers Retirement System; and permitting persons employed for instructional services by educational services cooperatives to participate in the State Teachers' Defined Contribution Retirement System.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4289—A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to disability pensions of municipal employees; removing provision relating to limitation of nonduty disability retirement; increasing amount of income that may be earned before an offset of benefits is required; and increasing that limit automatically when the minimum wage increases.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4347—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-6a, relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund; permitting each person applying for the issuance of or renewal of a driver's license to voluntarily contribute to the State Police Forensic Laboratory Fund; requiring the Division of Motor Vehicles to provide a form through which such voluntary contributions can be made; and requiring the Division of Motor Vehicles to remit the voluntary contributions on a monthly basis to the State Treasurer for deposit in the State Police Forensic Laboratory Fund.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4502—A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, as amended, relating to adding murder, armed robbery, sex crimes, treason, and organized crimes to the list of offenses for which a prosecutor may apply for an order authorizing interception.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4542—A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to allowing public service districts to accept certain methods of payment; allowing public service districts to charge certain fees related thereto; and requiring public service districts to obtain certain bids; and removing and replacing reference to certain obsolete entities.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4607—A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to parks and recreation permitting the use of recreational drones at state parks; requiring persons who intend to operate drones to register with the superintendent prior to participating in the use of any drone; establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails; and clarifying that persons who operate drones assume full responsibility and liability.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2018, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4619—A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth; requiring amount of increase in local share to be added to preceding year appropriation for such purpose; providing factors to be taken into account in making allocations to counties; providing county may not receive less than the 2016-2017 allocation from certain line items; requiring moneys allocated to be used for implementation of comprehensive systems for teacher and leader induction and professional growth; and removing obsolete cross-references.

Referred to the Committee on Finance.

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

Eng. House Bill 4624—A Bill to amend and reenact §1-1-5 of the Code of West Virginia, 1931, as amended, relating to West Virginia coordinate systems; defining terms; and updating references.

Referred to the Committee on Government Organization.

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

House Concurrent Resolution 3—Requesting the Division of Highways to name bridge number 18-33-1.25, EB-WB (18A190, 18A191) locally known as Ravenswood Connector EB-WB, carrying U. S. Rt. 33 over Sandy Creek in Jackson County, the U.S. Army Cpl David Michael Hopkins and U. S. Army Cpl Romey Earl Hughart, Jr. Memorial Bridge.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 5—Requesting the Division of Highways name Bridge Number 13-92-9.25 (13A177), locally known as Whites Draft Bridge, carrying WV 92 over Whites Draft in Greenbrier county, the “U. S. Army PFC Jessie Franklin Crow Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 13—Requesting the Division of Highways to name that portion of West Virginia Route 10 between Man and Logan, the “U. S. Army SGM Bill E. Jeffrey Memorial Road”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 30—Requesting the Division of Highways name Bridge Number: 50-64-2.67 (50A208, 50A209) (39.14884, -79.43810), locally known as Beaver Creek Bridge, carrying WV 93 (EB & WB) over Beaver Creek in Tucker County, the “U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 33—Requesting the Division of Highways to name bridge number 18-21-21.51, (18A073), locally known as the Ripley Lanes Bridge, carrying County Route 21 over Sycamore Creek in Jackson County, the “U. S. Army 2LT Clarence Dragoo Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 41—Requesting the Joint Committee on Government and Finance to study and make recommendations regarding the development of a statewide virtual library.

Referred to the Committee on Education.

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

House Concurrent Resolution 47—Requesting the Division of Highways to name bridge number 40-60-0.03 (40A142), locally known as the Culloden Railroad Overpass, carrying US 60 over CSX Railroad in Putnam County, the “U. S. Army SPC 4 William L. Amos Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 64—Requesting the Division of Highways to name a portion of U.S. Route 60, beginning at mile marker 20.57 and ending at mile marker 25.38 in Cabell County, the “USMC Cpl Hershel ‘Woody’ Williams Highway”.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 75—Requesting the Division of Highways name WV Route 46, from its intersection with County Route 3 to its intersection with County Route 42/3 in Mineral County the “PVT George Howell, Continental Army Memorial Highway”.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 78—Requesting the Division of Highways to name bridge number 54-1-1.97 (54A001), locally known as Waverly Road Bridge, carrying County Route 1 over the Carpenter Run in Wood County the “U. S. Marine Corps PFC Danny Marshall Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 401, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders.

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

Com. Sub. for Senate Bill 401 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring specified coverage in health benefit plans for outpatient and inpatient treatment for substance use disorders by July 1, 2019; defining terms; providing for rulemaking for the Insurance Commissioner; setting forth timeframes for coverage; and providing for expedited grievances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 401) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 403, Licensing advance deposit wagering.

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

Com. Sub. for Senate Bill 403 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; defining terms; providing for source market fees; providing for certain distribution of source market fees derived from wagers of account holders; providing that advance deposit account wagers are authorized; providing exception from certain provisions of code; conferring jurisdiction to the Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee; exempting advance deposit wagering from certain provisions of code and implementing rules; providing for criminal penalties for accepting advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for a regulatory fee; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; providing for an investigation in to whether nonresident account holders of a licensee placed wagers while physically located in West Virginia; and authorizing rulemaking and emergency rule-making.

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

Respectfully submitted,

Charles S. Trump,
Chair.

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

At the request of Senator Ferns, and by unanimous consent, the bill (Com. Sub. for S. B. 403) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 432, Relating to municipal home rule.

And reports the same back without recommendation as to passage; but with the further recommendation that it be rereferred to the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Trump, unanimous consent being granted, the bill (Com. Sub. for S. B. 432) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Trump, the bill was rereferred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 531, Eliminating required waiting period for municipal court notifications to DMV.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 531) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

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

With an amendment from the Committee on Pensions pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 22, 2018;

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Workforce has had under consideration

Senate Bill 556, Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority.

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

Com. Sub. for Senate Bill 556 (originating in the Committee on the Workforce)—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a small business and minority populations economic and workforce development taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia

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

Respectfully submitted,

Chandler Swope,
Chair.

At the request of Senator Maroney, as chair of the Committee on Economic Development, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Workforce.

At the request of Senator Ferns, and by unanimous consent, the bill (Com. Sub. for S. B. 556) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 595, Creating Protect Our Right to Unite Act.

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

Com. Sub. for Senate Bill 595 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, and §1-7-4, all relating to creating the Protect Our Right to Unite Act; providing its purpose and intent; defining terms; providing that no public agency may require any entity to provide it with donor information, subject to certain exceptions; providing that where the state or a public agency obtains donor information, it may not be released, subject to certain exceptions; providing exemption from Freedom of Information Act requests; providing for redaction of donor information; providing exception for court orders; providing exception for discovery requests under certain conditions; providing civil remedies; providing for the payment of attorneys' fees and costs; and providing for trebled damages.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 595) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

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

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 22, 2018;

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Joint Resolution 7, Supervision of Free Schools Modification Amendment.

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

Com. Sub. for Senate Joint Resolution 7 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article XII thereof, all relating to the supervision of the free schools generally; clarifying that the general supervisory authority of the State Board of Education is subject to legislative enactments, and specifying that board rules and policies are subject to legislative review and approval; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the resolution (Com. Sub. for S. J. R. 7) contained in the preceding report from the Committee on the Judiciary was taken

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

The Senate proceeded to the sixth order of business.

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

Senate Resolution 52—Designating February 26, 2018, as Families Leading Change Day at the Legislature.

Whereas, The important role of the family in nurturing and mentoring future citizens and leaders of West Virginia is recognized as a basic requirement for the viability of a democratic society; and

Whereas, While we know that a parent's role in their child's learning evolves as they grow, parents and families have the greatest impact on our children's well-being, participation in school, and attitudes about education; and

Whereas, Parents and extended families are children's first teachers—exploring nature, reading together, cooking together, and counting together. Parents can engage each child by extending the learning started at school into the home and helping their children see how exciting and meaningful learning can be; and

Whereas, Through guidance and reminders, parents help their kids organize their time and support their desires to learn new things in and out of school so that ultimately, parents inspire and show children how to take charge of their own educational journey; and

Whereas, Mentored youth are most likely to become successful adults who provide for themselves and their families, and are most likely to become volunteer contributors to their schools, communities, and local improvement projects; and

Whereas, An educated public is essential to the development of the state's economy because a skilled and diverse workforce spurs economic activity and attracts revenue to the state; and

Whereas, It is no coincidence that Mother's Day was founded in West Virginia by Anna Jarvis in 1910, because West Virginians care about family, and West Virginian families go back many generations, but West Virginians also have one of the highest national rates of "nonfamily" households because West Virginia families are most willing to provide a home for those in need; and

Whereas, Families Leading Change is a statewide coalition that has come together to support, fund, and train families who want to work with their principals and teachers to make their hometown schools stronger (whether that means better drug prevention, vocational programs, school gardens, early literacy, etc.—whatever the community and school decide are most needed); and

Whereas, Families Leading Change seeks to help state and federal officials, regardless of their political affiliation or beliefs, learn from the local expertise and wisdom of families across West Virginia, including individual parents and family members raising West Virginia children, students, parent groups (WV PTA, Circle of Parents, Parents Action for Wellness), business groups (Education Alliance, WV Chamber of Commerce), teachers (AFT-WV, WVEA),

administrators (WV Principals Association), students (Young WV, BAPS, SADD chapters), and community groups (Our Children, Our Future, Step-by-Step, Try This WV); therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 26, 2018, as Families Leading Change Day at the Legislature; and, be it

Further Resolved, That the Senate invites all West Virginians to celebrate with Families Leading Change and become a part of this movement because we know that we can only succeed if all West Virginia families help to define and shape the future of our community and state; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the representatives of Families Leading Change.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Baldwin and Weld regarding the adoption of Senate Resolution 52 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:27 a.m., the Senate recessed to present Senate Resolution 52.

The Senate reconvened at 11:32 a.m. today and resumed business under the sixth order.

Senators Romano, Facemire, Beach, Stollings, and Cline offered the following resolution:

Senate Resolution 53—Recognizing Glenville State College for its efforts in making college education more affordable for the citizens of West Virginia.

Whereas, Glenville State College was originally founded in 1872 to serve the higher education needs of West Virginia citizens by preparing teachers to serve in classrooms across the state; and

Whereas, Glenville State College has expanded its mission and now prepares students for careers in teaching, business, land resources, music, the liberal arts, the sciences, and human services through a variety of educational and professional degrees at the associate and baccalaureate levels; and

Whereas, Glenville State College continues to be critical to the educational and economic vitality of central West Virginia through its development and partnerships with businesses, public school districts, and agencies and its offering of cultural events and meaningful activities to support local communities; and

Whereas, Glenville State College continues to be a vital resource and support for many first generation and rural college students, students of modest means, and students who enter college still unsure of their educational and career pathways to the future; and

Whereas, Glenville State College has been a leader in holding its tuition stable and lowering its food costs for 2017-2018; and

Whereas, Glenville State College has shown leadership to the state in again committing to lowering its tuition this coming summer and for the upcoming 2018-2019 academic year; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Glenville State College for its efforts in making college education more affordable for the citizens of West Virginia; and, be it

Further Resolved, That the Senate acknowledges the leadership demonstrated by Glenville State College and extends its sincere appreciation to Dr. Tracy Pellett, President of Glenville State College; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Glenville State College.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 38, Urging Congress reassess federal definition of “industrial hemp”.

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

Senate Resolution 51, Urging Congress reinstate separation of commercial and investment banking functions.

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

The Senate proceeded to the eighth order of business.

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 275) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 313) passed with its title.

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

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

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 420 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—22.

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

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 420) passed.

On motions of Senators Trump and Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 420—A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, all relating to transferring the safety and treatment program, which treats and educates people whose licenses were revoked due to concerns of alcohol and/or drug use while operating a motor vehicle, from the Department of Health and Human Resources to the Division of Motor Vehicles and amending references thereto

in said code; transferring moneys from the Department of Health and Human Resources Safety and Treatment Fund to the Division of Motor Vehicles Safety and Treatment Fund; providing that a portion of program provider fees be deposited in Division of Motor Vehicles Safety and Treatment Fund; transferring rule-making authority; requiring grievance and appellate procedures and judicial review for individuals participating, or who have participated, in the Division of Motor Vehicles' safety and treatment program; and authorizing the Commissioner of the Division of Motor Vehicles to promulgate rules to add procedures and judicial review for participants of the safety and treatment program.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Beach, Facemire, Ojeda, Prezioso, Romano, and Unger—7.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 420) takes effect July 1, 2018.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 456) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard,

Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 490) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 499) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 500) passed with its title.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 500) takes effect from passage.

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

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

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

On the passage of the bill, the yeas were: Arvon, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Azinger and Karnes—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 521) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Azinger and Karnes—2.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 521) takes effect July 1, 2018.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 528) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 539) passed with its title.

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

Eng. Com. Sub. for Senate Bill 555, Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 555 pass?”

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

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 555) passed.

On motions of Senators Romano and Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 555—A Bill to amend and reenact §55-7C-3 of the Code of West Virginia, 1931, as amended, relating to liability for qualified directors of volunteer organizations and entities; and providing that a qualified director is not personally liable for the torts of a volunteer organization or entity, or the torts of the agents or employees of a volunteer organization or entity, unless he or she approved of, ratified, directed, sanctioned, or participated in the wrongful acts.

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

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

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

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

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 561) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 562) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 566) passed with its title.

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

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

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 573 pass?”

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 573) passed with its title.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 573) takes effect from passage.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 574) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 627) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard,

Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 627) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

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

On second reading, coming up in regular order, was read a second time.

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk and adopted:

On page three, section one, lines fifty through fifty-three, by striking out all of the proviso.

The bill (Com. Sub. for S. B. 82), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 331, Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system.

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

Com. Sub. for Senate Bill 426, Modernizing certain alcohol laws.

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

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

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

Com. Sub. for Senate Bill 443, Terminating parental rights when certain conditions are met.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page two, section six hundred five, lines eighteen through twenty-two, by striking out all of subdivision (4) and inserting in lieu thereof a new subdivision, designated subdivision (4), to read as follows:

(4) If a parent whose child has been removed from the parent's care, custody and control by an order of removal voluntarily fails to have contact or attempt to have contact with the child for a period of 18 consecutive months: *Provided*, That failure to have or attempt to have contact due to being incarcerated, being in a medical or drug treatment facility, or being on active military duty shall not be considered voluntary behavior.

The bill (Com. Sub. for S. B. 443), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 465, Relating to mandated reporting of child abuse and neglect.

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

Com. Sub. for Senate Bill 506, Deregulating persons who perform work on heating, ventilating, and cooling systems.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Swope, the following amendment to the bill was reported by the Clerk and adopted:

On page five, section five, line thirty-one, by striking out the words "the level one" and inserting in lieu thereof the word "such".

The bill (Com. Sub. for S. B. 506), as amended, was then ordered to engrossment and third reading.

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

On second reading, coming up in regular order, was read a second time.

On motion of Senator Boso, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

CHAPTER 18. EDUCATION.

ARTICLE 2L. KATHERINE JOHNSON ACADEMY.

§18-2L-1. Katherine Johnson Academy established.

There is hereby established the Katherine Johnson Academy in recognition of one of West Virginia's most outstanding and distinguished citizens whose contributions as a pioneer in the

advancement of science, mathematics, and space travel have been recognized through numerous honors including the nation's highest civilian award, the Presidential Medal of Freedom.

§18-2L-2. Legislative findings; purpose; intent.

The Legislature hereby finds and declares that:

(1) A student's time engaged in learning is maximized when the student is allowed to progress and acquire competency at a pace that challenges his or her own interest and intellect.

(2) Post-secondary option programs, such as magnet or STEM schools, allow students to take college courses for which they can receive both college credit and credit toward their high school diploma and that such programs provide high-achieving students the opportunity to advance, academically, at a pace commensurate with their abilities and ambition.

(3) Currently, there are over 4,000 magnet schools in the United States serving over 3.5 million students. Each day, these students are gaining a competitive advantage over students in West Virginia who have little or no access to such programs.

(4) Post-secondary option programs, such as magnet schools, can provide the families of high-achieving secondary school students the opportunity to save thousands of dollars in future college costs.

(5) In 2017, more than 52,000 Ohio students, including 15 percent of all high school juniors and seniors, earned college credit through the state's post-secondary option program, saving their families more than \$120 million in future college costs.

(6) The purpose for the establishment of the Katherine Johnson Academy is to provide high-achieving students in West Virginia the opportunity to engage in an accelerated and exceptionally challenging academic experience through the establishment of magnet school programs at four-year colleges and universities throughout West Virginia.

(7) It is the Legislature's intent that the academy's magnet school programs established under this article be both specialized and generalized and both resident- and commuter-based in order to provide students and parents with greater choice and colleges and universities greater flexibility in establishing the programs they host.

§18-2L-3. Definitions.

The following words used in this chapter and in any proceedings pursuant thereto have the meanings ascribed to them unless the context clearly indicates a different meaning:

"Academy" means the Katherine Johnson Academy created under this article.

"Academy board" means the Board of Trustees of the Katherine Johnson Academy.

"Academy program" means a magnet school program offered by the academy and hosted by a college or university pursuant to a collaboration agreement.

"Books" means both printed and electronic books required for a course;

"Chancellor" means the Chancellor of Higher Education for the State of West Virginia.

“Collaboration agreement” means an agreement by and among the academy board, state board, the commission, a college or university’s governing board and a county board, where necessary, that sets forth the terms and conditions by which a college or university will host an academy program.

“College or university” means both public and private four-year colleges and universities that maintain a physical campus with residential facilities for students.

“Commission” means the Higher Education Policy Commission of West Virginia.

“County board” means the county board of education.

“Generalized program” means a curriculum that offers a broad base of courses.

“Host institution” means a college or university in West Virginia that operates an academy program pursuant to a collaboration agreement.

“Local secondary school” means a public, private, or parochial school consisting, at least, of grades 10 through 12 in a county in which a student resides or a home school where a student has achieved a grade equivalency of grade 10, 11, or 12.

“Magnet school” means a public school with a rigorous and challenging curriculum that greatly exceeds the state’s minimum requirements and is intended to attract high-achieving students from across the boundaries of traditional school districts. The curriculum for a magnet school program may be specialized, such as a STEM school, or generalized.

“President” means the President of the Katherine Johnson Academy.

“Public school student” means any student currently enrolled in a public school including a residential academy program.

“Specialized program” means a curriculum that provides a focus on a particular area of academic interest.

“State” means the State of West Virginia.

“Standard rate” means the amount per credit hour assessed by a college or university for an in-state student who is enrolled as an undergraduate student at that college, but who is not participating in any program established under this article.

“State aid formula” means the State’s Public School Support Program established under §18-9A-1 *et seq.* of this code.

“State board” means the West Virginia Board of Education.

“State per pupil allocation” means the average per pupil state aid allocation for all pupils in the state under the state aid formula for the previous fiscal year.

“Trustee” means a member of the Board of Trustees of the Katherine Johnson Academy.

§18-2L-4. Board of Trustees.

(a) A board of trustees shall serve as the governing board and policy-making authority for the academy.

(b) *Membership.* – The board of trustees shall consist of five voting trustees appointed by the Governor with the advice and consent of the Senate. At least one trustee shall reside in each of the state’s congressional districts.

(1) Two of the five trustees of the initial academy board shall be appointed for two-year terms beginning July 1, 2018, and expiring June 30, 2020.

(2) Three of the five trustees of the initial academy board shall be appointed to four-year terms beginning July 1, 2018, and expiring June 30, 2022.

(3) Upon expiration of the terms of the trustees to the initial academy board, all trustees shall be appointed to four-year terms to commence on July 1 and end on June 30 of the fourth year.

(4) No trustee shall be appointed to serve more than two consecutive terms.

(5) The state superintendent and the Chancellor of Higher Education shall serve as nonvoting ex-officio trustees of the academy board.

(c) *Chair.* – The academy board shall elect a trustee from among the voting trustees to serve as chair for a term of two years. No trustee may be elected chair for more than two consecutive terms.

(d) *Powers.* – The academy board shall be authorized to:

(1) Serve as a bridge between the state board and higher education by encouraging and facilitating the creation of academy programs on the campuses of colleges and universities throughout West Virginia;

(2) Establish standards of performance and accountability for the academy programs;

(3) Provide the Governor, the Legislature, the state board, the commission, participating colleges and universities, and the public with annual reports on the academic and financial performance of the academy programs based upon established standards: *Provided*, That such reports shall not violate any federal or state law as it relates to student confidentiality;

(4) Approve any contracts or other agreements required by law or necessary to fulfill the purposes of this article;

(5) Promulgate rules for the governance of the academy; and

(6) Perform all other necessary duties and responsibilities required by law or inherent to such a governing board.

(e) *Meetings.* – The academy board shall meet quarterly on a date and at a time and place determined by the chair. The chair or three of the five trustees shall be authorized to call a special meeting upon 14 days’ written notice to all trustees and the academy’s president.

(f) *Quorum.* – A quorum for the transaction of business is constituted by the attendance of three or more voting trustees either in person or by electronic means approved by the academy

board. All official actions of the academy board shall require a majority vote of those voting trustees present and voting.

(g) Compensation. – Trustees shall serve without compensation: *Provided*, That they may be compensated for all reasonable travel and other expenses associated with the performance of their duties.

§18-2L-5. Academy president.

The Governor shall select the president of the academy who shall serve as its chief executive officer pursuant to the terms and conditions of a contract for such services: *Provided*, That the contract period for such services shall not extend beyond a period of five years.

§18-2L-6. Collaboration agreements; restrictions.

(a) The rules, procedures, and policies of each host institution shall govern the operation of each academy program subject to a collaboration agreement that shall be entered into by and among:

(1) The academy board, the state board, the chancellor, and the governing board of the host institution for residential academy programs; and

(2) The academy board, the state board, the chancellor, the governing board of the host institution and the county board for each secondary school in which a student is enrolled for commuter-based Academy programs.

(b) All collaboration agreements shall be subject by law to the following restrictions:

(1) The charges for tuition, fees, and books for academy programs may not exceed the standard rate charged to full-time, in-state students attending the host institution; and

(2) The annual charges for tuition, fees and books for any individual student enrolled in an academy program may not exceed the total amount of the PROMISE scholarship plus:

(A) For a residential program, the state per pupil allocation; or

(B) For a commuter program, 90% of the state per pupil allocation.

§18-2L-7. Establishment of residential and commuter-based programs.

The academy is authorized to establish both residential and commuter-based programs. For the purposes of this article:

“Commuter program” is defined as:

(A) A program that attracts students from an area within reasonable proximity to the campus, thus commuting to and from the host institution for instruction;

(B) Students are enrolled in both a local secondary school and the host institution;

(C) Students receive both college credit and credit towards their high school diploma for courses successfully completed; and

(D) Students who satisfy their secondary school requirements receive their high school diploma from the local secondary school in which they are enrolled.

“Residential program” is defined as:

(A) An academy program that attracts students from throughout the state, thus requiring students to live on campus: *Provided*, That the host institution may waive such requirement for students who live within a reasonable distance from the campus and are able of traveling to and from the campus;

(B) Students are enrolled in both the academy, as a diploma granting public school, and the host institution;

(C) Students receive both college credit and credit towards their high school diploma for courses successfully completed; and

(D) Students who satisfy their secondary school requirements receive their high school diploma from the academy.

§18-2L-8. Academy of Mathematics and Science and Academy for the Performing Arts established; determination of host institution.

The Academy of Mathematics and Science and the Academy for the Performing Arts are hereby established as specialized, residential academy programs.

The academy board shall determine the host institutions for the Academy of Mathematics and Science and the Academy for the Performing Arts through a competitive bidding process. The academy board is authorized to develop the criteria to be considered and the process by which the host institutions shall be selected. Such information shall be made available in a timely manner to all colleges and universities in West Virginia.

§18-2L-9. Minimum eligibility requirements.

(a) In order to be eligible for admission and enrollment in an academy program, a student must meet the minimum eligibility requirements for the PROMISE scholarship set forth in §18C-7-6(c) of this code except for the requirements set forth in §18C-7-6(c)(1) (relating to high school graduation) and §18C-7-5(a)(4) of this code.

(b) In addition, in order to be eligible for admission and enrollment in an academy program, a student must have completed the following core course requirements for secondary school students:

(1) If the student is entering an academy program at the beginning of the equivalent of his or her 10th grade year, one core class in English, mathematics, social science, and science;

(2) If the student is entering an academy program at the beginning of the equivalent of his or her 11th grade year, two required core classes in English, mathematics, social science, and science; or

(3) If the student is entering an academy program at the beginning of the equivalent of his or her 12th grade year, three required core classes in English, mathematics, and social science, and two required core classes in science.

(c) Students enrolled in a required core class necessary to meet the requirements set forth in this section at the time of his or her application shall not be prohibited from applying for admission to an academy program but must meet such requirements prior to admission.

(d) Nothing in this section shall limit a collaboration agreement from requiring higher standards for admission to an academy program.

§18-2L-10. Admission and enrollment.

The host institution shall determine the admission and enrollment of students in an academy program subject to the terms and conditions of the collaboration agreement and their own internal admissions policies.

§18-2L-11. Financial matters; participation not required.

(a) Notwithstanding any eligibility requirement to the contrary, any student accepted and admitted into any academy program created pursuant to this article shall be awarded a PROMISE scholarship as established under §18C-7-1 *et seq.* of this code for the payment of the student's tuition, fees, and books.

(b) In the event the PROMISE scholarship awarded does not provide sufficient funding to pay for a student's tuition, fees, and books, any public school student accepted and admitted in any academy program shall be entitled to a scholarship from the Katherine Johnson Academy Fund, established under §18C-9-1 *et seq.* of this code, in an amount equal to the lesser of the balance of the student's tuition, fees, and books or:

(1) For a student enrolled in a residential program, the state per pupil allocation; or

(2) For a student enrolled in a commuter program, 90 percent of the state per pupil allocation.

(c) In the event a student shall be enrolled in any academy program for less than a year, any annual award provided under this section may be paid partially on a semester or other term basis to reflect the amount due for the payment of tuition, fees, and books.

(d) No county board or college or university in West Virginia shall be required to participate in any commuter academy programs established under this article.

§18-2L-12. Joint rule required.

In order to promote the fulfillment of the intent, purposes, and spirit of the Katherine Johnson Academy, the academy board, the state board, and the commission shall promulgate a joint legislative rule that provides for, but is not limited to, the appropriate waiver of policies by the state board and the commission; the establishment and delivery of the courses and programs under this article; the qualifications for teachers and other faculty to provide instruction; criteria for determining equivalencies to the minimum standards set forth herein for any student homeschooled under exemptions provided in §18-8-1(c) of this code; requirements for the content of any collaboration agreement; the establishment of performance measures for purposes of

accreditation; and any other rule that may provide additional guidance in administering the academy.

CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.

ARTICLE 9. THE KATHERINE JOHNSON SCHOLARSHIP FUND.

§18C-9-1. Katherine Johnson Scholarship Fund established.

There is hereby established the Katherine Johnson Scholarship Fund, which shall be administered by the Board of Trustees of the Katherine Johnson Academy (hereinafter referred to as the "academy board") established under §18-2L-1 et seq. of this code.

§18C-9-2. Purpose.

The purpose of the Katherine Johnson Scholarship Fund is to receive, hold, invest, and expend both public and private moneys for the purposes of providing scholarships for students attending the Katherine Johnson Academy pursuant to §18-2L-11(b) of this code.

§18C-9-3. Definitions.

Words used in this article shall be the same as defined in §18-2L-3 of this code.

§18C-9-4. Powers of the academy board.

In addition to the powers granted by any other provision of this code, the academy board has the powers necessary or convenient to carry out the purposes and provisions of this article including, but not limited to, the following express powers:

(1) To promulgate legislative rules in accordance with the provisions of §29A-3A-1 et seq. of this code to effectuate the purposes of this article;

(2) To invest any of the funds received under this article with the West Virginia Investment Management Board in accordance with the provisions of §12-6-1 et seq. of this code;

(3) To execute contracts and other necessary instruments;

(4) To contract for necessary goods and services, to employ necessary personnel, and to engage the services of private persons for the administrative and technical assistance in carrying out the responsibilities of this program;

(5) To solicit and accept gifts, including bequests or other testamentary gifts made by will, trust, or other disposition, grants, loans, and other aid from any source and to participate in any federal, state, or local governmental programs in carrying out the purpose of this article; and

(6) To establish other policies, procedures, and criteria necessary to implement and administer the provisions of this article.

§18C-9-5. State and county support.

Each year, an appropriation shall be made to the Department of Education for distribution to the Katherine Johnson Scholarship Fund in an amount equal to the state per pupil allocation for

the previous fiscal year times the number of students attending a residential academy program established under §18-2L-1 et seq. of this code.

Each year, a county board shall transfer to the Katherine Johnson Scholarship Fund an amount equal to 90 percent of the county per pupil allocation for the previous fiscal year times the number of students enrolled in both a local secondary school in their county and a commuter academy program established under §18-2L-1 et seq. of this code.

In the event a student shall be enrolled in any academy program for less than a year, any amount required to be transferred under this section may be made partially on a semester or other term basis to reflect the amount due for payment of tuition, fees, and books.

The bill (Com. Sub. for S. B. 507), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 514, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on the Judiciary, were reported by the Clerk, considered simultaneously, and adopted:

On page three, section one, lines three through six, by striking out the following: In order to protect the public through verification of competency and ensure accountability for patient-care-related activities, all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs, and paramedics.;

On page fourteen, section ten, line ninety-two, after the word “states” by inserting the words “once authorized by the Legislature pursuant to the provisions of §29A-3-1 et seq. of this code”;

And,

On page sixteen, section ten, line one hundred fifty-two, by striking out the word “it”.

The bill (Com. Sub. for S. B. 514), as amended, was then ordered to engrossment and third reading.

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

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

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

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page six, section three-a, line one hundred thirty-seven, after the word “device” by inserting the words “for the purpose of communicating with another”.

The bill (S. B. 545), as amended, was then ordered to engrossment and third reading.

Senate Bill 557, Relating to Senior Farmers' Market Nutrition Program.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk:

On page one, section thirteen, line thirteen, by striking out "\$30" and inserting in lieu thereof "\$10".

Following discussion,

(Senator Weld in the Chair.)

The question being on the adoption of the Finance committee amendment to the bill, the same was put and prevailed.

The bill (S. B. 557), as amended, was then ordered to engrossment and third reading.

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

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

Com. Sub. for Senate Bill 572, Creating Farm-to-School Grant Program.

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

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

On second reading, coming up in regular order, was read a second time.

On motion of Senator Takubo, the following amendment to the bill was reported by the Clerk:

On page four, section eight, line sixty-six, after the word "facilities" by changing the period to a colon and inserting the following proviso: *Provided*, That none of the four bed sites shall be within five miles of another or adjacent to another behavioral health facility.

Following discussion,

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

The question being on the adoption of Senator Takubo's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 575), as amended, was then ordered to engrossment and third reading.

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

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 18. PRIVATE INVESTIGATIVE AND SECURITY SERVICES.

§30-18-2. Eligibility requirements for license to conduct the private investigation business.

(a) In order to be eligible for any license to conduct the private investigation business, an applicant shall:

(1) Be at least 18 years of age;

(2) Be a citizen of the United States or an alien who is legally residing within the United States;

(3) Not have had any previous license to conduct a private investigation business or to conduct a security guard business revoked or any application for any ~~such~~ licenses or registrations denied by the appropriate governmental authority in this or any other state or territory;

(4) Not have been declared incompetent by reason of mental defect or disease by any court of competent jurisdiction unless a court has subsequently determined that the applicant's competency has been restored;

(5) Not suffer from habitual drunkenness or from narcotics addiction or dependence;

(6) Be of good moral character;

(7) Have a minimum of two years of experience, education, or training in any one of the following areas, or some combination thereof of experience, education, or training:

(A) Course work that is relevant to the private investigation business at an accredited college or university;

(B) Employment as a member of any United States government investigative agency, employment as a member of a state or local law-enforcement agency or service as a sheriff;

(C) Employment by a licensed private investigative or detective agency for the purpose of conducting the private investigation business;

(D) Service as a magistrate in this state; or

(E) Any other substantially equivalent training or experience;

(8) Not have been convicted of a felony in this state or any other state or territory;

(9) Not have been convicted of any of the following:

- (A) Illegally using, carrying, or possessing a pistol or other dangerous weapon;
- (B) Making or possessing burglar's instruments;
- (C) Buying or receiving stolen property;
- (D) Entering a building unlawfully;
- (E) Aiding an inmate's escape from prison;
- (F) Possessing or distributing illicit drugs;

(G) Any misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33); a misdemeanor offense of assault or battery under §61-2-9(b), §61-2-9(c), or §61-2-28 of this code in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward, or a member of the defendant's household at the time of the offense; or a misdemeanor offense with similar essential elements in a jurisdiction other than this state: Provided, That an applicant is eligible for licensure 10 years after the date of conviction, if the applicant has not been convicted of any other crime during that 10 year period; and

~~(G)~~ (H) Any misdemeanor involving moral turpitude or for which dishonesty of character is a necessary element. ~~and~~

- (10) Not have violated any provision of §30-18-8 of this code.

The provisions of this section shall not prevent the issuance of a license to any person who, subsequent to his or her conviction, ~~shall have~~ has received an executive pardon ~~therefor~~ for the conviction, removing this disability.

(b) Any person who qualifies for a private investigator's license shall also be qualified to conduct security guard business upon notifying the Secretary of State in writing that the person will be conducting ~~such~~ that business.

(c) ~~No~~ A person may not be employed as a licensed private investigator while serving as magistrate.

(d) A person shall not conduct any private investigation in the fields of fire or arson in this state unless the person is:

- (1) Licensed in accordance with this article; and

(2) Certified as a Certified Fire Investigator (CFI) and/or Certified Fire and Explosion Investigator (CFEI) by the National Association of Fire Investigators, International Association of Arson Investigators, Bureau of Alcohol, Tobacco & Firearms, or the West Virginia State Fire Commission;

(e) Upon revocation of his or her certification by either the National Association of Fire Investigators, International Association of Arson Investigators, Bureau of Alcohol, Tobacco & Firearms, or the West Virginia State Fire Commission, a private investigator who conducts fire or arson investigations shall cease the practice of said investigations.

§30-18-3. Application requirements for a license to conduct the private investigation business.

(a) To be licensed to be a private detective, a private investigator or to operate a private detective or investigative firm, each applicant shall complete and file a written application, under oath, with the Secretary of State and in ~~such a form as prescribed by the secretary may prescribe.~~

(b) On the application, each applicant shall provide the following information: The applicant's name, birth date, citizenship, physical description, military service, current residence, residences for the preceding seven years, qualifying education or experience, the location of each of his or her offices in this state and any other information requested by the Secretary of State in order to comply with the requirements of this article.

(c) In the case of a corporation that is seeking a firm license, the application shall be signed by the president, and verified by the secretary or treasurer of ~~such the~~ corporation and shall specify the name of the corporation, the date and place of its incorporation, the names and titles of all officers, the location of its principal place of business, and the name of the city, town, or village, stating the street and number, and ~~otherwise such apt other~~ description as that will reasonably indicate the location. If the corporation has been incorporated in a state other than West Virginia, a certificate of good standing from the state of incorporation must accompany the application. This information must be provided in addition to that required to be provided by the applicant.

(d) The applicant shall provide:

(1) Information in the application about whether the applicant has ever been arrested for or convicted of any crime or wrongs, either done or threatened, against the government of the United States;

(2) Information about offenses against the laws of West Virginia or any state; and

(3) Any facts ~~as may be~~ required by the Secretary of State to show the good character, competency, and integrity of the applicant.

To qualify for a firm license, the applicant shall provide ~~such~~ information for each person who will be authorized to conduct the private investigation business and for each officer, member, or partner of the firm.

(e) As part of the application, each applicant shall give the Secretary of State permission to review the records held by the Division of Public Safety for any convictions that may be on record for the applicant.

(f) For each applicant for a license and for each officer, member, and partner of the firm applying for a license, the application shall be accompanied by one recent full-face photograph and one complete set of the person's fingerprints.

(g) For each applicant, the application shall be accompanied by:

(1) Character references from at least five reputable citizens. Each reference must have known the applicant for at least five years preceding the application. ~~No~~ A reference may not be

connected to the applicant by blood or marriage. All references must have been written for the purpose of the application for a license to conduct the private investigation business; and

(2) A nonrefundable application processing service charge of \$50, which shall be payable to the Secretary of State to offset the cost of license review and criminal investigation background report from the department of public safety, along with a license fee of \$100 if the applicant is an individual, \$200 if the applicant is a firm, or \$500 if the applicant is a nonresident of West Virginia or a foreign corporation or business entity. The license fee shall be deposited to in the General Revenue Fund, and shall be refunded only if the license is denied.

(h) All applicants for private detective or private investigator licenses or for private investigation firm licenses shall file in the office of Secretary of State a surety bond. ~~Such~~ The bond shall:

(1) Be in the sum of \$2,500 and conditioned upon the faithful and honest conduct of ~~such~~ the business by ~~such~~ the applicant;

(2) Be written by a company recognized and approved by the Insurance Commissioner of West Virginia and approved by the Attorney General of West Virginia with respect to its form. A raised seal certification is not required for the purpose of a bond required under this section;

(3) Be in favor of the State of West Virginia for any person who is damaged by any violation of this article. The bond must also be in favor of any person damaged by ~~such~~ a violation.

(i) Any person claiming against the bond required by §30-18-3(h) of this code for a violation of this article may maintain an action at law against any licensed individual or firm and against the surety. The surety shall be liable only for damages awarded under §30-18-12 of this code and not the punitive damages permitted under that section. The aggregate liability of the surety to all persons damaged by a person or firm licensed under this article may not exceed the amount of the bond.

§30-18-5. Eligibility requirements to be licensed to conduct security guard business.

(a) In order to be eligible for any license to conduct security guard business, an applicant shall:

(1) Be at least 18 years of age;

(2) Be a citizen of the United States or an alien who is legally residing within the United States;

(3) Not have had any previous license to conduct security guard business or to conduct the private investigation business revoked or any application for any ~~such~~ licenses or registrations denied by the appropriate governmental authority in this or any other state or territory;

(4) Not have been declared incompetent by reason of mental defect or disease by any court of competent jurisdiction unless ~~said~~ the court has subsequently determined that the applicant's competency has been restored;

(5) Not suffer from habitual drunkenness or from narcotics addiction or dependence;

(6) Be of good moral character;

(7) Have had at least one year verified, full-time employment conducting security guard business or conducting the private investigation business working for a licensed firm or have one year of substantially equivalent training or experience;

(8) Not have been convicted of a felony in this state or any other state or territory;

(9) Not have been convicted of any of the following:

(A) Illegally using, carrying, or possessing a pistol or other dangerous weapon;

(B) Making or possessing burglar's instruments;

(C) Buying or receiving stolen property;

(D) Entering a building unlawfully;

(E) Aiding an inmate's escape from prison;

(F) Possessing or distributing illicit drugs;

(G) Any misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33); a misdemeanor offense of assault or battery under §61-2-9(b), §61-2-9(c), or §61-2-28 of this code in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward, or a member of the defendant's household at the time of the offense; or a misdemeanor offense with similar essential elements in a jurisdiction other than this state: Provided, That an applicant is eligible for licensure 10 years after the date of conviction, if the applicant has not been convicted of any other crime during that 10 year period;

~~(G)~~ (H) Any misdemeanor involving moral turpitude or for which dishonesty of character is a necessary element. ~~and~~

(10) Not having violated any provision of §30-18-8 of this code.

The provisions of this section shall not prevent the issuance of a license to any person who, subsequent to his or her conviction, shall have received an executive pardon ~~therefor~~ for the conviction, removing this disability.

§30-18-6. Application requirements for a license to conduct security guard business.

(a) To be licensed as a security guard or to operate a security guard firm, each applicant shall complete and file a written application, under oath, with the Secretary of State and in ~~such~~ the form as prescribed by the secretary ~~may prescribe~~.

(b) On the application, each applicant shall provide the following information: The applicant's name, birth date, citizenship, physical description, military service, current residence, residences for the preceding seven years, qualifying education or experience, the location of each of his or her offices in this state, and any other information requested by the Secretary of State in order to comply with the requirements of this article.

(c) In the case of a corporation that is seeking a firm license, the application shall be signed by the president and verified by the secretary or treasurer of ~~such~~ the corporation and shall specify

the name of the corporation, the date and place of its incorporation, the names and titles of all officers, the location of its principal place of business, and the name of the city, town, or village, stating the street and number, and ~~otherwise such as~~ any other description as that will reasonably indicate the location. If the corporation has been incorporated in a state other than West Virginia, a certificate of good standing from the state of incorporation must accompany the application. This information shall be provided in addition to that required to be provided the applicant.

(d) The applicant shall provide:

(1) Information in the application about whether the applicant has ever been arrested for or convicted of any crime or wrongs, either done or threatened, against the government of the United States;

(2) Information about offenses against the laws of West Virginia or any state; and

(3) Any facts ~~as may be~~ required by the Secretary of State to show the good character, competency, and integrity of the applicant.

To qualify for a firm license, the applicant shall provide ~~such~~ information for each person who would be authorized to conduct security guard business under the applicant's firm license and for each officer, member, or partner in the firm.

(e) As part of the application, each applicant shall give the Secretary of State permission to review the records held by the West Virginia State Police for any convictions that may be on record for the applicant.

(f) For each applicant for a license and for each officer, member, and partner of the firm applying for a license, the application shall be accompanied by one recent full-face photograph and one complete set of the person's fingerprints.

(g) For each applicant, the application shall be accompanied by:

(1) Character references from at least five reputable citizens. Each reference must have known the applicant for at least five years preceding the application. ~~No~~ A reference may not be connected to the applicant by blood or marriage. All references must have been written for the purpose of the application for a license to conduct security guard business; and

(2) A nonrefundable application processing service charge of \$50, which shall be payable to the Secretary of State to offset the cost of license review and criminal investigation background report from the Department of Public Safety, along with a license fee of \$100 if the applicant is an individual, ~~or~~ \$200 if the applicant is a firm, or \$500 if the applicant is a nonresident of West Virginia or a foreign corporation or business entity. The license fee shall be deposited ~~to~~ in the General Revenue Fund, and shall be refunded only if the license is denied.

(h) All applicants for security guard licenses or security guard firm licenses shall file in the office of Secretary of State a surety bond. ~~Such~~ The bond shall:

(1) Be in the sum of \$2,500 and conditioned upon the faithful and honest conduct of ~~such~~ the business by ~~such~~ the applicant;

(2) Be written by a company recognized and approved by the Insurance Commissioner of West Virginia and approved by the Attorney General of West Virginia with respect to its form. A raised seal certification is not required for the purpose of a bond required under this section;

(3) Be in favor of the State of West Virginia for any person who is damaged by any violation of this article. The bond must also be in favor of any person damaged by ~~such a~~ the violation.

(i) Any person claiming against the bond required by §30-18-6(h) of this code, for a violation of this article may maintain an action at law against any licensed individual or firm and against the surety. The surety ~~shall be~~ is liable only for damages awarded under §30-18-12 of this code, and not the punitive damages permitted under that section. The aggregate liability of the surety to all persons damaged by a person or firm licensed under this article may not exceed the amount of the bond.

§30-18-10. Authority of Secretary of State.

~~(a) When the Secretary of State is satisfied as to the good character, competency and integrity of an applicant, of all employees or individuals conducting the private investigation business or security guard services under a firm license and, if the applicant is a firm, of each member, officer or partner, he or she shall issue and deliver to the applicant a certificate of license. Each license issued shall be for a period of one year and is revocable at all times for cause shown pursuant to subsection (b) of this section or any rules promulgated pursuant thereto.~~

(a) The Secretary of State's authority and duties regarding the promulgation of rules related to this article are as follows:

(1) The Secretary of State may propose rules for legislative approval, in accordance with the provisions of §29A-3-1 et seq. of this code, establishing state standards and fee schedules for the licensing, registration, certification, regulation, renewal, reinstatement, and continuing education of individuals who will conduct private investigation and security guard businesses in this state.

(2) The Secretary of State shall propose rules for legislative approval requiring applicants for licensing, registration, or certification to submit to a state and national criminal history record check as set forth in this section and may deny licensing, registration, or certification based upon the results of the criminal history record check.

~~(b) The Secretary of State may propose for promulgation in accordance with the provisions of chapter twenty-nine-a of this code legislative rules necessary for the administration and enforcement of this article and for the issuance, suspension and revocation of licenses issued under the provisions of this article. The Secretary of State shall afford any applicant an opportunity to be heard in person or by counsel when a determination is made to deny, revoke or suspend an applicant's license or application for license, including a renewal of a license. The applicant has fifteen days from the date of receiving written notice of the Secretary of State's adverse determination to request a hearing on the matter of denial, suspension or revocation. The action of the Secretary of State in granting, renewing, or in refusing to grant or to renew, a license is subject to review by the circuit court of Kanawha County or other court of competent jurisdiction.~~

(b) The Secretary of State may establish advisory boards it considers appropriate to encourage representative participation in subsequent rule-making from groups or individuals with an interest in any aspect of private investigation and/or security guard businesses.

~~(c) At any hearing before the Secretary of State to challenge an adverse determination by the Secretary of State on the matter of a denial, suspension or revocation of a license, if the adverse determination is based upon a conviction for a crime which would bar licensure under the provisions of this article, the hearing shall be an identity hearing only and the sole issue which may be contested is whether the person whose application is denied or whose license is suspended or revoked is the same person convicted of the crime.~~

~~(d) The Secretary of State shall require each applicant to submit to a state and national criminal history record check, as set forth in this subsection:~~

~~(1) The criminal history record check shall be based on fingerprints submitted to the West Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.~~

~~(2) The applicant shall meet all requirements necessary to accomplish the state and national criminal history record check, including:~~

~~(A) Submitting fingerprints for the purposes set forth in this section; and~~

~~(B) Authorizing the Secretary of State, the West Virginia State Police and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a license.~~

~~(3) The results of the state and national criminal history record check may not be released to or by a private entity except:~~

~~(A) To the individual who is the subject of the criminal history record check;~~

~~(B) With the written authorization of the individual who is the subject of the criminal history record check; or~~

~~(C) Pursuant to a court order.~~

~~(4) The criminal history record check and related records are not public records for the purposes of chapter twenty-nine-b of this code.~~

~~(5) The applicant shall ensure that the criminal history record check is completed as soon as possible after the date of the original application for registration.~~

~~(6) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.~~

The bill (Com. Sub. for S. B. 597), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 600, Relating to powers and duties of PSC.

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

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

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

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

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

Senate Bill 628, Relating generally to WV Jobs Investment Trust Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 261, Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund.

Senate Bill 282, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery.

Com. Sub. for Senate Bill 360, Clarifying oil and gas permits not be on flat well royalty leases.

Com. Sub. for Com. Sub. for Senate Bill 402, Creating exemption from certain contract and common carrier laws for motor vehicles.

Com. Sub. for Senate Bill 421, Relating to crossbow hunting.

Com. Sub. for Senate Bill 445, Allowing DOH acquire real or personal property for utility accommodation.

Com. Sub. for Senate Bill 448, Relating generally to professional associations.

Senate Bill 452, Exempting hunting license information from public disclosure.

Com. Sub. for Com. Sub. for Senate Bill 472, Providing funds to DHHR for local boards of health employee pay raises.

Senate Bill 485, Terminating Workers Compensation Debt Reduction Fund assessment on self-insured employers.

Com. Sub. for Senate Bill 504, Excluding seasonal amusement park workers from definition of "employee".

Com. Sub. for Senate Bill 508, Establishing State Trail Authority.

Senate Bill 530, Requiring Secretary of State provide database for registered corporations and sole proprietorship.

Com. Sub. for Senate Bill 534, Increasing penalty for tobacco-related offenses on public school property.

Com. Sub. for Senate Bill 548, Authorizing county commissions to pay election officials.

Com. Sub. for Senate Bill 565, Clarifying authority of State Fire Commission.

Com. Sub. for Senate Bill 567, Including treason, murder, armed robbery, and organized crimes for which communications can be intercepted.

Com. Sub. for Senate Bill 568, Deferring further proceedings for certain first offenses upon completion of Motor Vehicle Alcohol Test and Lock Program within 12 month.

Senate Bill 580, Updating language for WV geodetic datum to match federal coordinate systems.

Com. Sub. for Senate Bill 582, Allowing candidate for political party executive committee serve as election official.

Senate Bill 584, Finding certain claims against state to be moral obligations of state.

Senate Bill 585, Altering boundary line between Doddridge and Harrison counties.

Senate Bill 592, Adding examination of advanced care technician for firefighter paramedic.

Com. Sub. for Senate Bill 601, Relating to personal income tax.

Senate Bill 612, Relating to sale of municipal property.

Com. Sub. for Senate Bill 616, Establishing maximum gross weight for certain wood-bearing trucks.

Senate Bill 629, Expanding conditions of permanent disability required for Class Q permit.

And,

Eng. Com. Sub. for House Bill 4022, Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel, Ojeda, Prezioso, and Ferns.

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Baldwin, the name of Senator Baldwin was removed as a sponsor of **Committee Substitute for Senate Bill 403** (*Licensing advance deposit wagering*).

At the respective requests of Senators Jeffries and Prezioso, the names of Senators Jeffries and Prezioso were removed as sponsors **Committee Substitute for Senate Bill 600** (*Relating to powers and duties of PSC*).

At the request of Senator Cline, the name of Senator Cline was removed as a sponsor of **Senate Bill 613** (*Relating to Youth Mental Health Protection Act*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:59 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:18 p.m. today and, at the request of Senator Ferns, and by unanimous consent, returned to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 295, Relating to Local Powers Act.

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

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 295) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 442, Establishing universal forms and deadlines when submitting prior authorization electronically.

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

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 589, Relating to issuance of personalized plates for antique motor vehicles.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 23, 2018;

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 590, Providing special license plate for curing childhood cancer.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 23, 2018;

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 630 (originating in the Committee on Finance)—A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended, all relating to changes in distribution of racetrack video lottery net terminal income, excess net terminal income, and excess lottery fund.

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

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 630) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Senate Bill 631 (originating in the Committee on Finance)—A Bill to amend and reenact §24C-1-2, §24C-1-3, §24C-1-6, and §24C-1-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto five new sections, designated §24C-1-2a, §24C-1-2b, §24C-1-9, §24C-1-10, and §24C-1-11, all relating to one-call system; adding and modifying definitions; creating Underground Damage Prevention Fund; creating Underground Facilities Damage Prevention Board; specifying authority, responsibilities, membership, and liability of board; requiring reports by board; authorizing actions by Public Service Commission; expanding required membership of one-call system; authorizing cost apportionment and collection from operators; modifying standard color code for temporary markings; exempting local or state government responding to emergency repair or replacement of traffic control device from notice

requirements; requiring underground facilities be locatable; and providing for civil enforcement, including citations, orders, hearings, monetary civil penalties, and mandatory training.

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

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 631) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Ojeda moved that the Senate Committee on Banking and Insurance be discharged from further consideration of

Eng. Senate Bill 486, Stabilizing PEIA benefits.

Which motion, the President ruled out of order.

Following a point of inquiry to the President, with resultant response thereto,

Senator Ojeda requested unanimous consent that the Senate return to the sixth order of business, which agenda includes the making of main motions.

Which consent was not granted, Senator Ferns objecting.

Senator Ojeda then moved that the Senate return to the sixth order of business, which agenda includes the making of main motions.

The question being on the adoption of Senator Ojeda's aforestated motion, the same was put.

The result of the voice vote being inconclusive, Senator Ojeda demanded a division of the vote.

A standing vote being taken, there were 11 "yeas" and 21 "nays".

Whereupon, Senator Carmichael (Mr. President) declared Senator Ojeda's aforestated motion had not prevailed.

On motion of Senator Ferns, at 5:27 p.m., the Senate adjourned until tomorrow, Tuesday, February 27, 2018, at 11 a.m.

SENATE CALENDAR

Tuesday, February 27, 2018
11:00 AM

UNFINISHED BUSINESS

S. R. 53 - Recognizing Glenville State College for its efforts in making education more affordable

THIRD READING

Eng. Com. Sub. for S. B. 82 - Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation

Eng. Com. Sub. for Com. Sub. for S. B. 331 - Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system

Eng. Com. Sub. for S. B. 426 - Modernizing certain alcohol laws

Eng. Com. Sub. for S. B. 434 - Specifying documents not subject to discovery in certain proceedings

Eng. Com. Sub. for S. B. 443 - Terminating parental rights when certain conditions are met - (Com. title amend. pending) (original similar to HB4596)

Eng. Com. Sub. for Com. Sub. for S. B. 465 - Relating to mandated reporting of child abuse and neglect (original similar to HB4589)

Eng. Com. Sub. for S. B. 506 - Deregulating persons who perform work on heating, ventilating, and cooling systems

Eng. Com. Sub. for S. B. 507 - Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities

Eng. Com. Sub. for S. B. 514 - Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact - (Com. title amend. pending) (original similar to HB4547)

Eng. Com. Sub. for S. B. 515 - Clarifying PSC jurisdiction over water and sewer utilities

Eng. S. B. 545 - Relating to driving privileges and requirements for persons under 18 (original similar to HB 3008)

Eng. S. B. 557 - Relating to Senior Farmers' Market Nutrition Program

Eng. Com. Sub. for S. B. 558 - Relating to certification requirements for crane operators

Eng. Com. Sub. for S. B. 572 - Creating Farm-to-School Grant Program

Eng. Com. Sub. for S. B. 575 - Approving additional beds for intermediate care facilities

Eng. Com. Sub. for S. B. 597 - Prohibiting individuals convicted of domestic violence misdemeanor from conducting private investigation business - (Com. title amend. pending)

- Eng. Com. Sub. for S. B. 600 - Relating to powers and duties of PSC
- Eng. Com. Sub. for S. B. 603 - Relating to proceedings for involuntary custody for examination
- Eng. Com. Sub. for S. B. 625 - Creating WV Volunteer Fire and Rescue Act of 2018 (original similar to HB 2094, HB 2361, HB 2608, HB 2638, HB 2780, HB 2862, HB 2916, HB 2977, HB 4253, SB 105, SB 108, SB 128, SB 251, SB 42, SB 489, SB 49, SB 59, SB 89)
- Eng. S. B. 628 - Relating generally to WV Jobs Investment Trust Board

SECOND READING

- Com. Sub. for S. B. 261 - Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund (original similar to HB4140)
- S. B. 282 - Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery (original similar to HB4161)
- S. B. 295 - Relating to Local Powers Act
- Com. Sub. for S. B. 360 - Clarifying oil and gas permits not be on flat well royalty leases - (Com. title amend. pending) (original similar to HB4490)
- Com. Sub. for S. B. 401 - Requiring specified coverage in health benefit plans for treatment of substance abuse disorders
- Com. Sub. for Com. Sub. for S. B. 402 - Creating exemption from certain contract and common carrier laws for motor vehicles
- Com. Sub. for S. B. 403 - Licensing advance deposit wagering (original similar to HB4406)
- Com. Sub. for S. B. 421 - Relating to crossbow hunting (original similar to HB 2696)
- Com. Sub. for S. B. 442 - Establishing universal forms and deadlines when submitting prior authorization electronically
- Com. Sub. for S. B. 445 - Allowing DOH acquire real or personal property for utility accommodation
- Com. Sub. for S. B. 448 - Relating generally to professional associations
- S. B. 452 - Exempting hunting license information from public disclosure (original similar to HB 2632, HB 2699)
- Com. Sub. for Com. Sub. for S. B. 472 - Providing funds to DHHR for local boards of health employee pay raises
- S. B. 485 - Terminating Workers Compensation Debt Reduction Fund assessment on self-insured employers

Com. Sub. for S. B. 504 -	Excluding seasonal amusement park workers from definition of “employee”
Com. Sub. for S. B. 508 -	Establishing State Trail Authority
S. B. 530 -	Requiring Secretary of State provide database for registered corporations and sole proprietorship
S. B. 531 -	Eliminating required waiting period for municipal court notifications to DMV
Com. Sub. for S. B. 534 -	Increasing penalty for tobacco-related offenses on public school property
Com. Sub. for S. B. 548 -	Authorizing county commissions to pay election officials
S. B. 551 -	Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB - (Com. amend. and title amend. pending)
Com. Sub. for S. B. 556 -	Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority
Com. Sub. for S. B. 565 -	Clarifying authority of State Fire Commission
Com. Sub. for S. B. 567 -	Including treason, murder, armed robbery, and organized crimes for which communications can be intercepted
Com. Sub. for S. B. 568 -	Deferring further proceedings for certain first offenses upon completion of Motor Vehicle Alcohol Test and Lock Program within 12 months
S. B. 580 -	Updating language for WV geodetic datum to match federal coordinate systems
Com. Sub. for S. B. 582 -	Allowing candidate for political party executive committee serve as election official
S. B. 584 -	Finding certain claims against state to be moral obligations of state
S. B. 585 -	Altering boundary line between Doddridge and Harrison counties
Com. Sub. for S. B. 589 -	Relating to issuance of personalized plates for antique motor vehicles
Com. Sub. for S. B. 590 -	Providing special license plate for curing childhood cancer
S. B. 592 -	Adding examination of advanced care technician for firefighter paramedic
Com. Sub. for S. B. 595 -	Creating Protect Our Right to Unite Act
Com. Sub. for S. B. 598 -	Relating to civil actions against county commissions and municipalities for injuries - (Com. title amend. pending)

Com. Sub. for S. B. 601 -	Relating to personal income tax
S. B. 612 -	Relating to sale of municipal property
Com. Sub. for S. B. 616 -	Establishing maximum gross weight for certain wood-bearing trucks
S. B. 629 -	Expanding conditions of permanent disability required for Class Q permit
S. B. 630 -	Relating to changes in distribution of certain racetrack video lottery net terminal income and excess lottery fund
S. B. 631 -	Relating generally to one-call system
Eng. Com. Sub. for H. B. 4022 -	Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft (original similar to SB131, SB311)
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

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2018

Tuesday, February 27, 2018

1 p.m.	Health & Human Resources	(Room 451M)
2 p.m.	Education	(Room 451M)

